



**United Nations Human Rights Council
Universal Periodic Review: Sierra Leone**

Submission of the International Center for Advocates Against Discrimination (ICAAD)

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About ICAAD

The International Center for Advocates Against Discrimination (ICAAD) is a tax-exempt 501(c)(3) non-profit organization that combats structural discrimination and promotes human rights norms consistent with public international law. Structural discrimination refers to systems of inequality that provide a social, political, cultural, or economic advantage to a dominant group while furthering barriers of exclusion that make marginalized communities more susceptible to violence and indignity. By leveraging partnerships, ICAAD brings together passionate multidisciplinary teams of lawyers, data scientists, universities, and design strategists to improve access to justice for women, girls, and vulnerable communities, while strengthening the capacity of civil society and government.

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Executive Summary

Drawing on ICAAD's research, this submission highlights issues of structural discrimination that impact women and minorities in Sierra Leone. The research examines Sierra Leone's compliance with its international human rights obligations on the issues of: gender equality, violence against women, discrimination against women in education, inadequate healthcare for women, harmful traditional practices, and discrimination against citizens of non-African descent.

(I) Women's Rights Issues

(A) Gender Equality

a) Systematic Discrimination:

(1) Women in Sierra Leone face widespread gender-based discrimination. The government has enacted legislation to protect and promote women's status in society. However, the lives of most women living outside the capital are subject to customary law.¹ The status of women under customary law is that of a minor.² This body of law affects women's lives in critical areas such as marriage, divorce, property and inheritance.³ Attempts by the central government to promote gender equality are undermined by this dual system of laws.

(2) Protection of gender equality through legislation is limited by the lack of effective mechanisms to implement such legislation.⁴ Although there is constitutional protection for civil, political, social, and economic rights of women, the rights of women continue to be violated.⁵ There is a lack of efforts to promote gender equality. In fact, Sierra Leone has not adopted any measures to implement the National Gender Plan or National Action Plan.⁶

b) State Response

(3) The government of Sierra Leone ratified CEDAW without reservations.⁷ The country also took the significant step of enacting three laws aimed at promoting gender equality: The Registration of Customary Marriage and Divorce Act 2007, Domestic Violence Act 2009, and Devolution of Estate Act 2007.⁸ Additionally, the Government has shown its commitment to UN Resolution 1325 by adopting a National Action Plan.⁹

c) Remaining Challenges

(4) The implementation of laws aimed at protecting women's rights remains a problem.¹⁰ For instance, legislation mandates that the state provide care and safety for women, but it is NGOs that are delivering these services. The Government has not made a sustained effort to implement the National Action Plan that it adopted.¹¹ In addition, the actual impact that any legislative mandate has on the lives of women is limited by the prevalence of customary law outside the country's capital.¹²

d) Recommendations

(5) Sierra Leone must take concrete steps to implement laws and policies aimed at promoting equality for women, including the National Action Plan and to implement throughout the country the relevant provisions of the Marriage and Divorce Act of 2007, Domestic Violence Act 2009, and Devolution of Estate Act 2007.¹³

(B) Violence Against Women

a) Systematic Discrimination

(6) Violence against women is widespread in Sierra Leone, and efforts to combat domestic violence are limited. The Domestic Violence Act of 2007 is not sufficiently broad to address the issue and suffers from a complete lack of enforcement. Only one case of domestic violence has been prosecuted under the Domestic Violence Act.¹⁴

(7) Government created Family Support Units are located at police stations. The role of the Units is to investigate and provide support to victims of sexual violence. While the Units are sufficiently staffed, there is a lack of adequate training and resources for the Units to fulfill their function.¹⁵ In addition, there are only an estimated 44 Units in the country.¹⁶ Also, the effectiveness of these Units is limited when the alleged perpetrators are law enforcement officers.¹⁷ In addition to these obstacles, victims of domestic violence face major challenges in terms of transportation, accommodation and medical assistance.¹⁸

b) State Response

(8) The government enacted the Domestic Violence Act of 2007 and created the above mentioned Family Support Units. Family Support Units are adequately staffed to deal with victims of sexual violence.¹⁹ Workshops have been organized with social workers and traditional leaders to increase awareness of domestic violence. The government has also made strides in health care and psychological support for victims of violence.²⁰

c) Remaining Challenges

(9) The Domestic Violence Act has not been properly implemented. The government has insufficiently publicized its existence throughout Sierra Leone, and there is no enforcement of the law.²¹ Although the police have Family Support Units, they lack the necessary resources to provide adequate assistance to victims of sexual violence.²²

d) Recommendations

(10) The Domestic Violation Act needs to be amended to align with UN conventions. A campaign must be launched to publicize the Act nationally, possibly with the assistance of the international community, including NGOs.²³ Additionally, resources need to be allocated to Family Support Units to provide adequate assistance to victims of sexual violence.²⁴ Finally, the rate of prosecution of domestic violence cases must increase.

