



***SHAMED AND BLAMED:***  
**PREGNANT GIRLS'**  
**RIGHTS AT RISK IN**  
**SIERRA LEONE**

**AMNESTY**  
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Cover photo: Schools girls in front of a blackboard at a school in Sierra Leone, 16 September 2013  
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# EXECUTIVE SUMMARY

Visibly pregnant girls in Sierra Leone are banned from attending mainstream school and taking exams. This prohibition was declared as official government policy by the Ministry of Education, Science and Technology in April 2015, just before schools re-opened following the Ebola crisis. The exclusion of pregnant girls from mainstream education and from sitting exams pre-dates the outbreak of Ebola; however, the official declaration of the ban when schools re-opened has sparked renewed debate and concern about this issue in Sierra Leone. The Human Rights Commission of Sierra Leone described the ban as discriminatory, stigmatising and likely to worsen the marginalization of pregnant girls and women.

It is not clear how many girls are affected the ban. Official figures suggest three thousand, but experts mapping the situation indicate that the true figure is far higher.

In June 2015 Amnesty International visited the country and interviewed 52 girls, of whom 13 were either pregnant or had recently given birth. Amnesty International also interviewed teachers, officials, civil society organizations and donors about the issue. This report presents the findings of that research and sets out a number of recommendations to the government of Sierra Leone and its international partners.

The ban on pregnant girls attending mainstream schools is being enforced, in some cases, through humiliating and degrading treatment of girls. Amnesty International interviewed girls who had experienced or witnessed others being subjected to degrading procedures by teachers and others in positions of authority, such as nurses. For example, girls have, publically, had their breasts and stomachs felt by adults on school premises to see if they are pregnant. Some girls have been compelled, by their schools, to take urine tests. Girls described acute embarrassment and fear at being subjected to this treatment when they tried to attend school or sit exams. Fear of being “tested” for pregnancy and or turned away from school has meant some girls who are pregnant, stay away. The extent of this problem is difficult to assess. Such “testing” of girls is a serious violation of their right to physical integrity.

The way girls are “tested” for pregnancy is not part of government policy, but the way some schools treat girls believed to be pregnant is widely known. Despite this, no government directive has been issued or other pro-active step taken to prevent such discriminatory and degrading treatment of girls by teachers or others in positions of authority.

The prohibition on visibly pregnant girls attending mainstream school has long-term implications in a country where just 52% of girls aged 15-24 are literate. Pregnant girls have missed a significant portion of their education including key exams necessary to go onto further education or secure employment. Once the baby is born many girls cannot afford child care or cannot count on the support of their families to be able to go back to school.

The ban on sitting examinations also has long-term implications for pregnant girls. There are at least two crucial exams that they are currently excluded from: the Basic Education Certificate Examination (BECE), which is necessary to guarantee admission into senior secondary school or other higher level education centres; and the West African Senior School Certificate Examinations (WASSCE), which are necessary to get into university or college, and are also important for potential employers. Given that the next BECE exams are to be held at the end of November 2015, the need to lift the ban is all the more urgent.

Many girls want to sit exams and not miss out on their chance to gain a qualification that they have studied for. The desire to sit exams and fear of being turned away has led some girls to taking risks with their health in order to sit the exam, such as girls strapping their stomach down in order to pass for non-pregnant girls. One girl described to Amnesty International how her friend had tied her stomach so she could sit her exam [the BECE exam in March 2015].

In May 2015, following national and international pressure, the President announced the establishment of an alternative "bridging" education system that would allow pregnant girls to continue going to school, but in different premises or times to their peers. The alternative system has just been launched and is being supported by some donor countries, such as Ireland and the UK. While some of the girls to whom Amnesty International spoke welcomed the idea, others wanted to attend regular classes with their peers and said they would do so if given the chance. Some experts expressed concern at the lack of choice, and that the persistent presence of the ban was stigmatising.

The ban on visibly pregnant girls attending mainstream school and sitting exams violates their right to education. Education is being treated as a privilege that can be taken away as punishment, rather than as a right of all children, regardless of their pregnancy status. The policy is also blatantly discriminatory. It is founded in, and reinforces, negative stereotypes about girls. In addition it fails to take into account the high levels of sexual violence in Sierra Leone. During the Ebola outbreak, acts of sexual violence, including abusive and exploitative relationships, rose in Sierra Leone. Girls' access to sexual and reproductive health services, information and goods, including post rape health care, has been a persistent problem predating the Ebola crisis. However during the height of the epidemic the pre-existing difficulties for girls wishing to access such services were acutely exacerbated.

The exclusion of pregnant girls from education has been recognised as a problem for several years. Over ten years ago the Truth and Reconciliation Commission in 2004 called the exclusion of pregnant girls from school "discriminatory and archaic." The Commission said that changing this situation was "imperative". In what appeared to be a positive development in 2013, the President committed the government to putting a "*particular emphasis in ensuring that pregnant girls are allowed to and supported in taking their exams, so they will be able to create a life for themselves and for their children.*" However, implementation of the programme was hampered by the onset of the Ebola outbreak, and has now been further impeded by the confirmation that visibly pregnant girls are banned from mainstream school and exams.

