

Human Rights Committee (CCPR)
Human Rights Treaties Division (HRTD)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
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Switzerland

Information on the Republic of Sierra Leone for consideration of the list of issues prior to reporting (LOIPR) by the Human Rights Committee at its 141st session (1st July - 2nd August 2024)

6 May 2024

Dear Distinguished Committee Members:

1. We respectfully submit this information for consideration by the Human Rights Committee at its 141st session (1st July - 2nd August 2024). This report is submitted to highlight the human rights violations against women and girls caused by female genital mutilation (FGM) and sexual violence in Sierra Leone.
2. **Equality Now** is an international human rights NGO with ECOSOC status with the mission to achieve legal and systemic change that addresses violence and discrimination against all women and girls around the world. Founded in 1992, Equality Now is a global organization with partners and supporters in every region. Ending sexual violence, ending sexual exploitation, ending harmful practices, and achieving legal equality are the main areas of Equality Now's work.
3. **Women Against Violence and Exploitation in Society Sierra Leone (WAVES)** is a registered local non-governmental organization with its vision, mission, and values geared towards women's empowerment and protection. WAVES strives towards the achievement of a non-violent, non-discriminatory, and non-exploitative environment for women and children (especially the girl-child), an environment that has respect for humanity, dignity, and equality before the law.
4. **Defence for Children - Sierra Leone (DCI -SL)** was founded in 1998 during the peak of Sierra Leonean civil war, to monitor and document violations of children's rights and to provide legal assistance to child victims of violence and children in conflict with the law, including children who were detained and accused of being rebels. DCI-SL envisions that children's voices are heard and that their rights are protected in both law and practice at

national and community levels. DCI-SL is the Sierra Leone chapter of Defence for Children International that has consultative status with ECOSOC and observer status with the African Committee of Experts on the Rights and Welfare of the Child. Its main goal is to promote and protect the rights of children, particularly focusing on access to justice for children in conflict with the law and victims of violence as well as prevention of these issues.

Female Genital Mutilation (FGM) in Sierra Leone

Background

5. FGM and sexual violence are forms of gender-based discrimination and a violation of the rights contained in the International Covenant on Civil and Political Rights (ICCPR). Under Articles 2, 3, 6, 7, and 26 of the ICCPR, State Parties have an obligation to ensure that all persons can equally “enjoy the rights provided for in the covenant” without discrimination on the basis of sex.¹ To ensure equal enjoyment of their rights, a State Party to the ICCPR must “take all steps necessary, including the prohibition of discrimination on the ground of sex, to put an end to discriminatory actions.”³ Article 24 specifies that children also should not be discriminated against based on sex and guarantees them special protections as minors. Finally, the prohibition on cruel, inhuman, or degrading treatment has been interpreted² by the Committee as extending to cases of violence against women, including female genital mutilation and sexual violence.³
6. In its previous Concluding Observations⁴ to Sierra Leone, the Committee expressed concern about FGM. It urged Sierra Leone to take steps that explicitly prohibit, prevent, and eradicate harmful traditional practices, including FGM. The information detailed in this submission highlights the failure of the Republic of Sierra Leone to fulfill its obligations to adequately protect women and girls from FGM and sexual violence and prosecute and punish those who carry out these human rights violations.

High prevalence of FGM in Sierra Leone

7. Sierra Leone is one of the countries with the highest prevalence rate of FGM. The 2019 Demographic Health Survey of Sierra Leone revealed that 83% of women and girls aged between 15-49 years of age have undergone FGM. At 89%, the percentage of women who

¹ International Covenant on Civil and Political Rights, U.N. Doc. A/6314, Art. 2, (1966) [hereinafter ICCPR].

² General Comment 28, General Comment No. 28: par. 4 and 12 U.N. Doc. CCPR/C/21/Rev.1/add.10 (Mar. 29, 2000).

