

Independent Reporting Mechanism (IRM): Sierra Leone Design Report 2019–2021

This report was prepared in collaboration with Tracy-Lynn Field, Independent Researcher.

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Executive Summary: Sierra Leone

Sierra Leone’s third action plan continues commitments in access to justice, addressing gender-based violence, access to information, and records and archives management. The plan offers new commitments on tax, beneficial ownership transparency, and open parliament. The reorganization and reinvigoration of OGP leadership in Sierra Leone promises to improve implementation provided that momentum for the open government agenda continues.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Sierra Leone joined the OGP in 2013. Since 2013, Sierra Leone has implemented two action plans. This report evaluates the design of Sierra Leone’s third action plan.

General overview of action plan

The third national action plan was developed under the newly-elected President Julius Maada Bio’s administration. The action plan seeks to implement long-sought open government aims, such as comprehensive implementation of the Right to Access Information Act and the National Anti-Corruption Strategy. The plan’s alignment with government policy priorities increases the likelihood of successful implementation. However, the government will need to remain flexible and dedicate adequate resources to ensure commitments are implemented in light of the COVID-19 pandemic.

Sierra Leone failed to implement the majority of commitments from its second national action plan and did not submit an action plan in 2018. However, reinvigorated high-level support and reorganization of national OGP leadership resulted in a collaborative co-creation process for the third action plan. Regional meetings, public awareness campaigns, and cabinet involvement also contributed to a strong commitment design process.

Sierra Leone’s improved design process resulted in fewer, more targeted commitments than in past cycles. Commitments carried over on access to justice and gender-based violence are more verifiable than in the second action plan.

The third action plan covers a broad range of open government policy areas that have been continuously reflected in previous action plans, particularly in the areas of access to justice, access to information, records management, and anticorruption. Six of the eight commitments have a moderate potential impact, and the remaining two have a minor potential impact.

Table 1. At a glance

Participating since: 2013
Action plan under review: Third
Report type: Design
Number of commitments: 8

Action plan development

Is there a multistakeholder forum: Yes
Level of public influence: Collaborate
Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values: 7 (88%)
Transformative commitments: 0
Potentially starred commitments: 0



Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
<p>Beneficial ownership (4): Require and publish beneficial ownership information for all corporate entities.</p>	<p>Expand disclosure requirements to cover information on the shareholding of politically-exposed persons. Require beneficial ownership transparency for companies, providing public procurement in response to the COVID-19 pandemic.</p>	<p><i>Note: this will be assessed at the end of the action plan cycle.</i></p>
<p>Access to information (5): Increase proactive disclosure of information, specifically focusing on improved access to information for women and girls and timely and accurate reporting on the SDGs.</p>	<p>To maximize impact, include citizens in identifying data needs, particularly women and girls. Create space to discuss and address COVID-19 data needs. Design a dissemination plan for the reports on women’s access to information that includes simplified versions for wider public consumption.</p>	<p><i>Note: this will be assessed at the end of the action plan cycle.</i></p>
<p>Gender (6): Pass the Gender Equality and Women’s Empowerment Policy and produce gender disaggregated data by district.</p>	<p>Involve women in designing the plan to publish and disseminate gender disaggregated data, particularly data related to COVID-19. Develop a strategic public information campaign to inform women about the policy, specifically educating women and girls on their rights.</p>	<p><i>Note: this will be assessed at the end of the action plan cycle.</i></p>
<p>Open Parliament (7): Increase proactive publication of parliamentary documents. Create a platform to improve public participation in parliament. Target marginalized communities in outreach and opportunities for participation.</p>	<p>Work with citizens, particularly women and disabled people, to identify priorities and means to ensure equal accessibility to parliamentary documents and the physical space. Collaborate with CSOs to create the platform for parliament-CSO engagement and publicly disclose all related materials. Ensure continued public participation in the legislative process during the pandemic and in any virtual parliamentary processes.</p>	<p><i>Note: this will be assessed at the end of the action plan cycle.</i></p>

Recommendations

IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan. Please refer to Section V: General Recommendations for more details on each of the below recommendations.

Table 3. Five KEY IRM Recommendations

Formalize and publicize the OGP Steering Committee’s collaborative mandate
Establish an expanded OGP repository that includes reasoned responses in regard to commitment selection
Prioritize co-creation discussion around key national issues, such as citizen participation in the National Records and Archives Department
Create a standing consultative platform on Open Government for Women
Prioritize co-creation discussion around key national issues such as, a functioning anti-corruption tracking instrument, whistleblower protection and disclosure of anti-corruption measures

ABOUT THE IRM

OGP’s Independent Reporting Mechanism (IRM) assesses the development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

Tracy-Lynn Field collaborated with the IRM to conduct desk research and interviews to inform the findings in this report. Tracy-Lynn Field is an independent researcher to the IRM and a full professor of law at the University of the Witwatersrand, in Johannesburg, South Africa.



I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments complete commitments. Civil society and government leaders use these evaluations to reflect on their own progress and determine if actions have impacted people's lives.

Sierra Leone joined the OGP in 2013. This report covers the development and design of Sierra Leone's third action plan for 2019–2021.

The Independent Reporting Mechanism of OGP has partnered with Professor Tracy-Lynn Field to conduct this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

II. Open Government Context in Sierra Leone

Sierra Leone is a maturing democracy that has made some progress in opening government, protecting civil liberties, and carving space for civic engagement. Recent highlights include the repeal of Part V of the colonial-era Public Order Act, 1965, the relaunch of the Open Data Portal, and a generally peaceful transfer of power in the 2018 parliamentary and presidential elections. However, the enabling environment for transparency and accountability remains quite weak, and underlying political tensions are being stoked by restrictions associated with a COVID-19 state of public emergency.

Background

Since joining the OGP in 2013, Sierra Leone has addressed many elements of open government, including access to information, open data, anticorruption, budget transparency, open contracting, archives and records management, and citizen participation in decision-making. The third action plan (2019–2021) comprises eight commitments relating to access to justice, education, duty and tax exemption, beneficial ownership, access to information, gender, open parliament, and archives and records management.

Sierra Leone's national parliamentary and presidential elections were held in March 2018. Julius Maada Bio of the Sierra Leone People's Party (SLPP) defeated Samura Kamara of the All People's Congress (APC) in the presidential elections, taking 52 percent of the national vote in a run-off presidential election.¹ The SLPP also increased its seats in the parliamentary elections, although the APC retained a majority.² While there were a few instances of violence prior to the run-off election,³ international observers generally agreed that the elections were peaceful, conformed to international standards, and provided a competitive, transparent, and inclusive environment for contesting parties.⁴

However, in May 2019, the Sierra Leone High Court upheld injunctions against ten newly-elected APC members of parliament (MPs), barring them from participating in parliamentary proceedings on the basis that they had received government salaries during the election campaign. Nine of these MPs were immediately replaced by their SLPP opponents, securing the SLPP a slim parliamentary majority.⁵

Sierra Leone ranks in the low human development category, at 181 out of 189 countries and territories on the global Human Development Index (HDI). The country's HDI value has improved over the past three decades, reflecting gains in life expectancy and years of schooling.⁶ However, as the goalposts of development shift, particularly around tertiary education, access to technology, and climate change adaptation, Sierra Leone is likely to experience new inequalities.⁷

Sierra Leone had an improved score on the 2019 Corruption Perceptions Index, moving up in the rankings from 109 to 119 out of 198 countries and territories.⁸ It remains ranked as 'partly free'

¹ "Maada Bio wins Sierra Leone election", 5 April 2018, <https://africatimes.com/2018/04/05/maadabio-wins-sierra-leone-presidential-election/>.

² Eric Oteng, "Sierra Leone's ruling APC secures parliamentary majority with 63 seats", 20 March 2018, <https://www.africanews.com/2018/03/20/sierra-leone-s-ruling-apc-secures-parliamentary-majority-with-63-seats/>.

³ Cooper Inveen & Ruth Maclean, "Sierra Leone: Violence fears as tense election reaches runoff", 23 March 2018, <https://www.theguardian.com/world/2018/mar/21/sierra-leone-political-violence-tribal-rhetoric-rival-parties-face-runoff>.

⁴ *Presidential and parliamentary elections in Sierra Leone: Final Report*, The Carter Center, 23 March 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/sierra-leone-report-032318.pdf>; Final Report Sierra Leone: Presidential, Parliament and Local Council Elections 2018, European Union Election Observation Mission, http://www.epgencms.europarl.europa.eu/cmsdata/upload/c6e03970-dda2-45c8-9d36-48c885b72f97/Sierra-Leone_presidential-parliamentary-local-elections_7-March-2018_EU-EOM-report.pdf.

⁵ Luisa Enria & James Hitchen, "Sierra Leone: How the SLPP took power. And then some more", 28 October 2019, <https://africanarguments.org/2019/10/28/sierra-leone-how-the-slpp-took-power-and-then-took-some-more/>.

⁶ *Human Development Report 2019: Inequalities in Human Development in the 21st century – Sierra Leone*, UNDP, http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/SLE.pdf.

⁷ "Global Human Development Index 2019 – Sierra Leone moves up three points from 184 to 181", 16 December 2019, <https://www.thesierraleonetelegraph.com/global-human-development-index-2019-sierra-leone-moves-up-three-points-from-184-to-181/>.

⁸ Corruption Perceptions Index 2019: Sierra Leone, <https://www.transparency.org/en/cpi/2019/results/sle>.

(65/100) in terms of the index of political rights and civil liberties maintained by Freedom House.⁹ On the 2018 Ibrahim Index of African Governance, Sierra Leone's governance trends for safety and the rule of law, participation and human rights, and human development were positive, with only sustainable economic opportunity showing a negative trend over the past ten years (2008–2017).¹⁰ The country's composite score on this index nevertheless masks increasing deterioration in the areas of anticorruption, freedom of expression, freedom of association and assembly, gender equality, budget balance, fiscal policy, the robustness of banks, and satisfaction with employment generation, water and sanitation provision, education provision, and healthcare.¹¹

Access to Information and Open Data

Sierra Leone has started to create an institutional framework for access to information and open data, but official institutions and processes are not yet functioning optimally. In 2013, the country passed the Right to Access Information Act.¹² This law enshrines the right of citizens to access information held by, or under the control of, both public authorities and private bodies.¹³ In the case of private bodies, however, the information must be necessary for the enforcement or protection of any right.¹⁴ The act also sets out classes of information that form the core proactive publication obligations for every public authority,¹⁵ and establishes a Right to Access Information Commission (RAIC) to monitor and report on compliance by public authorities with their obligations under the Act.¹⁶ While expectations were high that the RAIC would enhance access to information in the service of democratic good governance, the commission is reportedly under-resourced, cash-strapped and under-utilized.¹⁷ The country nevertheless ranks at 11 out of 128 on the global Right to Information Index, largely based on the strength of the Right to Access Information Act itself, rather than its implementation.¹⁸

Sierra Leone stands at 100 out of 115 countries on the 2016 Open Data Barometer.¹⁹ The country's Open Data Portal was relaunched in March 2017 to increase transparency and facilitate data-driven policy-making.²⁰ This government portal is curated by the Ministry of Information and Communications (MIC) with funding from the World Bank. The portal currently houses 113 datasets, with a majority being in the areas of healthcare and education.²¹ Sierra Leone's government institutions are encouraged, but not obliged, to make their data publicly-available wherever possible, and the data is published under an open license.²²

TpISENT, an ICT business in Sierra Leone, has also established a complementary citizen-generated open data portal.²³ This portal allows the public to view and comment on open data shared by the private sector, civil society groups, open data professionals, academia, and NGOs.²⁴ However, the datasets listed on this site are currently empty.²⁵

⁹ *Freedom in the World 2020 – Sierra Leone*, <https://freedomhouse.org/country/sierra-leone/freedom-world/2020>.

¹⁰ “2018 IIAG Sierra Leone Scores, Ranks and Trends”, p. 114, <https://www.tralac.org/documents/resources/africa/2363-2018-ibrahim-index-of-african-governance-index-report/file.html>.

¹¹ “2018 IIAG Sierra Leone Scores, Ranks and Trends”, p. 114, <https://www.tralac.org/documents/resources/africa/2363-2018-ibrahim-index-of-african-governance-index-report/file.html>.

¹² Section 2, Right to Access Information Act, 2013, <https://sierralii.org/sl/legislation/act/2013/2>.

¹³ Section 2, Right to Access Information Act, 2013, <https://sierralii.org/sl/legislation/act/2013/2>.

¹⁴ Section 2(2), Right to Access Information Act, 2013, <https://sierralii.org/sl/legislation/act/2013/2>.

¹⁵ Section 30, Right to Access Information Act, 2013, <https://sierralii.org/sl/legislation/act/2013/2>.

¹⁶ Section 32(2)(a), Right to Access Information Act, 2013, <https://sierralii.org/sl/legislation/act/2013/2>.

¹⁷ Abdul Rashid Thomas, “Sierra Leone's Right to Access Information Commission – a crippling institution”, 19 October 2017, <https://www.thesierraleonetelegraph.com/sierra-leones-right-to-access-information-commission-a-crippling-institution/>. For example, between 2014 and 2017 the RAIC had received only 42 requests for access to information because the public was not adequately aware of its existence. The last post on the Commissions Facebook page dates from 1 July 2016.

¹⁸ “Sierra Leone”, Global Right to Information Rating, <https://www.rti-rating.org/country-data/Sierra%20Leone/>.

¹⁹ “Sierra Leone”, Open Data Barometer, https://opendatabarometer.org/4thedition/detail-country/?_year=2016&indicator=ODB&detail=SLE.

²⁰ “Open data Sierra Leone”, <https://www.opendatasl.gov.sl/about>.

²¹ “Dataset”, Open data Sierra Leone, <https://www.opendatasl.gov.sl/search/type/dataset>.

²² “Open data Sierra Leone”, <https://www.opendatasl.gov.sl/about>.

²³ “About”, Citizen-generated Open Data, <https://opendata.ihub.org.sl/node/40>. Note the disclaimers on this page.

²⁴ “Citizen-generated open data portal”, Citizen-generated Open Data, <https://opendata.ihub.org.sl/>.

²⁵ “Dashboards”, Citizen-generated Open Data, https://opendata.ihub.org.sl/search/type/data_dashboard.

