

<b>Country</b>	<b>Sierra Leone</b>
<b>SIGI 2019 Category</b>	<b>High</b>
<b>SIGI Value 2019</b>	<b>48%</b>

<b>Discrimination in the family</b>		<b>54%</b>
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	19%
	Legal framework on household responsibilities	50%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	-
	Female to male ratio of time spent on unpaid care work	3
	Legal framework on inheritance	50%
	Legal framework on divorce	75%

<b>Restricted physical integrity</b>		<b>50%</b>
	Legal framework on violence against women	50%
	Proportion of the female population justifying domestic violence	63%
	Prevalence of domestic violence against women (lifetime)	45%
	Legal framework on female genital mutilation (FGM)	100%
	Share of women who think FGM should continue	69%
	Share of women who have undergone FGM	90%
	Sex ratio at birth (natural =105)	105
	Legal framework on reproductive rights	75%
	Female population with unmet needs for family planning	25%

<b>Restricted access to productive and financial resources</b>		<b>45%</b>
	Legal framework on working rights	100%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	11%
	Share of managers (male)	62%
	Legal framework on access to non-land assets	50%
	Share of house owners (male)	80%
	Legal framework on access to land assets	50%
	Share of agricultural land holders (male)	-
	Legal framework on access to financial services	25%
	Share of account holders (male)	61%

<b>Restricted civil liberties</b>		<b>41%</b>
	Legal framework on civil rights	75%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	56%
	Legal framework on political participation	25%
	Share of the population that believes men are better political leaders than women	-
	Percentage of male MP's	88%
	Legal framework on access to justice	25%
	Share of women declaring lack of confidence in the justice system	47%

Note Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

## 1. Discrimination in the family

Under the state's Constitution, discrimination on the basis of sex is prohibited with the exception of matters relating to marriage, divorce, burial, inheritance or personal law (Art. 27, 1991). Moreover, this provision is not applicable to Islamic law or customary law, which are equally core to the state's legal system (Art 170, 1991). As a result, women often are left on unequal legal standing depending on customary or religious legal regime and the tribe or ethnic group to which they belong (US Department of State, 2017).

### a) Overarching legal framework for marriage

There are several legal regimes that govern the act of marriage in Sierra Leone, where statutory law respects the personal law of the spouses, and in effect, recognizes religious, customary and informal unions (The Civil Marriage Act, 1910). Under statutory law, women have the same rights as men to enter marriage; but it also recognises personal law, if one of the spouses subscribed to it (The Civil Marriage Act, Cap 97 of 1910). In Islamic law, marriages and divorces need to be registered under Islamic law and a Muslim man may marry up to four wives (Mohammedan Marriage Act, Cap 96 of 1905). Under the Christian Marriage Act, the consent of the father is required if the person to be married is under 21 years of age (Christian Marriage Act, 1960). Customary law requires the mutual consent of both spouses who are at least 18 years old (Registration of Customary Marriages and Divorce Act, 2009). Traditionally, the consent of the parents of the spouses is also necessary to validate the marriage, however this is more so the case for the female spouse than the male spouse (CEDAW, State of Party Report, 2012). In addition, customary law recognises de facto marriages if the personal law of the co-habiting spouses considered the persons married (CEDAW, State of Party Report, 2012).

Under customary and Muslim law, women are perceived as chattel or children who cannot take decisions by themselves under personal law (CEDAW, State of Party Report, 2012). Accordingly, a dowry is required reinforcing the belief that a wife is the property of her husband and that he has absolute right over her (CEDAW, State of Party Report, 2012). Moreover, should the husband pass away, the practice of levirate (or "wife inheritance") is employed where women are forced to wed their husband's brother. While the practice of wife inheritance was banned by the Devolution of Estates Act 2007 it lacks enforcement and the practice persists (CEDAW, State of Party Report, 2012). Further, polygyny, where a man may have multiple wives, is permitted under these legal regimes (CEDAW, 2014).

