

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 38TH SESSION (NEW YORK, 14 MAY-1 JUNE 2007) SIERRA LEONE (COMBINED 1ST- 5TH PERIODIC REPORTS)

Information Submitted to the Committee.....	1
Themes and Issues.....	2
Discriminatory Provisions in the Constitution.....	2
Draft Gender Bills.....	3
Ministry of Social Welfare, Gender and Children's Affairs.....	3
Female Genital Mutilation	3
Women in Government.....	4
Health.....	4
Conclusions and Next Steps.....	4

Information Submitted to the Committee

On 17 May 2007, Sierra Leone submitted its combined 1st- 5th periodic reports¹ under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention), as well as written responses² to the list of issues and questions³ raised by the Committee on the Elimination of Discrimination against Women (the Committee). Ms. Memunatu M. Koroma, Deputy Minister of Social Welfare, Gender and Children's Affairs, led the delegation from Sierra Leone.

Sierra Leone signed and ratified the Convention in 1988 with no reservations.⁴ Subsequently, an 11 year civil war destroyed most of the country's social, economic and physical infrastructure resulting in a break down of civil and political authority. The delegation reported that because of the destruction and instability created by the civil war, it is only now, after a 16 year lapse, that Sierra Leone is able to report to the Committee.⁵ The State report is presented in three sections. Part I is an introduction highlighting the economic situation in the country, the status of women in education, health, and political participation, and the effects the war has had on all areas of life. Part II reports on the progress of implementation of each article of the Convention. Part III, the conclusion, expresses a commitment by the government to ensure that gender equality issues are a

¹ <http://daccessdds.un.org/doc/UNDOC/GEN/N06/687/70/PDF/N0668770.pdf?OpenElement>.

² <http://daccessdds.un.org/doc/UNDOC/GEN/N07/283/74/PDF/N0728374.pdf?OpenElement>.

³ <http://daccessdds.un.org/doc/UNDOC/GEN/N07/236/72/PDF/N0723672.pdf?OpenElement>.

⁴ <http://www.ohchr.org/english/law/index.htm>.

⁵ A state party to the Convention is obligated to provide the Committee with an initial report one year from ratification, and subsequent reports every 4 years.

priority. The State report also acknowledges that political will surrounding women's issues is weak and there is no plan of action to garner the support needed.

A shadow report⁶ was submitted to the Committee by a coalition of 22 national and international non-governmental organisations (NGOs) with an additional 34 NGOs participating.⁷ The shadow report emphasises that women in Sierra Leone are disadvantaged in both the written Constitution and unwritten customary laws. It identifies marriage, ownership of land, and inheritance as three main areas of concern. The shadow report provides recommendations for the effective implementation of each article of the Convention stressing the need for strong political determination to improve the status of women in Sierra Leone. On 14 May 2007, during an open session of the Committee, the coalition reported that requiring an age of consent of 18 years for female genital mutilation (FGM) would be the first step in eradicating the practice. The Committee Members uniformly expressed outrage at the suggestion that FGM could be viewed as a practice which could be consensual under any circumstances, and stood firm in its longstanding position that FGM violates the Convention and must be prohibited. As a result of the Committee's reaction, the coalition reconsidered its initial recommendation, and the following day, circulated a statement at the Committee meeting unequivocally condemning FGM, and requesting the help of the Committee in combating the practice. The coalition also explained that they had been unaware of the strong support within the international human rights community to eradicate the practice, and expressed optimism in taking the next steps required to ensure its total prohibition.

Sierra Leone is party to a number of international instruments including the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of the Child.⁸

Themes and Issues⁹

Discriminatory Provisions in the Constitution

The Committee questioned the scope and validity of Section 27(4)(d)¹⁰ of the Constitution which expressly excludes from the constitutional guarantee against non-discrimination¹¹ precisely those areas of the law most likely to adversely impact women: adoption, marriage, divorce, burial, and the division of property upon death of the husband. The effect of this section, as was pointed out by the Committee, constitutes discrimination against women on the basis of sex. The delegation responded that the Constitutional Review Commission,¹² which was created by the government with the mandate to harmonize the Constitution with international obligations, has recommended that Section 27(4)(d) be removed from the Constitution entirely. This recommendation will be put to the voters in a referendum for approval during the General Elections in July 2007.