³ General Comment 28, General Comment No. 28: par. 11, U.N. Doc. CCPR/C/21/Rev.1/add.10 (Mar. 29, 2000).

⁴ Human Rights Committee, Concluding Observations on the initial report of Sierra Leone, U.N. Doc. CCPR/C/SLE/CO/1, par 12 (2013)

have undergone FGM is higher in rural areas than in urban areas, which was recorded at 76%.⁵

8. UNICEF⁶ estimates 71% of the women and girls between 15-49 years of age who had undergone FGM were cut before they were 15 years old.
9. In January 2024, three girls (aged 12, 13, and 17) died⁷ after being subjected to FGM as part of their initiation into the women-only secretive society, the Bondo. Their deaths came after multiple other similar deaths caused by FGM, including the death of a 19-year-old in 2016 and a 21-year-old⁸, who died from acute hemorrhage and shock after undergoing FGM in December 2021. These incidents highlight the alarming rise in FGM-related fatalities in Sierra Leone and the lack of accountability for these deaths. In 2022, the authors of this submission, along with 130 women's rights groups, wrote an open letter to the Government of Sierra Leone calling for the criminalization of FGM. The letter cited the lack of political will to end this harmful practice and the failure of the State to explicitly condemn FGM.⁹

Absence of legal and policy framework to end FGM in Sierra Leone

10. Among the 27 African FGM-prevalent countries, Sierra Leone is one of only four countries that does not have specific anti-FGM laws in place. It has laws¹⁰ protecting women and girls from violence, abuse, and discrimination:
 - The Child Rights Act of 2007 criminalizes all forms of torture directed at a child;
 - The Domestic Violence Act of 2007 seeks to protect women and girls from domestic violence, harm, or other acts that may endanger their safety, health, or well-being;
 - The Offences Against the Person Act of 1861 covers protection from bodily harm of another person.

However, the implementation of these laws is weak. To date, only one cutter has been unsuccessfully prosecuted for manslaughter after performing FGM, which resulted in death

⁵ UNFPA data on Sierra Leone. Available at: <https://sierraleone.unfpa.org/en/topics/female-genital-mutilation-4> (Accessed on 10 April 2024).

⁶ UNICEF, Sierra Leone, Statistical profile on Female Genital Mutilation, Accessible at: file:///C:/Users/Lenovo/Downloads/FGM_SLE.pdf (Accessed on 10 April 2024).

⁷ The Guardian, Three girls die after FGM rituals in Sierra Leone, Available at: <https://www.theguardian.com/global-development/2024/feb/02/girls-die-after-fgm-ceremonies-in-sierra-leone> (Accessed on 9 April 2024)

⁸ The Calabash Newspaper, Family Demands Justice as FGM Practitioner Evades Charges Due to Language Error in Medical Report, Available at: https://equalitynow.org/news_and_insights/no-more-deaths-its-time-for-sierra-leone-to-protect-the-lives-of-women-and-girls-and-enact-a-law-against-fgm/ (Accessed on 9 April 2024)

⁹ Following Another Death From FGM In Sierra Leone, 130 Women's Rights Groups Around The World Call On The Government To Criminalize FGM* (2021). Equality Now. Available at: https://equalitynow.org/press_release/fgm-sierra-leone-130-womens-rights-groups-feb/ (Accessed: 09 April 2024).

¹⁰ Equality Now, FGM in Sierra Leone, Available at: https://equalitynow.org/learn_more_fgm_in_sierra_leone/ (Accessed on 10 April 2024).

in the case of Maserey Sei in 2021. The absence of a government-level zero-tolerance approach or a dedicated law to address FGM causes the harmful practice to continue in Sierra Leone as a deeply entrenched discriminatory custom. It creates severe barriers to access to justice for survivors and the families of victims.

