

## SIERRA LEONE

The Constitution of Sierra Leone is currently under review and a new version of the Constitution is expected to be adopted by referendum after a nationwide awareness-raising and consultation process, plus peer review and drafting by experts, in 2015<sup>1</sup>.

According to the Ministry for Social Welfare, Gender and Children's Affairs, the Maputo Protocol to the African Charter is due to be adopted, likely with reservations in relation to the banning of female genital mutilation<sup>2</sup>.

The Gender Equality and Women's Empowerment Policy is currently being drafted. This will precede the adoption of the Gender Equality Bill.

At present, despite legislative changes that have increased women's legal protection, women continue to experience discriminatory practices. Their rights and position are largely contingent on customary law and the ethnic group to which they belong. In addition, secret (bondo or sande) societies to which most girls and women belong, serve to uphold and reinforce harmful practices such as female genital mutilation (FGM) and early marriage.

The current Constitution of Sierra Leone (1991, amended 2001) provides for equal rights for men and women in Article 27, but the principle of non-discrimination does not apply in all areas.<sup>3</sup> Sierra Leone ratified the Convention on the Elimination of All forms of Discrimination against Women in 1988, but has not yet ratified the Optional Protocol on violence against women.<sup>4</sup> In 2007 Sierra Leone passed a set of "gender laws": the Domestic Violence Act, the Registration of Customary Marriage and Divorce Act, and the Devolution of Estates Act. A Child Rights Act was also enacted in 2007. These laws were followed in 2012 by the enactment of the Sexual Offences Act.

### 1. Discriminatory family code

Section 27 of the Constitution of Sierra Leone provides against any law that is discriminatory, with the exception (subsection (4d)) of laws that make provisions with respect to adoption, marriage, divorce, burial, devolution of property or other interests of personal law.<sup>5</sup>

Regarding the **legal minimum age of marriage**, the Registration of Customary Marriage and Divorce Act 2007 and the Child Rights Act 2009 forbid the marriage of women and men under the age of 18, independent of whether the marriage is civil, religious, or customary.<sup>6</sup> Both laws also require consent to marry, and the Child

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<sup>1</sup> Constitutional Review Committee (2014)

<sup>2</sup> Awareness Times (2014)

<sup>3</sup> CEDAW (2012) p.10

<sup>4</sup> United Nations Treaty Collection (n.d.)

<sup>5</sup> CEDAW (2012), p.10

<sup>6</sup> CEDAW (2012), p.12

Rights Act specifically prohibits the use of dowry transactions in the marriage of children.<sup>7</sup> While marriages may legally be conducted under civil, religious, or customary laws (Matrimonial Act of 1960), the Registration of Customary Marriage and Divorce Act requires that marriages performed under customary law be registered.<sup>8</sup>

The implementation of these laws, however, is weakened by a lack of human, technical and financial resources, and forced and **early marriages** remain relatively common.<sup>9</sup> There is a loophole in the Registration of Customary Marriage and Divorce Act 2009 that allows customary marriage to go ahead with the consent of the parents, even if one of the parties is underage.<sup>10</sup> Data from the 2008 Demographic and Health Survey (DHS) indicate that 22.2% of women aged 20-49 had been married by the time they were 15, while 56% were married by the age of 18.<sup>11</sup> At the time of the survey, 24% of 15-19 year old women were married, divorced or widowed.<sup>12</sup> Results from the 2010 Multiple Indicator Cluster Survey (MICS4) indicate slightly lower numbers: 16.2% of women age 15-49 were married before the age of 15 and 50.3% before the age of 18 (age 18-49).<sup>13</sup>

Early marriage is often linked to initiation into *bondo* secret societies in adolescence, as parents are eager to marry their daughters off as soon as the latter has taken place. In addition, during the civil conflict (1992-2002) – from which the country is still recovering – girls and young women were forced into “marriages” with rebel fighters, although in effect this amounted to sexual and domestic slavery.<sup>14</sup> Amnesty International reports that in October 2009 three leaders of the Revolutionary United Front were convicted of forced marriage as an inhumane act constituting a crime against humanity (along with other crimes), under the Special Court for Sierra Leone.<sup>15</sup>