Civil Liberties and Civic Space

The civil liberties of freedom of expression and freedom of association and assembly are constitutionally protected in Sierra Leone. Section 25 of the 1991 Constitution protects the freedom of expression, which includes the freedom to hold opinions and to receive and impart ideas; the freedom from interference with correspondence; the freedom to own, establish, and operate any medium for the dissemination of information, ideas, and opinions; and academic freedom. These freedoms may however be limited by interests relating to defense, public security, public morality, and protection of the reputation, rights, and freedoms of other persons, amongst others.²⁶ Section 26 protects the freedom of assembly and association. These rights are enforceable in a court of law.²⁷ A Constitutional Review Committee appointed in 2013 recommended amendments to sections 25 and 26 of the Sierra Leonean Constitution.²⁸

In Sierra Leone, free and independent media, freedom of religion, academic freedom, and freedom of expression have contributed to the emergence of a vibrant civil society over the last decade. At the time of concluding the action plan, the Public Order Act, 1965—a colonial-era law allowing for criminal libel and sedition—remained in force. This law was perceived as a constraint on media freedom and freedom of expression. As recently as October 2019, for example, freelance journalist Mahmud Tim Kargbo was arraigned on 44 counts of criminal defamation and libel under the Public Order Act after he criticized an appeals court judge on social media for granting bail to several local politicians charged with corruption.²⁹ On 23 July 2020, however, Parliament repealed the “obnoxious” seditious libel laws in Part V of the Public Order Act, prompting comment that this date marked a new “Freedom Day” for all people of Sierra Leone.³⁰

Civil society organizations (CSOs) and community-based organizations (CBOs) may operate freely in Sierra Leone, but nonprofit organizations (NGOs) are subject to the NGO Policy Regulations and the Development Cooperation Framework, both of which impose a variety of restrictions and barriers, and allow for extensive government intervention in operational matters.³¹ These restrictions and interventions are justified on the basis that NGOs bring considerable resources into Sierra Leone, and that the government has an interest in coordinating the effective use of such resources in a manner that avoids duplication.³²

Other than participation in the political process through the election of political representatives, there are few constitutional or legislative provisions for participation in government decision-making.

Accountability and anticorruption

Sierra Leone’s latest National Anti-Corruption Strategy (2019–2023) acknowledges that corruption is a threat to every sphere of national development.³³ The country’s score (33/100) on the 2019 Corruption Perceptions Index improved slightly from 30/100 2018, and is marginally higher than the regional average.³⁴ However, at 119 out of 198 countries, Sierra Leone still ranks on the bottom half of this scale. Despite this, Transparency International’s 2019 Afrobarometer shows a significant increase in the percentage of respondents who perceive that the Sierra Leone government is doing a good job of fighting corruption (from 19 percent in 2015 to 66 percent in 2019). The perception of

²⁶ Section 25(2), Constitution of Sierra Leone, 1991.

²⁷ Section 28, Constitution of Sierra Leone, 1991.

²⁸ The CRC recommended that an Independent Media Commission should regulate the establishment and operation of media houses, which had consequential effects on the wording of section 25. See *Report of the Constitutional Review Committee: Republic of Sierra Leone*, 2016,

<http://www.democracy.gov.sl/images/reports/REPORT%20OF%20THE%20CONSTITUTIONAL%20REVIEW%20COMMITTEE.pdf>.

²⁹ “Sierra Leone journalist Mahmud Tim Kargbo charged with criminal defamation”, Committee to Protect Journalists, 25 October 2019, <https://cpj.org/2019/10/sierra-leone-journalist-mahmud-tim-kargbo-charged/>.

³⁰ Ishmael Sallieu Koroma, “Sierra Leone’s Parliament repeals obnoxious 1965 Public Order Act”, <https://panafricanvisions.com/2020/07/sierra-leones-parliament-repeals-obnoxious-1965-public-order-act/>.

³¹ “Sierra Leone”, International Center for Non-profit Law, <https://www.icnl.org/resources/civic-freedom-monitor/sierra-leone#introduction>.

³² Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020.

³³ *National Anti-Corruption Strategy – Sierra Leone (2019–2023)*, <https://www.thesierraleonetelegraph.com/wp-content/uploads/2019/08/National-Anti-Corruption-Strategy-2019-2023.pdf>.

³⁴ “2019 Corruption Perceptions Index: Sierra Leone”, <https://www.transparency.org/en/cpi/2019/results/sle#details>.

institutional corruption (president, MPs, government officials, police, etc.) also decreased across the board. There was nevertheless an increase in the bribery rate for public schools and public clinics and health centers.³⁵

The Anti-Corruption Act, 2008³⁶ established an independent Anti-Corruption Commission to prevent, investigate, prosecute, and punish corruption and corrupt practices. The act identifies and criminalizes a broad-ranging list of corrupt practices,³⁷ and also serves as the regulatory framework for asset disclosure. Under Part VIII of the act (Integrity in Public Life), every public officer must deposit with the commission a sworn declaration of their income, assets, and liabilities within three months of assuming office, and further declarations on a yearly basis thereafter.³⁸ The commission must examine every declaration furnished to it, and may request further information or explanation from a declarant. If the commission is satisfied with the declaration, it must publish a certificate in the *Gazette* in the form prescribed, thus facilitating an enabling environment for public-facing accountability. If it is not satisfied with the declaration, or where it receives a complaint, the commission conducts an independent investigation, which may entail the public officer concerned needing to attend a hearing.³⁹ The Anti-Corruption Act does not protect whistleblowers. The commission has included a link to anonymously report corruption on its website.⁴⁰ However, when this link was tested, the site could not be reached.⁴¹

For the first decade of its existence, the Anti-Corruption Commission was regarded as a “paper tiger:” public officials accused and convicted of corruption were reinstated in their positions, an inefficient and overburdened judiciary could not process the commission’s large caseload, and an “entrenched culture of impunity” for both petty and grand corruption led many to believe that corruption was simply a way of life.⁴² In addition to finalizing the fourth edition of the National Anti-Corruption Strategy, the government has taken a multipronged strategy to fighting corruption: a 2019 amendment to the Anti-Corruption Act gives the commission new authority to intervene in potentially-corrupt contract negotiations and increases penalties for corruption (including a ban on holding office);⁴³ a specialist anticorruption division has been established in the High Court of Sierra Leone; the Anti-Corruption Commission now has the authority to initiate civil and criminal processes to recover stolen assets while cases move through the court system; and a vigorous anticorruption public education campaign has been rolled out.⁴⁴

Budget Transparency

Sierra Leone is still in the tranche of countries whose score on the Open Budget Survey (OBS) (39/100 for transparency; 31/100 for public participation; and 42/100 for budget oversight) is regarded as “insufficient,” although its transparency score is better than a number of other West African countries.⁴⁵ Since the last OBS, Sierra Leone increased the availability of budget information by publishing the enacted budget and the year-end report online.⁴⁶ However, it failed to produce a Citizen’s Budget, and removed figures on total domestic debt and tax expenditures from the

³⁵ “Transparency International Afrobarometer: Sierra Leone”, 2019, p. 52, https://images.transparencycdn.org/images/2019_GCB_Africa3.pdf.

³⁶ The Anti-Corruption Act, 2008, <http://www.sierra-leone.org/Laws/2008-12.pdf>.

³⁷ See Part IV of the Anti-Corruption Act, 2008, <http://www.sierra-leone.org/Laws/2008-12.pdf>. Corrupt practices range from corrupt acquisition of wealth, to using influence for contracts, to bid rigging, to abuse of office, amongst others.

³⁸ Section 119, Anti-Corruption Act, 2008, <http://www.sierra-leone.org/Laws/2008-12.pdf>.

³⁹ Section 120, Anti-Corruption Act, 2008, <http://www.sierra-leone.org/Laws/2008-12.pdf>.

⁴⁰ “Say no to corruption”, Anti-Corruption Commission of Sierra Leone, <https://www.anticorruption.gov.sl/report-corruption-asset-declaration>.

⁴¹ <http://104.225.217.196:8090/grm/>.

⁴² Elise Robberts, “In Sierra Leone corruption isn’t gone, but it is falling under Bio”, 14 April 2020, <https://www.worldpoliticsreview.com/articles/28679/in-sierra-leone-corruption-isn-t-gone-but-it-is-falling-under-bio>.

⁴³ Sierra Leone, 2019 Anti-Corruption Amendment, <http://ilo.org/dyn/natlex/docs/ELECTRONIC/108737/134576/F359756720/SLE108737.pdf>.

⁴⁴ Elise Robberts, “In Sierra Leone corruption isn’t gone, but it is falling under Bio”, 14 April 2020, <https://www.worldpoliticsreview.com/articles/28679/in-sierra-leone-corruption-isn-t-gone-but-it-is-falling-under-bio>.

⁴⁵ “Open Budget Survey 2019: Sierra Leone”, <https://www.internationalbudget.org/open-budget-survey/country-results/2019/sierra-leone>.

⁴⁶ “Annual Budget”, Ministry of Finance, Sierra Leone, <https://mof.gov.sl/annual-budget/>.

Executive's Budget Proposal.⁴⁷ Opportunities for public participation in the budgetary process in Sierra Leone are low, with no or very little public participation during the approval and implementation stages. The OBS has recommended that citizens should be allowed to testify during parliamentary hearings on the budget prior to its approval, and during its hearings on the audit report. Audit oversight of the budget is regarded as adequate, although legislative oversight remains weak.⁴⁸

Implications of the COVID-19 pandemic

President Bio confirmed Sierra Leone's first COVID-19 case on 31 March 2020.⁴⁹ As of mid-August 2020, there were 1949 officially confirmed COVID-19 cases and 69 deaths.⁵⁰ The Sierra Leone Ministry of Health and Education maintains an open access website of the number of confirmed cases per district, recoveries, deaths, and people in quarantine.⁵¹

Acting under the powers conferred by section 29 of the Constitution of Sierra Leone (public emergency), the president proclaimed a 12-month state of public emergency on 24 March 2020, prior to the first confirmed case, to enable the government to respond appropriately to the pandemic.⁵² On 26 March 2020, the Parliament of Sierra Leone extensively debated and unanimously approved the President's proclamation.⁵³ The Parliamentary Resolution affirmed the extraordinary length of the public emergency, which would otherwise have lapsed after 21 days.⁵⁴

During a state of public emergency, the Constitution of Sierra Leone confers wide-ranging powers on the president to make regulations and take measures that appear to him to be necessary or expedient for the purpose of maintaining and securing peace, order, and good government.⁵⁵ Without limiting the president's powers, the Constitution specifically provides that public emergency regulations may, for example, provide for the detention of persons and the restriction of movement within defined localities;⁵⁶ the amendment or suspension of operation of any law;⁵⁷ and the apprehension, trial, and punishment of persons offending against the regulations.⁵⁸ Unless they are approved by a resolution of parliament, such public emergency regulations lapse after 90 days.⁵⁹ However, a Parliamentary Resolution passed in terms of section 29 remains in force for a period of 12 months, and may be extended by a two-thirds majority vote.⁶⁰

Following the declaration of a public emergency for COVID-19, the government imposed two short periods of lockdown, restricted interdistrict travel, banned religious gatherings, imposed a curfew, limited the sale of goods in shops to essential items only, and mandated the wearing of face masks.⁶¹ Sierra Leone's COVID-19 response has drawn praise from Dutch-based NGO Cordaid who claimed that COVID-19 restrictions in Sierra Leone have been finely-tuned and used in a less authoritarian way.⁶² However, during April and May 2020, sporadic violent clashes widely attributed to coronavirus restrictions have resulted in more than a dozen deaths, many hospitalizations, and the

⁴⁷ "Open Budget Survey 2019: Sierra Leone", <https://www.internationalbudget.org/open-budget-survey/country-results/2019/sierra-leone>.

⁴⁸ "Open Budget Survey 2019: Sierra Leone", <https://www.internationalbudget.org/open-budget-survey/country-results/2019/sierra-leone>.

⁴⁹ "Sierra Leone has confirmed its first case of coronavirus, president says", Reuters, 31 March 2020, <https://www.reuters.com/article/us-health-coronavirus-leone-idUSKBN2111MY>.

⁵⁰ "Coronavirus cases", Worldometer, https://www.worldometers.info/coronavirus/?utm_source=Rejoining+Special+Members&utm_campaign=05efe436b5-EMAIL_CAMPAIGN_2017_09_COPY_01&utm_medium=email&utm_term=0_f2c4600684-05efe436b5-244945965.

⁵¹ "Government of Sierra Leone COVID-19 updates", <http://dhse.gov.sl/>.

⁵² Kemo Cham, "Sierra Leone: Govt declares emergency despite not recording COVID-19 cases", *Daily Nation*, 24 March 2020, <https://allafrica.com/stories/202003250146.html>.

⁵³ "Sierra Leone Parliament approves 12 months state of emergency", Awareness Times Newspaper, <https://www.facebook.com/awarenesstimes/posts/10157871308091343>.

⁵⁴ Section 29(3)(b), Constitution of Sierra Leone, 1991.

⁵⁵ Section 29(4), Constitution of Sierra Leone, 1991.

⁵⁶ Section 29(6)(a), Constitution of Sierra Leone, 1991.

⁵⁷ Section 29(6)(d), Constitution of Sierra Leone, 1991.

⁵⁸ Section 29(6)(g), Constitution of Sierra Leone, 1991.

⁵⁹ Section 29(10), Constitution of Sierra Leone, 1991.

⁶⁰ Section 29(13) Constitution of Sierra Leone, 1991.

⁶¹ See "COVID-19 pandemic in Sierra Leone", Wikipedia, https://en.wikipedia.org/wiki/COVID-19_pandemic_in_Sierra_Leone#cite_note-8.

⁶² "Covid-19: A cover for crackdowns and an impetus for peace", Cordaid, <https://www.cordaid.org/en/news/covid-19-a-cover-for-crackdowns-and-an-impetus-for-peace/>.

destruction of property.⁶³ The government has framed these incidences of unrest as acts of violence against the state and as “terrorist attacks.” There are concerns that such strong terms will aggravate political tensions and undermine respect for human rights and civil liberties.⁶⁴

⁶³ Abdul S. Brima, “Covid-19 restrictions give rise to political tensions in Sierra Leone”, *Mail & Guardian*, 18 May 2020, <https://mg.co.za/africa/2020-05-18-covid-19-restrictions-give-rise-to-political-tensions-in-sierra-leone/>. The unrest has included a riot at the Pademba Road Correctional Centre and a rampage in Tombo, a small fishing community on the outskirts of Freetown.