11. With regards to the prosecution of FGM cases, the Family Support Unit (FSU) of the Sierra Leone Police, though intended to improve response to cases of gender-based violence, is a huge bottleneck as they often compromise with perpetrators to delay in submitting the case files to the State Council for advice for prosecution. Where direction has been given for the FGM cases to be filed in court, activists have recorded instances where the FSU has deliberately delayed the judicial process with flimsy excuses.
12. The Human Rights Committee, in its Concluding Observations in 2013,¹¹ noted “...with serious concern the rejection of a proposed provision to criminalize female genital mutilation during the adoption of the Child Rights Act. The Committee regrets that impunity for perpetrators of this unlawful and harmful practice still prevails (arts. 2, 3, 7 and 26)...”.
13. Since then, proposed amendments to the Child Rights Act, including the Child Rights Bill 2022, have sought to include a specific prohibition on FGM, applicable to minors under the age of 18. However, this Bill is yet to be passed, though the Ministry of Gender in Sierra Leone issued a statement in February 2024 where it committed to ensuring justice in the cases of the three deaths from FGM in the country and to reviewing the Child Rights Act 2007 to strengthen provisions and include a prohibition on FGM.¹²
14. Reem Alsalem, UN Special Rapporteur on violence against women and girls, its causes and consequences; Morris Tidball-Binz, Special Rapporteur on extrajudicial, summary, or arbitrary executions; and Tlaleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health issued a joint statement in 2022 in response to the death of Maseray Sei, a 21-year-old woman who died from FGM-related complications in December 2021. The UN experts urged the Government of Sierra Leone to establish a comprehensive set of legal prohibitions, including amending the Child Rights Act to explicitly prohibit FGM for all age groups. The experts noted that “Laws and policies need to provide clear accountability frameworks and disciplinary sanctions with respect to female genital mutilation. The lack of dedicated and enforceable legislation that expressly criminalizes and punishes female genital

¹¹ Human Rights Committee, Concluding Observations on the initial report of Sierra Leone, U.N. Doc. CCPR/C/SLE/CO/1, par 12 (2013).

¹² Ministry of Gender and Children’s Affairs, Press Release of 9th February 2024, available on file.

mutilation is hindering judicial or other investigation into, and persecution of, these harmful practices and unlawful killings.”¹³

15. The lack of a specific anti-FGM law, combined with ineffective enforcement of existing laws, has created a dangerous gap in the protection of women and children.¹⁴ Given the implementation issues of the laws mentioned above and the high prevalence rate and associated fatalities from FGM, the Government of Sierra Leone must take steps to draft and enact legislation that specifically prohibits FGM.
16. The Government of Sierra Leone has spent a decade debating legislation against FGM but has taken no meaningful steps to criminalize the harmful practice. On the contrary, various politicians seeking election have made political pronouncements in support of FGM, with some even offering to pay for women and girls to be cut.¹⁵

Inadequate community-focused efforts for FGM prevention in Sierra Leone

17. FGM in Sierra Leone, in most cases, takes place as part of initiation rituals of the Bondo society, which are regarded as a rite of passage for young girls and, therefore, considered to be an important traditional practice by the community.
18. The Human Rights Committee, in its Concluding Observations,¹⁶ stated that the “... State Party should make efforts to prevent and eradicate harmful traditional practices, including female genital mutilation, by strengthening its awareness-raising and education programmes in consultation with women’s organizations and traditional leaders. In this regard, the national-level team established to develop a common perception on the issue of female genital mutilation should ensure that communities where the practice is widespread are targeted to bring about a change in mindset...”
19. In recent years, progressive rights-based campaigners and activists have joined the fight against FGM in Sierra Leone and are increasingly in favour of an alternative rite of passage for girls that does not include the act of cutting the genitals of young girls.¹⁷ The Ministry of Gender and Children’s Affairs did a nationwide tour after the death of the girls in the

¹³ Sierra Leone: End impunity for female genital mutilation, say UN human rights experts (2022), Available at: <https://www.ohchr.org/en/press-releases/2022/08/sierra-leone-end-impunity-female-genital-mutilation-say-un-human-rights> (Accessed on 16 April 2024).