### b) Child marriage

In 2007, the state adopted the Child Rights Act, which set the minimum age of marriage to 18 years for women and men. Moreover, the Act prohibits subjecting children to the customary practices of early marriage and child betrothal (Section 46, 2007). This Act is reinforced by the Registration of Customary Marriage and Divorce Act (2009) which also places the legal age of marriage at 18 years old for women and men. However, the laws diverge in that the customary law allows for specific provision for persons under 18 to marry if consent is given by the parents, effectively contradicting

the Child Rights Act, which does not allow for such a provision (Human Rights Committee, 2015). As an additional preventative measure, all marriages, including informal marriages, should be registered at local government offices based in district capitals (ODI, 2012).

In addition to statutory law, there is the personal law of spouses (religious and customary) which varies by regime. For example, under the Christian Marriage Act the legal age of marriage is 21 years old, requiring parties under this age to obtain consent of the father to validate the marriage (Cap 95, 1960). Under the Registration of Customary Marriage Act, 2007, the legal age of marriage is 18 year old, however there is a legal provision that allows for child marriage subject to parental consent (CEDAW, State Party Report, 2012; CEDAW, Concluding Remarks, 2014).

Child marriage and forced marriage, especially of girls, remain highly prevalent in Sierra Leone, particularly in rural areas and in the Northern regions of the country (US Department of State, 2017; CRC, 2016; CEDAW, 2014). The main driver for child marriage is poverty, where parents arrange for their daughters to be wed early, shortly after the “Bondo” initiation rites at puberty (FAO, n.d.). While it is required by law to register marriages, very few existing customary marriages are registered, leaving many women vulnerable and without rights upon death of their husband or divorce (ODI 2012).

### **c) Household responsibilities**

Under statutory law, the husband is required to maintain the wife, including the provision of a home, food and clothing, while the wife is responsible to maintain the household (Civil Marriage Act, Cap 97, of 1910). Under customary law, the husband maintains and protects the wife, while the wife (or wives in the case of a polygynous marriage) takes care of the domestic work (CEDAW, State Party Report, 2012). Further, the status of women is considered as that of a minor, where the wife is the property of her husband to be inherited alongside his other property (US Department of State, 2017).

With regard to children, each parent has the legal responsibility to care for the child, irrespective of their marital status (CEDAW, State Party Report, 2012; Childs Rights Act, 2007). This includes ensuring the child’s welfare, education, health and assurance of survival and development (Child Rights Act, 2007).

Sierra Leone is deeply rooted in traditional attitudes regarding the roles and responsibilities of women and men (CEDAW, 2014); where decision-making rests with the men (fathers, husbands, brothers), including related to the health, well-being and overall welfare of women (FAO, n.d.). Particularly in rural communities, patriarchal norms and cultural practices that reinforce male dominance and decision-making are widespread (CEDAW, 2014).

### **d) Divorce**

Given that there are several legal regimes that govern the act of marriage in Sierra Leone, the laws relating to divorce vary. Under statutory law, divorce may be initiated by either the husband or wife on three grounds which include adultery, desertion and cruelty (Matrimonial Causes Act, 1960). Moreover, there is a specific provision that allows women additional grounds to petition for divorce in the instance of rape, sodomy or bestiality (CEDAW, State Party Report, 2012). Under the Mohammedan Marriage Act, divorces must be registered under Islamic law. By this same measure,

divorce of a marriage under customary law needs to be registered under said law (Registration of Customary Marriage and Divorce Act, 2007).

Divorce under customary law may vary between ethnic groups, making it difficult to apply (FAO, n.d.). The grounds for divorce include adultery, extreme cruelty, but also repeated disobedience and laziness of the wife; slander of the husband; non-cooperation with co-wives; refusal to allow husband to marry another wife; frequent misconduct causing the husband to pay fines; and refusal to convert to Islam or husband's religion (CEDAW, State Party Report, 2012; FAO, n.d.). In some instances, where women initiate divorce, they are required to pay back the dowry as well as relinquish custody of their children (CEDAW, State Party Report, 2012).

