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Mission Statement of TERRE DES FEMMES

TERRE DES FEMMES (TDF) is a German non-profit women's rights organisation, founded in 1981 in Tübingen. Our vision is equal rights, self-determination, and freedom for girls and women around the world, while holding equal and inalienable rights regarding all aspects of life. We serve in the field of gender-based violence, with a commitment of promoting a world in which females are in control of their own life, regardless of individual background. TDF deals with a variety of subjects through its five focus areas: Female Genital Mutilation (FGM), honour crimes, domestic violence, women trafficking, and virginity myths. We raise public awareness by means of education and advocacy, campaigning and lobbying, international networking, and individual personal assistance. We also promote a number of independent and local self-help projects abroad.

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Sierra Leone

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Female Genital Mutilation (FGM) practices: A threat to Women and Children Rights in Sierra Leone and a concern for TERRE DES FEMMES

Abstract

1. Sierra Leone is a relatively small country on the west coast of Africa, bounded on the west and southwest by the Atlantic Ocean, on the north, and northeast by Guinea, and on the east and southeast by Liberia. Its population is estimated to be 6.1 million people according to the 2013 population records.¹ Since the civil war in 1991-2001, the country's women rights situation is increasingly in a deplorable state, thereby affecting the social, economic, physical and psychological wellbeing of women and girls. Major women rights problems include societal discrimination and violence against women, FGM and child abuse. As a result of customary laws and patriarchal structural setups, most women are treated as second-class citizens. They are also routinely denied access to education, medical care and employment. Yet, tribal secret societies (like Bondo and Sande) also hold forcible FGM initiation rites upon women and girl children. This submission examines women and girl-right situation in Sierra Leone, in concern with FGM practices. It is mainly research based, taking into consideration the last Country Universal Periodic Review (UPR) reports and recommendations,² and current human rights developments. First hand information has been provided by our partner organisation Amazon Initiative Movement (AIM) in Sierra Leone, which is also working actively against FGM. Given the previous submissions and reviews, FGM has not been explicitly addressed as a single topic, yet the practices pose global challenges.

Introduction

2. WHO defines FGM as "all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons."³ Grouped into four types; clitoridectomy (I), excision (II), infibulations (III) and all other harmful procedures like pricking (IV)⁴, type II and I are commonly done in Sierra Leone. The country faces highest prevalence rates, thereby ranking the seventh highest out of the 28 African countries practicing FGM. 24 African countries have already implemented laws against FGM at the national level and made great strides in their efforts to eliminate FGM. However, Sierra Leone is not among⁵. The 2013 Demographic Health Survey confirm that nine out of ten women have undergone a certain form of FGM, mostly as rites of passage to womanhood⁶, making a countrywide total of 88% of affected women, aged 15-49 years. All

¹ The World Bank Group (2015), <http://data.worldbank.org/country/sierra-leone>, viewed on 06.05.2015

² Human Rights Council (2011): Report of the Working Group on the Universal Periodic Review. Sierra Leon, http://www.upr-epu.com/files/237/RGT_E.pdf. Accessed on 17 June 2015

³ WHO (2014): Female Genital Mutilation, fact sheet No 124. <http://www.who.int/mediacentre/factsheets/fs241/en/>. Accessed on, 18 May 2015

⁴ See more clarifications on the types done under WHO, Classification of female genital mutilation, <http://www.who.int/reproductivehealth/topics/fgm/overview/en/>. Retrieved on, 27 May 2015

⁵ UNICEF (2013), Female Genital Mutilation: A Statistical overview and exploration of the Dynamics of Change, UNICEF, New York

ethno-linguistic groups in Sierra Leone except the Christian Krio population of the Western Area perform the practice⁷. Bondo secret societies have been held responsible, for their institutional significance, is today the main repository of the traditional ways of life in Sierra Leone.