There is no article in the Constitution of Sierra Leone stating which parent is the head of the family, and in principal both parents share **parental authority**.<sup>16</sup> However, custom generally grants these positions to men.<sup>17</sup> Under General Law, husbands have the duty to maintain their wives and children, including the provision of a home, food and clothing. This duty is not similarly imposed on wives, who instead have the duty of conducting all household chores.<sup>18</sup>

When it comes to decision-making, the 2008 DHS reports that decisions over how to use the cash earnings of wives are primarily made jointly between husband and wife (37.2%), although in many cases it is either the wife (34.2%) or the husband (26.5%) who primarily decides. A similar scenario is reported with regard to decisions concerning the purchase of daily household needs: 25.3% primarily the wife, 38.0% the husband and wife jointly, and 34.8% primarily the husband decides. Decisions over major household purchases tend to be made either primarily by the husband (49.4%) or jointly by the couple (39.4%) and more rarely primarily by the wife (9.6%).<sup>19</sup>

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<sup>7</sup> Idem, p.14

<sup>8</sup> Idem, p.46

<sup>9</sup> Idem, p.12

<sup>10</sup> See Centre for Accountability and Rule of Law: <http://www.carl-sl.org/home/reports/570-registration-of-customary-and-divorce-act-and-earlyforced-marriage-its-implications-on-our-girls-and-society>; Registration of Customary Marriage and Divorce Act 2007, Article 2(2)

<sup>11</sup> DHS (2008), p.86

<sup>12</sup> Idem, p.84

<sup>13</sup> MICS4 (2010), p.106

<sup>14</sup> BBC (2013)

<sup>15</sup> Amnesty International (2010), p.285

<sup>16</sup> World Bank (2013)

<sup>17</sup> CEDAW (2012), p.46-47

<sup>18</sup> Idem

<sup>19</sup> DHS (2008), p.240

The Devolution of Estates Act (2007) provides that men and women have the same **inheritance** rights in the event of the death of a spouse or a parent, regardless of religious or ethnic identity.<sup>20</sup> The law similarly provides sons and daughters with equal inheritance rights.<sup>21</sup> With regard to marriages with more than one spouse, the Act provides for distribution of the estate among the surviving spouses in proportion to the duration of their respective marriages, accounting for other factors such as any contributions they have made to the estate.<sup>22</sup> Widows cannot be evicted from the home that she shared with her husband; however there remain certain types of property that cannot be passed to a widow (namely ‘family property’ and ‘community property’).<sup>23</sup> 83% of the land in Sierra Leone is family-owned for example.<sup>24</sup> It should be noted explicitly in the text that the Devolution of Estates Act 2007 contains a claw-back clause at the very outset – article 1(3), which states that: *“This Act shall not apply to family property, chieftaincy property or community property held under customary law*

While such legislation represents an improvement over previously more discriminatory practices, widespread ignorance of civil legislation relating to inheritance means that the law is rarely effectively enforced.<sup>25</sup> While some tribes grant women the right to inherit property, others considered the wife to be a possession of the dead husband, and part of his inheritance.<sup>26</sup> Under Islamic law, the deceased man’s son, brother, or another (male) administrator distributes the property and women often inherit little or nothing; indeed in some cases women are expected to remarry a male relation of her deceased husband, otherwise she loses all rights or interest in her deceased husband’s property.<sup>27</sup> The Chronic Poverty Research Centre reports that 12.65% of widows inherited majority of assets after their spouses in 2008.<sup>28</sup>

