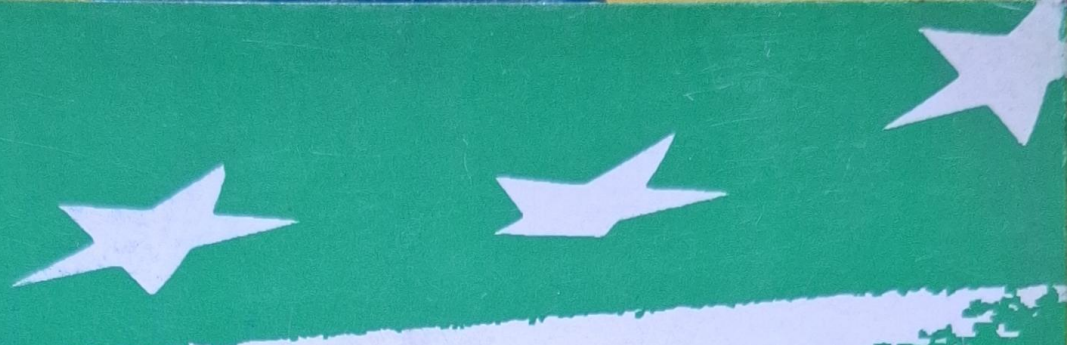




An Abridged and Simplified Version

**UNEQUAL RIGHTS:
DISCRIMINATORY LAWS AGAINST
WOMEN IN SIERRA LEONE**

**A Report by the
LAWYERS CENTRE
FOR LEGAL ASSISTANCE
(LAWCLA)**

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AN ABRIDGED AND SIMPLIFIED VERSION

A Report by the
LAWYERS CENTRE FOR LEGAL ASSISTANCE
(LAWCLA)

IN COLLABORATION WITH
THE 50/50 GROUP AND FAWE-SIERRA LEONE CHAPTER

PUBLISHED WITH SUPPORT FROM THE
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Note: The evidences and views contained in this report are entirely and solely those of LAWCLA, FAWE- SIERRA LEONE CHAPTER AND THE 50-50 GROUP

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CHAPTER 1

BACKGROUND

1. THE LEGAL SYSTEM IN SIERRA LEONE

The laws of Sierra Leone are the Constitution, the Common Law, Statutory Law and Customary Law.

The Judiciary which is headed by the Chief Justice comprises of the Supreme Court, the Court of Appeal, the High Court and Magistrate Courts.

2. THE STATUS OF WOMEN IN SIERRA LEONE

Women in Sierra Leone face discrimination as a result of the provisions of some Laws as well as local traditions and customs.

3. POLITICAL PARTICIPATION

Women do not play an active role in Political Parties and in Government. Women's participation in local government has always been low. Traditional governance structures such as Community Development Committees, Paramount Chiefs and District Officers are in most cases male dominated. (Except for the Mammy Queens).

Despite women's lack enough positions in formal politics, they constitute active and courageous defenders of the democracy movement in Sierra Leone. In the 1950's women participated in local and municipal government and urban women participated actively in the struggle for independence. In 1996 when the military junta in power attempted to disturb the electoral process, both men and women took to the streets to protest. After the military coup of 1997 also, women's groups played a central role in the protest movement to defend democracy.

4. ECONOMIC STATUS

In Sierra Leone although poverty affects men and women, the proportion of poor women are more than Men. About 74% of the female poor are living on less than 0.50 USD a day. Poverty amongst women results from their long hours of work and the very low rate of financial returns of the income generating activities in which they are engaged.

5. HEALTH RIGHTS/ISSUES

Women's access to adequate health facilities is very low in Sierra Leone. The Civil War in the Country between 1991 and 2001 resulted in the substantial destruction of health care facilities. Women's life expectancy rate at birth of 40.04 is the lowest in the world and the infant death rate has risen from 146 per 1,000 in 1990 to 164 per 1,000 in 1996 and estimates for today are even higher (UNICEF).

Sierra Leone has a maternal mortality rate of 1,800 per 100,000 live births. This figure is among the highest in the world. A major factor for this is lack of access to antenatal care. Only 68% of pregnant women receive antenatal care from skilled personnel and only 42% deliver under the care of trained Nurses and Doctors.

In Sierra Leone, women and girls were mostly targeted during the war. Many women and girls during the armed conflict became victims of rape and other sexual and non-sexual assaults. During and after the conflict in Sierra Leone women and children make up the majority of refugees and internally displaced persons (IDPS).

6. HIV/AIDS

The war in Sierra Leone and ignorance contributed to the spread of HIV/AIDS. Many Teenagers (In schools and colleges) continue to have sex without condoms, and many do not believe that HIV/AIDS exist. Adults continue to have sex with teenagers and other Adults without condoms and spread the disease.

