



Sierra Leone

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Equality Now is an international human rights organisation with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our membership network, comprised of individuals and organisations in over 160 countries.

Defence for Children International – Sierra Leone (DCI-SL) is a registered non-governmental, non-profit organization that seeks to advance the protection of the rights and welfare of children in Sierra Leone by disseminating information on child rights, strengthening child protection systems at national and community levels, providing legal counsel and social support to children in conflict with the law and child victims of abuse and neglect in order to facilitate their access to justice, rehabilitation services and family reintegration.

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Women Against Violence and Exploitation in Society (WAVES) - Sierra Leone is a registered indigenous non-governmental organization with its vision, mission and values geared towards women's empowerment and protection. WAVES strives towards the achievement of a non-violent, non-discriminatory and non-exploitative environment for women and children (especially the girl-child); an environment that has respect for humanity, dignity and equality before the law.

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Introduction and summary

1. This submission outlines the gaps in the protection of the rights of women and girls in Sierra Leone with regard to sexual violence, harmful practices, legal equality and human trafficking for sexual exploitation.
2. The submission makes references to the second UPR cycle recommendations and an analysis of actions undertaken by the government of Sierra Leone since its review by the Human Rights Council in 2016, and suggests questions for the government of Sierra Leone.

Sexual and gender-based violence

3. A number of recommendations¹ were made during the previous Universal Periodic Review of Sierra Leone by the Human Rights Committee in 2016, particularly calling for the government to ensure the effective implementation of the Domestic Violence Act and Sexual Offences Act, implement a zero-tolerance policy on sexual and gender-based violence, as well as adopt measures to ensure support for victims of violence. Since 2016, Sierra Leone has made progress towards combating sexual and gender based violence. The government of Sierra Leone made greater efforts to implement the Domestic Violence Act 2007 and the Ministry of Social Welfare, Gender and Children Affairs has taken greater steps to implement the National Gender Strategic Plan. A National Steering Committee was also set up to monitor the implementation of the National Action Plan on Security Council Resolutions 1325 and 1820.
4. Sexual violence against children, including adolescent girls, in Sierra Leone is so pervasive that in February 2019, the President of Sierra Leone declared the issue a national emergency and ordered a number of directives to be implemented. As part of the directives, the Sexual Offences Act was amended to include additional sexual crimes and tougher penalties including life imprisonment for perpetrators of sexual violence against children. Evidence, including data from the government's Family Support Unit (FSU) shows that the rate of reported cases of rape of children has been steadily increasing year on year and while data is not sex-disaggregated, sector players estimate that over 90% of these violations are against adolescent girls.
5. The Moyamba Division has been the pilot division for the FSU, sponsored by the former Justice Sector Development Project (JSDP). All divisions now have a FSU. An MOU was signed with chiefs and the Family Support Unit (FSU) to report and assist carers of child abuse victims.

¹ **111.45** Ensure the effective implementation of the Domestic Violence Act and the Sexual Offences Act, specially by promoting access to justice (Brazil);

- 1) **111.57** Continue the implementation of the National Referral Protocol on Gender-based Violence and the National Plan of Action on Gender-based Violence (2012) all across the country (Azerbaijan);
- 2) **111.58** Take effective measures to further implement the National Action Plan on Gender-based Violence (Lao People's Democratic Republic);
- 3) **111.104** Implement a zero-tolerance policy on sexual and gender-based violence and ensure the prosecution of all perpetrators of violence against women, rehabilitation and support for victims of violence (Slovakia);
- 4) **111.105** Implement a zero-tolerance policy on sexual and gender-based violence and ensure the prosecution of all perpetrators of violence against women, combined with rehabilitation and support for victims (Albania);
- 5) **111.127** Adopt measures to prevent, punish and eradicate violence against women (Israel);
- 6) **111.130** Consolidate measures aimed at combating violence against vulnerable groups (Côte d'Ivoire)
- 7) **111.69** Take all necessary measures to ensure that girls are protected against any discrimination and violence in schools, and that pregnant teenagers enjoy equal access to education (Slovenia);