3. Historically, secret societies are ancient cultural institutions that stem from Upper Guinea Coast of West Africa. They are an embodiment of and a means of canalizing supernatural power. They provide "an institutional structure that lays down various rules of conduct, prescribe certain forms of behaviour, and are the sole agency capable of remitting certain sins"⁸. Little K.L (1949) affirms that such societies' control over supernatural power and their regulation of lay conduct and behaviour is, to some extent, a matter of specialization. Bondo in the north and Sande in the south of Sierra Leone for instance prepare young girls for adult life, marriage and motherhood⁹. Bondo in particular, is commonly known for its responsibility for directing girls' rites of passage to adulthood, through FGM¹⁰. The society is a powerful all women led group responsible for the FGM initiations that take place in the Bondo bush. Each ethnicity has its own bush, which is run by a 'sowie', a traditional woman Bondo leader¹¹, who also performs the practice. Upon FGM, girls are sworn into the ordeal of the secrecy so that no information is shared outside the society

4. The secrecy of both societies, lies in the sense that valuable knowledge is owned, which must be guarded against debasement, and only transmitted in ritual situations, to initiates who are properly prepared to receive it¹². Since initiation guarantees community membership and its attendants are guaranteed social and property rights, this in return strengthens the circles of belonging among the circumcised and increases stigmatization among the non-circumcised. For the latter however, stigmatization often leads to trauma or submission into forced circumcisions. This explains why parents who have their daughters circumcised, do not necessarily intend to harm their children, rather, give them a 'better future', without stigmatization and social sanctions, both perceived as punishments of not undergoing FGM. Meanwhile, compliance with FGM rituals always comes with 'benefits' such as; marriage opportunities/chances, participation in community decision-making and community functions.

⁶ UNICEF (2013), Op'cit.

⁷ Richard Fanthorpe, Sierra Leone: The Influence of the Secret Societies, with Special Reference to Female Genital Mutilation (Writenet 2007). <http://www.unhcr.org/refworld/docid/46cee3152.html> , accessed on 28 April 2015

⁸ Little, K. L. (1949:201); The Role of the Secret Society in Cultural Specialization. *American Anthropologist*, Vol 51, issue 2: pp 199–212. doi: 10.1525/aa.1949.51.2.02a00020

⁹ Richard Fanthorpe (Writenet 2007)

¹⁰ Mgbako, Chi and Saxena, Meghna and Cave, Anna and Shin, Helen and Farjad, Nasim, Penetrating the Silence in Sierra Leone: A Blueprint for the Eradication of Female Genital Mutilation. *Harvard Human Rights Journal*, Vol. 23, p. 111, 2010; Fordham Law Legal Studies Research Paper No. 1719132.

¹¹ O. Bjälkander, D.S. Grant, V.Berggren, et.al (2013) Female Genital Mutilation in Sierra Leone: Forms, Reliability of Reported Status, and Accuracy of Related Demographic and Health Survey Questions. *Obstetrics and Gynecology International*, **vol** 2013 (2013), <http://dx.doi.org/10.1155/2013/680926>. Accessed on 27 May 2015

¹² McCormack, C.P., Sande: The Public Face of a Secret Society, in B.Jules-Rosette (ed.), *The New Religions of Africa*, Norwood: Ablex Publishing Corporation, 1979, p. 27

FGM practices threaten women' health, rights and dignity

5. Whereas the practice of FGM enforced by secret societies continuously reflect political ideas about African identity and sovereignty, under the support of many national elites (politicians inclusive), the practices are followed by health implications¹³ (like risks to HIV infections, severe pains, bleeding, keloids of the Vulva, infertility and heamatocolpos - the accumulation of menstrual fluid in the vagina, and obstetric complications including obstructed labour, caesarean section, postpartum hemorrhage, extended hospital stay, the need for infant resuscitation, stillbirth, and early neonatal death). Besides, human rights are often trampled upon. The widespread practice poses a threat unto women's right to physical integrity. It is important to note that the procedure is performed on children, who have no say in the matter and therefore violates a number of recognized human rights (rights to health, free from violence, life and physical integrity, non-discrimination, cruel, inhuman, and degrading treatment), including those protected by the Women and Child Rights Conventions.