In South Africa it is a well know fact that some people with HIV/AIDS deliberately spread the disease by having sex with many teenagers without using condoms. It is possible that some people with HIV/AIDS are doing the same in Sierra Leone.

There is need for educating the populace about the dangers of HIV/AIDS and the means/methods of preventing the spread of the disease. With less than five million people in Sierra Leone this disease if allowed to spread will lead to the death of the vast majority of Sierra Leonean.

7. DOMESTIC & SEXUAL VIOLENCE

Domestic violence is a serious concern in Sierra Leone. Nearly 67% of urban women interviewed recently revealed that they had been beaten by a male partner and over 50% reported being forced to have sexual intercourse.

The police do not normally intervene in domestic assault matters except if the assault is of a serious nature or leads to death. Some women believe that a man has the right to beat his wife if she disobeys him and that it is a wife's duty to have sex with her husband even if she does not want to do so.

The incidence of rape and other sexual abuses is on the increase in the country. Sometimes the individuals who commit such acts and the victims settle the matter out of court by payment of some money thereby leading to an increase in the commission of the offence. Alarminglly, a high number of the reported cases involve children as young as 2 years old. There are a lot of problems encountered in solving this problem. These include, the economic factor, the social effect attached to the issue, and also the lack of Medical evidence essential for the prosecution of such offences.

8. THE 1991 CONSTITUTION

Chapter 3 of the 1991 Constitution provides for the respect and protection of basic human rights and freedoms individuals in Sierra Leone. Section 15 clearly states that regardless of (male or female) a person has a right to life,

liberty and security of person, the enjoyment of property and the protection of the law as well as protection from deprivation of property without compensation.

Section 27 of the Constitution provides that

"No law shall make any provision which is discriminatory either of itself or in its effect".

However this provision of the Constitution is seriously weakened by the exceptions contained in it. Section 27(4) makes exceptions for adoption, marriage, divorce, burial, sharing and distribution of property on death or other interest of personal law and customary law. In other words the Constitution is saying that a Law can discriminate against Women if it deals with Adoption, Marriage, Burial, sharing and distribution of property upon death, as well as local traditions.

Thus the Constitution supports discrimination against women. This must be reviewed.

Chapter Two of the Constitution outlines the basic principles of state policy which among other things state that women would like to ensure that their basic right to equal treatment is respected by the government. However an abuse of this provision cannot give rise to a Court Action.

9. INTERNATIONAL INSTRUMENTS

Sierra Leone is a signatory to several important international instruments. This includes, The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples Rights (ACHPR), the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). All of these instruments promotes Human Rights and do not support discrimination against Women.

10. CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

CEDAW has often been praised as an international bill of rights for women and includes many of the Articles protecting and advancing women's rights recognized in other treaties, in one document. The convention requires state parties to avoid discrimination against women in the enjoyment of all civil, political, economic and cultural rights.

However, it is clear that Sierra Leone signed and ratified the Convention and has an obligation to implement the Provisions of the Convention. This has not been done as The Sierra Leone Parliament has not passed the Convention into a Law.

As a party to the convention Sierra Leone could face international condemnation for failing to implement the treaty.

11. THE BEIJING DECLARATION

Sierra Leone signed the Beijing Declaration, which states among other things, that the governments participating in the conference were obliged to advance the goals which are equality, development and peace for all women in the interest of humanity.

The declaration touches on issues such as decision-making, development, peace, health, education, employment and violence against women. As a signatory to the declaration the government has a moral and political obligation to comply with the declaration.

12. NATIONAL POLICIES

The Ministry for Social Welfare, Gender and Children's Affairs has produced two policy documents entitled National Policy on the Advancement of Women and the National Policy on Gender Mainstreaming. The essence of these policies is to ensure that the voices of women are heard. There is also a need to reform laws that discriminate against women.

CHAPTER 2

PROVISIONS OF THE LAWS OF SIERRA LEONE THAT DISCRIMINATES AGAINST WOMEN

1. THE SIERRA LEONE CITIZENSHIP ACT OF 1973

Section 7 of this Law provides that a woman who is not a Sierra Leonean citizen but who marry a Sierra Leonean man can apply to become a Sierra Leonean citizen. There is no similar provision made for a non- Sierra Leonean Man who marries a woman who is a Sierra Leonean citizen. This provision discriminates against Sierra Leonean women, as it does not allow their partners to apply for citizenship on the basis of their marriage.

It is important that the fundamental right to citizenship is afforded equally to women and men.