### **e) Inheritance**

Under civil law, women and men and girls and boys are placed on equal footing with regards to inheritance. It is recognized that no child, male or female, shall be deprived of the estate of the parent, irrespective of whether or not the child was born out of wedlock (Children's Act, Art 27, 2007). Moreover, civil law entitles each surviving spouse, male or female, equal rights in the devolution of the estate to the rightful heirs (Devolution of Estates Act, Art. 2, 2007). This act protects women from being denied access to the property of their deceased spouse, for both land and non-land assets, and criminalises the eviction of a widow from the home she shared with her husband (GI-ESCR, 2014; Devolution of Estates Act, 2007). It also provides some regulations for de-facto unions, specifically for "cohabiting person" defined as a person of the opposite sex who, while not married to the testator, continuously cohabited with the testator for a period of not less than five years immediately preceding the death of that person (GI-ESCR, 2014; Devolution of Estates Act, 2007). The Devolution of Estates Act, however, does not apply to family property, chieftaincy property or community property held under customary law, allowing the risk of discrimination against women in the context of deeply rooted patriarchal traditions and attitudes (CEDAW, State Party Report, 2013). Civil law is not effectively enforced due to the lack of knowledge on and unawareness of civil legislation relating to inheritance, and as a result, it is rarely effectively enforced (GI-ESCR, 2014).

If a Muslim man dies intestate, his property shall be distributed to the eldest son, if of full age, then the eldest brother, if of full age, then the official administrator; effectively excluding women from inheritance (The Mohammedan Marriage Act, Cap 96 of 1905). Under Islamic law, a female surviving spouse may be entitled to one-fourth of the estate if there are children of the marriage and one-eighth if there are no children; while the parents of the deceased and siblings are entitled to the remainder of the estate (The Mohammedan Marriage Act, Cap 96 of 1905). A male surviving spouse, on the other hand, would receive the entire estate, regardless if the deceased wife executed a will (The Mohammedan Marriage Act, Cap 96 of 1905).

Customary law also favours men and boys in the devolution of property, limiting women's access to land and inheritance (CEDAW, 2014). Generally, the wife is considered property of the husband, therefore he is seen as entitled to all her property upon death (CEDAW, State Party Report, 2012). Inheritance rights for the female surviving spouse are dependent on whether she bore children with the husband and/or she remarries a male relation of her deceased husband; if none of these conditions exist the women loses all inheritance rights to the property of her deceased spouse (CEDAW, State Party Report, 2012; FAO, n.d.). In the event a male intestate is survived by more than

one spouse and no children, the estate will be distributed among the female surviving spouses based on the duration of their marriage, contributions to the estate (CEDAW, 2014).

## 2. Restricted Physical integrity

### a) Violence against women

To date, Sierra Leone has not ratified the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (The Maputo Protocol). It has, however, made some efforts to enact relevant laws that address violence against women (VAW). Specifically, in 2009, the Government adopted the Sierra Leone National Action Plan on UN Security Council Resolutions 1325 and 1820 (SILNAP) (2010-2014) with the aim to implement UNSCR 1325 on women, peace and security and UNSCR 1820 on sexual violence. In 2012, a National Plan of Action on Gender Based Violence (2012-2016) and a National Referral Protocol on gender-based violence (GBV) were developed (CEDAW, 2014; UN Women, n.d.).

The government has also established institutional structures to support the efforts to combat violence against women. Notably, a National Committee on Gender-based Violence was established in 2010, which is currently housed under the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) and chaired by its Minister and co-chaired by the Assistant Inspector General of the Sierra Leone Police in charge of Crime Services (AIG/CID). The Committee has provided leadership and coordination in the implementation of the National Gender Plan and the National Action Plan on United Nations Security Council Resolutions 1325 (2000) and 1820 (2008) (Human Rights Council, 2015).

Nationwide, the Government created Family Support Units (FSUs), specialised units embedded in police stations across the country that investigate all forms of child abuse and violence against women. At present, there are 41 FSUs in the country, but the number and institutional capacity of these the FSUs is still low, especially with respect to rural communities where violence against women is most prevalent (State Party Report, 2014).

