

Women's rights protection instruments ratified by Sierra Leone:

- **CEDAW:** ratified in 1988
- **CEDAW Protocol:** signed in 2000
- **Maputo Protocol:** signed in 2003

Ratify! While Sierra Leone has ratified the Convention on Elimination of all forms of Discrimination Against Women (CEDAW) without reservations, it has not yet ratified the Optional Protocol to CEDAW and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign remains particularly concerned by the following violations of women's rights in Sierra Leone: the persistence of discriminatory laws; violence against women; unequal status in marriage, family, and inheritance; unequal access to education, employment, decision-making, and property; and lack of access to health services.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of the Domestic Violence Act in 2007, criminalising domestic violence.
- The adoption of Registration of Customary Marriages and Divorce Act in 2007, which sets the legal age for marriage at 18, requires the consent of both parties to marriage and the registration of all marriages, empowers both spouses to acquire property and provides that gifts, payments, or dowries are non-refundable.
- The adoption of the Devolution of Estate Act in 2007, which requires property to be equally distributed between the deceased's spouse and children and criminalises expulsion of widows from their homes after the death of the husband.

/ But discrimination and violence persist

IN LAW

Sierra Leone has a plural legal system consisting of statutory, customary, and religious laws. The three bodies of law create contradictions and inconsistencies particularly in the areas of marriage and family law. A Commission was created in 2007 to eliminate discriminatory measures, however, discriminatory provisions remain widespread within each source of law.

STATUTORY LAWS

Constitution: Under section 27(4), the prohibition on discrimination does not apply with respect to adoption, marriage, divorce, burial, devolution of property on death, or other personal law issues.

Criminal Code: Abortion is criminalised. Several provisions discriminate against women with regard to their legal capacity. For example, a male juror must be over the age of 21, while a woman juror must be over the age of 39 (Criminal Procedure Act 1965, s.15).

CUSTOMARY AND RELIGIOUS LAWS

Islamic, Christian, and customary laws remain deeply discriminatory against women. In general, customary law governs matters of marriage, divorce, property and inheritance. For example:

Discrimination within the family: Under customary law, women must obtain parental consent to marriage. Although prohibited by statutory law, polygamy is authorised and widely practiced under customary and Islamic. Approximately 70% of marriages take place outside of statutory law and an estimated 43% of women between the ages of 15-49 are in polygamous unions.

According to customary law, women are considered perpetual minors. A woman cannot file a legal complaint without her husband's consent.

Violence: Customary law permits the physical chastisement of women. There is no minimum age for sexual intercourse and a minor's consent to sex is not required.

Inheritance and Property: Under customary law, a woman cannot inherit her deceased husband's property.

IN PRACTICE

• **Discrimination in the family**

Despite the adoption of the Child Rights Act and the Registration of Customary Marriages and Divorce Act in 2007, which set the legal age to marry at 18, early marriages continue to take place. In 2007, it was estimated that 62% of girls under the age of 18 were married.

• **Violence**

Despite the passage of the Domestic Violence Act in 2007, domestic violence against women remains widespread and is surrounded by a culture of silence, especially in the northern provinces.

Rape and sexual slavery were used as weapons of war during the civil war ending in 2002. In 2002, the government established a Truth and Reconciliation Commission, which made specific recommendations for the rehabilitation, psychological recovery, and social reintegration of victims. However, insufficient attention has been given to the Commission's findings and victims find themselves marginalised in society. Since the end of the war, rape and sexual violence remain highly prevalent. Although rape is criminalised (carrying a prison sentence of up to 14 years), in practice rape cases are frequently settled outside of court, in part due to insufficient training of victims' lawyers. Families often settle by accepting monetary compensation or by forcing the victim to marry the perpetrator especially when the rape has resulted in pregnancy. A draft law on sexual violence is currently pending.

There is no law in Sierra Leone prohibiting female genital mutilation (FGM), and the practice is widely condoned and even supported by politicians and community members. In 2007, it was estimated that 94% of women in Sierra Leone between the ages

of 15-49 have been subjected to some form of FGM. It is practiced by all Christian and Muslim ethnic groups.