#### **AMNESTY INTERNATIONAL'S RECOMMENDATIONS FOR THE GOVERNMENT OF SIERRA LEONE:**

Amnesty International is calling on the government of Sierra Leone to guarantee girls' human rights to non-discrimination and education by immediately lifting the ban on pregnant girls attending mainstream school and sitting exams, if they wish to do so. This is urgent and must be immediately addressed in relation to the forthcoming exams in late November 2015.

The government must also, as matter of urgency, protect girls' rights to privacy, physical and mental integrity, as well as their right to be free from inhuman and degrading treatment by issuing a directive to all schools prohibiting the checking or testing of girls for pregnancy.

The government should develop and implement a programme of Comprehensive Sexuality Education as part of the curricula delivered in all schools to enable people, boys and girls alike, to take informed decisions about their sexuality and health. The curriculum should

include information to help prevent sexually transmitted diseases and early or unwanted pregnancy.

The report makes a number of recommendations for action by the government to guarantee girls' right to health, including access to sexual and reproductive health information and services, and in particular post rape services. It also calls for further action to eradicate violence against girls, to protect girls at risk, and enforce laws against perpetrators of sexual violence.

Amnesty International urges that attending the alternative system be optional for those girls who do not wish to continue at mainstream school and also that the government makes sure that the girls who go to the alternative system can count on equal quality and content of education.

In addition, Amnesty International is calling on Sierra Leone's international partners to continue efforts to support the Sierra Leonean government to fully comply with its international legal obligations to ensure the protection of pregnant girls' human rights. In particular, to take the steps necessary to ensure all programmes are in line with human rights standards and do not reinforce stigma or undermine pregnant girls' right to equality and non-discrimination.

# METHODOLOGY

Amnesty International conducted desk research as well as field research in Freetown, Sierra Leone from 13 – 30 June 2015. The primary objective of the research was to hear the views of Sierra Leonean girls and women on their experiences of access to education, early pregnancy, and sexual violence. A further objective was to hear the views of local experts working in the area of girls and children's rights more broadly and government officials mandated with guaranteeing the human rights of girls in Sierra Leone. We also held meetings with experts from international specialist agencies, aid agencies and international non-governmental organizations.

Amnesty International interviewed a total of 52 girls, aged from around 11 to 18 years old, as well as three young women. The delegation conducted four focus groups, as well as individual interviews. The delegation conducted individual interviews with 13 girls who were either pregnant girls or who had recently given birth, as well as one young woman who had recently given birth. Amnesty International also interviewed one teenage girl who was physically checked for pregnancy to sit her Basic Education Certificate Examination (BECE) exam which took place at the end of March and beginning of April, and two witnesses to such physical checking. Amnesty International interviewed two journalists who confirmed that they had also interviewed girls who informed them about schools checking them physically to determine whether they were pregnant. The delegation interviewed 31 local experts, teachers, lawyers, women and girls' rights activists, social workers and other human rights experts.

The delegation is grateful to all those who took the time out of their schedules to meet and share their views on the situation of girls' right to education in Sierra Leone. We especially wish to thank the many local civil society organizations and activists who have been working so diligently alongside and on behalf of women and girls for so many years to improve the protection of their human rights on a range of issues, including their right to education. In particular, Amnesty International would like to express its thanks to the girls and young women who so courageously shared their experiences with the delegation. We take this opportunity to wish each of them well as they pursue their hopes and dreams for a better future for themselves, their families and their country.

The delegation also met with several government officials and expresses its thanks to: the Minister for Social Welfare, Gender and Children's Affairs, Minister Kaikai; the Adviser the Ministry of Education, Dr Christiana Thorpe; the Chairman of the Council of Principals Sylvester Meheux; the Head of the Committee for Special Needs Non-Formal Education (People with disabilities and pregnant girls), Olivia Musa; Sister Rugiatsu Kanu, National Coordinator, National Secretariat for the Reduction of Teenage Pregnancy. The delegation requested a meeting with Minister Bah, the Minister of Education, Science and Technology, but unfortunately he was travelling at the time of Amnesty International's visit, and so it was not possible for us to meet at that time.



The delegation is grateful to have had the opportunity to hear the views of experts from INGO's and international agencies and diplomatic representatives who support and carry out work on the issues of teenage pregnancy, violence against girls, and education in Sierra Leone. These include, International Rescue Committee, Concern, Save the Children, CARE, UNICEF, UN Women, UNFPA, Irish Aid and DFID. We would like to thank all those who met the delegation for their time and for sharing their views.

In the text, all individuals interviewed, aside from government officials, have not been identified or pseudonyms have been used to protect their identity, given the high level of stigmatisation associated with this issue.

# CHAPTER 1: GIRLS' RIGHTS HIT HARD BY EBOLA CRISIS

## ALREADY MARGINALIZED GIRLS' RIGHTS FURTHER UNDERMINED BY EBOLA OUTBREAK

The human rights of girls in Sierra Leone have long been threatened by discrimination and exploitation. According to UNICEF, just 52% of girls aged 15-24 are literate, compared to 70% of boys.<sup>1</sup> Thousands of girls suffer sexual exploitation and abuse each year. Over half of women in Sierra Leone (56%) claim to have suffered some form of gender based violence during their lifetime.<sup>2</sup>

The Ebola crisis that struck Sierra Leone in March 2014 and continued through 2015, hit all parts of the country's population, with already marginalized groups like girls, particularly hit by the epidemic's wide ranging impacts.<sup>3</sup> By 19 October 2015, at least 3,955 people had died, while at least 3,241 children were orphaned, and 12,023 lost their primary care giver as a result of the disease.<sup>4</sup>

The Ebola epidemic had a major impact on life in Sierra Leone with many people unable to work and continue with their livelihoods as restrictions on freedom of movement were strictly enforced, and unable to access essential medical health care services.<sup>5</sup> Thousands of people have been subjected to quarantines as the authorities and international agencies struggled to contain the spread of the disease.