Despite the legal and institutional mechanisms in place, the incidence of violence against women and girls, especially domestic and sexual violence, remains high (Amnesty International, 2017; CEDAW, 2014; ODI, 2012).

In large part, these mechanisms are undermined by the discriminatory provision in the Constitution that allows customary law to prevail in cases relating to personal law (marriage, divorce, inheritance, etc.) as well as the weak enforcement of such laws, limited capacity of institutions providing GBV services, low convictions rates, and cumbersome legal procedures to seek justice (CEDAW, 2014; State Party Report, 2014).

Moreover, there are societal and cultural influences that further obstruct women's access to legal redress in VAW cases. Often, most cases are not reported, due to a culture of silence surrounding sexual and domestic violence, the shame and stigma attached to such cases, familial or community pressure to opt for informal systems of justice or reconciliation, or the threat of retaliation, harassment or further violence from offenders (CIDSL, 2012; CEDAW, 2014; State Party Report, 2014). Underlying this, are cultural attitudes that promote discriminatory traditional practices that enforce

women's subservience to men that help to perpetuate violence against women (ODI, 2012; CIDSL, 2012; CEDAW, 2014).

### **b) Domestic violence**

In 2007, the state adopted the Domestic Violence Act that criminalises abuses of a physical, sexual, economic, or physiological nature towards a person of familial relationship (including former partners, those to be engaged) (Art. 2, 2007). Perpetrators who commit an act of domestic violence may be subject to a fine not exceeding SLL 5 million and two years' imprisonment (US Department of State, 2017). Moreover, marital rape is also recognized as an offence under this act, punishable by a fine not exceeding SLL 5 million or a term of imprisonment not exceeding two years (Domestic Violence Act, Art. 3, 2007). Alongside this act, institutional measures to identify and rehabilitate victims of violence have also been instituted (CEDAW, 2014).

Despite these protections in place, domestic violence, especially wife beating and spousal rape, still remains widespread in the country and is largely unreported due to victims' fear of social stigma and retaliation (US Department of State, 2017; CEDAW, 2014; ODI, 2012). Compounding this, is the weak implementation of the law, limited resources allocated to the implementation of the law, low conviction rates of domestic violence cases, and lengthy trials that allow for domestic violence to thrive (CEDAW, 2014; CIDSL, 2012).

### **c) Rape**

In 2012, the State adopted the Sexual Offences Act, which criminalises rape, including spousal rape, and increases the minimum prison sentences from two years to between five and fifteen years. For more aggravated forms of rape and sexual violence, the Act provides for increased penalties (Sexual Offences Act, Art. 35, 2012). Alongside this Act, the state introduced additional measures to support the implementation of the legislation, including the Legal Aid Act (2012), which provides free legal aid to women victims of sexual violence; Special Saturday courts (2012), which specifically proceeds over sexual violence cases and ensures more privacy for survivors and expedited trials; the Sierra Leone National Action Plan on UN Resolution 1320 and 1825, which aims to protect, empower women and Girls vulnerable to Sexual Violence (CEDAW, 2014).

However, the CEDAW Committee expressed concerned about: (a) The continued high rates of domestic and sexual violence against women; (b) The weak implementation of the above-mentioned laws, which is undermined by the discriminatory provision in section 27 (4) (d) of the Constitution, and the limited resources allocated to the implementation of these laws; (c) The extremely low conviction rate in sexual and domestic violence cases, lengthy trials and the exertion of pressure on women victims of violence to settle cases out of court, resulting in impunity for perpetrators of gender-based violence.

Despite legal and operational structures in place to address sexual violence, there remains a high incidence of sexual violence, including rape and defilement (CRC, 2016; CEDAW, 2014).

Compounding this, the formal legal system often experiences inadequate court infrastructure, capacity constraints, lack of due process guarantees, a lack of consistent procedures, lengthy prosecution times, backlogs of cases, loss of evidence (or limited credible forensic evidence in sexual

violence cases, and poor or non-existent witness protection mechanisms (CRC, 2016; CISDL, 2012 US Department of State, 2017; CEDAW, 2014). Under customary law, the laws are not codified, thus making the legal system subject to potential biases and discrimination (CISDL, 2012).