¹⁴ Equality Now, FGM in Sierra Leone, Available at: https://equalitynow.org/learn_more_fgm_in_sierra_leone/ (Accessed on 10 April 2024).

¹⁵ Reuters, Seeking fair elections, Sierra Leone bans FGM during campaign season (2018), Available at: [Seeking fair elections, Sierra Leone bans FGM during campaign season | Reuters](#) (Accessed on 6 May 2024); LSE, Dissecting the link between Female Genital Mutilation and politics in Sierra Leone (2019), Available at: [Dissecting the link between Female Genital Mutilation and politics in Sierra Leone | LSE International Development](#) (Accessed on 6 May 2024).

¹⁶ Human Rights Committee, Concluding Observations on the initial report of Sierra Leone, U.N. Doc. CCPR/C/SLE/CO/1, par 12 (2013).

¹⁷ FGM in Sierra Leone: What can be done to end it? (2024), Available at: <https://www.dw.com/en/fgm-in-sierra-leone-what-can-be-done-to-end-it/a-68176524> (Accessed on 10 April 2024).

Kambia district in 2024 to engage the *soweis*,¹⁸ chiefs, and other stakeholders in the meeting to remind the *soweis* and the chiefs of the MOU signed on Age of Consent in which no child below the age of 18 should be coerced into FGM. This was a one-off undertaking by the Ministry; since then, there has been no other engagement by the government. The lack of a dedicated and regular programme by the Government of Sierra Leone dedicated to raising awareness on FGM is also demonstrated by the decision of the Ministry to not organise any program on February 6, the International Day of Zero Tolerance for FGM, as their efforts went towards International Women's Day (IWD).

Suggested questions to the State Party

20. We respectfully ask the Committee to request further information from Sierra Leone on the following issues relating to FGM:

- Please provide recent and specific statistics on the prevalence of FGM in Sierra Leone, including (i) the prevalence in various regions across the country and within different communities, (ii) the number of cases that have been reported to criminal justice actors including the police and chiefs, (iii) the number of women and girls who have received medical care after undergoing FGM, (iv) the number of cases that have been prosecuted, (v) the number of prosecuted cases that have resulted in convictions, and (vi) the number of women and girls who have died as a result of FGM and its complications.
- Given the prevalence of deaths of women and girls from FGM in Sierra Leone (including the recently reported deaths of three girls in January 2024), please provide information on the steps taken by the government to prevent future FGM-related deaths and ensure protection for women and girls against FGM.
- Please provide information on how the investigations into the reported deaths of women and girls from FGM between 2016-2024 were conducted and what steps have been taken to prosecute the persons responsible for those deaths.
- What are the plans of the Government of Sierra Leone to prepare and adopt a specific law on FGM in accordance with the State's obligations under regional and international human rights instruments, namely, the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights, the African Union's Protocol on the Rights of Women in Africa (the Maputo Protocol), and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)? Within what timeframe will a law on FGM be drafted and expected to pass? How will civil society, particularly women's rights groups, be involved in the consultation process?

¹⁸ A *sowe* is the head of a Bondo and also an excisor

- How does the Government of Sierra Leone plan to strengthen access to justice rights for victims of FGM and their families, and what available legal remedies/relief will be made accessible to ensure justice is guaranteed for the human rights violations arising out of FGM?
- What resources has the Government of Sierra Leone allocated in its national budget to address gender-based violence, including sexual violence and FGM? What efforts are being undertaken to ensure adequate funding is allocated to grassroots organizations and other stakeholders working to end sexual violence and FGM?
- How will the Government of Sierra Leone raise awareness about the dangers of FGM and ensure community engagement and empowerment of women and girls with a view to eradicating FGM at the community level?