Sierra Leone's health system, which was already struggling to deliver essential services, was completely overwhelmed by the Ebola crisis. The country, which had an understaffed health care system prior to the crisis, tragically also lost at least 221 health care professionals to the disease.<sup>6</sup> This has had a huge impact on the capacity of the health system to deliver services to the population in Sierra Leone, including sexual and reproductive health care information,

<sup>1</sup> Sierra Leone: 2013 Demographic and Health Survey – Key Findings, <http://dhsprogram.com/what-we-do/survey/survey-display-450.cfm> (accessed 2 September 2015).

<sup>2</sup> See World Health Organization Ebola update report, (WHO, Ebola Update report), <http://apps.who.int/ebola/current-situation/ebola-situation-report-7-october-2015> (accessed 20 October 2015).

<sup>3</sup> International Labour Organization, *Recovering from the Ebola Crisis*, 2015, (ILO, *Recovering from the Ebola Crisis*), [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_359364.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_359364.pdf) (accessed 3 September 2015). The report analyses the impact of the crisis on all areas of government, labour and service provision which was prepared by a joint team of experts led by UNDP and comprising UN agencies and the World Bank, European Union and African Development Bank, in consultation with the African Union, Economic Community of West African States and Mano River Union. In addition to studying existing assessments of the impact of the Ebola crisis, the team visited the three countries from 12 to 16 January 2015 to consult with governments and development partners.

<sup>4</sup> See WHO, Ebola Update report, <http://apps.who.int/ebola/current-situation/ebola-situation-report-7-october-2015> and see Street Child Ebola Orphan Report from April 2015 and statistics of number of orphans and children losing primary care giver as identified by the non-governmental organization Street Child, <http://www.street-child.co.uk/ebola-orphan-report/> (accessed 2 September 2015).

<sup>5</sup> ILO, *Recovering from the Ebola Crisis*, [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_359364.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_359364.pdf) (accessed 3 September 2015).

<sup>6</sup> WHO, Ebola Update report, Table 5, <http://apps.who.int/ebola/current-situation/ebola-situation-report-7-october-2015> (accessed 3 September 2015).

goods and services, both during the height of the crisis and since.<sup>7</sup> More broadly, there was also a lack of protection from, and intervention in, cases of sexual violence.

## SEXUAL VIOLENCE, LACK OF SERVICES AND LACK OF PROTECTION LEAD TO INCREASED PREGNANCIES AMONGST GIRLS



One of many emergency measures put into place as a strategy to reduce infection rates and get the spread of Ebola under control was to close borders and schools in June 2014. The schools remained closed from June due to the Ebola outbreak and re-opened on 14 April 2015.  
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Girls in Sierra Leone were particularly hit by the closure of schools between June 2014 and April 2015, one of many emergency measures put into place as a strategy to reduce infection rates and get the spread of Ebola under control.<sup>8</sup> With the Ebola crisis, girls also became more targeted for sexual violence including abusive and exploitative relationships. This trend was highlighted in a joint statement by expert organizations working in Sierra Leone in May 2015.

*“Research shows that young girls seldom become pregnant by choice. Pregnancy amongst young girls is often a consequence of other rights violations, including coercion and/or sexual violence and rape, lack of information related to girls’ sexual and reproductive health and rights, and harmful cultural practices such as early marriage. The Ebola crisis has exacerbated the already existing inequalities and vulnerabilities of girls to violence. The many months of school closure due to Ebola may also have resulted in an increase in teenage*

<sup>7</sup> See ILO, *Recovering from the Ebola Crisis*, pp. 30, 98 and 99.

<sup>8</sup> See Reuters, *Sierra Leone Shuts Borders, Closes Schools to Fight Ebola*, 11 June 2014, <http://uk.reuters.com/article/2014/06/11/us-health-ebola-leone-idUKKBNOEM2CG20140611> (accessed 20 October 2015).

*pregnancy and early and forced marriage, all of which have life-long consequences for girls as their opportunities for economic independence are restricted and they continue to be vulnerable to domestic violence and to the health consequences of early pregnancy.”<sup>9</sup>*

Separate studies conducted by Save the Children, as well as UNDP, have confirmed that there was a spike in sexual violence during the Ebola outbreak.<sup>10</sup> Defence for Children, working with the University of Essex, also conducted a study with similar conclusions about rising levels of violence and sexually exploitative relationships, to the detriment of young girls.<sup>11</sup> Post-rape health care - already scarce and provided by very few clinics prior to the outbreak of Ebola - was severely curtailed to non-existence. Even where such emergency healthcare may have been available, many girls had difficulty accessing the assistance necessary to both seek protection from, but also manage the consequences of, sexual violence and prevent unwanted and high risk pregnancy, since such care is very rarely available from primary health care centres.<sup>12</sup> Despite being on the World Health Organization essential medicines list, emergency contraception (also known as the morning after pill), is very difficult and expensive to obtain in Sierra Leone.<sup>13</sup>