The underreporting of rape is a widespread problem, owing to a culture of silence surrounding sexual and domestic violence, the shame and stigma attached to survivors, the potential of retaliatory violence, and the low status of women (CRC, 2016; CISDL, 2012). Often women are pressured towards reconciliation and mediation or settlements of payment as opposed to publicly reporting incidents in formal legal processes (CRC, 2016; CISDL, 2012). Underreporting of rape is particularly the case in rural communities, where indictments are rare (US Department of State, 2017).

#### **d) Sexual harassment**

The Sexual Offences Act of 2012 addresses sexual harassment. This law criminalises sexual harassment where the person “resides, works, carries on business, studies or happens to be” and includes protections for harassment over the internet (Sexual Offences Act, Art. 13, 2012). The offence of harassment is liable to fines not exceeding SLL 10 000 000 or maximum of three years in prison (Sexual Offences Act, Art. 13, 2012).

While the law addresses sexual harassment of a variety of forms and in a wide range of spaces (e.g. work school, internet, public spaces), it is not always effectively enforced (US Department of State, 2017). While there is no accurate data available on the prevalence of sexual harassment, it is considered to be widespread and largely underreported (US Department of State, 2017). In particular, the country has experienced an increase in sexual abuse and harassment of girls in schools, irrespective of Sexual Offence Act or the development of a code of ethics for teachers (CEDAW, 2014).

#### **e) Female genital mutilation**

There is no specific law that explicitly prohibits female genital mutilation (FGM). The Child Rights Act implicitly address FGM through offering protection for children from torture or other cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanises or is injurious to the physical and mental welfare of a child (Art. 33, 2007). This protection is reiterated in Section 4 of the Sexual Offences Act 2012; and in Section 6 of Customary Marriage & Divorce Act 2007.) A State of Public Health Emergency issued in August 2014 and by-laws to control the spread of Ebola issued in 2015 placed a moratorium on the practice of FGM as well as related secret society activities until the containment of the outbreak (US Department of State, 2016). This ban was eventually lifted in 2016 and the continuation of the practice re-commenced shortly thereafter (Amnesty International, 2017; US Department of State, 2017).

FGM is widely practiced in Sierra Leone (CRC, 2016; US Department of State, 2017; Amnesty International, 2017; CEDAW, 2014). It is noted as one of the most common forms of violence against women and girls in the country (ODI, 2012). FGM is still a deeply rooted tradition, girls undergo an initiation rite (“Bondo”) where FGM is performed to “prepare” the girl for adulthood (Human Rights Commission Sierra Leone, 2015; CEDAW, 2014; FAO, n.d.).

The English Offences against the Person Act of 1861 prohibits abortions, criminalising both the person performing an abortion and the pregnant woman consenting to the abortion, except in cases where the health (mental and physical) or life of the pregnant woman is at risk (Section 58-59, 1861; UN DESA, 2016). In 2012, the Sierra Leone Law Review Commission initiated a review process of the abortion law and drafted a revised bill on abortion (IPAS, 2014). In December 2015, the state's parliament passed the Safe Abortion Act 2015, which would allow for abortion on demand during the first 12 weeks of pregnancy, after which abortion would only be allowed up until week 24 in the instances of rape, incest, or health risk to the foetus or the woman or girl (Freedom House, 2017). To date, the act has not been signed into law by the president, even if it was adopted by the Parliament twice (Amnesty International, 2017; Freedom House, 2017).