6. Despite the above strides, adolescent girls are at an even greater risk of abuse from teachers and their peers. Anecdotal evidence from Defence for Children International - Sierra Leone shows that 6 out of 10 cases of sexual violence and abuse against girls in schools is perpetrated by teachers, while boys project sexual abuse towards adolescent girls through abusive language, inappropriate touching and sexual harassment. Moreover, there is recorded concern that most primary schools lack appropriate mechanisms and referral pathways for cases of sexual violence and abuse of adolescent girls. There is also a growing concern that adolescent girls themselves have limited understanding of their rights to be free from abuse and channels of redress.
7. Beyond the failure to actively protect adolescent girls from violation, the government of Sierra Leone has been heavily criticized for introducing a ban on pregnant girls attending school. In 2015 after a rise in rape and abuse during the deadly Ebola outbreak, there was a spike in teenage pregnancies. In 2018 WAVES, Child Welfare Society, Equality Now and Institute for Human Rights and Development in Africa IHRDA filed a case against the Sierra Leone Government regarding the ban. In December 2019 the Economic Community of West African States (ECOWAS) Court of Justice ruled that the government of Sierra Leone breached the right of pregnant girls to education by prohibiting pregnant school girls from accessing school by putting in place a discriminatory policy barring pregnant girls from school and failing to put in place measures to reduce teenage pregnancies in line with the National Strategy for the Reduction of Teen Pregnancies, which was adopted after the civil war. Despite official lifting of the ban, the government is yet to put in place policy measures to reverse the negative societal attitudes that support the discrimination and bias against pregnant girls; also the government is yet to integrate Sexual Reproductive Health Rights in school curriculum and to increase knowledge on family planning and contraceptives to address the high rate of teenage pregnancies in the country. It is estimated that up to 10,000 girls were affected by the ban curtailing their right to education. This is clearly illustrative of the continuous structural and systemic challenges that have resulted in violation and discrimination of adolescent girls. Institutions that are meant to enhance access to justice for survivors of sexual violence in the country are woefully under-resourced including the FSU of Sierra Leone Police service which receives USD 100 for countrywide operations each quarter.
8. There is therefore a heightened risk of sexual violence and discrimination against adolescent girls aged between 10 and 19 years, both in and out of the school environment.

Harmful Practices (Child marriage and Female Genital Mutilation)

8. Sierra Leone has committed to eliminate Female Genital Mutilation (FGM) and child, early and forced marriage by 2030 in line with “Pillar 8 on Gender and Women’s Empowerment” in its Agenda for Prosperity. Despite recommendations during

the previous UPR cycle² to explicitly prohibit all harmful practices against women of all ages, including female genital mutilation, child, early and forced marriage and practices, UNICEF reports show that Sierra Leone has the 18th highest prevalence rate of child marriage in the world and Sierra Leone has one of the highest rates of FGM in Africa and is among the few African countries where the practice is not illegal. 39% of girls in the country are married before their 18th birthday and 13% are married before the age of 15. FGM, is also worryingly widespread, with 90% of women aged between 15 and 49 have been subjected to it with the highest prevalence of 96.3% in the Northern region.

9. The government has taken steps with regards to FGM and has signed an agreement with the traditional heads banning the initiation of girls below the age of 18. Sierra Leone has low birth registration therefore a lot of parents do not have birth certificates for their children which poses a threat to holding parents accountable on age of consent. Due to the power the secret societies yield, the government only banned the practice in response to political violence related to men's and women secret societies and not to explicitly protect women and girls from FGM which is a violation of human rights and an extreme form of violence to women and girls.

10. The African Union launched the Campaign³ to End Child Marriage in Africa in 2016. As part of the launch, children across Sierra Leone also made a powerful set of recommendations⁴ to end child marriage at a Summit held by the Ministry of Social Welfare, Gender and Children's Affairs and development partners. These recommendations were a rallying call to the Government of Sierra Leone to ensure the Africa Union campaign translates into tangible action towards eliminating child marriage in Sierra Leone.