It is important to note that even before the Ebola outbreak, teenage pregnancy rates in Sierra Leone were high. In 2013, official statistics confirmed that 28% of all girls between 15-19 years of age had already had children or were pregnant.<sup>14</sup> At the same time teenage girls are dying in high numbers during pregnancy and account for some 40% of all maternal deaths in Sierra Leone.<sup>15</sup>

An important nationwide programme of action was launched by the government of Sierra Leone and supported by development partners, in 2013. It aimed at reducing teenage pregnancy, and was titled “Let girls be girls, not mothers! National strategy for the reduction of teenage pregnancy in Sierra Leone (2013-2015)” (National Strategy for Reduction of Teenage Pregnancy).<sup>16</sup> Full implementation of the project was undermined by the outbreak

<sup>9</sup> See for example the joint statement by Action Aid, Community Action to Restore Lives, Education for all Sierra Leone Coalition, Save the Children, International Rescue Committee, IBIS Education for Development, Plan International, Concern Worldwide, issued on 6 May 2015, urging the Government of Sierra Leone to comply with its “obligation to protect and secure all girls’ right to continue education, including those who have become pregnant.” It demanded that the government publically confirm that girls could sit the exams, regardless of their pregnancy status, amongst other demands,

[http://ibissierreleone.org/sites/default/files/media/pdf\\_global/sierra\\_leone\\_pdf/organisations\\_call\\_on\\_government\\_to\\_make\\_a\\_provision\\_for\\_pregnant\\_girls\\_-\\_final\\_05-05-2015.pdf](http://ibissierreleone.org/sites/default/files/media/pdf_global/sierra_leone_pdf/organisations_call_on_government_to_make_a_provision_for_pregnant_girls_-_final_05-05-2015.pdf) (accessed 5 September 2015).

<sup>10</sup> See ILO, *Recovering from the Ebola Crisis*, pp. 98 and 99. See also, Plan International, Save the Children and World Vision International, with the support of UNICEF, *Children’s Ebola Recovery Assessment: Sierra Leone*, <http://www.savethechildren.org/site/apps/nlnet/content2.aspx?c=8rKLIXMGIpl4E&b=9241341&ct=14736265&notoc=1> (accessed 4 September 2015). Over 1,100 girls and boys aged 7 to 18 from nine districts were consulted about the impact of Ebola. See also United Nations Development Programme, *Assessing Sexual and Gender Based Violence During the Ebola Crisis*, 2015 (UNDP, *Assessing SGBV during the Ebola Crisis*).

<sup>11</sup> Defence for Children, *Gender-Based Violence and Girls’ Right to Education in Sierra Leone*, May 2015, [http://www.defenceforchildren.org/wp-content/uploads/2015/06/GBV-and-Girls-Right-to-Education-in-Sierra-Leone\\_May2015\\_EN.pdf](http://www.defenceforchildren.org/wp-content/uploads/2015/06/GBV-and-Girls-Right-to-Education-in-Sierra-Leone_May2015_EN.pdf) pp. 6 and 15. (accessed 7 September 2015).

<sup>12</sup> Experts interviewed by Amnesty International observed that there was difficulty in getting post-rape health care from primary health care level clinics.

<sup>13</sup> World Health Organization, *Model List of Essential Medicines*, 17<sup>th</sup> edition, Geneva, 2011. Opinion shared by experts in the provision of assistance to victims of sexual violence interviewed by Amnesty International in Sierra Leone in June 2015.

<sup>14</sup> Government of Sierra Leone, *Let girls be girls, not mothers! National strategy for the reduction of teenage pregnancy in Sierra Leone (2013-2015)* (National strategy for the reduction of teenage pregnancy in Sierra Leone), <http://hihealthclearinghouse.unesco.org/library/documents/let-girls-be-girls-not-mothers-national-strategy-reduction-teenage-pregnancy-2013> (accessed 7 September 2015).

<sup>15</sup> National strategy for the reduction of teenage pregnancy in Sierra Leone.

<sup>16</sup> National strategy for the reduction of teenage pregnancy in Sierra Leone.

of Ebola and many of the problems the strategy document identified, such as pervasive sexual violence including exploitative and abusive relationships, as well as lack of access to sexual and reproductive healthcare information, goods and services, were all exacerbated by the context created by the Ebola epidemic.<sup>17</sup>

Various studies have confirmed there was an increase in teenage pregnancy during the Ebola outbreak. For example, a UNDP study in the Eastern region of Sierra Leone found that teenage pregnancy increased by up to 65% in some target communities due to the socio-economic conditions imposed by the outbreak.<sup>18</sup> A study by Save the Children, Plan and World Vision found that 47% of focus groups reported an increase in teenage pregnancy.<sup>19</sup>

The Ministry of Education, Science and Technology has itself also recognised that there has been an increase in adolescent pregnancy during the Ebola outbreak, although their original estimates have subsequently found to fall far short of the real scale of the problem. In April 2015, the Ministry stated that they had conducted a nationwide survey and found that 600 teenage girls were pregnant.<sup>20</sup> In June 2015, a further statement indicated that at least 3,000 girls were pregnant since the start of the Ebola outbreak.<sup>21</sup> Experts mapping the situation indicate that the true figure is far higher.<sup>22</sup>

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<sup>17</sup> Defence for Children, *Gender-Based Violence and Girls' Right to Education in Sierra Leone*, May 2015.