6. The practice contributes massively towards gender inequality. Youth alone contribute a large share of the population (43%)¹⁴, majority of whom are females. A UNICEF report¹⁵ shows that only 14% of girls in relation to 32% of boys access senior secondary school due to early marriages and pregnancy. Statistics from MICS further indicate 15% girls married before 15 years of age while 50 % marry before 18 years¹⁶. It should be noted that among ethnics, where FGM is performed as a rites of passage from childhood to adulthood, affected ages are 12-14 years. At such tender ages, undergoing the practice often marks; a) the end of girls' education, b) end of teenage life and c) the beginning of marriage proposals or marriage life. In other words, after FGM girls are perceived as adults, which makes them qualified and sometimes psychologically ready for married, even though the international standard age of adulthood is 18 years. Parents of the girls usually arrange marriages that follow after FGM. Men who are sometimes twice as old as the girls, or even fit to be their fathers, seek the girls' hand in marriage and often become their husbands.

7. Domestic violence and early pregnancies characterizes such marriages, yet girls are not expected to break such family commitments for whatever reasons. Girls in such marriages not only completely depend on their husbands for survival, but their chances to a 'brighter' future (through education) have also been totally blocked against their will. This not only poses a threat to self-determination, women empowerment and emancipation, but undermines also the social and economic growth of Sierra Leone. There is clearly a denial of human (especially women) capital that, through education and various qualifications, may have led to the attainment of employment opportunities all over the world, hence improving women standards and living conditions. The World Bank statistics have indeed confirmed that the gender related Development Index of Sierra Leone is currently ranking at the

¹³ UNFPA 2010: Female genital mutilation (FGM) frequently asked questions, http://www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions#linkages_fgm_hiv. Retrieved on, 22 February 2012; see also WHO study group on female genital mutilation and obstetric outcome: WHO collaborative study in six African countries. *Lancet* 2006; 367: 1835-41

¹⁴ World Bank. <http://siteresources.worldbank.org/INTPRH/Resources/376374-1303736328719/SierraLeone42211web.pdf>. Accessed on 09/05/15

¹⁵ UNICEF, Sierra Leone. Country programme document 2015-2018, http://www.unicef.org/about/execboard/files/2014-PL10-Sierra_Leone_CPD-Final_approved-EN.pdf, Accessed on 09/05/15

¹⁶ Multiple indicator cluster survey, 2010

bottom¹⁷, yet the country is one of the poorest with most of its population, comprising of mainly women, surviving on less than 1\$ per day.

8. Because it is women who bare most of the burdens of upholding cultural norms and values, with after effects, traditions like FGM cannot be invoked to justify practices contrary to human dignity and against the International human rights norms. Customs and traditions cannot be put forward, yet they may be the only recourse to any form of injustice against women.

International human rights law

9. Aware of the fact that traditional practices are harmful and against human rights and dignity, treaty monitoring bodies and conventions like CEDAW (Article 2(f) and 5(b))¹⁸, CRC (Article 24(3) and 19(1))¹⁹, the Committee Against Torture, the Human Rights Committee and the United Nations special rapporteurs have addressed FGM in their reports to specific governments and recommend actions (including law enactment) that can feasibly be taken towards ending the practice.

10. Meanwhile, Sierra Leone is a member of the United Nations and a signatory to majority of the International human rights protection treaties such as; the UN Convention on the Rights of a Child (1990), the Convention of All forms of Discrimination Against Women (1988), the Convention Against Torture and Other Cruel Inhuman and Degrading Treatments or Punishment, the African Charter of Human and People's Rights (1983), African Charter of Human Rights and Welfare of Children (2002)²⁰. These treaties not only bind Sierra Leone to the International human rights standards set forth in the Universal Declaration of Human Rights and United Nations Conventions, but also require that Sierra Leone adheres and complies with these commitments, like any other state party. In as far as Sierra Leone has ratified UN Human Rights Conventions or has accepted the Competence of the corresponding UN Treaty Bodies²¹; the peoples of Sierra Leone, their representatives, or civil society are able to invoke their human rights through these bodies.