### **3. Restricted Access to productive and financial resources**

#### **a) Secure access to land and assets**

One of the fundamental right afforded to each citizen in the state's Constitution, irrespective of gender or marital status, is the right to the enjoyment of property and protection from deprivation of property without compensation (Constitution, Art. 21, 1991). Under statutory law, both husband and wife can either separately or jointly acquire, own, manage and dispose of property particularly real estate including land and or housing (CEDAW, State Party Report, 2012). Yet, the laws regarding property may vary; where the statutory tenure system regulates property in the Western Area (Freetown area) and customary law (or Islamic law) regulates property in rural and ethnic communities in the provinces, where the majority of citizens reside (Action Aid, 2012; FAO, n.d.). Given the plurality of the state's legal system, land rights are often unclear and discriminate against women (US Department of State, 2017).

Under statutory law, women and men have a statutory right to own property in their own names (US Department of State, 2017). Moreover, in the event of a divorce, women and men have the equal right to independently own and administer the property which they have acquired individually (under the separation of property regime) (Devolution of Estates Act ,2007; World Bank, 2016). Moreover, the Devolution of Estate Act criminalises depriving a woman from inheriting her husband's property or evicting her from the marital home (Devolution of Estates Act, 2007; World Bank, 2016).

In rural areas, the Provinces Land Act (1972) governs the majority of rural areas in the country and establishes that the land in the provinces (outside of the Western Area) is communal land under the custodianship of paramount chiefs, who traditionally are men (US Department of State, 2017). Yet, the law also provides that a wife in a customary marriage shall have the capacity to personally acquire and dispose of properties and to enter into contracts on her own behalf (CEDAW, State Party Report, 2012).

Despite the fact that women make up the largest group of agricultural labourers, they rarely own or control land (ActionAid, 2012 / gig-ESCR 2014). Given the plurality of the legal regimes in the country, women may not have the same secure land rights to that of men depending on which community or ethnic group they reside in (US Department of State, 2017; Human Rights Defenders Network, 2014; GI-ESCR, 2014). In most rural communities, women can only access land through their husbands or

other male family members, and are vulnerable to losing their land in the event of a divorce or widowhood (Human Rights Defenders Network, 2014; GI-ESCR, 2014). The continued application of customary law leaves, in practice, women's access to land to be governed by the traditional and religious customs that remain deeply rooted in patriarchal values and consider women the property of the husband in some communities (CEDAW, 2014; US Department of State, 2017).

### **b) Secure access to formal financial resources**

By law, women and men may equally participate in economic activity, including opening a bank account and obtaining credit, irrespective of marital status (World Bank, 2016). Financial institutions are accessible to both women and men for loans; however, women who do not have access to collateral or a regular income source (i.e. women who work in the formal economy) may face challenges in obtaining a loan (CEDAW, State Party Report 2012). As a result, informal savings schemes are more common in rural communities (CEDAW Survey, 2009). While the Government has initiated programs to support women entrepreneurs access financial service training, such programs are often pilot projects targeting specific groups for a particular amount of time. Culturally, decision-making rests primarily in the hands of male figures, including financial decisions, placing additional burdens on women's economic independence (FAO, n.d.).

### **c) Workplace rights**

In 1966 and 1968, respectively, Sierra Leone ratified international labour conventions relating to discrimination in employment and occupation (111) and equal remuneration (100) (ILO). Accordingly, the State has domesticated these laws within its legal frameworks. Under the Constitution, each citizen, female or male, has the equal right to engage in economic activity without prejudice, has equal opportunities to secure suitable employment, and is afforded fair conditions of service and work (Art 7-8, 1991). In addition, the law ensures an equal pay for equal work regardless of sex (Art 8, 1991).

Intended as protective measures, women and girls are prohibited from employment in mines and working night hours (Employers and Employed Act, 1960). Pregnant women are entitled to 12 weeks of maternity leave fully paid by the employer (Services Trade Group Collective Agreement, Art. 14, 2010; Trade Group Negotiating Council Agreement 2001, Art. 14, 2001). There are no legal protections; however, that prohibit the dismissal of pregnant workers on the basis of pregnancy (US Department of State, 2017). At present, there are no provisions for paternity or paternal leave.