We recommend that Section 7 should be amended and should read

“Every person who is not a Sierra Leonean and who is or has been married to a Sierra Leonean citizen, may, on application being made by the individual in the manner prescribed, be granted a certificate of naturalization.”

2. CHRISTIAN MARRIAGE ACT (CHAPTER 95 OF THE LAWS OF SIERRA LEONE 1960)

Section 7 of the Christian Marriage Act provides that if a party to the marriage is under 21 the consent of the father must be obtained and only if the father is dead can the consent of the mother be obtained. This section does not afford women and men the same level of authority or guardianship over their children.

Section 26 provides that even when two natives have taken part in a Christian marriage, their property will be distributed according to customary law. This section discriminates against women because it will allow men to retain all the property at the end of the marriage and prevent the woman from inheriting property on the death of her husband.

Participation in a "*Christian Marriage*" does not afford women any protection from discriminatory customary laws.

Article 16(1) of CEDAW states that

"State Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations".

There is a need for a minimum marriage age in Sierra Leone. Early marriage has a serious effect on young women's ability to develop and pursue education or trade.

We recommend that devolution of property of natives who have contracted Christian marriages be dealt with according to The Christian Marriage Act and not Customary Law.

We also recommend that a minimum age of 18 be set for all types of marriage.

3. **MOHAMMEDAN MARRIAGE ACT (CHAPTER 96 OF THE LAWS OF SIERRA LEONE 1960)**

Section 9 of the Muslim Marriage Act, states that, the estate of any Muslim who dies without writing a will shall be distributed in accordance with Muslim law. In terms of this Law, the persons who shall be entitled to take out letters to distribute the property are limited to the eldest son of the person who died without preparing a will, if of full age according to Muslim law; the eldest brother, if of full age according to Muslim law; and the official administrator,

This section clearly discriminates against women as it is only male relatives that may distribute the property.

What is not contained in the law, are the actual rules that govern the distribution of the property among family members. Muslim law contains a number of difficult rules regarding the distribution of property depending on the number of wives, children and the sex of the children. For example, when a couple has no child, if the wife dies without writing a will, the husband receives half of the property and the remaining half goes to others that are entitled to the property. If the husband dies without preparing a will, the wife receives one fourth of the property. These rules are clearly not in favour of women.

We Recommend that this Section be amended to create an equal position for Men and Women.

4. CIVIL MARRIAGE ACT (CHAPTER 97 OF THE LAWS OF SIERRA LEONE 1960)

The Civil Marriage Act has words that are not in favour of women and we recommend that these words be amended. Section 14 of the Act which refers to the partnership of husband and wife as "man and wife" should be amended to read "husband and wife" or Man and Woman.

5. THE MATRIMONIAL CAUSES ACT (CHAPTER 102 OF THE LAWS OF SIERRA LEONE 1960)

The Act states in section 3, that marriage would come to an end if the Respondent (woman) was at the time of the marriage pregnant by some person other than the Petitioner (husband).

This section is not in the interest of women as there is no other provision which declares that if the husband has impregnated someone else before the marriage that will be grounds for bringing the marriage to an end.

The provision in Section 4 which states that one cannot divorce during the first three years of the marriage is more likely to affect women than men.

- Women may find themselves in a marriage where the treatment that they receive that is not in their interest and may cause harm to their physical and mental well-being.
- Women may also be more likely to have the children from the marriage under their care. As a result of these, they find themselves in a situation where they need money to take care of the children.

This provision is more likely to seriously affect women. Three years is a very long time to wait before one can apply for a divorce. It may be better for the women to be free to enter into another relationship.

Section 7 states that, the court would not allow the request for divorce, if it is found that the Petitioner (woman) has allowed the cruelty. This clause unfairly impacts on women as it may be interpreted in a way that leaves women who have been subject to abuse from their husbands without grounds for divorce. Many women may stay with a husband who abuses them because they are too scared to leave or feel that they do not have any option other than to stay in the marriage. A woman may also feel that she cannot protest against adulterous acts committed by the husband, as she may be afraid of his reaction or may feel that she will be left in a poor state with her children if she fails to agree. Many women in Sierra Leone do not have equal power with their husbands within the home and within their relationship.

Section 20 of the Act allows the husband to be compensated by the person with whom the wife committed adultery. There is no similar provision that allows the wife to ask for such compensation from a person with whom the husband committed adultery.

We recommend that the Matrimonial Causes Act be set aside and replaced with a Divorce Act. The Divorce Act should follow and comply with new principles to ensure that there is equality between the parties to the divorce. There should be laid down rules for the granting of divorce, child support, spouse support and custody orders.