⁶⁴ Abdul S. Brima, “Covid-19 restrictions give rise to political tensions in Sierra Leone”, *Mail & Guardian*, 18 May 2020, <https://mg.co.za/africa/2020-05-18-covid-19-restrictions-give-rise-to-political-tensions-in-sierra-leone/>.

III. Leadership and Multistakeholder Process

The National Council for Civic Education and Development (NaCCED) and the OGP Steering Committee oversaw a collaborative co-creation process for Sierra Leone's third OGP action plan. The NaCCED's public awareness raising on social media, radio, and television improved public participation and influenced the development of the plan. Moving forward, the NaCCED should formalize the remit, mandate, and governance structures of the OGP Steering Committee and develop an OGP repository.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Sierra Leone.

In Sierra Leone, the cabinet lead for the OGP is the Minister of Information and Communications, Honorable Mohamed Rahman Swaray.⁶⁵ The agency that coordinates the OGP is the National Council for Civic Education and Development (NaCCED) under the Ministry of Information and Communications.⁶⁶ The NaCCED is a new institution, established by President Bio in August 2018 to promote good governance by undertaking civic education on a wide variety of political and social issues.⁶⁷ OGP activities were previously coordinated by the Office of the President, but were deemed to have a better fit with the NaCCED.⁶⁸ Mr Kalilu Totangi is the Chairman of the NaCCED and the current OGP point of contact.

There is high-level political support for the OGP in Sierra Leone. In August 2018, President Bio met an OGP delegation and reaffirmed his government's commitment to transparency and accountability.⁶⁹ Transparency and accountability are also key elements of the country's Medium Term National Development Plan (2019–2023).⁷⁰ The visit from the OGP delegation served to “reboot” the OGP process in Sierra Leone after a lull.⁷¹ (The country did not submit an action plan in 2018.) Re-invigorated, government officials, donor agencies, civil society organizations, and the media produced an action plan for 2019–2021 with fewer, but more targeted commitments that are aligned with government policy.

Financial and human resources are needed for civic education on governance and open government, outreach and engagement, and for monitoring of the national action plan.⁷² During the action plan co-creation process, for instance, there were insufficient resources to go into the country's districts, and civil society partners had to meet in regional centers instead.⁷³ The OGP office at the NaCCED is currently staffed by only one coordinator. The NaCCED acknowledges that more staff need to be employed to effectively monitor the commitments.⁷⁴ In addition, according to the NaCCED, the need to reach out through the medium of radio to the broader populace on OGP processes, including on the co-creation and implementation of the plan, has become all the more pressing since

⁶⁵ “Cabinet Ministers, Permanent Secretaries, Head of Agencies and Parastatals”, Public Sector Reform Unit, <https://psru.gov.sl/gosl-edirectory>.

⁶⁶ Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020.

⁶⁷ Hajaratu Kalokoh, “Civic education to be re-introduced in Sierra Leone schools”, 2 November 2019, <https://www.politicosl.com/articles/civic-education-be-re-introduced-sierra-leone-schools>.

⁶⁸ Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020.

⁶⁹ “President Bio reiterates commitment to transparency and accountability”, Sierra Network, 15 August 2018, <https://snradio.net/president-bio-reiterates-commitment-to-transparency-and-accountability/>.

⁷⁰ Medium-Term National Development Plan, Sierra Leone, 2019–2023, p. 115, <http://www.moped.gov.sl/wp-content/uploads/2019/03/Medium-Term-National-Development-Plan-Volume-1.pdf>.

⁷¹ Sierra Leone's OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

⁷² Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020.

⁷³ Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020.

⁷⁴ Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020.

the country's COVID-19 epidemic and associated lockdown measures.⁷⁵ However, there are currently insufficient resources to pay a stipend to a federation of community radio stations that, if adequately resourced, could broadcast OGP news, information, and feedback to radio listeners.

3.2 Action plan co-creation process

The co-creation process for Sierra Leone's third national action plan commenced following a high-level meeting between President Bio and the OGP delegation. The plan's development gained momentum when the NaCCED convened a meeting of civil society representatives, government officials, the media, and donor agencies at the Ministry of Information and Communications to discuss the constitution of the OGP Steering Committee.⁷⁶ At this meeting, it was decided that the originally-constituted committee of 34 members was too large and resulted in weak participation,⁷⁷ and that civil society organizations would recommend representatives working on particular thematic areas to serve on a smaller committee. The NaCCED subsequently constituted a more focused 14-member, multistakeholder OGP Steering Committee, with equal representation of government and civil society to lead the process of developing the action plan and monitoring its implementation.⁷⁸ The new Steering Committee met three times during the co-creation process. The NaCCED also convened a pre-Cabinet briefing on the OGP process, and rolled out an extensive OGP public awareness campaign on television, radio,⁷⁹ and social media. In addition to its Facebook page, the NaCCED set up a Whatsapp group for the OGP Steering Committee, a broader Multistakeholder Forum comprising some 50 CSO, government, and media representatives. This group met three times to discuss citizen input gathered during consultations.⁸⁰ The NaCCED also set up the Federation Link group, comprising radio station managers and newspaper reporters from around the country.⁸¹

The NaCCED held regional consultations in Bo, Kenema, Makeni, Port Loko, and Freetown. The regional consultations entailed interactive radio discussion programs on community radio stations, followed the next day by town hall meetings with the participation of representatives from government, local councils, CSOs, the media, students, and the general public.⁸²

The NaCCED compiled the feedback on each milestone from the regional consultations and convened expert meetings with the government and civil society organizations to discuss the commitments and develop SMART milestones. A one-day workshop was held with members of the OGP Steering Committee to consolidate the commitments and milestones and prepare for a pre-Cabinet briefing on the final commitments in the action plan. NaCCED and members of the Steering Committee also held individual meetings with the lead government agencies to refine the commitments ahead of their final validation by the Cabinet. The Cabinet validated Sierra Leone's third OGP action plan in October 2019.⁸³

Government and civil society stakeholders generally regarded the action plan co-creation process as successful.⁸⁴ Both sets of stakeholders ascribed this success to different factors. Mr Kalilu Totangi, Chair of the NaCCED and OGP point of contact in the government, stated that the streamlining of the OGP Steering Committee (from 34 to 14 members) and a focus on thematic areas aligned with

⁷⁵ Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020.

⁷⁶ Sierra Leone's OGP Action Plan, 2019-2021, Open Government Partnership, p. 9, <https://bit.ly/3bPiqwh>.

⁷⁷ Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020.

⁷⁸ Sierra Leone's OGP Action Plan, 2019-2021, Open Government Partnership, p. 9, <https://bit.ly/3bPiqwh>.

⁷⁹ Ms. Hamida Jimmy, OGP Coordinator, provided the IRM researcher with samples of the radio and television coverage.

⁸⁰ Ms. Hamida Jimmy, OGP Coordinator, email communication with IRM researcher.

⁸¹ Sierra Leone's OGP Action Plan, 2019-2021, Open Government Partnership, p. 10, <https://bit.ly/3bPiqwh>.

⁸² Sierra Leone's OGP Action Plan, 2019-2021, Open Government Partnership, p. 10, <https://bit.ly/3bPiqwh>. The regional consultations are well-documented on NaCCED's Facebook page: (<https://www.facebook.com/National-Council-for-Civic-Education-and-Development-390289604890730>).

⁸³ Sierra Leone's OGP Action Plan, 2019-2021, Open Government Partnership, p. 10, <https://bit.ly/3bPiqwh>.

⁸⁴ Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020; Ms Marcella Samba-Sesay, Civil Society Chair of the OGP Steering Committee, interview with IRM researcher conducted on 20 June 2020.

government priorities improved the focus and potential impact of the third national action plan (NAP III).⁸⁵ Ms Marcella Samba-Sesay, Civil Society Chair of the OGP Steering Committee, pointed out that the civil society knowledge base on OGP, developed over the course of the two previous action plans, had undergirded and accelerated the co-creation process.⁸⁶ Both Mr. Totangi and Ms. Samba-Sesay felt that the lack of resources to take OGP consultations to the district level was a challenge that weakened the co-creation process, as it limited public participation.

Table 4: Level of Public Influence

The IRM has adapted the International Association for Public Participation’s (IAP2) “Spectrum of Participation” to apply to OGP.⁸⁷ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborate.”

Level of public influence		During development of action plan
Empower	The government handed decision-making power to members of the public.	
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✓
Involve⁸⁸	The government gave feedback on how public input were considered.	
Consult	The public could give inputs.	
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

OGP Participation and Co-Creation Standards

In 2017, OGP adopted OGP Participation and Co-Creation Standards to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

The following table provides an overview of Sierra Leone’s performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Key:

Green = Meets standard

Yellow = In progress (steps have been taken to meet this standard, but standard is not met)

Red = No evidence of action

⁸⁵ Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020.

⁸⁶ Ms. Marcella Samba-Sesay, Civil Society Chair of the OGP Steering Committee, interview with IRM researcher conducted on 20 June 2020.

⁸⁷ “IAP2’s Public Participation Spectrum”, IAP2, 2014, https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf.

⁸⁸ OGP’s Articles of Governance also establish participation and co-creation requirements a country must meet in their action plan development and implementation to act according to OGP process. Based on these requirements, Sierra Leone did **not** act contrary to OGP process during the development of the 2019–2021 action plan.

Multistakeholder Forum	Status
1a. Forum established: A streamlined 14-member OGP Steering Committee was established prior to the development of the action plan.	Green
1b. Regularity: The OGP Steering Committee meets once every month. ⁸⁹	Green
1c. Collaborative mandate development: Neither the OGP Steering Committee nor the Multistakeholder Forum has written terms of reference. The IRM could not definitively confirm whether the remit, mandate, and governance structures of the OGP Steering Committee are developed collaboratively.	Yellow
1d. Mandate public: The dedicated OGP page on the website of the NaCCED does not include information on the remit, mandate and governance structures of the OGP Steering Committee. ⁹⁰	Red
2a. Multistakeholder: The OGP Steering Committee includes both government and nongovernment representatives.	Green
2b. Parity: The 14-member OGP Steering Committee comprises seven governmental and seven nongovernment representatives. ⁹¹	Green
2c. Transparent selection: The size of the OGP Steering Committee was reduced from 34 members to 14 members. This decision was taken at a NaCCED-convened workshop at which CSOs, government officials, the media, and donors agreed that the previous committee had been too large, which resulted in weak participation. At the workshop, CSOs were asked to put forward representatives for thematic areas. The NaCCED ultimately selected the CSO representatives for the OGP Steering Committee based on a CSO's advocacy in that area. ⁹²	Green
2d. High-level government representation: The governmental representatives on the OGP Steering Committee are senior public officials with adequate decision-making authority. However, competing interests occasionally constrains their capacity to attend meetings. ⁹³	Green
3a. Openness: The OGP Steering Committee receives and accepts inputs and representations on the NAP process from any civil society member or other stakeholder. Two WhatsApp groups (50-member Multistakeholder Forum and the Federation Link group) and comments aired on television and radio stations increased the platforms for dialogue and co-creation. ⁹⁴	Green
3b. Remote participation: Remote participation occurs via social media platforms and community radio and television stations.	Green

⁸⁹ Ms. Marcella Samba-Sesay, Civil Society Chair of the OGP Steering Committee interview with IRM researcher conducted on 20 June 2020.

⁹⁰ National Council for Civic Education and Engagement website. <https://nacced.gov.sl/?p=451>.

⁹¹ Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020; Ms Marcella Samba-Sesay, Civil Society Chair of the OGP Steering Committee, interview with IRM researcher conducted on 20 June 2020.

⁹² Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020.

⁹³ Ms. Marcella Samba-Sesay, Civil Society Chair of the OGP Steering Committee, interview with IRM researcher conducted on 20 June 2020.

⁹⁴ Sierra Leone's OGP Action Plan, 2019-2021, Open Government Partnership, p. 10, <https://bit.ly/3bPiqwh>.

<p>3c. Minutes: The manner in which the OGP Steering Committee communicates its decisions to the wider public is not formalized. The minutes of the Steering Committee are not publicly available (for example, on the dedicated OGP page of the NaCCED).</p>	<p>Red</p>
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Action Plan Development	
<p>4a. Process transparency: There is a dedicated OGP page on the website of the NaCCED, but with limited information.⁹⁵ Since June 2013, there were 13 posts relating to the OGP on the NaCCED’s Facebook page, with the majority posted between June and October 2019.⁹⁶</p>	<p>Yellow</p>
<p>4b. Documentation in advance: During the action plan co-creation process, feedback from regional consultations and expert meetings was provided to the OGP Steering Committee in advance.⁹⁷</p>	<p>Green</p>
<p>4c. Awareness-raising: There was evidence of public awareness raising campaigns on social media, radio, and television.⁹⁸</p>	<p>Green</p>
<p>4d. Communication channels: As noted in the answer to question 3a, the OGP Steering Committee uses social media platforms and radio and television stations to communicate with stakeholders. However, lack of resources to pay a stipend to community radio stations and reporters has weakened the reach of communication on the OGP.⁹⁹</p>	<p>Green</p>
<p>4e. Reasoned response: The IRM researcher did not find evidence of published reasons for the OGP Steering Committee’s decisions, or their response to categories of comments. However, the government presented the Steering Committee with a set of draft commitments and consulted with them on the final selection.</p>	<p>Yellow</p>
<p>5a. Repository: Sierra Leone has a dedicated OGP website with no access restrictions although there is no repository of information on the NAP process.</p>	<p>Green</p>

⁹⁵ National Council for Civic Education and Engagement website. <https://nacced.gov.sl/?p=451>.

⁹⁶ “National Council for Civic Education and Development”, Facebook Page, <https://www.facebook.com/National-Council-for-Civic-Education-and-Development-390289604890730>.

⁹⁷ Sierra Leone’s OGP Action Plan, 2019–2021, Open Government Partnership, p. 10, <https://bit.ly/3bPiqwh>.

⁹⁸ Ms. Hamida Jimmy, OGP Coordinator, provided the IRM Researcher with a few examples of OGP awareness raising on radio and television.