Challenges

11. Given the two instruments that explicitly address the legal framework against FGM, is the Maputo protocol among. Article 5. "State parties shall prohibit and condemn...through legislative measures backed by sanctions, (b) all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them"²². Unfortunately, Sierra Leone has failed to ratify the Protocol and thus not a state party. Practically, this could explain the country's reluctance towards upholding any legal commitments, as far as women's rights are concerned, at the African continent.

¹⁷ World Bank. <http://siteresources.worldbank.org/INTPRH/Resources/376374-1303736328719/SierraLeone42211web.pdf>. Accessed on 09/05/15

¹⁸ Convention on the Elimination of all Forms of Discrimination against Women art. 2, Dec. 18,1979.

¹⁹ Convention on the Rights of the Child, Nov. 20, 1989

²⁰ See the ratification table, <http://www.achpr.org/states/sierra-leone/ratifications/>. Accessed on 28.04.2015

²¹ UNHR, Monitoring the core international human rights treaties, <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>, viewed on 25/05/2015

²² Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Sept. 13, 2000

12. It should be noted that successive governments have failed to protect women and girls from FGM. There is a neglect of complying with the International women and child rights standard and the lack of practical implementation of such standards at country level. A relationship can therefore be drawn between the high prevalence rates and the lack of political will to address FGM. In 2001 for instance, the government of Sierra Leone announced the drafting of a Domestic Child Rights Bill. This was done under the auspices of the Sierra Leone's Ministry of Gender, Social Welfare and Children's Affairs, together with UNICEF hired experts.²³ The bill incorporated clauses of the UN Convention prohibiting torture and other cruel inhuman and degrading treatments. Many activists conceived the bill as an applicable mechanism against harmful traditional practices like FGM, liable of protecting children²⁴. However, when the bill was presented in parliament in 2006 and upon its passing in June 2007, the FGM clause had been removed from the final version during parliamentary debate with consensus²⁵, which was disappointing. Since then, there has not been any re-introduction of another bill in parliament.

13. IRIN news quotes a ruling politician of the All People's Congress party who addressed that; "The issue of FGM/C is sensitive. If those advocating against FGM/C win, we will join them later. But if they lose, we will support our people. We cannot afford to lose our ballots because of putting a ban on FGM/C of the girl child." IRIN further informs that in the November press conference, president Ernest Bai Koroma (in power since 2007- and currently incumbent) said "Let the people in civil society deal with this issue of FGM/C"²⁶. Politicians have been reticent to confront the powerful and influential women of Bondo society on issues concerning FGM²⁷. The fear of resistance from the members of the Bondo society and the political - cultural clashes, restrain the political influences, especially during elections. Apparently all attempts to confront the Bondo members have led to social disorder or to 'political suicide'. Nevertheless, the government cannot underlook its responsibility towards protecting the peoples of Sierra Leone. Many women and girls who have no say in the matter are forced to comply in the name of customary laws and traditions. Clearly, human rights cannot be neglected at the expense of political motives.

14. Also, civil society organizations feel abandoned and not politically protected, in their campaigns to eradicate FGM. The standard times press for instance states that Conscious society launched a campaign stating 'say no to Bondo', which was organized in March 2014. Its leader faced threats from Bondo society and ever since then, she has gone into hiding. According to TERRE DES FEMMES, AIM's leader Rugiatu Turay has also been threatened by death on several occasions because of her outreach campaigns against FGM²⁸.

²³ Richard Fanthorpe, Sierra Leone: The Influence of the Secret Societies, with Special Reference to Female Genital Mutilation (Writenet 2007). <http://www.unhcr.org/refworld/docid/46cee3152.html>, accessed on 28 April 2015

²⁴ See UNICEF, Sierra Leone Approves the National Child Rights Bill, 7 June 2007 (news note) http://www.unicef.org/media/media_39951.html, accessed on 28 April 2015

²⁵ Richard Fanthorpe, opcit

²⁶ IRIN, Sierra Leone: The political Battle on FGM/C, <http://www.irinnews.org/report/97066/sierra-leone-the-political-battle-on-fgm-c>, Retrieved on 27 May 2015