⁶ *Shadow Report of Sierra Leone's Initial, Second, Third, Fourth and Fifth Report on the Implementation of the Convention of All Forms of Discrimination Against Women (CEDAW) in Sierra Leone*, available at <http://www.iwraw-ap.org/resources/pdf/Sierra%20Leone.pdf>.

⁷ For the full list of coalition members and participating NGOs see page ii and iii, respectively, of the *Shadow Report*.

⁸ See <http://www.ohchr.org/english/law/index.htm>.

⁹ For a more detailed description of the dialogue between the Committee and the State, please see the press release of the proceedings, available at <http://www.un.org/News/Press/docs/2007/wom1626.doc.htm>.

¹⁰ Section 27(4)(d) is an entrenched clause in the 1991 Constitution of Sierra Leone inherited from the 1961 Constitution of Sierra Leone which sought to preserve the culture of the people with the inclusion of key aspects of customary law in the entrenched clauses.

¹¹ Section 27(1) provides that no law shall have any provision which is discriminatory either in itself or its effect subject to the provisions of sub-sections 4, 5, and 7.

¹² The Constitutional Review Commission commenced its work on 29 February 2007, and had until the first week of May 2007 to make recommendations for revision to the Constitution.

Draft Gender Bills

The Committee enquired into the status of the three draft bills commonly referred to as the Gender Bills; the Registration of Customary Marriage and Divorce, the Devolution of Estate Bill, and the Domestic Violence Bill. The delegation responded that the Law Reform Commission,¹³ created by the government with a mandate to review all domestic legislation that discriminates against women, has reviewed the three bills. They are known as the Gender Bills because they seek to remedy a portion¹⁴ of the legislation in Sierra Leone that discriminates against women on the basis of sex.¹⁵ The delegation reported that the Gender Bills have been presented to the Parliament, with a Certificate of Urgency from the President, and are expected to be enacted before the Parliament dissolves in August 2007.

Ministry of Social Welfare, Gender and Children's Affairs

The delegation advised the Committee that the Ministry of Social Welfare, Gender and Children's Affairs, which is tasked with promoting and advancing the rights of women, has undertaken a series of activities including the National Policy on Gender Mainstreaming, and the National Policy on the Advancements of Women. Both policies were adopted by Parliament in 2000 with the intent of mainstreaming gender concerns into the national development process, and to foster recognition that women's rights are human rights. The delegation reported a lack of financial resources as the major road-block to the implementation of these programs, explaining that the Ministry's budget is less than 1% of the total national budget and, in addition, relies heavily on outside donor support. The Ministry is therefore unable to provide the tools for monitoring and evaluation of these policies such as transportation to facilities, and knowledgeable, fully-equipped staff. Although the delegation reported that they have been advocating for more funds, they did not appear optimistic as to the likelihood of success.

Female Genital Mutilation (FGM)

The Committee requested information regarding steps being taken by the government to change cultural perceptions and attitudes, particularly male, about FGM. The delegation explained that the practice is so widespread in Sierra Leone that over 90% of the female population has been affected, even though the practice is shrouded in secrecy. More importantly, however, the delegation made clear that FGM is not prohibited, and that the government is suggesting establishing an age of consent of 18 years as the first step in eroding the practice, along with a campaign to raise awareness about the risk of serious side-effects, including vesico-vaginal fistula. The delegation agreed with the suggestion of Committee member Ms. Simms that men take an active role in the awareness campaign to end the practice as men are clearly involved in the issue because they are unwilling to marry women who have not undergone the procedure. In addition, a father's consent is necessary to obtain a license from the court to initiate the procedure for his daughter. Committee Chair Ms. Šimonović reminded the members of the delegation that FGM is a violation of the Convention, and that state parties are under an obligation to ensure its prohibition.