We also recommend that the court should be able to grant a divorce in situations where breakdown of the marriage has been established. Breakdown of the marriage should be established by the spouses living apart for one year or adultery or physical or mental cruelty.

6. MARRIED WOMEN'S MAINTENANCE ACT (CHAPTER 100 OF THE LAWS OF SIERRA LEONE 1960)

This Act is an example of laws that were originally written with the intention of protecting women but failed miserably. The main purpose of drafting such law is to protect and promote the interest of women. Unfortunately this law has placed women in a very weak position.

Section 2 of the Act states that for a woman to be entitled to maintenance she must have been forsaken by her husband. This requirement is unnecessary and is taken from the view that a woman is only entitled to support by her separated husband if he has moved out of the house. In amending laws that claims to assist women, the government need to recognize that Women should be entitled to financial support from their separated husbands, regardless of the reason for the breakdown of the marriage or the circumstances under which the breakdown occurred.

Section 2 further states that the magistrate must be satisfied that the husband is able to maintain his wife or his wife and family but has wilfully refused to do so.

The usefulness of this phrase depends entirely on the interpretation of it by the magistrate but it appears to allow an unnecessary freedom for the husband. The magistrate should be able to order the payment of maintenance whether or not the husband has so far wilfully refused or ignored to do so.

Section 2 also states that a wife should not be entitled to maintenance if she has committed adultery. Although the law does make an exception for adultery that is condoned it cannot address the ins and outs of marriage, nor the fact that the woman may have been in a very unhappy situation perhaps when

the husband continued on a series of affairs. The mere act of adultery should not prevent a maintenance order.

We further recommend that there should either be a section in the Divorce Act to allow for maintenance orders. If the government prefers to deal with maintenance in a separate act we recommend that the law be replaced by an act that is gender neutral and provides for the maintenance of either partner depending on the income earning capacities of the partners. The law should also give the magistrate more discretion. The law should stick on to principles similar to those recommended for a divorce act in the earlier section.

7. AN ORDINANCE TO INCREASE PAYMENTS FOR THE SUPPORT OF ILLEGITIMATE CHILDREN

This Law is called the Bastardly Act and gives protection to children born out of wedlock.

We recommend that this name be amended as it employs an offensive language.

8. EMPLOYERS AND EMPLOYED ORDINANCE

This act attempts to protect women by not allowing them to work in mines (section 47) and not to allow them to work at night (section 48). However these sections actually deny women employment opportunities available to men. Women should have the right to choose their employment and should not be denied employment that is available to men on the basis of sex.

The National Policy on the Advancement of Women states that the government will implement a strategy of eliminating all forms of discrimination associated with employment.

Specific issues of concern that are addressed include the establishment of day-care facilities and addressing sexual harassment in the workplace. In the Policy the government commits itself to implementing laws that should protect women in their work places.

Article 11 of CEDAW addresses the issue of employment and states that State parties should take all measures to get rid of bias against women in the field of employment in order to ensure that there is equality between men and women.

We recommend that in order to wipe out state approved discrimination within employment, sections 47 and 48 should be removed from the act.

The act should also be amended to make allowances for sick leave for both parents, in order to care for sick children, childcare, and positive action. If it is only women who are permitted to take time off from work to care for young children or children who are sick this will seriously affect their chance of advancement in the workplace as well as accepting the idea that childcare is the woman's responsibility. If men become equally involved in the care of children and the right to take leave to take care for their children this will help remove barriers for women in employment.

We also recommend that the act should address the issue of sexual harassment within the workplace.

9. PROTECTION OF WOMEN AND GIRLS

This act is another example of a law that was written by a male-dominated system for the purpose of protecting women. The act fails in its goal and furthermore, reinforces negative beliefs about woman.

Section 2 provides an exception to the illegality of procuring a girl or woman under the age of 21. The wording

"Not being a common prostitute or of known immoral character"

Provides reason for the accused person to attempt to insult the woman or girl and seems to be completely blind to the fact that it is the woman who has been offended in this situation regardless of whether or not she is a prostitute. Furthermore, the maximum sentence contained in section 4 of two years seems light for an offence that amounts to sexual assault.

The fact that it is only illegal to procure a woman under the age of 21 is also largely invalid in the legal system in Sierra Leone. Article 6 of CEDAW states that

"State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitute or of known immoral character".

We recommend that the maximum sentence contained in section 4 be increased to a period that is equal with other serious forms of assault under the Offences against the Persons Act.

9. PREVENTION OF CRUELTY TO CHILDREN ACT (CHAPTER 31 OF THE LAWS OF SIERRA LEONE 1960)

In assessing laws that discriminate against women, it is also important to examine the laws that discriminate against the girl child.