⁹⁹ Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, interview with IRM researcher conducted on 15 June 2020.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's circumstances and challenges. OGP commitments should also be relevant to OGP values detailed in the *OGP Articles of Governance and Open Government Declaration* signed by all OGP-participating countries.¹⁰⁰ Indicators and methods used in the IRM research can be found in the IRM Procedures Manual.¹⁰¹ A summary of key indicators the IRM assesses can be found in the Annex of this report.

General Overview of the Commitments

Sierra Leone's previous OGP action plans have covered a variety of themes. While the first action plan (2014–2016) focused on access to information, open data, and anticorruption in the extractives industry, the second plan (2016–2018) included commitments relating to budget transparency, open contracting, archives and records management, justice sector reforms, and citizen participation in decision-making. The third action plan (2019–2021) continues to address some of these themes, and also includes commitments on education, gender, beneficial ownership, and opening parliament. These themes resonate with Sierra Leone's Medium-Term National Development Plan (2019–2023), which foregrounds education, economic diversification, inclusive growth, empowering women and youth, and public sector governance reforms aimed at greater participation, transparency, and accountability.¹⁰²

¹⁰⁰ "Open Government Partnership: Articles of Governance", OGP, 17 June 2019, <https://www.opengovpartnership.org/articles-of-governance/>.

¹⁰¹ "IRM Procedures Manual", OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

¹⁰² Medium-Term National Development Plan, Sierra Leone, 2019–2023, <http://www.moped.gov.sl/wp-content/uploads/2019/03/Medium-Term-National-Development-Plan-Volume-1.pdf>.

I. Access to Justice

Main Objective

Ensure access to justice for all by expanding community-based justice services and increasing transparency in local level structures.

This commitment seeks to increase access to justice for all by expanding legal services to marginalised, vulnerable, poor, and/or rural populations provided by legal aid boards, community-based justice service providers (paralegals), NGOs, and CSO non-lawyers. It also seeks to increase local provision of justice services through grievance redress mechanisms within local councils and existing community governance structures. The commitment's emphasis on supporting non-lawyer interventions and the non-formal justice sector [is] meant to increase citizen participation in justice delivery, while promoting transparency and accountability in the local justice delivery structures that communities are most likely to engage.

Milestones

- 1.1 Develop a national access to justice policy framework.
- 1.2 Establish an Access to Justice Directorate within the Ministry of Justice.
- 1.3 300 community-based justice service providers identified or recruited, and trained. Data on recruitment and training of community-based justice service providers reported to Ministry of Justice on a quarterly basis.
- 1.4 Administrative justice mechanisms and grievance redress mechanisms at the local level are identified and mapped.
- 1.5 A Justice Innovation Centre is established with a data aggregation system that promotes interaction between community justice service providers and the formal justice system.
- 1.6 The Legal Assistance Fund provided for in the 2015 National Land Policy for legal and paralegal assistance to communities in negotiation with large scale land investors is established.

Editorial Note: For the complete text of this commitment, please see Sierra Leone's action plan at (<https://bit.ly/3bPiqwh>).

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Public Accountability
Potential impact:	Moderate

Commitment Analysis

This commitment aims to increase access to justice for all by expanding and supporting customary, non-lawyer, and community-based justice services. These include services provided by legal aid boards, paralegals, nongovernmental organizations (NGOs), and civil society organization (CSO) non-lawyers. In doing so, this commitment sought to address and ameliorate public concern around Sierra Leone's formal justice sector, which has been "marred by poor service delivery, limited allocation of resources, shortage of staffing and limited capacity."¹⁰³ Poor infrastructure, reliance on manual record-keeping, and poorly-trained personnel have led to a severe backlog of cases and delays in the administration of justice.¹⁰⁴ High costs, the complexities of the formal justice system, a lack of legal representation, and widespread judicial corruption have compounded Sierra Leoneans'

¹⁰³ Sierra Leone's OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

¹⁰⁴ Mr. Benedict Jalloh, former director Access to Justice Law Centre, interview with IRM researcher conducted on 8 June 2020.

distrust of the formal justice sector.¹⁰⁵ The inadequate access to justice is of particular concern for marginalized, vulnerable, poor, and rural populations.

On the other hand, according to a 2019 survey on perceptions of justice in Sierra Leone, customary justice providers enjoy higher levels of citizen trust than formal courts.¹⁰⁶ Sierra Leoneans prefer these customary justice providers over the formal courts because they are perceived to be more accessible (physical proximity and cost), more effective, and less corrupt.¹⁰⁷ Research also suggests that Sierra Leoneans sometimes seek redress outside the formal court system to go “forum shopping” for their desired outcome.¹⁰⁸ Resorting to customary justice providers also leads to a higher incidence of dispute resolution,¹⁰⁹ although there is a concern that for disputes involving large-scale appropriation of land or “land grabbing” and crimes involving sexual and gender-based violence, local chiefs are more likely to protect the interests of the powerful.¹¹⁰ A cross-cutting concern is that transparency and accountability are low to nonexistent for both forms of justice provision.¹¹¹ By expanding community-based justice services and increasing transparency in local level structures, the commitment therefore aims to ensure access to justice for all.

This commitment is relevant to the OGP value of public accountability, by making justice mechanisms cheaper, faster, and easier to use. Supporting non-lawyer services such as legal education and advocacy empowers citizens to participate more effectively in the justice processes, thus strengthening channels where citizens can hold the government to account. Non-lawyer and informal mediation and negotiation also expands the range of judicial services available.

At the time this commitment was designed, there were 241 local courts constituted in terms of the Local Courts Act, 2011 to provide formal justice in 149 Chiefdoms in Sierra Leone.¹¹² There were also 149 Paramount Chiefs and over 15,000 subchiefs (section chiefs and town chiefs) providing informal justice.¹¹³ The law already supports the work of paralegals that function at the interface of the formal and informal justice systems: According to the Legal Aid Act, 2012, the Legal Aid Board must appoint at least one paralegal to each Chiefdom to provide advice, legal assistance, and legal education to the Paramount Chief and the inhabitants of the Chiefdom, and (where appropriate) to assist in diverting certain cases to the formal justice system.¹¹⁴ However, according to Sierra Leone’s Medium-Term National Development Plan, as of 2019 the country could boast only 40 paralegals nationwide.¹¹⁵ This number increases to approximately 120 when paralegals employed by CSOs and NGOs are taken into consideration.¹¹⁶ There has been a significant rise in land conflicts arising from

¹⁰⁵ Pauline M. Wambua & Carolyn Logan, “Popular distrust, perceptions of corruption mark Sierra Leone’s court system”, Afrobarometer Dispatch No. 171, World Bank Group, 16 November 2017.

¹⁰⁶ “Perceptions of justice and security services delivery in Sierra Leone” Justice Sector Co-ordination Office, p. 18, October 2019.

¹⁰⁷ “Perceptions of justice and security services delivery in Sierra Leone”, Justice Sector Co-ordination Office, p. 18, October 2019. More than 50 percent of Sierra Leoneans agree that local courts protect politicians and the rich and powerful.

¹⁰⁸ Conteh et al., “Paralegals, community agency and access to justice in Sierra Leone,”

<https://www.caprisl.org/post/paralegals-community-agency-and-access-to-justice-in-sierra-leone>.

¹⁰⁹ Sierra Leone’s OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

¹¹⁰ Fredline M’Cormack-Hale, “Secret societies and women’s access to justice in Sierra Leone: Bridging the formal and informal divide”, 7(1):13 *Stability: International Journal of Security and Development* 7, p. 9, 2018; Mr Benedict Jalloh, former director Access to Justice Law Centre interview with IRM researcher conducted on 8 June 2020.

¹¹¹ For example, citizens play no role in the appointment of the Chairmen or Vice-Chairmen of local courts (section 2(1) Local Courts Act, 2011), and there are no mechanisms for lodging grievances relating to the informal justice process or seeking redress, other than the usual mechanisms of formal review and appeal. (See Part V Local Courts Act, 2011.)

¹¹² “Sierra Leone: New e-Justice tool to improve rural courts” *The Patriotic Vanguard*, <http://www.thepatrioticvanguard.com/sierra-leone-new-e-justice-tool-to-improve-rural-courts>.

¹¹³ Fredline M’Cormack-Hale, “Secret societies and women’s access to justice in Sierra Leone: Bridging the formal and informal divide”, 7(1):13 *Stability: International Journal of Security and Development*, p. 7, 2018.

¹¹⁴ Section 14(2), Legal Aid Act, 2012.

¹¹⁵ Medium-Term National Development Plan, Sierra Leone, 2019–2023, p. 124, <http://www.moped.gov.sl/wp-content/uploads/2019/03/Medium-Term-National-Development-Plan-Volume-1.pdf>.

¹¹⁶ This estimate is derived from counting the number of paralegals employed by each of the known organizations providing community-based justice services who are members of the Open Society Initiative for West Africa (OSIWA). OSIWA is

large commercial land deals in Sierra Leone.¹¹⁷ While nongovernmental organizations provide assistance to resolve land conflicts,¹¹⁸ targeted government support for communities to strengthen their negotiating position in such land deals was not in place prior to the commitment.

If fully implemented as written, the potential impact of this commitment is expected to be moderate. By targeting the justice mechanisms most used by Sierra Leoneans, this commitment promises to have a significant impact on citizens' access to justice. In particular, this commitment will advance equal access to justice by strengthening legal services available in rural areas. The commitment is verifiable, with clearly identifiable and measurable milestones and activities.

For successful implementation, several factors should be taken into account:

- The government should ensure that local grievance redress mechanisms are equally accessible to all citizens and effectively respond to their conflicts.
- The government should take a multistakeholder implementation approach, partnering closely across agencies, levels of government, and with customary and nongovernmental institutions to maximize capacity and expertise.
- Community-based justice should be sufficiently resourced and accessible to offer a viable alternative and ease formal courts' heavy caseload.

The commitment has several important limitations. First, the Legal Assistance Fund is not sufficient to empower communities to stand their ground in conflicts with large scale investors. However, the Legal Assistance Fund is an important first step towards increasing citizens' access to representation and information needed to negotiate with large-scale investors. Additionally, the activities in this commitment do not explicitly address the current backlog of cases on the formal justice system. Finally, the commitment does not address widespread corruption in Sierra Leone's judicial system.

the supported legal empowerment network in Sierra Leone. Estimate provided by NAMATI Sierra Leone through email correspondence with IRM staff, 13 October 2020.

¹¹⁷ Kirsty Conway, "How research on land conflict in Sierra Leone refocused government attention to access to justice in rural areas", 3 July 2019, <https://blogs.lse.ac.uk/government/2019/07/03/how-research-on-land-conflict-in-sierra-leone-refocused-government-attention-to-access-to-justice-in-rural-areas/>.

¹¹⁸ Advancing Land and Environmental Justice in Sierra Leone, Namati 2018 Annual Report, p. 28, <https://namati.org/wp-content/uploads/2019/04/2018-Namati-Annual-Report.pdf>.

2. Education

Main Objective

The commitment will ensure that pupils have access to Junior Secondary Schools in their localities, thereby affording them the opportunity to live with their families whilst in school and eventually eliminating the challenges they would likely face if schooling away from home and which contribute largely to their dropping out. The commitment will ensure that there is an increase in access to Junior Secondary Schools, increase in retention and eventually completion rates. This will invariably lead to increase in retention rates as well as in completion rates. It will also contribute to more improved learning environments and eventually lead to improvement in learning outcomes.

Milestones

- 2.1 Increase transition level from primary to junior secondary school by 9 percent
- 2.2 Recruitment and deployment of 5000 teachers across the country, especially in remote areas
- 2.3 Increase equitable access to senior secondary education by 3 percent
- 2.4 Payment of remote allowances to qualified teachers in rural communities
- 2.5 Provision of core textbooks to all children in government and government-assisted schools

Editorial Note: For the complete text of this commitment, please see Sierra Leone’s action plan at (<https://bit.ly/3bPiqwh>).

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Unclear
Potential impact:	Minor

Commitment Analysis

This commitment aims to increase access, retention, and eventually completion rates in Sierra Leone’s junior secondary schooling system.¹¹⁹ Enrollment and completion rates for primary, junior secondary, and senior secondary school in Sierra Leone were all severely impacted by the effects of the civil war, an Ebola outbreak, and various other natural and manmade disasters.¹²⁰ While enrollments improved by approximately 30 percent over the last decade,¹²¹ completion rates remain moderate to disappointing and reflect gender and regional disparities.¹²²

A number of factors contribute to low enrolment in the secondary schooling phase and overall completion rates. Poverty is a significant barrier to accessing education, as parents cannot afford to pay school fees,¹²³ the lack of schools in certain localities requires children to move away from their

¹¹⁹ Sierra Leone’s OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

¹²⁰ Richard Rose, Philip Garner & Brenda Joann Farrow, “Developing inclusive education policy in Sierra Leone: A research-informed approach”, January 2019, <https://www.researchgate.net/publication/331474682>. A 2004 Population Census revealed that in 2003 some 31 percent of 6- to 11-year-olds, 45 percent of 12- to 14-year-olds, and 76 percent of 15- to 17-year olds were out of or had never attended school. See *Education in Sierra Leone: Present Challenges, Future Opportunities*, World Bank, p. 122, 2007.

¹²¹ See the table of increased enrollments in Medium-Term National Development Plan, Sierra Leone, 2019–2023, p. 39, <http://www.moped.gov.sl/wp-content/uploads/2019/03/Medium-Term-National-Development-Plan-Volume-1.pdf>.

¹²² Mr. Amara Sowa, National Programme Coordinator: Free Quality School Education, interview with IRM researcher conducted on 12 June 2020.

¹²³ Mr. Alhaji Bakar Kamara, former educator at Milton Margai, College of Education and Technology, Freetown, interview with IRM researcher conducted on 9 June 2020.

parents to attend school,¹²⁴ and traditional beliefs on gender roles strongly influence the schooling of girls.¹²⁵ The provision of pedagogical materials also remains a challenge, with the latest School Census showing that in some lower grades up to four learners may need to share a textbook.¹²⁶ Rampant examination malpractice has also impacted on the integrity of schooling in Sierra Leone.¹²⁷ The system employs some 83 000 teachers in mission schools, private providers, communities and the government,¹²⁸ but the majority are poorly paid.