### **More**

Women in Sierra Leone may **initiate divorce** under certain circumstances. The Registration of Customary Marriages and Divorce Act in 2007 provides that gifts, payments, or dowries are non-refundable, thus allowing women in unhappy marriages to divorce without being forced to return dowries.<sup>29</sup> According to the Matrimonial Causes Act of 1960, women alone may petition for divorce for reasons of her husband being guilty of rape, sodomy, or bestiality.<sup>30</sup> There is currently a law under governmental review entitled Matrimonial Causes Bill that would add additional grounds for petition for divorce, put women and men on equal footing on the grounds for divorce in customary marriages, and further regulate the transfer of property and custody of children upon divorce.<sup>31</sup> Under customary law in some areas, women are still held to returning any dowry, as well as relinquishing custody of their children. In addition, it remains far more difficult for a woman to obtain a divorce under customary law than it is for a man, who may divorce his wife for a variety of reasons including disobedience and laziness, non-cooperation with co-wives, or refusal to convert to Islam or husband’s

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<sup>20</sup> CEDAW (2012), p.47; World Bank (2013)

<sup>21</sup> World Bank (2013)

<sup>22</sup> CEDAW (2012), p.47

<sup>23</sup> Social Edge (2008); Devolution of Estates Act (2007)

<sup>24</sup> Actionaid, (2013)

<sup>25</sup> US Department of State (2012)

<sup>26</sup> CEDAW (2012), p.47

<sup>27</sup> Idem

<sup>28</sup> Chronic Poverty Research Centre (2011), p.20

<sup>29</sup> US Department of State (2012); CEDAW (2012)

<sup>30</sup> CEDAW (2012), p.48

<sup>31</sup> Idem

religion.<sup>32</sup> Wives in customary marriages may not initiate a divorce on the grounds of slander, persistent adultery, or refusal to convert to her religion.<sup>33</sup>

The 2008 DHS reports that 34% of women age 15-19 had already had a child or were pregnant with their first child at the time of the survey,<sup>34</sup> while according to the Multiple Cluster Indicator Survey, adolescent **fertility rate** in Sierra Leone in 2010 was 122 per 1,000 women age 15-19.<sup>35</sup>

**Polygamy** is prohibited under Sierra Leone's Penal Code and is punishable by eight years in prison, but it is authorised in customary marriages, where a man can take as many wives as he wishes.<sup>36</sup> According to the 2008 DHS, 37% of married women were in polygamous relationships, and the practice is more common in rural than in urban areas.<sup>37</sup> The 2010 MICS4 similarly reports that 34% of women age 15-49 were in a polygamous union.<sup>38</sup>

## 2. Restricted physical integrity

In 2007 the Domestic Violence Act was passed making domestic violence a criminal offence.<sup>39</sup> The definition of **domestic violence** includes physical or sexual abuse, as well as economic, emotional, verbal or psychological abuse and is punishable by fines and up to two years imprisonment.<sup>40</sup> Despite this measure, violent acts against women are reportedly common, and police intervention and reaction has been criticised.<sup>41</sup> Between the months of January and September, government Family Support Units (FSUs – set up in 2003 to handle cases of rape, sexual abuse, and domestic violence) reported over 4,000 domestic abuse cases, of which 112 resulted in convictions. Many women withdraw complaints of violence due to social stigma, fear of retaliation, or offers of payment in lieu of pressing charges. While awareness of the law has reportedly increased, domestic violence continues to be prevalent and underreported, especially in the Northern provinces.<sup>42</sup>

The Sexual Offences Act requires free medical treatment and examination for victims but in reality women are regularly required to pay for these services, and these services are not always readily available.<sup>43</sup> Domestic violence is also often viewed as an accepted part of relationships: the 2008 Demographic and Health Survey (DHS) reports that 64.6% of women questioned agreed with at least one 'reason' (from a list of five) that justified a husband beating his wife.<sup>44</sup> This same percentage is even higher in the MICS4, where 73% agree that beating is justified under one or more scenarios.<sup>45</sup> The Family Support Units, the Guidelines on SGBV Case Management<sup>46</sup> and the National Referral Protocol<sup>47</sup> have all contributed to improvements in this area, as have