Women still experience discrimination with regard to access to employment, especially formal types (US Department of State, 2017; CEDAW, 2014). Under customary law, the husband has the legal duty to maintain the wife, while the wife is expected to do all the domestic work (CEDAW State Party Report, 2012). Tied to this, there exists a gendered occupational divide in the country, where the jobs women and men occupy tend to reflect these traditional values and attitudes (CEDAW, 2017). In addition, a majority of women participate in the informal labour economy, especially rural women, leaving them without secure income generation as well as without social and legal protections (CEDAW, 2014). Legal protections are in place for women engaged in the formal economy, however discrimination still occurs (US Department of State, 2017). For example, it is common for an employer to dismiss a woman if she becomes pregnant during her first year on the job (Ibid).

## 4. Restricted Civil liberties

### a) Citizenship rights

Women and men have the same rights to acquire, change and retain citizenship, regardless of their marital status (Sierra Leone Citizenship Act, Art. 2-6, 1973; Sierra Leone Citizenship Amendment, Art. 10, 2006). Under the amended Citizenship Act, citizens may hold dual citizenship, permitting women and men to acquire the citizenship of another country while retaining their Sierra Leonean nationality (Sierra Leone Citizenship Amendment, 2006). The Act however only allows Sierra Leonean men to confer their citizenship to non-national spouses, and does not explicitly provide Sierra Leonean women married to non-national spouses the same right (section 7, 1973).

Sierra Leonean mothers and fathers may equally confer their citizenship to their child, provided that the child was born in the country (Sierra Leone Citizenship Act, Section 7, 1973). If the child was born abroad, only the father may transmit his Sierra Leonean citizenship to the child (Sierra Leone Citizenship Amendment, 2006). A Sierra Leonean mother may only confer nationality on her child born abroad if the child would otherwise be stateless (Sierra Leone Citizenship Act, 1973).

According to the Birth and Death Registration Act, if a child is born in a hospital or clinic, the medical officer, midwife, or nurse (or any other person in charge at the hospital) is responsible for registration. If a child is born at home, any medically trained birth attendant, or either the mother or father are responsible for registration. Due to outdated legislation, inadequate staffing and resources, birth registration is low (US Department of State, 2017). During the civil war, there was a delay in the issuance of certificates owing to the closure of registration offices (Immigration and Refugee Board of Canada, 2015).

Under the National Registration Act (2008), each citizen has the right to apply for a national identity card. Similarly, women and men may equally apply for a passport regardless of their marital status. The freedom of movement throughout the country, the right to reside in any part of the country, and the right to enter or leave the country is enshrined as a fundamental rights in the Constitution (Constitution, 1991).

### b) Voting

By law, women of legal age (18 years or older) are guaranteed the right to vote in all elections and the right to form or belong to a political party in the same way as men of legal age (Constitution, Art. 31, 1991). There is no evidence to suggest the existence of traditional or customary practices that prohibit women's right to vote. In 2012, there was a greater share of women registered to vote (51%) than men (National Elections Commission Sierra Leone, Annual Report, 2012).

### c) Political voice

Under the constitution, every citizen of legal age (18 years or older) possesses the right to hold public office in all elections – local, national, and public referenda. To promote the participation of women, the government enacted the Local Government Act in 2004. The Act granted the equal representation for women at the lower level. Specifically, in the Ward Committees for each ward in a locality, at least five out of ten members must be women; and in the Local Government Service Commission, at least three out of eight members must be women (Local Government Act, Art. 95, 2004). At present, there

are no legal quotas at the national level for women, however, there have been efforts towards the development and passage of a minimum 30% quota for women in governance at all levels (Human Rights Council, 2015; Quota project, n.d.).

In 2009, the government adopted the Chieftaincy Act, which recognizes a woman's right to run for and be elected as a paramount chief, which is considered the highest office in a parallel system of tribal government existing in each of the 149 chiefdoms in the country. Prior to the Act, the appointment of chiefs was based on customary and patrilineal rules, and chieftaincies, in particular paramount chieftaincy, was traditionally male (State Party Report, 2012). Still, the Act contains a provision subjecting it to customary law, which may in fact disqualify women from candidacy (Art 8, 2009).