<sup>18</sup> UNDP, *Assessing SGBV during the Ebola Crisis*. See also Plan International, Save the Children and World Vision International, with the support of UNICEF, *Children's Ebola Recovery Assessment: Sierra Leone* (Plan International, Save the Children and World Vision, *Children's Ebola Recovery Assessment: Sierra Leone*), <http://www.savethechildren.org/site/apps/nlnet/content2.aspx?c=8rKLIXMGIpI4E&b=9241341&ct=14736265&notoc=1> (accessed 7 September 2015). Over 1,100 girls and boys aged 7 to 18 from nine districts were consulted about the impact of Ebola.

<sup>19</sup> Plan International, Save the Children and World Vision, *Children's Ebola Recovery Assessment: Sierra Leone*.

<sup>20</sup> Statement issued on 2 April from the Ministry of Education, Science and Technology. Copy on record at Amnesty International. See Appendix 1.

<sup>21</sup> Ministry of Education, Science and Technology policy statement, *School Reopening Sub-Group – Special Needs Pregnant Adolescent School Girls*. (The policy document is not dated but it is understood from interviews conducted by Amnesty International with experts to be from June – July 2015).

<sup>22</sup> Estimates provided by relevant experts in interviews conducted by Amnesty International during September and October 2015.

## CHAPTER 2: THE BAN: EXCLUDING VISIBLY PREGNANT GIRLS FROM SCHOOL AND TAKING EXAMS

GOVERNMENT ANNOUNCES PREGNANT GIRLS BANNED FROM SCHOOL SETTING



Students attending a class in a school in Freetown. © Amnesty International

In March 2015, as the number of Ebola cases started to decline, the government announced that schools would reopen and the education system would resume. This announcement was seen as a landmark moment. It seemed that people could finally start to think about how to move on with their lives. During February and March, the government prepared to re-open the schools and gradually confirmed the details of their plans to conduct exams, including the crucial BECE, which were set to take place over two weeks from 30 March 2015. The BECE is essential in order for children to get into higher learning institutions.

It was in this atmosphere of tentative optimism and a feeling of the country moving forward as all the children prepared to return to school, that the head of the Ministry of Education, Science and Technology, Minister Bah, made various media statements that pregnant girls would not be allowed back to school or to sit exams.<sup>23</sup> He specified in verbal statements in meetings and to the press in March 2015 that this ban would apply to “visibly pregnant” girls, in part because in his view: “[pregnant girls’] presence in the classroom would serve as a negative influence to other innocent girls.”<sup>24</sup> The Ministry of Education, Science and Technology published a policy statement on 2 April 2015 outlining the government’s position on pregnant school girls.<sup>25</sup> The document formally indicated that girls who were pregnant would not be allowed in the school setting. The full text of this policy statement can be found in Appendix 1.

This position was echoed and supported by Sylvester Meheux, the Chairman of the Council of Principals (the governing body for headmasters and head mistresses in Sierra Leone). In an interview with RFI radio a few days later Sylvester Meheux said: *“In our own culture, in the secondary school, they don’t allow girls who are visibly pregnant to go and take exams. We have a belief that it will encourage other girls to do the same thing.”* Sylvester Meheux was also reported in the press as having said that: *“while educators agree that a girl’s life is not over if she gets pregnant, she needs to be counselled because of her lack of personal control.”*<sup>26</sup>

<sup>23</sup> Statements had been made earlier in February 2015 by high ranking officials of the Ministry of Education, Science and Technology that pregnant girls/ young women would be barred from taking exams and going back to school which prompted concerns by civil society organizations. See for example Human Rights Commission of Sierra Leone, *Ensuring the right to access education by pregnant girls and young mothers*, 25 February 2015, <http://www.hrcsl.org/content/ensuring-right-access-education-pregnant-girls-and-young-mothers> (accessed 9 September 2015).

<sup>24</sup> See article from Ebola Deeply, *No Multiplication in Sierra Leone’s Classrooms, as Pregnant Girls Barred from Schools*, 17 March 2015, <http://www.eboladeeply.org/articles/2015/03/7540/multiplication-sierra-leones-classrooms-pregnant-girls-barred-school/> (accessed 9 September 2015). For further press coverage see Awoko newspaper, *‘Pregnant girls will not be allowed in school’ – Education Minister*, 25 March 2015, <http://awoko.org/2015/03/25/sierra-leone-news-pregnant-girls-will-not-be-allowed-in-school-education-minister/> (accessed 10 September 2015). See also VOA News, *Schools reopen in Sierra Leone, but ban pregnant girls*, 13 April 2015, <http://www.voanews.com/content/schools-reopen-in-sierra-leone-but-ban-pregnant-girls/2717246.html> (accessed 10 September 2015).

<sup>25</sup> Statement issued on 2 April from the Ministry of Education, Science and Technology. See Appendix 1.