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<sup>32</sup> Idem

<sup>33</sup> Idem

<sup>34</sup> DHS (2008), p.59

<sup>35</sup> MICS4 (2010), p. ii

<sup>36</sup> CEDAW (2007), p.17

<sup>37</sup> DHS (2008), p.84

<sup>38</sup> MICS4 (2010), p.106

<sup>39</sup> World Bank (2013)

<sup>40</sup> World Bank (2013); Domestic Violence Act (Art.2); CEDAW (2012), p.16

<sup>41</sup> US Department of State (2012)

<sup>42</sup> Idem; CEDAW (2012), p.18

<sup>43</sup> ODI (2012), p.13

<sup>44</sup> DHS (2008), p.245

<sup>45</sup> MICS4 (2010), p.113

<sup>46</sup> UNDP and the government of Sierra Leone (2008)

<sup>47</sup> National referral Protocol: <http://amnet-online.net/assets/The-National-Referral-Protocol-Launch-19-10-12.pdf>

trainings of police and FSU by CSOs, government and development partners. There is still a problem with out of court settlement<sup>48</sup>

The Sexual Offenses Act of 2012 establishes the age of consent at 18 and specifically prohibits spousal **rape**, punishing the latter with fines and up to 15 years imprisonment.<sup>49</sup> Since the establishment of Family Support Units and new legislation, there has been a steady increase in the number of rapes reported, particularly those involving children.<sup>50</sup> However, a continued reluctance to use the judicial system – on the part of both victims and law enforcement – has meant that cases of rape continue to be underreported and indictments are rare. Women’s lack of income, economic dependence, and view of rape as a ‘societal norm’ also perpetuate impunity for offenders, as do inefficiencies and corruption in the judicial system.<sup>51</sup>

Previously, victims were required to obtain a medical report in order to file charges, the fees for which were prohibitively expensive. However, the Sexual Offenses Act now provides that victims be entitled to both free medical treatment and report, and courts are under the obligation to provide adequate protection and support to vulnerable victims and witnesses (e.g. protecting their identities, using video recordings as evidence-in-chief, etc.)<sup>52</sup> Although a decade has passed since the end of the civil war, its many effects – including rape and forced abortion as a weapon of war - continue to be felt in Sierra Leone.<sup>53</sup> Many women remain traumatised by their ordeal, and are shunned by their families and communities, particularly if they gave birth as a result of being raped.<sup>54</sup>

Prior to 2012, there was no specific law that addressed **sexual harassment**. The recent Sexual Offenses Act (August 2012) now makes unwanted sexual advances, repeatedly following or pursuing another against their will, initiating repeated and unwanted communications with another, or engaging in any other “menacing” behaviour, unlawful.<sup>55</sup> The law punishes sexual harassment with fines and imprisonment up to three years.<sup>56</sup> It also prohibits cases being handled in out-of-court settlements, such as when teachers found to be abusing their pupils offer families payment in lieu of going to court.<sup>57</sup> There is, however, no law that specifically addresses sexual harassment in employment or by persons of higher authority.

There is no specific law on **female genital mutilation** (FGM) under which a perpetrator can be charged, although police do sometimes intervene on charges of manslaughter, forced mutilation, or child abuse.<sup>58</sup> In addition, the 2007 Child Rights Act prohibits subjecting anyone under the age of 18 to “torture or other cruel, inhuman, or degrading treatment or punishment including any cultural practice which dehumanizes or is injurious to the physical and mental welfare of a child”.<sup>59</sup> The Ministry of Social Welfare, Gender and Children’s Affairs largely interprets FGM/C to be covered within this section of the law, although the Act does not explicitly mention

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<sup>48</sup> CARL, 2012

<sup>49</sup> Sexual Offenses Act (2012); World Bank (2013); US Department of State (2012)

<sup>50</sup> US Department of State (2012)

<sup>51</sup> CEDAW (2012), p.19

<sup>52</sup> US Department of State (2012)

<sup>53</sup> CEDAW (2012), p.19

<sup>54</sup> CEDAW (2006), p.18

<sup>55</sup> World Bank (2013); Sexual Offenses Act 2012 (Art. 13)

<sup>56</sup> World Bank (2013); Sexual Offenses Act 2012 (Art. 13)

<sup>57</sup> Womankind (n.d.)