The commitment envisages that increasing educational resources in remote areas—by creating incentives for qualified teachers to work in remote localities and providing educational materials to those who need it most at primary and junior secondary levels—will improve student performance throughout Sierra Leone.¹²⁹ The commitment is of unclear relevance to OGP values.

In 2017, only 67 percent of pupils completed primary schooling, 49 percent completed junior secondary schooling, and a mere 20 percent of pupils passed the West African Senior School Certificate Exam.¹³⁰

At the time the commitment was designed, the new administration had made Free Quality School Education (FQSE), a cornerstone of its human capital development policy.¹³¹ Following commencement of FQSE in September 2018, the Annual School Census 2019 showed that junior secondary enrollments increased by 136,000 (an additional 43.2 percent); and senior secondary enrolments increased by 99,000 (an additional 47.9 percent).¹³² However, the enrollment rates for junior secondary schooling still only represent 77 percent of the eligible population, and for senior secondary schooling, only 56.5 percent of the eligible population.¹³³ The new administration has made headway in busting organized principal and teacher cheating syndicates and dealing with the problem of ghost teachers on the system.¹³⁴

If fully implemented as written, the potential impact of this commitment is expected to be minor. The commitment is verifiable, with clearly identifiable and measurable milestones and activities. Recruiting an additional 5,000 teachers and incentivizing them to work in remote areas, and providing educational materials will increase access to education. But it will not address the lack of schools in certain localities, which is a key factor in junior secondary drop-out rates. The commitment also fails to address the issue of examination malpractice, which affects completion rates. While the FQSE has achieved some initial success in terms of improved enrollments, in the next action plan government and civil society could consider interventions relating to the integrity of the examination process, such as the release of non-sensitive metadata on disciplinary measures taken against principals, teachers, and students found to have engaged in examination malpractice.

¹²⁴ Mr. Amara Sowa, National Programme Coordinator: Free Quality School Education, interview with IRM researcher conducted on 12 June 2020.

¹²⁵ Mr. Alhaji Bakar Kamara, former educator at Milton Margai, College of Education and Technology, Freetown, interview with IRM researcher conducted on 9 June 2020.

¹²⁶ *2019 Annual Schools Census Report and Statistical Abstract*, Ministry of Basic and Senior Secondary Education, Sierra Leone, November 2019, p. 33, <https://mbsse.gov.sl/wp-content/uploads/2020/03/2019-Annual-School-Census-Report.pdf>.

¹²⁷ Mr. Alhaji Bakar Kamara, former educator at Milton Margai, College of Education and Technology, Freetown, interview with IRM researcher conducted on 9 June 2020. Mr Kamara maintained that treating exit examinations as an “opportunity to do business” is an open secret and entrenched culture amongst teachers and students.

¹²⁸ *2019 Annual Schools Census Report and Statistical Abstract*, Ministry of Basic and Senior Secondary Education, Sierra Leone, November 2019, p. viii, <https://mbsse.gov.sl/wp-content/uploads/2020/03/2019-Annual-School-Census-Report.pdf>.

¹²⁹ Sierra Leone’s OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

¹³⁰ Medium-Term National Development Plan, Sierra Leone, 2019–2023, pp. 40, 42, <http://www.moped.gov.sl/wp-content/uploads/2019/03/Medium-Term-National-Development-Plan-Volume-1.pdf>.

¹³¹ See Medium-Term National Development Plan, Sierra Leone, 2019–2023, Cluster One: Human Capital Development, p. 36 ff, <http://www.moped.gov.sl/wp-content/uploads/2019/03/Medium-Term-National-Development-Plan-Volume-1.pdf>.

¹³² *2019 Annual Schools Census Report and Statistical Abstract*, Ministry of Basic and Senior Secondary Education, Sierra Leone, November 2019, p. vii, <https://mbsse.gov.sl/wp-content/uploads/2020/03/2019-Annual-School-Census-Report.pdf>.

¹³³ *2019 Annual Schools Census Report and Statistical Abstract*, Ministry of Basic and Senior Secondary Education, Sierra Leone, November 2019, p. 19, <https://mbsse.gov.sl/wp-content/uploads/2020/03/2019-Annual-School-Census-Report.pdf>.

¹³⁴ Mr. Amara Sowa, National Programme Coordinator: Free Quality School Education, interview with IRM researcher conducted on 12 June 2020; Ms Martine Coppens, founder of Education for All, Sierra Leone, interview with IRM researcher conducted on 10 June 2020.

3. Duty and Tax Exemption

Main Objective

A transparent tax system supports good governance and the accountability of policy-makers towards the public. But the granting of special tax incentives in opaque deals, at the discretion of individual[s] without public scrutiny, undermines good governance and can increase the risk of corruption. In Sierra Leone, parliament and the public lack information about the tax incentives granted and are usually not aware of the details until after they have been agreed, and sometimes not even then. It is currently impossible for elected parliamentarians, the media and civil society to scrutinize and debate these deals properly to ensure that the country optimally benefits.

Milestones

- 3.1 Publish all tax incentives, on a half yearly basis starting 2019 in government website
 - a) Tax exemptions granted from January to June 2019 are published by December 2019
 - b) Tax exemptions granted from July to December 2019 are published by March 2020
 - c) Tax exemptions granted from January to June 2020 are published by September 2020
 - d) Tax exemptions granted from July to December 2020 are published by March 2021
- 3.2 Publish in the annual budget the annual tax incentives granted:
 - a) For 2020 budget
 - b) For 2021 budget

Editorial Note: For the complete text of this commitment, please see Sierra Leone’s action plan at (<https://bit.ly/3bPiqwh>).

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Moderate

Commitment Analysis

This commitment aims to increase the transparency of special tax incentives.¹³⁵ In Sierra Leone, revenue losses from tax exemptions has been a concern for a number of years¹³⁶ and part of commitments in the two previous OGP national action plans.¹³⁷ The award of tax exemptions has been linked to the country’s low domestic tax revenue to GDP ratio, which in 2020 stands at approximately 14 percent.¹³⁸ This ratio is below the average for Sub-Saharan Africa,¹³⁹ and falls short of the UN-advised ratio of 20 percent for achieving the Sustainable Development Goals.¹⁴⁰ The opacity of special tax incentives and lack of public scrutiny—particularly in the mining sector, but extending also to duty waivers granted to international organizations and NGOs—undermines good governance and increases the risk of corruption.

¹³⁵ Sierra Leone’s OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

¹³⁶ See Mark Curtis & Bernadette O’Hare, “Lost revenues in low income countries”, July 2017, p. 4, https://research-repository.st-andrews.ac.uk/bitstream/handle/10023/12057/Lost_revenues.pdf?sequence=1&isAllowed=y;

Losing Out: Sierra Leone’s Massive Revenue Losses from Tax Incentives, Budget Advocacy Network & The National Advocacy Coalition on Extractives, 2013 .

¹³⁷ Commitment 6 of the Sierra Leone’s first national action plan (2014–2016) called for the enactment of an Extractive Industry Revenue Act to promote transparency and accountability in the granting of tax incentives, while Commitment 4 on “Fiscal transparency and Open Budget” in the second national action plan (2016–2018) called for the government to publish all tax exemptions on a government website every six months, commencing in 2016.

¹³⁸ “Fiscal Strategy Statement, 2020 – 2022”, Ministry of Finance, Sierra Leone, July 2019, p. 3. In 2018, the domestic tax to GDP ratio was 13.7 percent.

¹³⁹ “Import duty and tax exemptions in Sierra Leone: A review of the proposed draft government policy”, Budget Advocacy Network, May 2020, p. 2.

¹⁴⁰ Sierra Leone’s OGP Action Plan, 2019–2021, Open Government Partnership, p. 18, <https://bit.ly/3bPiqwh>.

The commitment envisages enhancing tax transparency by requiring the government to publish all tax incentives on a government website every six months, and obligating the Ministry of Finance to publish the aggregated figure of annual tax incentives in the annual budget. The commitment is relevant to the OGP values of access to information as it requires proactive, open disclosure of government-held information.

At the time of designing this commitment, the law of Sierra Leone allowed for 148 forms of duty waiver or tax exemption.¹⁴¹ General and sectoral laws, contractual agreements, presidential directives, and tax policy instruments vested wide discretion in officials to grant tax exemptions to government departments and agencies, public international organizations, NGOs, private companies and individuals, and embassies.¹⁴² While the new Bio administration immediately took steps to address the impact of tax exemptions on revenue collection,¹⁴³ by the end of 2018 no information on tax exemptions had been published.¹⁴⁴ Further, while data on import duty and Goods and Services Tax (GST) is available,¹⁴⁵ the National Revenue Authority has not been collecting data on corporate and income tax waivers, as tax returns are not submitted regularly.¹⁴⁶

If fully implemented as written, this commitment stands to have moderate potential impact on increasing transparency in the tax system and reducing corruption arising out of opaque exemptions. The verifiability of the commitment is, however, weakened by failing to specify the agency responsible for curating the half-yearly publication of tax incentives, the public website on which the information must be published, and the degree of aggregation of the data published in the annual budget. The commitment represents a major step forward in the policy area of tax transparency, as it is a pioneering initiative. However, it remains limited in scope due to:

- Insufficient clarity about where, how, and what information will be published.
- The lack of any mechanisms for citizens to act on the published information through, for example, a grievance procedure.
- The failure of the commitment to outline or specify measures to ensure that the information published is presented in a navigable, user-friendly way.

Going forward, government and civil society stakeholders may consider expressly including transparency provisions in a policy and Bill on Duty and Tax Exemptions, and incorporating rules, regulations, and mechanisms that call upon government actors to justify their decisions to grant exemptions, act upon criticisms, and accept responsibility for failing to improve Sierra Leone's low domestic tax revenue to GDP ratio.

¹⁴¹ The majority of incentives are set out in the primary tax legislation (Income Tax, 2000; Goods and Services Tax Act, 2009; Finance Act 2011, 2013, 2015, 2016, 2017, 2018, 2019; and Customs Tariff Act, 1978), others are provided for in sectoral legislation, contractual agreements, presidential directives, or other tax policy instructions. "Import duty and tax exemptions in Sierra Leone: A review of the proposed draft government policy", Budget Advocacy Network, May 2020, p. 5.

¹⁴² "Import duty and tax exemptions in Sierra Leone: A review of the proposed draft government policy", Budget Advocacy Network, May 2020, p. 7.

¹⁴³ The administration's first Executive Order (April 2018), suspended all duty and tax waivers, with the exception of organizations falling under the relevant Vienna conventions on diplomatic missions to which Sierra Leone is signatory (see Executive Order No. 1: 9 April 2018 on Revenue Mobilization <https://www.slpptoday.com/new-direction-executive-order-on-revenue-mobilization/>). And in July 2018, the government set up a Review Committee on Duty and Tax Exemptions to appraise duty and tax exemptions awarded to beneficiaries, and to develop a policy document setting out guidelines on the awarding, implementation, and monitoring of duty waivers and tax exemptions (see "Import duty and tax exemptions in Sierra Leone: A review of the proposed draft government policy", Budget Advocacy Network, May 2020, p. 3).

¹⁴⁴ Charlie Hughes, IRM Researcher, "Sierra Leone Progress Report 2016 – 2018", p. 31.

¹⁴⁵ For example, in its enacted budget for FY2020, the government reported that revenue lost to import GST and customs duty waivers amounted to Le 500 billion for the first three quarters of 2019 (see "Enacted Budget FY2020", Government of Sierra Leone, p. 11).

¹⁴⁶ "Import duty and tax exemptions in Sierra Leone: A review of the proposed draft government policy", Budget Advocacy Network, May 2020, p. 6.

4. Beneficial Ownership

Main Objective

Beneficial Ownership disclosure or Transparency has become a growing interest at global and national levels. This interest not only focuses on corporate beneficial ownership information disclosure but also seeks to expose conflict of interest among public office holders otherwise known as Politically Exposed Person (PEPs). It derives from the need to trace criminals who hide their identities behind corporate structures to defraud countries through corruption, tax evasion, undue favoritism, money laundering and illicit financial flows.

Milestones

- 4.1 Implement Recommendations 1, 2 and 4 in the Sierra Leone Extractive Industries Transparency Initiative Report on Legal and Institutional Review of Beneficial Ownership Disclosure in Sierra Leone.
 - Recommendation 1: Amend the Companies Act (2009) to include beneficial ownership disclosure requirements for all corporate entities, including mining, oil and gas companies
 - Recommendation 2: Put the Corporate Affairs Commission (CAC) in charge of administering beneficial ownership disclosure requirements for all corporate entities, including mining, oil and gas companies
 - Recommendation 4: Arrange technical assistance and capacity building for the CAC, SLEITI, NMA, and Petroleum Directorate to strengthen beneficial ownership information collection and verification processes
- 4.2 Compile and make publicly available (including online) a Comprehensive Beneficial Ownership Register

Editorial Note: For the complete text of this commitment, please see Sierra Leone’s action plan at (<https://bit.ly/3bPiqwh>).

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Moderate

Commitment Analysis

This commitment aims to strengthen beneficial ownership disclosure, and expose conflicts of interests among politically exposed persons.¹⁴⁷ Lack of beneficial ownership information can facilitate corruption, tax evasion, money laundering, and illicit financial flows.¹⁴⁸ The Panama Papers, for example, recently revealed that the opacity of corporate shareholding in Sierra Leone’s largest diamond mine facilitated the undervaluation of diamonds that cost the country millions in tax revenues.¹⁴⁹ Conversely, the availability of beneficial ownership information enables a state and its citizenry to know whether the ultimate controllers and financiers of a project have a track record of project success and social and environmental responsibility, and whether there is a real plurality of actors in a sector, not an oligopoly or monopoly.¹⁵⁰

¹⁴⁷ Sierra Leone’s OGP Action Plan, 2019–2021, Open Government Partnership, p. 18, <https://bit.ly/3bPiqwh>.

¹⁴⁸ “Beneficial ownership roadmap 2016–2020”, Sierra Leone Extractive Industries Transparency Initiative (SLEITI), p. 2.

¹⁴⁹ Mathew Nyaungwa, “Panama Papers: Steinmetz undervalues Sierra Leone diamonds”, *Rough Polished*, 21 April 2016, <https://www.rough-polished.com/en/news/102278.html>.

¹⁵⁰ “Beneficial ownership roadmap 2016–2020”, Sierra Leone Extractive Industries Transparency Initiative (SLEITI), p. 2.