(C) Education and Healthcare for Women

a) Systematic Discrimination

(11) More than 50% of women in Sierra Leone are illiterate.²⁵ A lack of access to education by women limits their participation in the country's development process. Despite the enactment of the Education Act of 2004, women and girls face substantial obstacles accessing educational opportunities. Early marriage permanently disrupts many women's education.²⁶ School policy usually expels pregnant young girls from schools.²⁷

(12) Women are not receiving proper treatment for HIV/AIDS. Men frequently divorce wives who test HIV positive, leaving them with no financial support and no means for treatment. In addition, inadequate healthcare in connection with child birth has led a high mortality rate.²⁸

b) State Response

(13) The government enacted the Education Act of 2004. School feeding plans have been expanded to increase women's access to education. The government published an Education Sector Capacity Development Strategy, which includes sections that focus on the assurance of equal access to education for women.²⁹ Additionally, the equivalent of Le 250,000 (approx. 77USD) is spent per girl per year for girls' secondary education. This program has now reached a significant number of girls in junior secondary schools.³⁰

(14) The Government has conducted aggressive campaigns on HIV prevention. The HIV/AIDS Commission Act was passed in 2011, making it illegal to deny employment or education based on HIV status. Section 2 of the Act makes it illegal to criminalize a woman for passing HIV to her baby.³¹

(15) A campaign was launched in March 2010 to reduce maternal mortality rates. The focus of this campaign was family planning and the prevention and treatment of pregnancy related complications. Family planning was identified as a key strategy in reducing maternal mortality rates and has been integrated into the Free Health Care initiative.³²

c) Remaining Challenges

(16) Although the government has taken significant steps to increase women's access to education, illiteracy among women continues to be widespread. Patriarchal norms and an expectation that girls will assist with farm work and chores continue to limit women's access to education. In addition, the quality of education is a challenge: poor salary conditions for school teachers are partially responsible for the poor performance of female students.³³

(17) The government has not developed proper programs to reach groups vulnerable to HIV.³⁴

d) Recommendations

(18) Sierra Leone must focus on changing traditional norms that affect women's access to education, such as early marriages. In addition, Sierra Leone must continue to devote resources to increase girl's participation in education and to improve the quality of education.

(19) Sierra Leone must develop programs that provide vulnerable groups, especially women, with access to prevention and treatment of HIV/AIDS. The government must continue the campaign to reduce maternal mortality.³⁵

(D) Harmful Traditional Practices

a) Systematic Discrimination

(20) Women and girls suffer from harmful traditional practices such as female genital mutilation (“FGM”), early and forced marriages, and teenage pregnancy.³⁶ FGM is widely practiced in rural areas.³⁷ Approximately 90% of girls undergone FGM, and approximately 81% of girls ages 15 to 19 have undergone FGM.³⁸ The police remain hesitant to interfere with FGM, which is considered a traditional cultural practice.³⁹

b) State Response

(21) In 2007 the government commendably enacted the Child Rights Act to battle early and forced marriages.⁴⁰ In addition, the government developed the National Strategy to reduce teen pregnancy.⁴¹

(22) The Registration of Customary Marriage and Divorce Act and the Child Right Act expressly prohibit FGM. The Child Rights Act prohibits FGM below 18 while the Registration of Customary Marriage and Divorce Act prohibit FGM below 16.⁴²

c) Remaining Challenges

(23) FGM is part of Sierra Leone’s traditional culture and initiatives to eliminate the practice have met significant obstacles.⁴³ Even with legal prohibitions to undergo FGM, government officials lack the political will to eliminate the practice altogether.⁴⁴

(24) In terms of early marriage, there are contradictions between legislation and customary law: while the Child Right Act prohibits early marriage at 18, customary marriage accepts marriage below 18 with parental consent.⁴⁵

d) Recommendations

(25) The government must take additional steps to promote the elimination of the practice of FGM.