<sup>58</sup> US Department of State (2012)

<sup>59</sup> CEDAW (2012), p.14; Child Rights Act (Section 33 (1))

FGM.<sup>60</sup>

The practice of FGM is reportedly quite common across all sectors of society. Data from the 2008 DHS indicates that 91.3% of women aged 15-59 have experienced FGM, most commonly performed on girls age 10-14 as part of the initiation and coming of age ceremonies (*bondo*) into women's secret societies.<sup>61</sup> The Multiple Cluster Indicator Survey 4 reports that in 2010, 88% of female respondents age 15-49 had undergone some form of FGM; 72% of women thought the practice should continue, while 22% thought it should be discontinued.<sup>62</sup> Failure to join secret societies can lead to ostracism for the girl and her family, making it difficult to abandon the practice. In 2012, eight of Sierra Leone's 14 districts signed a Memorandum of Understanding (MoU) pledges to ban the practice for children under the age of 18. The MoUs also promised some economic empowerment of *soweis* but based on findings from a recent workshop in Tonkolili district where *soweis* (the initiators in female secret society) were present, these promises have not been delivered and the practice of underage FGM continues despite MoUs.<sup>63 64</sup>

## **More**

Both men and women suffered the consequences of the **conflict**, which was characterized by extreme brutality towards the civilian population.<sup>65</sup> An estimated 2 million people became refugees or displaced persons, and as many as 20,000 people died.<sup>66</sup> Relative stability has since been established, and presidential elections were held in 2012 were considered to be free and fair, although the long task of rebuilding the country's economic and social infrastructure continues.<sup>67</sup> The UN peacekeeping force that was in place left in 2005, and the United Nations-mandated Special Court for Sierra Leone (which held its last session in October 2009) has made progress in achieving accountability for war crimes.<sup>68</sup> Women and children were subjected to rape and other forms of sexual torture, abduction (with children forced to become soldiers) and sexual slavery during the **war**, and appear to have been its most affected victims.<sup>69</sup>

Women have the right to use and access information about **contraception**.<sup>70</sup> Knowledge of contraception is high, with 74.4% of women in the 2008 DHS reporting that they knew of at least one method of contraception, yet only 8.2% of women were regularly using a modern form of contraception (6.7% among married women).<sup>71</sup> The MICS4 reports that 10% of women age 15-49 were using a modern form of contraception.<sup>72</sup> In rural areas in particular, provision is often inadequate, inaccessible, and expensive, reflected in the fact that only 3.8% of women in rural areas reported using modern contraception (compared to 14.2% in urban areas).<sup>73</sup>

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<sup>60</sup> CEDAW (2012), p.14; US Department of State (2012)

<sup>61</sup> DHS (2008), p.255-256

<sup>62</sup> Statistics Sierra Leone and UNICEF-Sierra Leone (2011), p.109-111

<sup>63</sup> CEDAW Workshop – Ministry of Social Welfare, Gender and Children's Affairs, UNWOMEN, UNFPA, UNICEF, UNDP; Magburuka, Tonkolili, 13-14 May 2014

<sup>64</sup> US Department of State (2012)

<sup>65</sup> BBC (2013)

<sup>66</sup> CEDAW (2006), p.10

<sup>67</sup> Freedom House (2013)

<sup>68</sup> CIA (2013); Human Rights Watch (2010)

<sup>69</sup> Human Rights Watch (2010)

<sup>70</sup> DHS (2008), p.3

<sup>71</sup> DHS (2008), p.64, 68

<sup>72</sup> MICS4 (2010), p.74

<sup>73</sup> DHS (2008), p.70

In addition, women's access to **reproductive and general health care** may be restricted by lack of equality within couples: in the 2008 DHS, 46.7% of married women reported that primarily their husbands made decisions concerning their health care.<sup>74</sup> The survey indicates that 27.6% of married women age 15-49 have an unmet need for family planning (the same percentage is reported in the MICS4 for 2010).<sup>75</sup>