Commitment 4 focuses on strengthening beneficial ownership in Sierra Leone by amending the Companies Act, 2009; putting the Corporate Affairs Commission in charge of administering beneficial ownership disclosure requirements; establishing a publicly-accessible online Comprehensive Beneficial Ownership Register; and arranging technical assistance and capacity building.

This commitment is relevant to the OGP value of access to information, as it will make previously unavailable government-held information on beneficial ownership accessible in the public domain.

At the time the commitment was designed, Sierra Leone's Companies Act, 2009 made no reference to beneficial ownership disclosure requirements. The 2018 Corporate Governance Code requires beneficial ownership information disclosure to the CAC,¹⁵¹ but operates on a "comply or explain" model. If a company refuses to comply with the beneficial ownership requirements, the CAC had no 'teeth' to enforce compliance.¹⁵² As a member of the Extractives Industry Transparency Initiative (EITI), Sierra Leone is bound by the 2016 EITI Standard, which requires member states to disclose beneficial ownership information in their mining, oil, and gas companies by 1 January 2020. In 2017, Sierra Leone EITI (SLEITI) prepared a roadmap detailing the steps to be taken to implement full beneficial ownership disclosure in the mining, oil, and gas sector.¹⁵³ An independent legal and institutional review of beneficial ownership in Sierra Leone, however, cautioned against a piecemeal approach and recommended amending the Companies Act, 2009 to include beneficial ownership disclosure requirements for all corporate entities.¹⁵⁴

If fully implemented as written, the potential impact of this commitment will be moderate. The commitment is verifiable, with clearly identifiable and measurable milestones and activities. Making beneficial ownership information disclosure mandatory builds on the normative framework already established by the Corporate Governance Code. However, requiring the establishment of a publicly-accessible online Comprehensive Beneficial Ownership Register represents a change from existing practices. However, the commitment remains limited in scope by failing to expressly address public disclosure of information on the shareholding of PEPs.

¹⁵¹ According to the 2018 Corporate Governance Code, all organizations regulated by the CAC must set out all the beneficial owners of that organization in the annual report, and at the point of incorporation or submission of annual returns. The beneficial ownership section must include information on state-owned enterprises and politically exposed shareholders, regardless of the level of shareholding (*National Corporate Governance Code*, Sierra Leone, 2018, p. 17).

¹⁵² Ms. Michala MacKay, former CEO and Registrar of the Corporate Affairs Commission, interview with IRM researcher conducted on 11 June 2020.

¹⁵³ "Beneficial ownership roadmap 2016–2020", Sierra Leone Extractive Industries Transparency Initiative (SLEITI), p. 2. The country became a member of the Extractives Industry Transparency Initiative (EITI) in 2008. It has made "meaningful progress" in complying with the EITI Standard, publishing its latest EITI report in December 2019.

¹⁵⁴ Alexandra Readhead, "Beneficial ownership disclosure in Sierra Leone: A legal and institutional review", <https://eiti.org/document/beneficial-ownership-disclosure-in-sierra-leone-legal-institutional-review>.

5. Access to Information

Main Objective

Increase the right to access information for all Sierra Leoneans: Access to Information, as defined by OGP's Access to Information Working Group Plan 2015, is established on the foundation that public information is a crucial component to open government, and "therefore a focus must be placed on enhancing the capacities of both institutions and society to identify, publish and disseminate useful information." The plan also communicated access to information as a staple of OGP's principles that when utilized, "is crucial to addressing the most pressing social needs, solving public problems, and improving the effectiveness of government institutions."

This commitment therefore will improve:

- Proactive Disclosure of information held by public authorities
- Improved access to information for women and girls
- Timely and accurate reporting on the sustainable development goals indicators and the national agenda through open data
- Effectiveness of public institutions by strengthening the whole of government and multiple stakeholders

Milestones

- 5.1 The Right to Access Information Commission to prepare annual and special reports on women's right of access to information to the Government of Sierra Leone, UN and Regional Special Rapporteurs, Working Groups, and Independent Experts
- 5.2 20 Public Authorities develop, identify and proactively disclose information and data sets meaningful for women
- 5.3 20 Public Authorities should place information in spaces accessible to all women through modes and means (language, formats, presentation, simplified language) that allow women to access and use the information, particularly marginalized women
- 5.4 60 Ministries, Department and Agencies to identify and produce a designation of public employees to serve as Public Information Officers
- 5.5 60 Ministries, Department and Agencies to adopt internal rules on freedom of information, and include access to information budget lines in their annual national budgets
- 5.6 Improve access to data held by the Finance, Education, Health, Agriculture and Climate sectors through the Open Data Portal
- 5.7 60 Ministries, Departments and Agencies and 10 Civil Society produce a proactive Disclosure scheme
- 5.8 Develop and ratify an Open Data Policy for Sierra Leone

Editorial Note: For the complete text of this commitment, please see Sierra Leone's action plan at (<https://bit.ly/3bPiqwh>).

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Minor

Commitment Analysis

This commitment aims to upscale proactive disclosure of information held by public authorities, specifically focusing on improved access to information for women and girls and timely and accurate reporting on the Sustainable Development Goals.¹⁵⁵ Despite a colonial legal legacy that restricted or censured the disclosure of information, Sierra Leone has endorsed access to information as a key element of open government, and has recognized the significance of a well-functioning data ecosystem.¹⁵⁶ However, despite a mandatory legal provision, proactive disclosure of government-held information is limited and only a handful of Ministries, Departments, and Agencies (MDAs) have developed proactive publication schemes.¹⁵⁷

Further, in Sierra Leone women are often excluded from the flow of information. For example, during the 2014–2016 Ebola outbreak, the lack of sex-disaggregated data and access to acceptable healthcare information compounded existing gender inequalities in a context where women were more susceptible to infection as a result of their traditional caregiving roles.¹⁵⁸ Specific issues that are exacerbated by women and girls' limited access to information include unemployment and underemployment,¹⁵⁹ gender-based violence, access to education,¹⁶⁰ access to justice,¹⁶¹ maternal and child health, and the participation of women in political and economic institutions. Many stakeholders in Sierra Leone are working on gender-based issues, but information is often fragmented and not easy to reuse.¹⁶² Finally, Sierra Leone's participation in the Global Partnership for Sustainable Development Data initiative underscored that notwithstanding a number of activities and national strategies, a lot of work still lay ahead to realize the “data revolution” necessary to track achievement of the SDGs.¹⁶³

The commitment tackles limited proactive disclosure and the lack of a gendered access to information lens through a three-pronged strategy. It focuses firstly on measures to strengthen internal systems and processes in MDAs (and even a small number of civil society organizations), such as assistance in developing proactive publication schemes, appointing public information officers, adopting internal rules, and including access to information budget lines. Secondly, it requires a limited number of public authorities (20) to focus on producing and proactively disclosing datasets meaningful to women, and making information more accessible to women. It also mandates the Right of Access Information Commission (RAIC) to prepare annual and special reports on women's right of access to information from the government and a variety of international oversight institutions. Thirdly, it seeks to advance the open data agenda by adding datasets on finance, education, health, agriculture, and climate to the existing Open Data Portal, and developing and ratifying an open data policy.

This commitment is relevant to the OGP value of access to information, as it will strengthen the institutional mechanisms for proactive disclosure of information on the part of government and civil society, and add to the datasets already available on the Open Data Portal. It also calls upon some public authorities to expand the modes, means, and spaces for making information accessible to women.

At the time the commitment was designed, colonial-era laws (in particular, the Official Secrets Act, 2011 and the Public Order Act, 1965) remained in force. However, the Right to Access Information Act, 2013 made the proactive disclosure of 22 classes of information mandatory,¹⁶⁴ and obligated all public authorities to adopt a publication scheme for approval by the RAIC.¹⁶⁵ By 2018/2019, ten MDAs had developed publication schemes with funding assistance from the World Bank.¹⁶⁶ In 2016, Sierra Leone established an Open Data Council,¹⁶⁷ completed an Open Data Readiness Assessment, and acceded to the International Open Data Charter.¹⁶⁸

¹⁵⁵ Sierra Leone's OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

¹⁵⁶ *Open Data Readiness Assessment: Prepared for the Government of Sierra Leone*, 2016.

¹⁵⁷ Ms. Yeama Thompson, former commissioner of the Right to Access Information Commission, interview with IRM researcher conducted on 30 July 2020. According to the OGP national action plan, ten MDAs developed publication schemes through a World Bank-funded Public Financial Management Integrated Consolidated Project. See Sierra Leone's OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

If fully implemented as written, the potential impact of this commitment will be minor. The commitment will be an incremental but positive step to improve the extent of proactive disclosure, as it will expand the number of MDA proactive publication schemes six-fold and strengthen internal systems. It will also serve as an incremental and positive step to address women's lack of access to information by mandating 20 MDAs to produce datasets meaningful to women and improving the modalities by which women access information. However, the commitment does not engage citizens, particularly women, in implementing access to information efforts. It therefore misses out on a critical opportunity to leverage civic participation for impactful and comprehensive access to information reform.

The commitment is verifiable but lacks specificity. A strong implementation plan should specify (i) which MDAs will be targeted for proactive publication support measures (ii) which MDAs will be responsible for improving women's access to information (iii) who is responsible for developing the Open Data Policy (iv) and clarify what are the 'spaces' in which women will have improved access information. Additionally, the plan should (v) outline expectations around data quality and the level of data disaggregation as well as (vi) how MDAs will collaborate and generate interoperable data.

Successful implementation should also include ongoing public participation, and ensure that reports ultimately inform good policymaking. The government should work with citizens to identify data needs, possible synergy between citizen-generated and government data, and the need for training on data use, capacity, and literacy. Particular attention should be given to empowering women to actively participate in identifying their data needs and forms of access. Reports on women's access to information that result from the commitment should be used to inform gender-aware data policy.

¹⁵⁸ Anjali Manivannan, "Gender inequalities in access to information about Ebola as gender-based violence", 22 Jun 2015, <https://harvardhrj.com/2015/06/gender-inequalities-in-access-to-information-about-ebola-as-gender-based-violence/>.

¹⁵⁹ *Measuring National Priorities for Post-2015 in Sierra Leone Post-2015 Data Test: County-Level Experiences*, Southern Voice, p. 19. Unemployment and underemployment are especially high among women, who would benefit from access to information on small enterprise development and access to microcredit.

¹⁶⁰ The participation of girls in Sierra Leone's secondary school system is a long-standing concern (see Commitment 2). Women and girls would benefit from access to information on school feeding programs, the distribution of uniforms, and the provision of school buses for children. See *Measuring National Priorities for Post-2015 in Sierra Leone Post-2015 Data Test: County-Level Experiences*, Southern Voice, p. 30.

¹⁶¹ Women have faced barriers to accessing justice provided by informal customary justice providers and the formal courts due to discrimination, lack of information, and lower education levels. See *Measuring National Priorities for Post-2015 in Sierra Leone Post-2015 Data Test: County-Level Experiences*, Southern Voice, p. 62.

¹⁶² *Open Data Readiness Assessment: Prepared for the Government of Sierra Leone*, 2016, p. 104. Setting up a pilot project to achieve gender equality and empower women and girls was therefore expressly proposed.

¹⁶³ In particular, it was noted that Sierra Leone needs to foster a whole-government and multistakeholder approach; increase data use, capacities, and literacy; create a vibrant data ecosystem (linking official statistics, administrative data, citizen-generated data, and earth observation data); improve data quality in terms of disaggregation and collection; and source adequate funding for a coordinated SDG data roadmap. See "Data revolution roadmaps for sustainable development Multi-stakeholder National Workshop (Sierra Leone)", Global Partnership for Sustainable Development Data, 14–15 June 2016, <https://drive.google.com/file/d/0B9NgUfNqOEoqMENHWmNtcF9kRlk/view>.

¹⁶⁴ Section 8(1) of the Right to Access Information Act, 2013 sets out the classes of information that form the core proactive publication obligations of every public authority.

¹⁶⁵ Section 8(2) Right to Access Information Act, 2013. A publication scheme must set out the classes of records the authority will publish on a proactive basis and the manner of publishing such records. The scheme must be widely disseminated, including on the authority's website.

¹⁶⁶ Ms. Yeama Thompson, former commissioner of the Right to Access Information Commission, interview with IRM researcher conducted on 30 July 2020. See also Sierra Leone's OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

¹⁶⁷ "Datasets", Open Data Sierra Leone, <https://www.opendata.sl.gov.sl/search/type/dataset>. The Open Data Portal was relaunched in March 2017, and currently houses 131 datasets on topics ranging from healthcare and education to socio-demographics, energy and power, and the economy.

¹⁶⁸ *Data Roadmaps for Sustainable Development: Assessment and Lessons Learned*, Global Partnership for Sustainable Development Data, December 2017, p. 20.

6. Gender

Main Objective

To advance gender equality and the empowerment of all women and girls in Sierra Leone. This commitment seeks to minimize incidences of GBV in the country and strengthen the mechanisms that protect women and children; improve women's human rights by enhancing their access to justice through improved knowledge of their rights, legal reforms and enhancement of the capacity of law enforcement agencies; improve Sierra Leonean women's access to political leadership and decision-making at all levels; encourage sectorial ministries to ensure the integration of gender-oriented goals into fiscal policies, processes and programmes and meaningful resource allocation focusing on women's needs.

Milestones

- 6.1 Cabinet reviews and adopts Gender Equality and Women's Empowerment Policy
- 6.2 Parliamentary approval of the Gender Equality and Women's Empowerment Policy
- 6.3 Review the draft Gender Equality and Women's Empowerment Bill
- 6.4 Parliament passes the Gender Equality and Women's Empowerment Act
- 6.5 Availability of gender disaggregated data by district (health, agriculture, education)

Editorial Note: For the complete text of this commitment, please see Sierra Leone's action plan at (<https://bit.ly/3bPiqwh>).