²⁷ Maada Gumba, opcit; see also Richard Fanthorpe (Writenet 2007: pp 9-14)

²⁸ TERRE DES FEMMES, Rugiatu Turay im Kampf gegen weibliche Genitalverstümmelung in Sierra Leone. <http://frauenrechte.de/online/index.php/component/content/article/257-eine-welt/eine->

15. Moreover, there exist also numerous threats of forced initiation/ mutilation as a punishment of speaking out against FGM²⁹. Meanwhile, girls have also been initiated at younger ages and infancy, for example 40 days after birth among the Soso ethnic group. The latter is intended to limit the impact of awareness and sensitization towards girls' refute of FGM practices at older ages. Gender based violence of this form, promoted by the patriarchal structures in the name of tradition, and making women to play a bigger role in their own 'enslavement', is the target of TDF through lobbying, education and advocacy, campaigning, international networking, individual assistance and self-help projects abroad.

16. Also, TDF partner organisation –Amazon Initiative Movement (AIM) is working tirelessly against FGM since 2003. It has educated communities against the negative effects of FGM and empowered individuals and communities to speak against the practice. With the financial help of TDF, AIM also has a rescue house protecting girls running away from FGM and early marriages, which was built and is being financed partly by TDF. Some behaviour changes have been realized, reflecting change in social attitudes or the readiness for change. However the main challenge is behavioural sustainability resulting from social pressure to conform, amidst the absence of political backup.

Recommendation/Conclusion

17. The republic of Sierra Leone should make it a priority to ratify the Maputo protocol, but also the pending CEDAW optional protocol in order to pave way for legal protection of women. Thereafter, Sierra Leone must adopt explicitly national laws against FGM, as the most important set of intervention that will support the social movement towards a) accelerating the elimination of FGM b) while bridging the gender gap, c) thereby achieving women rights standards d) through women autonomy and empowerment from hindrances posed by cultural traditional harmful practices.

18. It is also highly recommendable that the power of Bondo women be checked through criminalization of their acts and behaviours. The absence of a law criminalizing FGM makes it hard to hold offenders accountable through punishments. However the constitution of Sierra Leone³⁰ provides for the protection of human rights without discrimination of any kind, be it sexual orientation or gender identity. Enforcement through criminalisation is needed to tame the Bondo powers, which will act as an example for the rest of the 'Sowie' women (circumcisers), who hold forcible initiations.

19. More so, Activists working against FGM must be protected against any violent attacks at all costs, to allow effective performance in a secure environment

20. Besides, there is a need to promote and support qualitative education initiatives and encourage more women in the education sector. This will reduce on the ignorance levels through illiteracy, and increase human capital, which in turn will promote FGM abandonment in future generations, given the better social-economic conditions. Since the Sovies are hereditary, there are limited chances that professionally educated and employed women will still be interested into undertaking the Sovie roles. Besides, based on the fact that FGM is a

[welt/1198-rugiato-turay-im-kampf-gegen-weibliche-genitalverstueummelung-in-sierra-leone](http://www.welt/1198-rugiato-turay-im-kampf-gegen-weibliche-genitalverstueummelung-in-sierra-leone), accessed on 28 May 2015

²⁹Maada Gumbu, Sierra Leone: Anti FGM Campaign Heats up. The Patriotic Vanguard, Sierra Leone News Portal. Friday September 24, 2010

³⁰ Constitution of Sierra Leone. <http://www.parliament.gov.sl/AboutUs/ConstitutionofSierraLeone.aspx>, accessed on 27 May 2014

source of income for circumcisers and through their roles, Sowies attain high respect and influence. Education can also provide that kind of respect that women desire.

21. Sensitisation and awareness should highly be accompanied by protective measures for those ready to change their behaviours in order to overcome forcible initiations. Rescue homes for that matter should be highly invested into, in order to protect girls. Such homes are still a handful in Sierra Leone, given the threats at hand.

22. Conclusively, activities against FGM should not exclusively aim at abandonment. Sustainability of behaviours should be the major focus.