<sup>26</sup> Radio France International, *‘Sierra Leone: Pregnant girls barred from school and a right to education’*, 26 March 2015, <http://mobile.english.rfi.fr/africa/20150329-sierra-leone-pregnant-girls-barred-school-human-rights-education-ebola-education> (accessed 10 September 2015).





16 year old Khadi, who was nine months pregnant at the time of the photograph, places her hands on her stomach.  
*"When I found out that I was pregnant I felt bad because I am the eldest daughter and I was the hope of my mother because I was very good at school. I have the belief and the hope to be a lawyer".* © Amnesty International

## **GIRLS' ANSWERS TO THE QUESTION: DID YOU HEAR ABOUT THE BAN ON PREGNANT GIRLS ATTENDING SCHOOL? WHAT DO YOU THINK ABOUT IT?**

"Many girls get pregnant by mistake. It is not right to ban them. Many will not go [to school] again. If a girl is willing, she should go!"

"If the girl is willing, she should sit the exam. I know of a girl who sat the exam, no one knew she was pregnant."

"It is not nice to see a girl in uniform with a stomach, it will encourage others to have a baby maybe but if I see a girl who is pregnant it will not make me want to get pregnant."

"Before the ban, the government should have informed the girls about the policy and the ban and put in place



family planning.”

“When I sat the WASSCE in 2014 many girls did not sit as they had not done their BECE exams. The government just introduced a policy but did not provide family planning.” [ sic: Pupils need to pass the BECE exams before they can take the WASSCE exams]

## THE GOVERNMENT’S FLAWED JUSTIFICATIONS FOR THE BAN

It is clear that the government’s justifications for the ban on visibly pregnant girls relies heavily on discriminatory and stigmatising attitudes and beliefs. The Ministry of Education, Science and Technology’s statement claimed the ban was justified because “*While such a condition [sic: pregnancy] has the potential to negatively impact on their ability to concentrate and participate during lessons, it exposes them to ridicule by their colleagues and undermines the right ethical standards required in our educational institutions and in the process compromises the quality of education.*”<sup>27</sup>

Minister Kaikai, Minister of Social Welfare, Gender and Children’s Affairs, told Amnesty International, “*We cannot have pregnant girls sitting alongside normal girls in normal school. This will not send out the right signal at all. It sends the wrong message and it encourages other girls in the class to get pregnant. During the Ebola outbreak children were given clear instructions: do not touch... These girls could not even comply with basic rules and there must be consequences for their actions...*”

Further, the delegation was also told repeatedly by other officials that girls who got pregnant had to have some punishment for their perceived transgression. In a meeting with officials from the Ministry of Education, Amnesty International was told: “*In this society there are rules and responsibilities. During the Ebola crisis the advice was to avoid body contact, if a girl has not respected this advice she will not be allowed in a school environment.*”<sup>28</sup>

The Ministry of Education, Science and Technology has also sought to claim that a UNICEF funded report supported the view that the presence of pregnant girls in the classroom increased the likelihood of other girls getting pregnant.<sup>29</sup> The source of this claim has not been identified by Amnesty International, and UNICEF clearly stated their position in their 2013 press release calling on pregnant girls to be allowed and supported to take exams<sup>30</sup>. Further, in April 2015 the United Nations Country Team in Sierra Leone (representing all 17 UN agencies in the country including UNICEF) stated that the policy banning pregnant girls from returning to school and taking exams violates local and international human rights obligations.<sup>31</sup>

The flaws and discriminatory basis of the government’s justifications for the ban are discussed further in Chapter 5.

<sup>27</sup> Statement issued on 2 April from the Ministry of Education, Science and Technology. See Appendix 1.

<sup>28</sup> Interviews conducted by Amnesty International with education officials in June 2015.

<sup>29</sup> Statement issued on 2 April from the Ministry of Education, Science and Technology. See Appendix 1.

<sup>30</sup> UNICEF Press Release, *UNICEF Reiterates – Allow All Pregnant Girls to Take Exams*, 3 May 2013, [http://www.expotimesonline.net/index.php?option=com\\_content&view=article&id=147:press-release&catid=54:health](http://www.expotimesonline.net/index.php?option=com_content&view=article&id=147:press-release&catid=54:health) (accessed 11 September 2015).

<sup>31</sup> United Nations Country Team in Sierra Leone statement on the ban on pregnant girls returning to school and taking exams, 14 April 2015, <http://sl.one.un.org/2015/04/15/united-nations-country-team-in-sierra-leone-statement-on-the-ban-on-pregnant-girls-returning-to-schools-and-taking-exams-4/> (accessed 11 September 2015).

## WEST AFRICAN EXAM COUNCIL (WAEC) STATES THE EXCLUSION OF PREGNANT GIRLS IS NOT WITHIN THEIR JURISDICTION

The West African Examinations Council (WAEC) is a regional non-profit-making organization responsible for conducting examinations and awarding certificates including the BECE and WACCSE exams, which many of the pregnant girls' would have sat and would be sitting were it not for the ban.<sup>32</sup> Amnesty International was told on several occasions by some of the experts interviewed, that the Ministry of Education, Science and Technology had stated that WAEC had issued a letter or had a position that in some way contributed to the decision to exclude pregnant girls from exams, and which supported the Sierra Leonean government's policy.<sup>33</sup> WAEC has said they have no position on such a policy. Amnesty International wrote to the headquarters of WAEC asking if they had such a policy in relation to pregnant girls sitting exams. WAEC responded explaining that their mandate only extended to "conduct of exams, release of results and issuance of certificates", and that "the decision to ban pregnant girls was not within their jurisdiction." WAEC also expressed their commitment to "assist in the development of sound education."