(26) In terms of early marriage, the Child Right Act and customary law must be harmonized to establish the same minimum age for marriage.⁴⁶

(II) Minority Right’s Issues

(A) Citizenship

a) Systematic Discrimination

(27) The Citizenship Act 1973 places severe restrictions on the rights of people of non-patrilineal Negro-African descent to obtain citizenship. The law disenfranchises these groups and institutionalizes discrimination in access to citizenship. The law significantly impacts residents of Lebanese and Indian descent.⁴⁷

b) State Response

(28) Sierra Leone is going through a Constitutional Reform process of the 1991 Constitution. It is unclear how citizenship issues will be addressed, but the government has made improvements for non-African residents.⁴⁸

c) Remaining Challenges

(29) Although some improvements have been made toward citizenship of non-African residents it is unclear as to what the Constitutional Reform will do to continue improvement of Citizenship.⁴⁹

d) Recommendations

(30) The Constitutional Review Committee should review the issues of Citizenship and make distinct laws to prevent discrimination of non-African descendants.⁵⁰

¹ COALITION of Sierra Leone NGOs submission for the UPR of Sierra Leone, 11th Session of the UPR Working Group (May 2011), at 6, http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SL/JS1_JointSubmission1-eng.pdf

² *Id.*

³ *Id.*

⁴ UNIVERSAL PERIODIC REVIEW (UPR), The Follow-Up Program on Sierra Leone (2014), at 49, http://www.upr-info.org/followup/assessments/session24/sierra_leone/MIA-Sierra_leone.pdf

⁵ *Supra* note 1, at 6.

⁶ Campaign for Good Governance (CGG) for the UN UPR of Sierra Leone, 11th Session of the UPR Working Group (May 2011), at 1, http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SL/CGG_CampaignforGoodGovernance-eng.pdf

⁷ United Nations Treaty Collection, CEDAW fact sheet (Nov. 18, 2014, 2:52 PM), section *Declarations and Reservations* https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en#EndDec

⁸ *Supra* note 4, at 49.

⁹ *Supra* note 6, at 1.

¹⁰ *Supra* note 4, at 49.

¹¹ *Id.*

¹² *Supra* note 1, at 6.

¹³ *Supra* note 4, at 49.

¹⁴ Amnesty International submission for the UPR of Sierra Leone, 11th Session of the UPR Working Group (May 2011), at 2, http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SL/AI_AmnestyInternational-eng.pdf

¹⁵ *Supra* note 4, at 40.

¹⁶ *Id.*

¹⁷ *Id.* at 58.

¹⁸ *Id.* at 80.

¹⁹ *Id.* at 40.

²⁰ *Id.* at 41.

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- ²¹ *Id.*
- ²² *Id.* at 40.
- ²³ *Id.* at 41.
- ²⁴ *Id.* at 40.
- ²⁵ *Supra* note 1, at 5.
- ²⁶ CEDAW list of issues in relation to the sixth periodic report of Sierra Leone (August 2013), at 5, <http://www.refworld.org/docid/52dd23134.html>
- ²⁷ *Supra* note 1, at 4.
- ²⁸ U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2013: Sierra Leone, at 30, <http://www.state.gov/documents/organization/220368.pdf>
- ²⁹ *Supra* note 4, at 14.
- ³⁰ *Id.* at 12.
- ³¹ *Id.* at 15.
- ³² *Id.* at 56.
- ³³ *Supra* note 1, at 4.
- ³⁴ *Supra* note 4, at 14.
- ³⁵ *Id.* at 55.
- ³⁶ Human Rights Commission of Sierra Leone Submission to the 1st Report to UPR Mechanism (November 2010), at 4, available at http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SL/HRC/SL_HumanRightsCommissionSierraLeone-eng.pdf
- ³⁷ *Supra* note 1, at 5.
- ³⁸ *Supra* note 28, at 25.
- ³⁹ *Supra* note 1, at 5.
- ⁴⁰ *Supra* note 4, at 55.
- ⁴¹ *Id.*
- ⁴² *Id.* at 33.
- ⁴³ *Id.* at 34.
- ⁴⁴ *Id.* at 53.
- ⁴⁵ *Id.* at 55.
- ⁴⁶ *Id.*
- ⁴⁷ Equal Rights Trust UPR Submission of Sierra Leone, (2010), at 3, http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SL/ERT_EqualRightsTrust-eng.pdf
- ⁴⁸ *Supra* note 4, at 20.
- ⁴⁹ *Id.*
- ⁵⁰ *Id.*