Section 7 of this Law states that a person found guilty of abusing a girl between the ages of 13 and 14 will be sentenced to a maximum imprisonment of two years. This treats a serious offence far too lightly.

Section 10 refers to any child not being a common prostitute, or of known immoral character. Even if the girl child is a prostitute she is the victim and should be given the full protection of her rights under the law.

We recommend that section 7 be amended to include a maximum sentence that is similar to other serious forms of assault.

We also recommend that the wording in section 10 "not being a common prostitute, or of known immoral character" be removed from the act.

**10. WIDOWS AND ORPHANS (AFRICAN OFFICERS)
PENSIONS ACT (CHAPTER 175 OF THE LAWS OF SIERRA
LEONE 1960)**

This Law refers only to male African officers as contributors. There is not an allowance for pensions for husbands of female officers who contributed to the fund. This factor discriminates against women as it does not allow them to provide for their partners after their death even though they are income earners for the family.

We recommend a modern pension plan based on gender equality and which provides sufficiently for all government employees and their families be passed by Parliament.

We also recommend that Chapter 175 Widows and Orphans (Overseas Officers) Pensions be amended in the same way.

**11. CHILDREN AND YOUNG PERSONS ACT (CHAPTER 44 OF
THE LAWS OF SIERRA LEONE 1960)**

Section 27 of this Act states that a male child may be committed to the care of a fit person or institution until he reaches the age of 18. With her consent, a female may be committed until the age of 21. This difference is as a result of the thinking that women need someone to take care of them for a longer period while men can take care of themselves after a short while.

We are not opposed to the idea that young persons could give approval to be committed to the care of a fit person or institution after the age of 18 and until the age of 21

The principle must be the same for both sexes.

We recommend that the law be amended in this manner.

12. THE ADMINISTRATION OF ESTATE ACT (CHAPTER 45 OF THE LAWS OF SIERRA LEONE)

The second schedule of this law states that if a woman dies without writing a will but leaving a husband, her entire property goes to him, whereas if a man dies without writing a will leaving a wife and children or other dependants the wife gets one third of the property and the children get two thirds. If a man dies leaving a wife but no children the wife gets one half and the other half is divided among nearest relatives and next of kin.

The second schedule also states that if a man dies leaving no wife or children his father takes the entire property. If his father is dead the mother and children take equal shares.

These provisions clearly discriminate against women in the distribution of property and should be replaced with provisions that treat men and women equally.

Article 16 (1) of the CEDAW states that both men and women shall enjoy equal rights in respect of all aspects of owning property.

13. ABORTION LAW (THE OFFENCES AGAINST THE PERSONS ACT 1861)

The abortion law that exists in Sierra Leone today is a trace from the British 1861 Offences against the Person Act. This law makes abortion illegal.

The illegality of abortion interferes with a woman's right to make choices regarding her own reproductive health and forces women into back-street abortion clinics with all its dangers .

Countries that signed the Beijing Rules have committed themselves to consider reviewing laws containing disciplinary measures against women who have undergone illegal abortions.

CEDAW's concluding comments on reports from Morocco and Namibia, have described high rates of motherly death caused by secret abortions as disrespect of women's right to life and have recommended that governments review disciplinary measures and ensure women's timely lawful access to emergency care.

We recommend that abortion be made legal within the first three months of conception and if the Mother's life is in danger as a result of the pregnancy.

The legalizing of abortions must be accompanied by a government commitment to provide safe and accessible abortion services.

14. CUSTOMARY LAW

An examination of the legal system in Sierra Leone would not be complete without mentioning the type of law that the majority of the citizens of the country are governed by. With the civil courts failing to function effectively across most of the country, Sierra Leoneans live by customary laws, beliefs and practices.

There is a need for the government to scale the balance between different cultural practices with the protection of the fundamental human right to equality of the sexes.

The 1991 Constitution of Sierra Leone clearly makes provision for the application of Customary Law within our legal system.

Customary Laws discriminate against women in Sierra Leone in different ways. For instance, with regards to marriages under customary law there is no limit to the number of wives a man may marry and there is no fixed minimum age for marriage. Also the husband gives his approval for the marriage whereas in a number of cases, the woman's consent is not necessary.

Proceedings for a customary law divorce may be initiated through a local court by either the husband or wife and out of the local court system, only by

the husband himself. The woman is considered as her husband's property and can be inherited by other family members upon the death of the husband.

Under customary law women are not only discriminated against in the distribution of property but may themselves be considered property and therefore be taken along with the other properties.

The customary courts should change the practice of ill treating women. Government must find a way to work through the customary courts system – make the customary courts support the basic rules of law that the formal courts are supposed to do.