² 111.109 Explicitly prohibit all harmful practices against women of all ages, including female genital mutilation, child, early and forced marriage and practices inflicted on elderly women in relation to allegations of witchcraft, and take all necessary measures to enforce the prohibition (Slovenia);

111.111 Punish the practice of female genital mutilation and any harmful practices for physical and psychological health of girls and women (Spain);

111.112 Explicitly criminalize female genital mutilation and cutting in the domestic laws of Sierra Leone to achieve further progress in eliminating this harmful practice (Australia);

111.114 Continue to strive for a careful balance between measures taken against harmful traditional practices and respect for traditional cultural and spiritual beliefs (Jamaica);

111.123 Accelerate the efforts directed towards ending the harmful and traumatic practice of female genital mutilation (Croatia);

³

https://au.int/sites/default/files/pages/32905-file-campaign_to_end_child_marriage_in_africa_call_for_action-english.pdf

⁴<https://www.girlsnotbrides.org/wp-content/uploads/2016/08/Girls-Summit-Sierra-Leone-Childrens-position-paper.pdf>

The government of Sierra Leone has also included the minimum age of marriage in its Child Rights Act 2007, in line with the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). However, the Law Reform Commission is still working on the amendment of the Customary Marriage Act which currently allows marriage at 16 years, with the consent of the parent/guardian. The harmonisation of the two laws will address the conflict in law that affects prosecution of child, early and forced Marriage (CEFM) cases.

Human Trafficking for Sexual Exploitation

12. The government has continued to discharge its obligations with regards to CEDAW and other international human rights law and standards by fulfilling its reporting obligations and facilitated the domestication of CEDAW and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime through the enactment of the Anti-Human Trafficking Act of 2005. The Act criminalises, among other forms, trafficking for sexual exploitation, which is broadly defined to include pandering, pimping, procuring and profitting from prostitution of others, and exploitation of children through child sexual abuse materials.

13. The Anti-Human Trafficking Act prescribes penalties of up to 10 years' imprisonment, a fine, or both for offences related to human trafficking for sexual exploitation. However, by allowing a fine instead of imprisonment the penalties are not commensurate with those of other grave sexual crimes such as rape which carries an imprisonment terms of not less than 15 years to life imprisonment as provided in the Sexual Offences Act of 2019.

14. In collaboration with NGOs and international organizations Sierra Leone has taken steps to increase awareness and capacity of officials in the Transnational Organized Crime Unit and the Family Support Unit on victim identification, investigation and prosecution of traffickers and related offenders. Training has also extended to police prosecutors, magistrates and judges. While these efforts are commendable, the number of convictions of traffickers is extremely low. This had also been raised during the previous UPR review where the State was called on to intensify its efforts to identify and prosecute trafficking cases.⁵ According to the UNODC 2018 Global Report of Human Trafficking only 10 human trafficking cases were prosecuted between 2014 and 2017, without a single conviction secured. The first conviction of traffickers was secured in 2020. At the same time, there is no readily accessible disaggregated information to

⁵ 111.131 Take effective measures to provide adequate legal and other assistance for domestic and international trafficking victims, and intensify efforts to identify and prosecute trafficking cases (United States of America)

ascertain the number of prosecutions relating to different forms of human trafficking. Thus, it is difficult to say how many of these cases related to trafficking for sexual exploitation.

15. Sierra Leone has also been pursuing a robust child protection regime with the establishment of a Children's Commission that is working on the elimination of child trafficking among other issues. Child trafficking is a serious concern in Sierra Leone and children are being trafficked for labour and sexual exploitation within Sierra Leone and to neighbouring countries such as Guinea and Liberia

Legal Equality

13. The government has continued to discharge its obligations under CEDAW and other international law through statutory instruments such as the Registration of Customary Marriage and Divorce Act 2009, the Domestic Violence Act 2007, the Devolution of Estates Act 2007, the Anti-Human Trafficking Act of 2005 and the Sexual Offences Act 2012. The government has made several efforts through the Ministry of Social Welfare, Gender and Children Affairs in raising awareness of gender equality issues across the country.