Women in Government

In Sierra Leone there are drastically low numbers of women in government positions. The delegation identified traditional stereotypes and low self-esteem on the part of women as two factors contributing to the low numbers. The Committee requested information as to the measures being taken to promote women's participation in government. The delegation informed the Committee that the '50/50 Group' was formed in

¹³ The Law Reform Commission was established under the Law Reform Act of 1994, as amended in 1996, and came into operation in 2003.

¹⁴ The Law Reform Commission is reviewing 8 other laws that discriminate against women: Sexual Offences, Offences against the Person, the Sierra Leone Citizenship (Amendment) Act 1973, the Christian Marriage (Amendment) Act, the Muslim Marriage (Amendment) Act, the Civil Marriage (Amendment) Act, the Family Law, and the Customary Law.

¹⁵ For further information on each of the 'gender bills' see the Sierra Leonean delegation's *Introductory Statement* available at http://www.un.org/womenwatch/daw/cedaw/cedaw38/statements/delegations/Sierra_Leone_c.pdf.

2000 with the aim of advocating and lobbying to increase the participation of women in politics and decision-making positions at all levels. The Group has had some success with improving public perception of women in politics through sensitisation campaigns. On International Women's Day 2007, the President launched a 'Women's Manifesto' that emphasises achieving a 30 per cent quota in representation. A number of political parties have reduced candidate fees for women, and a series of training workshops for aspiring female candidates were provided in 2002 and 2004. The delegation expressed hope that the numbers of women in government positions would increase following the July 2007 elections.

Health

The report candidly acknowledged that Sierra Leone has one of the highest maternal and infant mortality rates in the world, and the Committee members made clear their appreciation of the government's frankness on the subject. The Committee expressed great concern with the conditions in the rural areas and requested information as to how the government planned to make healthcare accessible to women in these areas. The delegation informed the Committee that the dire condition of the healthcare system has been caused largely by insufficient medical staff and medical facilities lost during the war.¹⁶ The delegation further reported that the government is developing a strategic plan for child survival and maternal mortality reduction, and acknowledged that unsafe abortions were among the causes of the high maternal mortality rate as abortion is illegal in Sierra Leone. Moreover, contraception is used in only 5 per cent of the country, and, in some rural areas, it is illegal. Transporting medication to the rural areas is also a major problem. The delegation stated that the government hopes to work with NGOs to raise awareness on contraception, and to strengthen village healthcare facilities with the support of foreign donors.

Conclusions and Next Steps

Although the Sierra Leonean delegation delivered its oral presentation to the Committee in a largely candid manner, it failed to answer some of the questions posed by the Committee. The delegation identified lack of financial and human resources as the main impediment to full implementation of the obligations under the Convention, however, offered no plan on how it intended to increase funds. The Committee, in turn, demonstrated an impressive understanding of the difficulties inherent in a post-conflict state, and focused its efforts on encouraging compliance with the Convention.

It was clear that the constructive dialogue with the Committee had been a learning experience for the members of the delegation on an individual as well as collective level as they thanked the Committee for its present insights and future guidance. In its Concluding Comments,¹⁷ the Committee applauded the government of Sierra Leone for producing a report that provided a candid picture of the situation of women in the country. The Committee also noted positively that the report was prepared in a participatory manner that involved government bodies and non-governmental organizations. The Committee urged the government to fully domesticate the Convention, and to strengthen the national machinery for the advancement of women. The Committee also urged the government to place the highest priority on implementing a comprehensive approach to address all forms of violence against women, in particular, to enact without delay legislation prohibiting FGM, and to ensure that offenders are prosecuted and adequately punished. Finally, the Committee encouraged the government to make the implementation of the Convention and the promotion of gender equality part of its national development plans and policies.

¹⁶ The delegation reported that up to 60% of medical staff and 50% of health care facilities were lost during the civil war in Sierra Leone.

¹⁷ <http://www.un.org/womenwatch/daw/cedaw/cedaw38/cc/Sierra%20Leone.pdf>.

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