CHAPTER 3

RECOMMENDATIONS FOR REFORM

1. THE WAY FORWARD

By proposing law reform we hope that the law can become a driving force for beneficial change for the women of Sierra Leone. However, it is important to keep in mind that the law operates within society. We must also examine the socio-economic, political and cultural aspects of women are discriminated against.

As the women's rights movement has been playing a leading role, it is very unlikely for government to treat women issues lightly. International instruments such as CEDAW and the Beijing Declaration call on governments to intervene and change the patterns of domination and human rights abuses women face all over the world.

We have identified a number of key areas relating to women in Sierra Leone in which there must be important changes in order for any law reform to have the desired effects.

2. EDUCATION

Equality in education forms the basis for the development of women in all aspects of life. It is through education that traditions and beliefs which puts men in superior positions to women can be challenged, thereby helping to break down the practise of discrimination handed from one generation to the next.

In Sierra Leone enrolment in education from primary to university level has been higher for males than females. Due to poverty and the attitude of parents to spend more on the education of boys, many girls have little or no schooling at all. Other factors like early marriage for girls and the belief by society that women will become housewives in the future mean that from an early age the girl child is at a disadvantaged position.

Recommendations:

- Make primary education free, available and obligatory for both boys and girls.
- Offer special training for teachers in order to fight gender-discrimination.
- Increase the number of female teachers
- Introduce sex education into school programmes
- Propose positive action policies to close existing gap between men and women
- Examine teaching materials from a gender perspective
- The state should create national programmes to give women the opportunity to return to school or attend special training.
- Educate parents about the ills of the belief about education for boys being more important.

3. SOCIETAL ATTITUDES

For the law to be able to operate fairly and effectively for women there has to be a fundamental shift in societal attitudes regarding men and women's roles and positions within society.

Sierra Leoneans must attempt to bring about a change in public awareness. We must try to encourage country-wide discussion on equality between the sexes.

Recommendations:

- Education measures mentioned above
- Public education campaigns at all levels about specific gender issues.
- Programmes targeting for both sexes
- Laws and policies must be put in place and be made obligatory.

4. CHANGING CUSTOMARY PRACTICES

All over the world there are certain customary practices that are discriminatory against women.

An example of a customary practice that is harmful towards women and widely practised in Sierra Leone is that of Female Genital Mutilation (FGM).

Although there is no law in Sierra Leone that clearly outlaws FGM it may be possible to charge someone for aggravated assault under Section 43 of the Offences against the Persons Act of 1861. However this law is not sufficient to end this harmful practice.

Another example of a customary practice in Sierra Leone that discriminates against women is that of dowry or bride-price. The practice was originally designed as a token of appreciation to the parents of the bride to thank them for bringing up their daughter so well. However today it has reached the position that in some instances girls are married off early so the poverty-stricken parents receive a substantial sum of money. Furthermore women cannot leave unhappy or abusive relationships just because their parents are unable to repay the dowry.

The only possible and acceptable way of changing discriminatory customary practices is by changing popular beliefs and societal attitudes.

Recommendations:

- The government should adopt and implement national policies aimed at abolishing discriminatory practices against women.
- Community education campaigns by organizations on the legality and usefulness of the changes in favour of Women.
- Gender-sensitive education for chiefs/traditional/community leaders and other customary law enforcement officials.

5. LEGAL RIGHTS AWARENESS/EDUCATION

If the rule of law is to be respected, the population needs to be aware of its rights, and the legal system that exists to protect those rights. A programme of basic legal education is especially important for women as they have often been denied education and experience in asserting their rights. It has traditionally been believed that the husband or some other male family member would declare her rights for her. However it is often these men that deny women their rights.

Knowledge of legal rights can be useful even if there are no functioning police stations or civil courts in the area. Community level dispute resolution mechanisms and traditional legal structures can be strengthened to uphold the rule of law by people who are aware of their legal rights. It is important that the community is involved in the educational process. If community members are to claim and enjoy their legal rights and obligations, then they must feel they are part of the learning process.

Legal rights education can also facilitate full participation in the improvement of laws. As women get to know laws and their shortcomings they can shout and organize for changes that they see necessary.

Recommendation:

- Investment in a long-term community level basic legal education process
- Inclusion of basic legal rights education into primary and secondary school curricula.

6. DOMESTIC VIOLENCE

Assault, including domestic violence, is a criminal act under the 'Offences against the Persons law of 1861'. However the legal system in Sierra Leone has generally given little protection to female victims of domestic violence.

Domestic violence continues because it is widely accepted by women within the Sierra Leonean Society.

Internally Displaced Person's (IDP's) surveyed believed that their husbands have the right to beat them.