Women's participation in political life at decision making levels is generally low (CEDAW, 2014). To some degree, the participation of women is still influenced by their husbands or other patriarchal figures as well as prevailing cultural and traditional attitudes towards women in decision making positions (US Department of State, 2017; ODI, 2012). In the Judiciary, women have been appointed as judges in the Supreme Court, High Court and Court of Appeals (State Party Report, 2012).

#### **d) Access to justice**

As part of the fundamental rights afford to each citizen, female or male, the constitution stipulates that the "Government shall secure and maintain the independence, impartiality and integrity of courts of law" to allow for a "legal system [that] promotes justice on the basis of equal opportunity" (Constitution, art. 23, 1991). By this extension, each citizen is afforded the same rights to sue, to be sued, and to provide testimony in courts that is of equal evidentiary weight, regardless of gender or marital status.

To support women's access to justice, the government adopted the Legal Aid Act, which provides free legal aid to, among others, women victims of sexual violence. Moreover, the government established Special Saturday courts, which are mandated to try sexual violence cases while offering more protection of the privacy of victims and the opportunity to expedite trials (CEDAW, 2014)

The Sierra Leone Bar Association has for the first time in its history, set up the National Centre for the Prosecution of Violence against Women, with the mandate to investigate and prosecute gender based violence and domestic abuse (State Party Report, 2014).

In 2005, the Human Rights Commission of Sierra Leone (HRCSL) was established. Its key functions include: investigating into any allegation of human rights violations, promoting respect for human rights through public education and awareness raising; reviewing existing legislation and advising government on its compliance with international obligations; and monitoring and documenting violations of human rights in Sierra Leone (The Human Rights Commission of Sierra Leone Act, 2004). In 2011, the HRCSL was accredited with an "A" status by the International Coordination Committee of National Human Rights Institutions, owing to its full compliance with the Paris Principles (Human Rights Council, 2015).

Despite these measures, women's access to justice remains limited, particularly in matters of marriage, divorce, property, and inheritance (US Department of State, 2017; CEDAW, 2014). Barriers

to accessing justice include a wide range of factors, part of which is structural. According to the sixth periodic report of Sierra Leone to the CEDAW Committee, there is “a lack of independence of the judiciary, inadequate court infrastructure, lengthy trials and delays, capacity constraints, lack of due process guarantees, and insufficient capacity-building on existing legislative frameworks for judges, prosecutors, lawyers and relevant law enforcement agents” (CEDAW, 2014).

Moreover, there is a legal plurality in the country that recognizes customary law and traditional practices. Depending on the customs and traditions of one community, the personal laws applied may contradict, but still take precedence over the rights afforded to women in the Constitution (Subsection 4, 1991). This is particularly the case in matters of marriage, divorce, property, and inheritance, which are guided by customary law in all areas except the capital (Constitution, 1991). While formal laws may still apply in customary courts, customary judges have limited or no legal training and often are unaware of formal laws or choose to ignore them (US Department of State, 2017). The majority of the population resides in rural areas, for the most part governed by customary law, which reinforces patriarchal norms and male dominance (State Party Report, 2014). Under customary law, women's rights and status are routinely considered inferior to those of men; in some communities a woman is regarded as a minor and perceived to be the property of her husband (US Department of State, 2017). In many traditional courts, laws on gender equality are inconsistently enforced, and the rights of women regarding family law ignored (US Department of State, 2017). Often women do not pursue formal legal remedies given the pressure from family members and community, the obstruction of justice committed by the highest levels of authorities, including traditional leaders and politicians, and the long delay in court trials (State Party Report, 2014).

Given these challenges, women often seek justice outside of formal courts (US Department of State, 2017). Connected to this, many women do not understand their rights, nor the legal system, and a heavy social stigma and shame is placed on a woman who seeks redress through the formal legal system, particularly with cases relating to sexual assault (CIDSL, 2012; CEDAW 2014). It is common for communities to pressure women to settle cases outside court (CRC, 2016; ODI, 2012).

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