Sexual violence/Violence against women

Background

21. During the last review on gender-based violence prevalence, legislation, and policy measures in place (violence against women and girls), the Committee was concerned about the continuing reports of violence against women. The Committee noted with interest the establishment of the extraordinary court sittings known as “Saturday Courts” and the work of the Family Support Units but regretted the failure on the part of the authorities to ensure prompt and systematic prosecution of perpetrators.
22. The Committee was particularly concerned about the lack of free medical examinations offered after rape, the automatic closing of cases following the withdrawal of complaints by victims of domestic violence, and the limited access to legal aid, shelter, and rehabilitation services for victims of sexual and domestic violence.
23. The Committee called upon the State Party to adopt a comprehensive approach to prevent and address gender-based violence in all its forms and manifestations by inter alia strengthening the Family Support Units, Legal Aid Facilities, and prosecutorial staff and conducting awareness-raising campaigns on the negative effects of domestic violence and inform women of their rights and existing mechanisms for protection.¹⁹

High prevalence of gender-based violence

¹⁹ Human Rights Committee, Concluding Observations on the initial report of Sierra Leone, U.N. Doc. CCPR/C/SLE/CO/1, par 15 (2013).

24. Unfortunately, despite the above recommendations and observations by the Committee, Sierra Leone is still among the sub-Saharan African countries with the highest prevalence of violence against women and girls, which remains a serious concern.
25. The Demographic Health Survey (2019) reveals that 62% of women between the ages of 15-49 have experienced physical and sexual violence, 61% have experienced spousal violence, and the risks of violence are 2-3 times higher among women and girls living with disabilities than their non-disabled counterparts.
26. As a result of the high sexual violence rates, the State Party records high teenage/adolescent pregnancy (33%), leading to lower school attendance and higher incidences of dropout among girls, particularly in rural areas. Teenage pregnancies are also linked to the practice of child marriage, especially in rural areas because the practice is permissible under the Sierra Leone Registration of Customary Marriages and Divorce Act, which allows child marriage at any age with parental consent. This provision also contradicts the Child Rights Act 2007, which sets the minimum age of marriage at 18.

Challenges in the implementation of the law

27. Recent positive legislative developments include the Gender Equality and Women's Empowerment Act of 2022 and the amendment of the Sexual Offences Act in 2019, which enhanced accountability for rape perpetrators. However, the State Party's institutional measures to implement these laws are poorly resourced, lack technical capacity, and are mostly located in urban centres. In addition, the State Party does not have a forensic laboratory to aid investigations. The State Party has institutions such as the Rainbo Centres, the One Stop Centres and the National Police Family Support Unit (FSU) to support the implementation of the laws on sexual violence; however, these institutions are poorly resourced and not available in all districts therefore not able to support effective implementation of the laws to ensure all survivors of sexual violence access justice.
28. We, therefore, recommend the State Party increase budgetary allocations to institutions such as the Ministry of Gender and Children's Affairs, the Family Support Unit of the Police, and the One Stop Centres to enable them to effectively fulfill their mandates in addressing gender-based violence; increase efforts to prosecute all cases of sexual violence and protect victims during judicial proceedings; and develop and implement community-based GBV prevention programmes to eliminate existing patriarchal and gender stereotypes which condone violence against women and harmful practices. There is also a need for the State Party to review the Registration of Customary Marriages and Divorce Act to align it with the Child Rights Act of 2007 and ensure the strict application of its legislation banning early marriages.

Suggested questions to the State Party:

29. We respectfully ask the Committee to request further information from Sierra Leone on the following issues relating to sexual violence:

- What are the government's plans to prevent sexual violence among women and girls, particularly in the rural districts of Sierra Leone?
- What steps is the government taking to ensure justice is accessible in all parts of Sierra Leone, and what additional measures is it taking to ensure such provisions are sustainable?
- What public awareness and other programmes is the government putting in place to address and prevent the high prevalence of sexual and gender-based violence?