In some areas of Sierra Leone domestic violence is even seen as a clear show of a man's love for his wife.

Traditionally there has been unwillingness from the police to interfere in domestic matters. Domestic violence has been looked upon as a family problem over which the state has no responsibility to act. Slowly changing societal attitudes and women's rights activists have forced the issue into the public eye. In Sierra Leone the search of these cases by law often depends on the will of the victim, not the state. There is often a lot of pressure on the victim by other family members for the matter not to be referred to the Police.

It should be the responsibility of the state to punish those who commit acts of violence against others. Given the difficult family relationships that surround domestic violence it is even more important that the government take a leading role in this regard.

Adopting a policy that guarantees state prosecution for every domestic violence matter is recommended.

This would show that the government is sincere in its promise to get rid of domestic violence. It would also raise awareness that domestic violence is a serious issue.

We welcome the setting up of the Family Support Unit within the Sierra Leone Police Force to investigate gender-specific crimes and to provide mental and legal counselling as well as emergency services for battered or abused women and children.

We recommend that this unit be expanded so that more women are given the support necessary to feel that they are able to be protected by the law if they have are abused.

Domestic violence is a world-wide problem that is linked with the unequal power relationship between women and men. Although it will only cease as a general problem when women have attained true equality with men there are some short-term practical steps that government and other organizations can take to reduce its occurrence.

Recommendations:

- Public education campaigns on the problem of domestic violence and how to stop it
- Education about the laws already in place – That the husband does not have the right to beat the wife
- Increased support for family support unit of the Sierra Leone Police
- Increased female police officers
- Education for police officers on gender issues.

- Change in women's maintenance laws- women must not feel that they are trapped in abusive relationships because the man will stop providing for the wife and children. Functioning child/women's maintenance laws will protect Women in this regard.
- Government should apply the Declaration on the Elimination of Violence against Women. The statement sets out steps which individual states and the international community should take to ensure the removal of all forms of violence against women, whether occurring in public or private life.

7. ECONOMIC SELF-SUFFICIENCY/EMPLOYMENT

Although the law is supposed to treat everyone equally regardless of class or economic situation, those who are most open to Human Rights abuses are often those who lack the social and economic ability to defend themselves.

Women in Sierra Leone often have limited economic power and freedom working in either low wage jobs or doing unpaid childcare , household tasks or petty trading. Often women cannot afford to leave husbands who are abusive because they are unable to support themselves and their children and the child maintenance and divorce laws in Sierra Leone (mentioned above) do not serve them sufficiently.

In Sierra Leone women are in a disadvantaged position with regard to economic and employment position because of discriminatory laws, lower education levels and discriminatory labour practices and social attitudes. There is a continued categorization of certain jobs as unsuitable for women which results in women being trapped in the low wage and unpaid sector. Also, because of laws that have to do with the rights of women to own property and discriminatory practices women find it harder to get credit and therefore run a business.

Recommendations:

- Implement educational measures discussed earlier
- Establish credit schemes for women.
- Change of employment laws (mentioned earlier)
- Enforce sexual harassment and anti-discriminatory laws
- Implement positive action campaigns – encourage private business and state run offices and companies to have and enforce a code of conduct
- Provide special vocational training for women
- Educate men about their responsibilities in the home and the ills of discrimination
- Examine economic policies from an equal viewpoint – Have women involved in policy-making and planning.

8. FUNCTIONING LEGAL SYSTEM

As discussed earlier, eleven years of civil conflict coupled with decades of corruption and economic mismanagement have left the Sierra Leonean legal system throughout the country in a mess. If the legal and constitutional reforms recommended are to have any effect, the rule of law must be upheld by a functioning judicial system.

Most citizens of Sierra Leone have no access to legal Aid if they feel that their rights have been infringed upon. They cannot afford to pay for the services of a private lawyer and the government does not provide legal aid. If the rule of law is to be upheld there must be a functioning legal aid system so that all members of society receive legal representation and advice. This is

especially important for women who often do not have the financial means to afford Legal services .

Officials that work in the legal system must be trained in a gender sensitive manner.

Archaic rules in the courts houses that require women to wear scarves on their head and skirts are indicative of the attitude that women should show more modesty in the courtroom than men. In order for the courts to be the temple that upholds and safeguards equality the court's dress codes and procedures must be amended.

Recommendations:

- Investment in the judicial system so that it functions with the required quality and speed.
- Increased government lawyers to prosecute criminal cases.
- Sufficient system of legal assistance and support to existing efforts
- Greater share of women in judicial and law enforcement positions
- Gender-sensitive training is necessary for judges and magistrates, prosecutors, court staff and law enforcement officers.
- Amend court rules and procedures so they no longer discriminate against women.
- Establish a judicial education committee.
- Establish a code of moral values for the judiciary.