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Civic participation, Access to Information, Public Accountability
Potential impact:	Moderate

Commitment Analysis

This commitment aims to advance gender equality and the empowerment of all women and girls in Sierra Leone, with a specific focus on reducing gender-based violence (GBV), enhancing women's access to justice, improving women's access to political leadership and decision-making, and encouraging gender mainstreaming into sectoral programs.¹⁶⁹

According to the 2015 Population and Housing Census, women and girls make up 50.8 percent of the population in Sierra Leone.¹⁷⁰ However, despite significant efforts on the part of government, donors, and civil society, gender discrimination and inequality remains deeply entrenched. In the 2018 Gender Inequality Index, Sierra Leone ranked 153 out of 162 countries, with the indicators for reproductive health, empowerment, and economic activity ranking below the average for Sub-Saharan Africa.¹⁷¹ A number of factors contribute to the continued disempowerment of women and girls, including cultural practices, discriminatory legislation,¹⁷² low literacy levels, economic disempowerment, and low levels of representation in decision-making structures and leadership positions.¹⁷³ The commitment responds to the challenge of continuing gender inequality and disempowerment by focusing squarely on the development of a Gender Equality and Women's

¹⁶⁹ Sierra Leone's OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

¹⁷⁰ Medium-Term National Development Plan, Sierra Leone, 2019–2023, p. 136, <http://www.moped.gov.sl/wp-content/uploads/2019/03/Medium-Term-National-Development-Plan-Volume-1.pdf>.

¹⁷¹ "Inequalities in development in the 21st century: Briefing note for countries on the 2019 Human Development Report: Sierra Leone", UNDP, p. 5, http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/SLE.pdf.

¹⁷² For example, the Chieftancy Act, 2009 prohibits a woman from becoming a Paramount Chief.

¹⁷³ Mr. Charles Vandi, Director of Gender, Ministry of Gender and Children, response to IRM Researcher questionnaire, 20 June 2020.

Empowerment (GEWE) Policy and a Gender Equality and Women’s Empowerment Act. It also seeks to make gender disaggregated data available per district.

This commitment is relevant to the OGP value of access to information, as it will make gender disaggregated data available for the first time. It is also relevant to civic participation, as the act will take affirmative action to ensure equal participation of women in government. Finally, the commitment is relevant to public accountability, as the act will establish policy and legal interventions to support women’s access to justice and grievance redress mechanisms.

At the time of the design of the commitment, Sierra Leonean women continued to experience unequal access to education, training, employment opportunities, financial resources, and land, and remain significantly absent in decision-making and leadership positions in public, private, and customary institutions.¹⁷⁴ Only 19.9 percent of the female population has had at least some access to secondary education (compared to 32.9 percent for males), and only 12.3 percent of parliament seats are taken by females (the average for Sub-Saharan Africa is 23.5 percent).¹⁷⁵ The maternal mortality ratio of 1,360 pregnancy-related deaths for every 100,000 births is more than double the regional average.¹⁷⁶ Gender-based violence (GBV) takes various forms (sexual, physical, psychological, economic, structural, and harmful traditional practices), but because it remains grossly under-reported (as a result of fear, stigma, ostracism, and weak and inconsistent support mechanisms), trends are difficult to determine.¹⁷⁷

Over the last three decades, the government has attempted to promote gender equality through institutional mechanisms,¹⁷⁸ access to key international and regional normative frameworks,¹⁷⁹ policy development,¹⁸⁰ and legislative reforms.¹⁸¹ Recent achievements include enactment of the Sexual Offences Act, 2012 and the Sexual Offences (Amendment) Act, 2019, which defined the offense of rape for the first time, and increased the maximum penalty for rape from fifteen years to life imprisonment;¹⁸² a presidential declaration of a State of Emergency on rape and sexual violence in February 2019 (triggering the amendment to the Sexual Offences Act); the establishment of the Ministry of Gender and Children’s Affairs in November 2019; and identifying empowering women, children, and persons with disabilities as a distinct cluster in the Medium-Term National Development Plan 2019–2023.¹⁸³ A gender statistician has also been assigned to the Ministry of Gender and Children’s Affairs to assist other ministries in creating disaggregated sectoral gender data.¹⁸⁴

¹⁷⁴ *Draft Gender Equality and Women’s Empowerment Policy*, Government of Sierra Leone, 2020, p. 4.

¹⁷⁵ “Inequalities in development in the 21st century: Briefing note for countries on the 2019 Human Development Report: Sierra Leone”, UNDP, p. 5, http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/SLE.pdf.

¹⁷⁶ “Inequalities in development in the 21st century: Briefing note for countries on the 2019 Human Development Report: Sierra Leone”, UNDP, p. 5, http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/SLE.pdf.

¹⁷⁷ *Draft Gender Equality and Women’s Empowerment Policy*, Government of Sierra Leone, 2020, p. 12.

¹⁷⁸ For example, establishing the Women’s Bureau in 1988 and the Ministry of Gender and Children’s Affairs in 1996.

¹⁷⁹ Sierra Leone has signed and ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child, and African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (aka Maputo Protocol).

¹⁸⁰ For example, the National Policy on Gender Mainstreaming (2000), the National Policy on the Advancement of Women (2000), and the National Gender Strategic Plan 2010–2014.

¹⁸¹ Examples include the Domestic Violence Act 2007, the Devolution of Estates Act 2007, the Registration of Customary Marriage and Divorce Act 2009, and the Child Rights Act 2007.

¹⁸² Sierra Leone’s OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

¹⁸³ Medium-Term National Development Plan, Sierra Leone, 2019–2023, pp. 136–138, <http://www.moped.gov.sl/wp-content/uploads/2019/03/Medium-Term-National-Development-Plan-Volume-1.pdf>.

¹⁸⁴ Ms. Marcella Samba-Sesay, Civil Society Chair of the OGP Steering Committee interview with IRM researcher conducted on 20 June 2020.

The GEWE policy will serve as the lawful reference point for addressing gender inequalities at national and community levels and within family units. Based on equal access for women, men, boys, and girls to opportunities across all areas of the economy, it identifies 13 priority areas affecting the realization of gender equality and women's empowerment.¹⁸⁵ The policy further identifies and clarifies the roles and responsibilities of institutions that comprise the Gender Management Structure¹⁸⁶ to ensure that the gender perspective is mainstreamed in national development plans, sectoral policies, and strategies.¹⁸⁷ A comprehensive set of 58 indicators across the 13 priority areas will be used to monitor and evaluate implementation.¹⁸⁸ The policy requires the Ministry of Gender and Children's Affairs to establish a mechanism for annual, national reporting to ensure regular and systematic follow-up and review of progress made in implementing the GEWE policy.¹⁸⁹

If fully implemented as written, the potential impact of this commitment is likely to be moderate. The commitment is verifiable, although the milestone dealing with gender disaggregated data lacks specificity. (It is not clear who should take the lead in providing gender disaggregated data, or how such information will be made available.) The commitment represents a step forward in gender equality, as it addresses gaps in the existing policy and legislative framework. These include the affirmation of women's equal rights, dealing with GBV, women's access to justice and access to leadership positions and political decision-making. The commitment remains limited in scale, however, as the enactment of policy and legislation will not necessarily lead to enhanced access to information, civic participation, and public accountability for women. The commitment does not provide further details on the content of the proposed Gender and Equality and Women's Empowerment Policy and Act, and it is unclear whether the proposed interventions will address important factors contributing to women's disempowerment, such as cultural practices, economic disempowerment, and low literacy levels.

¹⁸⁵ The 13 priority areas are: gender, education and training; gender, trade, employment, economic development, and social protection; gender-based violence; gender, decision-making, and political leadership; gender, health, sexual and reproductive health, and HIV/AIDS; gender, the environment, and disaster management; gender, media, and access to information, and communication technologies and innovations; gender, disabilities, and other forms of social inequities; gender, legal justice, and human rights; gender, culture, and family; gender, peace-building, and conflict resolution; gender responsive budgeting; and building women's capacity, leadership, and resilience to cope with humanitarian disasters.

¹⁸⁶ See section 5.2.14 of the GEWE policy.

¹⁸⁷ *Draft Gender Equality and Women's Empowerment Policy*, Government of Sierra Leone, 2020, p. 4.

¹⁸⁸ See Chapter 6 of the GEWE policy.

¹⁸⁹ *Draft Gender Equality and Women's Empowerment Policy*, Government of Sierra Leone, 2020, p. 51.

7. Open Parliament

Main Objective

The commitment entails action that will enable Parliament to become more open and transparent to its citizens and effectively collaborate with other actors in dispensing its functions as enshrined in the Constitution of Sierra Leone.

Outcome 1: More open, responsive democratic institution with increased civil society's engagement, the following are expected progress markers:

- Parliament working group commits to conduct oversight on the implementation of the National Action Plan
- Parliament implement and monitor the developed mechanisms for citizens' participation in the legislative and budgeting process.
- Parliament to produce annual reports on all its activities in an accessible format (including special needs group) and publish in the parliamentary website.
- Parliament to hold consultations and hearings with civil society organizations on the budgeting process, implementation, critical public policy issues and the Auditor General's Report for constructive inputs and feedback.

Outcome 2: Greater access and inclusion of women and marginalized groups and informal political participation, the following are expected progress markers:

- Develop a Gender and Equity Compliance Checklist that will be utilized by Government functionaries including political parties.
- Percentage increase in women and members of marginalized groups contesting for leadership positions in formal political institutions in Sierra Leone
- Parliament to assess budgeting allocation and approval based on the submission of Gender and Equity Compliance Certificate to ascertain that such body meets the benchmarks set justifying the level of accessibility and benefit received by marginalized groups through government programmes.

Milestones

- 7.1 Updating of the parliamentary Annual Performance Plan to enhance citizens' engagement in the business of Parliament (Legislature and oversight)
- 7.2 Institute half yearly platform for CSO and Parliament to interact on various national issues
- 7.3 Establish and train OGP working group to act as Parliamentary champions to ensure parliamentary openness and access to information
- 7.4 Parliament shall develop annual report and ensure proactive publication of these materials to the public in an accessible format
- 7.5 Access to parliament for persons with disability through a provision of a ramp and sign language interpretation (for major debates) to ensure all citizens are given due consideration in terms of availability of space, safety and protocols
- 7.6 Parliament shall erect a service charter in 5 strategic locations and use of other media platforms (online, radio, TV) to enhance public knowledge on their mandates and services

Editorial Note: For the complete text of this commitment, please see Sierra Leone's action plan at (<https://bit.ly/3bPiqwh>).

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Civic participation, Access to Information
Potential impact:	Moderate

Commitment Analysis

This commitment aims to open Parliament by increasing access to information and strengthening mechanisms for civic participation, with a particular focus on women and marginalized groups.¹⁹⁰ Sierra Leone is a democracy with a parliament consisting of 132 Members of Parliament (MPs), elected on the basis of the first-past-the-post system. However, the platforms for citizens to engage in the work of Parliament to support openness, transparency, and accountability are currently very limited. For example, Sierra Leone's participation in initiatives such as the Open Budget Survey have confirmed that opportunities for public participation in legislative components of the budgetary process in Sierra Leone are low, with no or very little public participation during the approval and implementation stages.¹⁹¹ The lack of mechanisms for participative democracy disproportionately impacts women, as women's voices are already underrepresented in Parliament (only 12.3 percent female seats in 2018, the comparative average for Sub-Saharan Africa is 23.5 percent).¹⁹² The lack of platforms for civic engagement also hampers the Sierra Leonean Parliament from playing a key role in the OGP process.¹⁹³

The commitment seeks to open Parliament by developing instruments that provide information on, and account for the work of, Parliament (updating the Annual Performance Plan, publishing an annual report in an accessible format, and publicizing a Parliamentary Service Charter); establishing a standing platform for CSO-parliamentary engagement; making the physical parliamentary space more accessible for persons with disabilities; and training an OGP parliamentary working group to serve as an institutional mechanism to promote OGP values in Parliament.

This commitment is relevant to the OGP value of access to information, as it provides for open access to previously unavailable information on the Sierra Leone Parliament in the form of the Parliamentary Service Charter and the annual report. It is also relevant to the OGP value of civic participation, as a standing platform for CSO-parliamentary engagement and making the parliamentary space more accessible for persons with disabilities enhances opportunities for citizens to have their voices heard.

At the time of the design of the commitment, Sierra Leone's 1991 Constitution did not provide for civic participation mechanisms over and above the direct election of MPs. For example, while the Constitution prescribes a variety of Standing Committees, whose function it is to oversee the activities and administration of Ministries, Departments, and Agencies,¹⁹⁴ there is no provision for citizens or CSOs to make submissions to, or appear before such parliamentary committees. There was also limited disclosure of the business of Parliament, which contributed to a misunderstanding of the role of MPs.¹⁹⁵

If fully implemented as written, the potential impact of this commitment is likely to be moderate. The commitment is verifiable, but fails to identify milestones necessary for achieving the second outcome of ensuring greater access and inclusion of women and marginalized groups. The commitment represents a step forward in opening Parliament, as the baseline for access to information and civic participation is currently low.¹⁹⁶ However, it remains limited in scale and scope for the following reasons:

¹⁹⁰ Sierra Leone's OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

¹⁹¹ "Open Budget Survey 2019: Sierra Leone", International Budget, <https://www.internationalbudget.org/open-budget-survey/country-results/2019/sierra-leone>.

¹⁹² "Inequalities in development in the 21st century: Briefing note for countries on the 2019 Human Development Report: Sierra Leone", UNDP, p. 5, http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/SLE.pdf.

¹⁹³ Sierra Leone's OGP Action Plan, 2019–2021, Open Government Partnership, <https://bit.ly/3bPiqwh>.

¹⁹⁴ Section 93.1, Constitution of Sierra Leone, 1991.

¹⁹⁵ Ms. Marcella Samba-Sesay, Civil Society Chair of the OGP Steering Committee, interview with IRM researcher conducted on 20 June 2020.

¹⁹⁶ Ms. Marcella Samba-Sesay, Civil Society Chair of the OGP Steering Committee, interview with IRM researcher conducted on 20 June 2020.

- There is no commitment to the open publication of the Parliamentary Annual Performance Plan.
- Publication of the annual report and Parliamentary Service Charter will not necessarily lead to greater civic participation.
- Other than the half-yearly platforms for CSO-parliamentary engagement, there is no commitment to reforming the operational space of Parliament to promote substantive citizen engagement with the budgetary and legislative processes. Such reforms could include, for example, publication of the status of all bills currently before the Parliament and their status, provision for citizens to make formal comments on draft legislation, opportunities for citizens to make submissions to and appear before Standing Parliamentary Committees, and publication of the minutes of Standing Committees.
- It is not clear how the parliamentary OGP working group will interact with the OGP Steering Committee to serve as “parliamentary champions” of the OGP process.