Although the Anti-Trafficking Act of 2005 prohibits human trafficking, this practice remains widespread, with women and young girls as the main targets. Women and children are trafficked from the provinces to work in the capital as labourers and commercial sex workers and to the diamond areas for labour and sex work.

• **Obstacles to access to property**

Although women constitute the majority of agricultural labourers, they do not have full access to land, which is governed by customary rules. The land generally belongs to the family and is most often administered by the male head of the household. In parts of northern and western Sierra Leone, a woman can only access land through her husband or male relatives.

The Coalition of the Campaign calls on the authorities of Sierra Leone to:

- **Reform or repeal all discriminatory statutory laws** in conformity with CEDAW to ensure conformity with international and regional instruments on women's rights, including discriminatory provisions within the Constitution, Criminal Code and Family Code.
- **Harmonise statutory, customary, and religious laws in conformity with international and regional instruments on women's rights** and ensure that where conflicts arise between formal legal provisions and customary law, the formal provisions prevail.
- **Strengthen other measures to protect women from violence and support victims**, including by removing obstacles to victims' access to justice; ensuring effective prosecution and punishment of offenders; implementing training for all law enforcement personnel; and establishing shelters for women victims of violence.
- **Increase efforts to ensure women's equal access to education and employment**, including measures to ensure equal access at all levels of education and by regulating the informal sector.
- **Increase women's access to political life**, including by adopting temporary special measures, such as quotas.
- **Improve access, quality, and efficiency of public health care**, strengthen efforts to reduce the incidence of maternal and infant mortality, to increase knowledge of and access to affordable contraceptive methods, improve sex education and establish family planning services.
- **Adopt all necessary measures to reform or eliminate cultural practices and stereotypes that discriminate against women**, including through awareness-raising programmes targeting women and men, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW and the Maputo Protocol.**
- **Implement all recommendations issued by the CEDAW Committee** in June 2007.

• Obstacles to access to education

The civil war in Sierra Leone has had a negative impact on the educational infrastructure constituting a particular obstacle for the educational opportunities of girls and young women. As of 2004, 71% of women and girls were illiterate. The high dropout rate of girls can be partly explained by the prevalence of early and forced marriage and pregnancy. New laws provide for girls to return to school after giving birth, but they are seldom enforced.

• Obstacles to access to employment and under-representation in political and public life

There are currently no measures in Sierra Leone to accelerate the achievement of de facto equality between women and men in political and public life, education, and employment in the formal economy and the proportion of women in each of these fields remains very low. Most illiterate women work in the informal sector and do not benefit from a social security scheme. Women remain underrepresented in political life. In 2007, 15% of Members of Parliament, 30.4% of the judiciary, and 10.5% of magistrates were women. Only 4 women held cabinet positions.

• Obstacles to access to health

Healthcare services for women are woefully inadequate. Health clinics are understaffed and personnel are undertrained and often unpaid. Sierra Leone's maternal mortality rate is the highest in the world (2,000 of 100,000), as a result of lack of access to pre-natal and post natal care, lack of contraceptive usage and family planning (only 4% of women have access to family planning services), cultural barriers, financial barriers, lack of skilled birth attendants, health issues including malaria, HIV/AIDS and unsafe abortions. The President has announced the forthcoming creation of a free medical scheme for pregnant and lactating mothers and children under 5.

PRINCIPAL SOURCES

- Focal Point: FAWE
- CEDAW Committee recommendations, June 2007
- CEDAW NGO Coalition Shadow Report to the CEDAW Committee, May 2007
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Sierra Leone, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN SIERRA LEONE

Forum for African Women Educationalists (FAWE)



FAWE is a pan-African Non-Governmental Organisation working in 32 African countries to empower girls and women through gender-responsive education. FAWE works hand-in-hand with communities, schools, civil society, NGOs and ministries to achieve gender equity and equality in education through targeted programmes which influence government policy, build public awareness.

www.fawe.org