**Abortion** is legal when the pregnant woman's mental or physical health is in danger, or to save her life.<sup>76</sup> Average age at first birth is 19.2 among women age 20-49.<sup>77</sup> An Abortion Bill legalizing the practice for certain socio-economic reasons has been drafted (draft finalized in 2012)<sup>78</sup>, but there have been significant delays in its adoption due to traditional and religious beliefs.<sup>79</sup>

### 3. Son bias

The male/female **sex ratio** for the working age population (15-64) in 2013 is 0.92 while the ratio at birth is 1.03.<sup>80</sup>

There is evidence to suggest that Sierra Leone is a country of no concern in relation to **missing women**.

#### *More*

Infant and under-five mortality rates are slightly higher for boys than girls, as are **malnutrition rates**.<sup>81</sup> There is very little discrepancy between vaccination levels for girls (40.7%) and boys (39%).<sup>82</sup> The MICS4 similarly reports that boys are more likely to be underweight, stunted, and wasted than girls.<sup>83</sup>

Sierra Leone's **education** system was massively disrupted by the 10-year civil war, and is still being reconstructed. As a result, school enrolment and completion rates overall remain low. However, there is some discrepancy between girls' and boys' access to education: in the 2008 Demographic and Health Survey (DHS), 33.8% of girls aged 15-19 reported that they had received no education at all, compared to 23.1% of boys.<sup>84</sup> This reflects social norms that attach less value to girls' education, particularly in rural areas, as well as economic hardship (forcing parents to choose which children to send to school), and the prevalence of early marriage. There has been a lot of progress in the area of primary school education and access of girls and boys is more or less equal. The real differences are seen when it comes to secondary and tertiary levels, where there are higher numbers of males than females.<sup>85</sup> Another reason for this is not strictly speaking 'son bias' but the traditional roles of girls in society – early marriage and teenage pregnancy.<sup>86</sup>

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<sup>74</sup> Idem, p.240

<sup>75</sup> DHS (2008), p.99; MICS4 (2010), p.76

<sup>76</sup> UNDP (2010)

<sup>77</sup> DHS (2008), p.58

<sup>78</sup> IPAS 2014

<sup>79</sup> CEDAW 2014

<sup>80</sup> Central Intelligence Agency (2013)

<sup>81</sup> DHS (2008), p.110, 145

<sup>82</sup> Idem, p.133

<sup>83</sup> MICS4 (2010), p.20

<sup>84</sup> Idem, p.19-20

<sup>85</sup> UNCEF

<sup>86</sup> Ibid

## 4. Restricted resources and assets

Sierra Leone's Constitution grants married and unmarried women equal **ownership rights to property**<sup>87</sup> and yet while women constitute the largest group of agricultural labourers, but they rarely have full access to land. There are two main types of farmland ownership in Sierra Leone: one based on customary laws and traditions and the other based on the statutory freehold, or community, system.<sup>88</sup> While statutory law governs the capital, Freetown, and its surroundings, customary law - under the heads of ruling families known as paramount chiefs - governs the provinces (customary law applies in 12 of Sierra Leone's 14 districts). The section should be clearer on the fact that the Devolution of Estates Act does not apply to the majority of the land in Sierra Leone: *"This Act shall not apply to family property, chieftaincy property or community property held under customary law."*<sup>89</sup>

Paramount chiefs (or the "custodians of the land") are generally men and most ethnic groups do not allow women to inherit land and property.<sup>90</sup> Although customary means of allocating land may vary, wives are often considered "strangers" or property themselves, which excludes them from the right to own or inherit land.<sup>91</sup> Customary laws vary as well: in the north and west of Sierra Leone, women can own plots of land, but in the south and east, they can access land only through their husbands or other male family members, meaning they lose this access to the latter upon the death of their spouse.<sup>92</sup> Meanwhile, the statutory tenure system in Sierra Leone is based on English law inherited at independence and allows individuals – male or female - to own private land through the issuance of title deeds. In many cases, however, women are granted to right to use such land only if they first obtain their husband's consent, and even then only on a temporary basis.<sup>93</sup>