14. At the last UPR Cycle, however, the government accepted recommendations⁶ to constitutionally guarantee the right to equal nationality and to amend its Citizenship Act to ensure that women can confer their nationality to their foreign spouses and children on an equal basis as men. While there has been progress with regard to women now being able to transfer their citizenship to their children, there have been no legislative reforms to guarantee women's equal nationality rights to confer citizenship to their foreign spouses on an equal basis with men.

Suggested questions:

Sexual and gender-based violence

1. How far have the amendment of the Sexual Offences Act and adoption of states of emergency directives led to an increase in reporting, prosecution and conviction of sexual violence perpetrators?

⁶ 111.154 Amend the Sierra Leone Citizenship Act so that women can transfer their nationality to their children and non-national spouses on an equal basis with men, and include a provision in the new Constitution which grants equal nationality rights to men and women (Canada);

111.155 Ensure equality of rights between men and women to acquire, transfer, change or conserve nationality and transmit it to children born abroad, as recommended in the Convention on the Elimination of All Forms of Discrimination against Women (Colombia);

111.156 Adopt measures to ensure that women can acquire, transfer, change or preserve their nationality and transfer it to their children born abroad, such that these children could be recognised by law through birth registration (Mexico)

2. How have the law enforcement and social welfare institutions been able to meet new expectations and demands from the presidential directives and the amended Sexual Offenses Act? What are the resource allocations to effectively implement and enforce the amended Sexual Offenses Act?
3. What is the government doing to change communal attitudes on sexual violence given that most of perpetrators are usually family members, close friends, neighbors or community mates and the penalty is now life imprisonment?
4. What is the government doing to ensure equal access to education by all girls in Sierra Leone?
5. What is the government doing to guarantee girls are protected from sexual violence whether in or out of school?

Harmful Practices (Child marriage and Female Genital Mutilation)

1. Beyond the temporary bans, what legislative and administrative measures has the government of Sierra Leone put in place to explicitly prohibit FGM?
2. What is the progress and impact of the secret societies ban and the memorandum of understanding signed between the 'Soweis', local chiefs and civil society organizations on the banning of child FGM throughout the country that were facilitated by government?
3. What steps has the government taken to ensure harmonisation of the Customary Marriage and Divorce Act 2009 and the Child Rights Act 2007 on the minimum age of marriage?
4. What action plans, strategies and resources has the government of Sierra Leone committed to and put in place to end child marriage in line with the African Common Position on the African Union Campaign to End Child Marriage in Africa and the Children's Position Paper?
5. What measures has the government of Sierra Leone introduced to create awareness, inform and educate communities on FGM and child marriage to change attitudes that continue to promote harmful practices such as FGM and child marriage?

Human Trafficking for Sexual Exploitation

1. What steps is the government of Sierra Leone taking to ensure that penalties for human trafficking for sexual exploitation in the Anti-Human Trafficking Act are commensurate to other grave sexual offences?
2. What is the government doing to increase awareness and capacity of government officials across the country to identify and support victims and survivors of human trafficking for sexual exploitation as a specific form of human trafficking?

3. What are the key barriers to the prosecution and conviction of traffickers and other offenders specifically relating to trafficking for sexual exploitation cases? What is the government doing to ensure prosecution and conviction of these offenders?

Legal Equality

1. What legislative, administrative and other measures has the government of Sierra Leone taken to ensure Gender Equality and Women's Empowerment?
2. What legislative and administrative measures has the government of Sierra Leone taken to ensure equality of rights between men and women to acquire, transfer, change or conserve nationality?
3. What steps has the government of Sierra Leone taken to ensure that women are able to pass their nationality to their foreign spouses on an equal basis as men?
4. What concrete steps has the government of Sierra Leone taken to constitutionally guarantee gender equality and ensure that all forms of discrimination on the basis of sex are eliminated in law and in practice?