WAEC stated in their letter that they had called their Freetown office to make enquiries and said that "the decision to ban pregnant girls from taking WAEC's examinations in Freetown was pronounced and adopted by the Ministry of Education Science and Technology (MEST)."<sup>34</sup>

## ACCESS TO INFORMATION REQUESTS BY CIVIL SOCIETY ORGANIZATIONS GO UNANSWERED

In June 2015, access to information requests were submitted to the Permanent Secretary, Ministry of Education, Science and Technology under Section 3 of the Access to Information Act 2013, by the Civil Society Collective on Early Marriage and Teenage Pregnancy. They were delivered and signed for on 30 June 2015. Copies were sent to the Minister of Education and the Information Commissioner. The requests called for information about any government or ministry policy, directive or advice relating to:

- The ban on pregnant girls or young women sitting public exams in particular the National Primary School Examination (NPSE), BECE or WASSCE;
- Exclusion of visibly pregnant school girls from attending regular/ mainstream schools at primary, junior secondary school or senior secondary school levels;
- How school principals and head teachers should address sexual activity by school going

<sup>32</sup> For more information, see WAEC's website: <http://www.ghanawaec.org/ABOUTWAEC/History.aspx>, (accessed 19 October 2015).

<sup>33</sup> Interviews conducted by Amnesty International in June – October 2015 and see further Awoko newspaper, 'Pregnant girls will not allowed in school' – Education Minister, 25 March 2015, <http://awoko.org/2015/03/25/sierra-leone-news-pregnant-girls-will-not-be-allowed-in-school-education-minister/> (accessed 12 September 2015).

<sup>34</sup> Letter from WAEC dated 25 September 2015. On record with Amnesty International.

children (boys as well as girls) including school discipline.

No response was received despite Section 4 of the Access to Information Act stipulating that an answer should be provided within 15 days of receipt of the application. The law firm Wright & Jusu-Sheriff wrote to the Permanent Secretary of the Ministry of Education, Science and Technology on 19 August 2015 on behalf of the CSO Collective, copying in the Minister of Education and the Information Commissioner. The letter gave notification that they would be asking the Information Commissioner for a review of the Ministry's refusal of their request for information under Section 43 of the Access to Information Act. To date, no response has been received from the Ministry of Education, Science and Technology.<sup>35</sup>

## IMPLEMENTATION OF THE BAN

The ban was immediately put into effect. In the April 2015 statement, the Ministry of Education, Science and Technology stated that girls were assured of a place in school after they had given birth, in accordance with the 1996 Policy on Education.<sup>36</sup> However, there was no provision in place for ensuring their continued education. There is still no child-care or any other initiative to support the girls' return, with the government merely stating that their re-admittance to school would be encouraged and facilitated by the pertinent officials.<sup>37</sup>

The Ministry of Education, Science and Technology's statement said that visibly pregnant girls who were banned from the school setting would be "*provided skills and basic knowledge in parenting*" as well as "*training and basic knowledge in literacy and numeracy.*"<sup>38</sup> Despite this written commitment, no detailed plans were in place for how the continued schooling of girls during their pregnancy would be implemented. At the time of the announcement, there was no provision for the girls to attend alternative education and no information provided about when they might be told where they could go to get an education, or to confirm that they could still sit the pending BECE exam if they were scheduled to take one.

There are at least two crucial exams that all visibly pregnant girls are currently unable to take alongside their fellow pupils. Firstly, there is the Basic Education Certificate Examination (BECE), which is the exam all students must pass to guarantee admission into senior secondary school or other higher level education centre, such as vocational schools. This is a national exam, administered and moderated by the WAEC. The second key set of exams are the West African Senior School Certificate Examination (WASSCE), which can be taken in a range of subjects including English, mathematics, sciences and arts, as well as economics and other commercial subjects. The WASSCE exams are necessary to get into university or college and are also important for potential employers. These are regional exams and also administered and moderated by WAEC.<sup>39</sup> NPSE are another set of important exams in Sierra Leone. The National Strategy for the reduction of teenage pregnancy in Sierra Leone

<sup>35</sup> Interviews conducted by Amnesty International with local organizations in June – September 2015.

<sup>36</sup> Statement issued on 2 April from the Ministry of Education, Science and Technology. See Appendix 1. The policy to which the Ministry referred to is the New Education Policy for Sierra Leone, Department of Education, New England, Freetown, Sierra Leone, July 1995. The policy does not explicitly ban pregnant girls. There are two pertinent points in Section 6.1.2 Women and Girls' Education – Policy and Actions, point 4. "Mother girls" shall be re-admitted into schools" and further at point 5. "Unmarried female students shall be allowed to continue their courses at tertiary level when pregnant."

<sup>37</sup> Statement issued on 2 April from the Ministry of Education, Science and Technology. See Appendix 1.

<sup>38</sup> Statement issued on 2 April from the Ministry of Education, Science and Technology. See Appendix 1.