In terms of **access to property other than land**, under civil law, women have equal rights to ownership, before and during marriage.<sup>94</sup> The default marital property regime is separation of property and the original owner is legally responsible for administrating the property during marriage.<sup>95</sup> In addition, the 2007 Devolution of Estate Act criminalizes depriving a woman from inheriting her husband's property or evicting her from the marital home. The law recognizes customary marriages and the right of polygamous spouses and provides that inheritance be shared among the surviving family (35% to the spouse, 35% to children, 15% to parents and 15% in line with any customary laws).<sup>96</sup> The Act, however, recognizes the individual, not the family's right to land and the large majority of women in Sierra Leone live under customary law systems that do not recognize women's right to own property.<sup>97</sup>

Legally, women have equal right to **access bank loans and other forms of credit**; they may also open a bank account in the same way as a man.<sup>98</sup> The fact that very few women own land, however, restricts their access to bank loans, particularly in rural areas: financial institutions often require land as a guarantee.<sup>99</sup> The difficulties in

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<sup>87</sup> World Bank (2013); Constitution of Sierra Leone (Chp.3 Subs.15)

<sup>88</sup> IRIN (2012); Action Aid (2012), p.14

<sup>89</sup> Devolution of Estates Act 2007, Article 1(3)

<sup>90</sup> IRIN (2012); Action Aid (2012), p.14

<sup>91</sup> Action Aid (2012), p.14; US Department of State (2012)

<sup>92</sup> Action Aid (2012), p.14

<sup>93</sup> IRIN (2012)

<sup>94</sup> CEDAW (2012), p.46

<sup>95</sup> World Bank (2013); Matrimonial Causes Act (Part III, Sec. 15); Married Women's Property Act 1882 (Arts. 2 and 5)

<sup>96</sup> IRIN (2012)

<sup>97</sup> Idem; US Department of State (2012)

<sup>98</sup> World Bank (2013)

<sup>99</sup> Action Aid (2012), p.15

accessing credit from banks means women in rural areas often have to rely on moneylenders, who charge very high interest.<sup>100</sup> Several micro-credit programmes run by NGOs and the government target individual women or women's groups, enabling them to acquire funds to start small enterprises.<sup>101</sup>

## 5. Restricted civil liberties

Regarding **access to public space**, there are no legal restrictions on women's freedom of movement in Sierra Leone. It is important to note, however, that women's civil liberties were jeopardised severely during the war (ended in 2002): large numbers of girls were kidnapped and forcibly held to serve as sexual slaves for soldiers.<sup>102</sup> On a day-to-day basis, some women's freedom of movement may also be restricted: in the 2008 Demographic and Health Survey (DHS), 37.4% of married women reported that their husbands primarily made decisions regarding visits to their family and relatives.<sup>103</sup> Married and unmarried women may apply for both passports and national ID cards, as well as choose where to live, in the same way as a man.<sup>104</sup> However, women who have children with a non-Sierra Leonean man are not able to pass on their citizenship on to their children.<sup>105</sup>

The right to association and assembly is legally protected and generally respected,<sup>106</sup> although strikes on the part of workers in April of 2012 were forcibly dispersed, resulting in one death and a number of injuries. No information is available with specific regard to reports of discrimination against women's associations. Women's rights NGOs are, however, very active, campaigning on a wide range of issues including human rights, health, and education, and providing services such as shelters and micro credit.<sup>107</sup> This has included the '50/50' group, who have actively campaigned for more women to stand for elected office.<sup>108</sup>