8. Records and Archives Management

Main Objective

This commitment is geared towards ensuring that Sierra Leone has a law on Archives and Records management which will support the implementation of the Right to Access Information.

Milestones

- 8.1 Cabinet approval of Records Management Policy
- 8.2 Cabinet approval of the draft National Archives and Records Management Bill
- 8.3 Parliament debates and passes the National Archives and Records Management Bill into law

Editorial Note: For the complete text of this commitment, please see Sierra Leone’s action plan at (<https://bit.ly/3bPiqwh>).

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Moderate

Commitment Analysis

This commitment aims to support the Right of Access to Information Act, 2013 by ensuring Cabinet Approval of a Records Management Policy and Bill, and parliamentary enactment of the National Archives and Records Management Act. The effective implementation of the Right of Access to Information Act, 2013 depends on a records management system that allows for the efficient storage, retrieval, and disclosure of information. In 2014, the Public Sector Reform Unit of the Government of Sierra Leone undertook a capacity and needs assessment of records management in the Sierra Leone public service.¹⁹⁷ The assessment recognized that the Public Archives Act, 1965 was wholly inadequate on a number of grounds: The Act refers to “archives,” and does not accommodate records in current or semi-current use by Ministries, Departments, and Agencies; it does not recognize records in formats other than paper, and accordingly, does not provide for the particular vulnerabilities of electronic records (unauthorized access, deletion, or amendment); and it does not establish a centralized office.¹⁹⁸ The current legal framework therefore fails to facilitate an operational environment for records management conducive to supporting the right to information.¹⁹⁹

Ensuring that Sierra Leone has a law on archives and records management that supports the Right of Access to Information Act was the focus of commitments in both the first and second national action plan. The current commitment responds to the problem of inadequate records management for the right to information by continuing to focus on the enactment of a Records Management Policy and Law.

¹⁹⁷ *Capacity and Needs Assessment of Records Management in the Sierra Leone Public Service*, Government of Sierra Leone, Public Sector Reform Unit, June 2014.

¹⁹⁸ *Capacity and Needs Assessment of Records Management in the Sierra Leone Public Service*, Government of Sierra Leone, Public Sector Reform Unit, June 2014 p. 41.

¹⁹⁹ Ms. Yeama Thompson, former commissioner of the Right to Access Information Commission, interview with IRM researcher conducted on 30 July 2020; Ms. Marcella Samba-Sesay, Civil Society Chair of the OGP Steering Committee, interview with IRM researcher conducted on 20 June 2020.

The commitment is relevant to the OGP value of access to information, as it strengthens the right to information by addressing the need for proper management of current, semi-current, and archived records. Without such management systems, it will be impossible for the Right to Access Information Commission to grant information requests for government records.

At the time the commitment was designed, a draft Records Management policy²⁰⁰ had already been developed, and a draft National Archives and Records Management Bill had already been published in the Government Gazette.²⁰¹ The Act provides for the establishment of a National Records and Archives Department responsible for ensuring that public entities follow good record management practices²⁰² and for establishing records centers in three regions.²⁰³ The Act also provides for the establishment of a National Records and Archives Advisory Board, which must include a representative from civil society linked to archive and records management, alongside a host of government stakeholders.²⁰⁴ The draft policy and Bill both recognize the link between records management and the right to information. The key policy statement of the draft Records Management policy, for example, is that the effective and efficient management of public and judicial records must (amongst other objectives) “promote public access to information.”²⁰⁵ One of the desired outcomes of the policy is that “public offices are able to comply with the Right to Access Information Act, 2013.”²⁰⁶ The draft National Archives and Records Management Bill establishes a National Records and Archives Department, which is specifically tasked with ensuring compliance with the requirements of the Right of Access to Information Act, 2013.²⁰⁷ Parliament was expected to pass the Bill in 2018, however this did not transpire.

If fully implemented as written, the potential impact of this commitment is likely to be moderate. The commitment is verifiable, with clearly identifiable and measurable milestones and activities. While some stakeholders viewed the commitment as likely being transformative,²⁰⁸ the commitment is coded as moderate, because while this long-awaited policy and legislative framework for records management in Sierra Leone represents a major step forward, the enactment of legislation will not on its own ensure that records are properly managed to promote public access to information.

²⁰⁰ *Government of Sierra Leone Records Management Policy* (version 1.1). A copy of the draft Records Management Policy is on file with the IRM Researcher.

²⁰¹ Charlie Hughes, IRM Researcher, “Sierra Leone Progress Report 2016 – 2018”, p. 42. A copy of the Draft Bill for National Records and Archives is on file with the IRM Researcher.

²⁰² Section 5(1), draft Bill for National Records and Archives.

²⁰³ Section 6(1), draft Bill for National Records and Archives.

²⁰⁴ Section 7, draft Bill for National Records and Archives.

²⁰⁵ *Government of Sierra Leone Records Management Policy* (version 1.1) p. 8.

²⁰⁶ *Government of Sierra Leone Records Management Policy* (version 1.1) p. 8.

²⁰⁷ Section 6(1)(f), draft Bill for National Records and Archives.

²⁰⁸ Ms. Yeama Thompson, former commissioner of the Right to Access Information Commission, interview with IRM researcher conducted on 30 July 2020; Ms. Marcella Samba-Sesay, Civil Society Chair of the OGP Steering Committee, interview with IRM researcher conducted on 20 June 2020.

V. General Recommendations

This section aims to inform the development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country, and 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Five Key Recommendations

The National Council for Civic Education and Development (NaCCED) steered a re-invigorated and re-focused national action plan co-creation process. The gains of this process included a wide-ranging public awareness and consultation campaign and a streamlined multistakeholder OGP Steering Committee.

Recommendations for the next action plan's development process	
1	Formalize and publicize the OGP Steering Committee's collaborative mandate.
2	Establish an expanded OGP repository that includes reasoned responses to commitment selection.

To improve the co-creation process for the fourth action plan, the NaCCED should lead the process of developing formal terms of reference for the multistakeholder OGP Steering Committee and publicizing the remit, mandate, and governance structures of the Committee on the dedicated OGP website. To promote transparency and accountability, the monthly minutes of the OGP Steering Committee should also be posted on the website.

Sierra Leone is already implementing its third action plan, but other than information available on the international OGP website, there is no central document repository. While information on the co-creation process for the third national action plan (NAP III) was posted on NaCCED's Facebook page, the posts were buried amidst news of the NaCCED's other mandates. To provide an accurate historical record and access to all documents related to the national OGP process, the NaCCED should collect and publish a document repository for all the action plans developed and implemented to date on the national OGP website. The repository should include (but not be limited to) consultation documents, reasoned responses to commitment selection, national action plans, government self-assessments, IRM reports, and supporting documentation of commitment implementation, such as links to databases, evidence of meetings, and publications.

Recommendations for the next action plan's design	
1	Prioritize discussion around key national issues, such as citizen participation in the National Records and Archives Department.
2	Create a standing consultative platform on Open Government for Women.
3	Prioritize discussion around key national issues, such as a functioning anticorruption tracking instrument, whistleblower protection, and disclosure of anticorruption measures.

Recognizing the central importance of records management to access to information, the next action plan should strengthen civic participation in the operation of the National Records and Archives Department, following enactment of the National Records and Archives Bill. In the process of enacting the Bill, Parliament should consider expanding civil society representation on the National Records and Archives Advisory Board. In the next action plan, the Minister of Information and Communications should commit to an annual citizen's audit on the functioning of the National Records and Archives Department to promote public accountability and strengthen oversight of an institution critical to the open government project.

The third action plan has demonstrated a laudable commitment to gender equality by committing to the disclosure of datasets meaningful to women (Commitment 5), committing to the passage of a Gender and Women’s Empower Policy and Bill (Commitment 6), and facilitating the inclusion of women in the parliamentary process (Commitment 7). None of these commitments, however, highlight the importance of creating a platform for women’s voices in these interventions. To ensure that women are meaningfully contributing to decisions around open government, the NaCCED should establish a standing, multistakeholder consultative platform on Open Government for Women. This commitment would allow women’s voices to be heard on issues, such as which datasets should be made available based on the uses and needs of women, data literacies, impediments to women accessing information, overcoming challenges to participating in the political process, and identifying which cultural practices diminish women’s contribution to governance.

Corruption remains a significant problem in Sierra Leone, despite small recent gains in public perception (see Open Government Context). Anticorruption has not featured prominently in the third action plan, despite previous IRM recommendations. The Anti-Corruption Commission has been established for a number of years, yet it does not have a functional tracking system (hotline or web-based reporting) that allows whistleblowers to report corruption, no whistleblower protection, and no public disclosure of anticorruption initiatives. In the fourth action plan, the commission should establish a functioning anticorruption tracking instrument. The government should also commit to amending the Anti-Corruption Act, 2008 to provide for strong whistleblower protection against civil or criminal prosecution. The commission should enforce and publish declarations of wealth by state and public officials and metadata on anticorruption cases, such as details of complaints, cases investigated, cases forwarded for prosecution, and their outcome.

5.2 Response to Previous IRM Key Recommendations

Previous IRM Report Key Recommendations

Recommendation		Did it inform the OGP Process?
1	Harness the contribution of civil society beyond membership of the Steering Committee.	✓
2	Improve intergovernmental coordination of the OGP and regularly report on implementation of commitments.	✗
3	Consider including commitment on transparency of extractive industries, with the focus on disclosure of contracts.	✓
4	Consider commitments on citizen engagement in budget tracking and monitoring of public service delivery.	✗
5	Include commitments on enforcement of anticorruption measures.	✗

Of the five recommendations, the government partially integrated two in the action plan. By establishing social media platforms for broader civil society and media consultation, as well as undertaking regional consultations, the government harnessed the contribution of civil society to the OGP process beyond membership of the Steering Committee. The commitment to beneficial ownership in NAP III also partially addressed the need for transparency of the extractive industries, although the commitment did not extend to disclosure of contracts.

VI. Methodology and Sources

IRM reports are written in collaboration with researchers for each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Sierra Leone's OGP repository (or online tracker), website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations.

Each IRM researcher conducts stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reserves the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the prepublication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.

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Interviews and stakeholder input

The Sierra Leone Design Report was completed during the COVID-19 pandemic. Lockdown and international travel restrictions prevented the IRM researcher from travelling to Sierra Leone to conduct interviews with key stakeholders. All interviews and stakeholder input were therefore conducted electronically, using email and the Zoom meeting platform. The main challenges experienced were lack of responses to emails requesting meetings or input and stakeholders not attending scheduled electronic meetings. It was understood that most stakeholders were juggling a number of competing priorities as a result of needing to cope with the pandemic.

The following individual meetings with stakeholders took place:

- Ms. Martine Coppens, founder of Education for All, Sierra Leone, Zoom meeting, 10 June 2020;
- Mr. Benedict Jalloh, former director Access to Justice Law Centre, Zoom meeting, 8 June 2020;
- Ms. Hamida Jimmy, OGP Coordinator, Zoom meeting, 15 June 2020;
- Mr. Alhaji Bakar Kamara, former educator at Milton Margai, College of Education and Technology, Freetown, Zoom meeting, 9 June 2020;
- Mr Abu Kamara, coordinator, Budget Advocacy Network, Sierra Leone, Zoom meeting, 19 June 2020
- Ms Michala MacKay, former CEO and Registrar of the Corporate Affairs Commission, Zoom meeting, 11 June 2020
- Ms Marcella Samba-Sesay, Civil Society Chair of the OGP Steering Committee, Zoom meeting, 20 June 2020

²⁰⁹ "IRM Procedures Manual, V.3", Open Government Partnership, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

- Mr. Amara Sowa, National Programme Coordinator: Free Quality School Education, Zoom meeting, 12 June 2020;
- Mr. Kalilu Totangi, Chair of NaCCED and OGP point of contact, Zoom meeting, 15 June 2020;
- Mr. Charles Vandi, Director of Gender, Ministry of Gender and Children, email response to IRM questionnaire, 20 June 2020;
- Ms. Yeama Thompson, Former Commissioner, Right to Access Information Commission, Zoom meeting 30 July 2020.

Meeting requests were sent, or meetings were also scheduled with the following stakeholders:

- Mr. Emmanuel Saffa Abdulai, Society for Democratic Initiative;
- Mr. Mohamed Jalloh, Ministry of Information and Communications;
- Mr. Idrissa Kanu, Director Tax and Revenue Unit, Ministry of Finance;
- Dr. Philip Kargbo, Director Monitoring, Research and Planning, National Revenue Authority;
- Mr. Shahid Korjie, Acting Co-ordinator, Justice Sector Co-ordination Office;
- Ms. Cecilia Mattia, National Advocacy Coalition on Extractives;
- Ms. Maude Peacock, UN Women;
- Hon. Paran Umarr Tarawally, Clerk of Parliament;
- Mr. Emmanuel Turay, Ministry of Information and Communications.

A meeting with Mr. Ibrahim Tommy of the Centre for Accountability and Rule of Law was scheduled, but due to unforeseen circumstances on the part of the IRM Researcher this meeting did not take place.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

Current members of the International Experts Panel are:

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

A small staff based in Washington, DC, reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

Annex I. Commitment Indicators

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.

²¹⁰ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.²¹¹ A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: Do the written objectives and proposed actions lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment?
 - Specific enough to verify: Are the written objectives and proposed actions sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine relevance are:
 - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - Public Accountability: Will the government create or improve public-facing opportunities to hold officials answerable for their actions?
 - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the potential impact of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.

²¹⁰ "Open Government Partnership: Articles of Governance", OGP, 17 June 2019, <https://www.opengovpartnership.org/articles-of-governance/>.

²¹¹ "IRM Procedures Manual", OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

What makes a results-oriented commitment?

A results-oriented commitment has more potential to be ambitious and be implemented. It clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem rather than describing an administrative issue or tool? (E.g., “Misallocation of welfare funds” is more helpful than “lacking a website.”)
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan? (E.g., “26% of judicial corruption complaints are not processed currently.”)
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment’s implementation? (E.g., “Doubling response rates to information requests” is a stronger goal than “publishing a protocol for response.”)

Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria.

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **substantial** or **complete** implementation.

These variables are assessed at the end of the action plan cycle in the country’s IRM Implementation Report.