9. WOMEN'S PARTICIPATION IN PUBLIC LIFE

If women's interests are to be properly represented in public life there must be more women working in decision and policy making positions within government, civil service and the judiciary. It is important that the government takes advantage of the skill and knowledge of women's groups in civil society that are representative of women's views and interests and consult them when drawing up policies and laws.

Recommendations:

- Increase the number of women candidates for parliament and other government positions
- Setting statistical goals and quotas for appointments of women in the judiciary, parliament and civil service.
- Develop government programmes to attract larger numbers of women into meaningful (as apposed to small) political leadership roles.
- Education to succeed in public life- lobbying skills, assertiveness and strategic planning for career development.
- Encourage northern region to allow women to become paramount chiefs and Traditional Leaders
- Assist women to take up role of paramount chieftaincy.
- Campaigns to encourage women to vote and to educate women about the importance of participating in government
- The creation of parliamentary committee for women's issues to promote and advocate for law reform and government policy.

10. STATE AND NON-STATE ACTORS

When examining legal and human rights it is important to talk of duties that go along with these rights. It moves the debate towards implementation that is what actually has to be done for the rights to be realized. Government should be the major protector of its citizen's rights, but in Sierra Leone, as in many other parts of the world, problems such as inadequate resources, corruption and a weak legal system make this protection insufficient.

11. THE GOVERNMENT – (MINISTRY OF GENDER AND CHILDREN'S AFFAIRS)

We welcome the setting up of the Ministry of Gender and Children's Affairs and the creation of the two national policy documents setting out the government's gender related policies. These policies will be meaningless if they are not implemented and have little actual effect on the lives of women in Sierra Leone.

Recommendations:

- Government must see gender issues as vital for the citizens of Sierra Leone and act on this.
- There must be the political will to ensure that there is law reform even if unpopular with some sections of society. There must be progress in this regard.
- Clear policy be establish to allocate money for the advancement of women

12. INTERNATIONAL COMMUNITY

Taking into account the problems that Sierra Leone has faced, the international community has a big role to play in the fight for equality.

UNICEF has provided resources and skill for the government to implement the Convention on the Rights of the Child (CRC) and create what is effectively a Bill of Rights for Children in Sierra Leone. This shows that with the assistance of the international community, changes can be achieved.

Recommendations:

- Put pressure on the government to implement CEDAW and assist the government in implementing national policies.
- Assist government with law reform
- Continue to work closely with national NGO's; strengthen national NGO's by encouraging international partners to favour these national structures in their funding and implementation programmes.

13. NON-GOVERNMENTAL ORGANIZATIONS (NGO'S)

There is a growing civil society movement focusing on women's issues. If there is to be law reform NGO's must lobby the government and push hard for it. Civil society has a responsibility to see that the reforms are sufficient and that they actually end up beneficially affecting the lives of women in Sierra Leone. It can also work with the government by providing information about the situation for women in Sierra Leone.

It is important that organizations which seek to represent women are headed by and comprised significant number of women. While it is also important that men become educated about gender issues [and it is encouraging to see that some men are interested in these issues] it is women's voices that the government and the international community need to hear.

Recommendations:

- Financial support to NGO'S dealing with Women's Rights Issues
- Involvement of women in decision making and leadership role.

CHAPTER 4

CONCLUSION

In the course of this report we have made specific recommendations.

Changing the laws is the easy part. It is fairly obvious that they are discriminatory and if the government has the political will, then they can make the reforms.

What is more difficult is making the reforms to benefits women's lives. This will take much more resources and essential changes in Sierra Leone.

There is also a need to have a functioning judicial system.

Another important issue is how to change customary laws. These laws are largely unwritten but consist of discriminatory practices, which affect a large amount of women whose personal law is customary law.

The international community is investing a lot of resources in Sierra Leone- clearly they are trying to make a success story of the country.

After the disturbing war in Sierra Leone, there is the need for creating a new society. A very important element is to achieve equality between men and women and in the end try hard to bring an end to discrimination.

The struggle for equality continues.

GLOSSARY

ACHPR	AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS
CEDAW	CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN.
CRC	CONVENTION ON THE RIGHTS OF THE CHILD.
FGM	FEMALE GENITAL MUTILATION
IDPS	INTERNALLY DISPLACED PERSONS
ICCPR	INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NGO	NON-GOVERNMENTAL ORGANISATION
UNICEF	UNITED NATIONS CHILDREN FUND.
UDHR	UNIVERSAL DECLARATION OF HUMAN RIGHTS.

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