Women have the right to vote in Sierra Leone, and to stand for election.<sup>109</sup> They also played a key role in peace negotiations that helped to bring about the end of the civil conflict.<sup>110</sup> In practice, women face restrictions on their right to stand for office. In 2009, Amnesty International reports that a woman was barred from standing in chieftaincy elections because of her gender.<sup>111</sup> Elsewhere, women would-be candidates face hostility from men and other women to their participation in politics, as well as practical barriers such as low self-confidence, lack of money, or illiteracy.<sup>112</sup> Concerning **quotas**, In 2011, a gender equality bill was drafted by the government and the UN Integrated Peace-building Office in Sierra Leone (UNIPSIL) that reserves a minimum of 30% of parliamentary seats and one ward per local council for women; the bill is currently still under review.<sup>113</sup> Meanwhile, a number of parties have committed to having at least 30% women candidates.<sup>114</sup> At the local level,

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<sup>100</sup> CEDAW (2012), p.40

<sup>101</sup> CEDAW (2012), p.46

<sup>102</sup> Human Rights Watch (2003)

<sup>103</sup> DHS (2008) p.240

<sup>104</sup> World Bank (2013)

<sup>105</sup> Idem

<sup>106</sup> Freedom House (2013)

<sup>107</sup> US Department of State (2012)

<sup>108</sup> Hoare (2009)

<sup>109</sup> CEDAW (2012) p.22

<sup>110</sup> CEDAW (2006) p.16

<sup>111</sup> Amnesty International (2010), p.285

<sup>112</sup> Hoare (2009); CEDAW (2012), p.24

<sup>113</sup> Freedom House (2013)

<sup>114</sup> Quota Project (2013)

the 2004 Local Government Act grants equal representation of women for Ward Development Committees (5 of 10 must be women).<sup>115</sup> In the most recent parliamentary elections of 2012, women won 15 seats (12.9%).<sup>116</sup>

### **More**

Freedom of speech and the press are legally protected in Sierra Leone, but not always respected in practice.<sup>117</sup> The **media** is also limited by strict libel laws, which are sometimes used to silence critical journalists.<sup>118</sup> Journalists who speak out about sensitive or contentious issues may also face violence from which they do not receive protection from the state. In 2013, uniformed soldiers attacked two journalists covering a protest against the Ministry of Defence.<sup>119</sup> Amnesty International reports that in 2009, four women journalists who had written about FGM were abducted, stripped, and forced to walk naked through the town of Kenema by women supporters of the practice, who said that they were disrupting their tradition.<sup>120</sup> The police took no action against the alleged attackers.<sup>121</sup> The 2008 DHS reports that 52.3% of women did not have access to any form of media at all, compared to 34.8% of men, indicating that gender may be a factor in determining access to the media.<sup>122</sup> There are, however, numerous independent newspapers as well as private radio and television outlets. A Freedom of Information Bill has been under legislative review since 2010.<sup>123</sup>

Concerning **workplace rights**, there are no laws mandating non-discrimination based on gender in hiring in Sierra Leone.<sup>124</sup> However, the Constitution does mandate equal remuneration for men and women for work of equal value.<sup>125</sup>

Women are entitled to 12 weeks of paid **maternity leave**, according to the Services Trade Group Collective Agreement of 2010 (Art. 14), to be financed entirely by the employer.<sup>126</sup> The US Department of State reports that it is common for women who become pregnant in their first year of employment to lose their jobs.<sup>127</sup> The World Bank considers that 66% of women are economically active, but as the bulk of these women work in the informal sector, they are not protected by employment legislation.<sup>128</sup>

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<sup>115</sup> Idem; CEDAW (2012), p.13

<sup>116</sup> Freedom House (2013); UNdata (2013)

<sup>117</sup> US Department of State (2012); Freedom House (2013)

<sup>118</sup> Amnesty International (2010), p.285; BBC (2013); Freedom House (2013)

<sup>119</sup> Freedom House (2013)

<sup>120</sup> Amnesty International (2010), p.285

<sup>121</sup> Idem

<sup>122</sup> DHS (2008), p.38-39

<sup>123</sup> Freedom House (2013)

<sup>124</sup> CEDAW (2012), p.32

<sup>125</sup> World Bank (2013)

<sup>126</sup> Idem

<sup>127</sup> US Department of State (2012)

<sup>128</sup> World Bank (n.d.); CEDAW (2012), p.39

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