<sup>39</sup> Information provided to Amnesty International by educational experts.

acknowledged that girls as young as nine do become pregnant which may impact the age bracket of girls who wish to sit the NPSE exams.<sup>40</sup>

It is important to note that the practice of excluding girls from school and exams on the basis of pregnancy has been a common practice in Sierra Leone for many years, going back at least over a decade.<sup>41</sup> Yet the statement by the Ministry of Education, Science and Technology turned an informal, sporadic practice into government policy, formalizing and exacerbating the issue. This was a missed opportunity to right a pre-existing wrong, not endorse and enforce it.

## TRUTH AND RECONCILIATION COMMISSION FINDS IT "IMPERATIVE" TO STOP "DISCRIMINATORY AND ARCHAIC" PRACTICE OF EXPELLING PREGNANT GIRLS

The prevalence of the discriminatory practice of excluding girls from school on the basis of their pregnancy status is evidenced for example in the report that was produced by the Truth and Reconciliation Commission (TRC) that was established after the 11 year civil war had ended. The TRC was agreed as part of the Lomé Peace Accord signed by the government and the Revolutionary United Front (RUF) and subsequently established in 2002.<sup>42</sup> The Commissioners published their findings in a report to Sierra Leone and the United Nations Security Council in October 2004. The Commissioners decided to divide their recommendations into several categories, to make it more practical and straightforward for the authorities to implement. The three main categories were namely "Imperative", "Work Towards" and "Seriously Consider".<sup>43</sup>

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<sup>40</sup> National strategy for the reduction of teenage pregnancy in Sierra Leone.

<sup>41</sup> See for example, Human Rights Commission of Sierra Leone Press Release in February 2015 which refers to pregnant girls being stopped by WAEC from taking exams in 2011, <http://www.hrcsl.org/content/ensuring-right-access-education-pregnant-girls-and-young-mothers> (accessed 15 September 2015). In 2013, UNICEF issued a press release expressing concern about a number of girls who were not entered for exams or turned away by invigilators because they were pregnant. See further UNICEF, *UNICEF Reiterates – Allow All Pregnant Girls to Take Exams*, 3 May 2013, [http://www.expotimesonline.net/index.php?option=com\\_content&view=article&id=147:press-release&catid=54:health](http://www.expotimesonline.net/index.php?option=com_content&view=article&id=147:press-release&catid=54:health) (accessed 15 September 2015). This practice is also highlighted in Defence for Children's Report, *Gender-Based Violence and Girls' Right to Education in Sierra Leone*, May 2015, p.17, [http://www.defenceforchildren.org/wp-content/uploads/2015/06/GBV-and-Girls-Right-to-Education-in-Sierra-Leone\\_May2015\\_EN.pdf](http://www.defenceforchildren.org/wp-content/uploads/2015/06/GBV-and-Girls-Right-to-Education-in-Sierra-Leone_May2015_EN.pdf) (accessed 15 September 2015).

<sup>42</sup> Truth and Reconciliation Commission, [http://www.sierraleonetr.com/index.php/view-report-text-vol-2/item/volume-two-chapter-three?category\\_id=20](http://www.sierraleonetr.com/index.php/view-report-text-vol-2/item/volume-two-chapter-three?category_id=20) (accessed 20 September 2015).

<sup>43</sup> See Truth and Reconciliation Commission, *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission*, 2004 (Report of the Sierra Leone TRC), [http://www.sierraleonetr.com/index.php/view-report-text-vol-1/item/foreword?category\\_id=19](http://www.sierraleonetr.com/index.php/view-report-text-vol-1/item/foreword?category_id=19) (accessed 20 September 2015).

## **“EXPELLING GIRLS WHO BECOME PREGNANT FROM EDUCATIONAL INSTITUTIONS IS DISCRIMINATORY AND ARCHAIC.”**

**The Truth and Reconciliation report went on to make the following key recommendations in relation to women and girls' right to education:**

“358. Women comprise the largest category of persons without formal education in Sierra Leone. Women have, in effect, been under-educated. This bias against women must be redressed.

360. The practice of expelling girls who become pregnant from educational institutions is discriminatory and archaic. This is an imperative recommendation.”<sup>44</sup>

The recommendation to stop the practice of expelling girls due to pregnancy as it is “discriminatory and archaic” was considered an imperative recommendation by the TRC. ‘Imperative’ was understood by the TRC to mean it ought to be implemented “immediately or as soon as possible”. In the view of the TRC such recommendations fall strictly within the peremptory obligation as stated in the Truth and Reconciliation Act 2000<sup>45</sup>. The Government is required to implement these recommendations “faithfully and timeously.”<sup>46</sup> However, nothing has yet been concretely done to comply with this recommendation. On the contrary the government has actively prevented pregnant girls from attending school and taking exams.

## **2013 GOVERNMENT STRATEGY COMMITTED TO ENSURE “PREGNANT GIRLS ARE ALLOWED TO AND SUPPORTED IN TAKING EXAMS, SO THAT THEY ARE ABLE TO CREATE A LIFE FOR THEMSELVES”**

In 2013, nearly a decade after the TRC report, the government issued a National Strategy for the Reduction of Teenage Pregnancy. It was endorsed and supported by the President and recognized the crucial importance of pregnant girls being able to sit exams and the harm that is caused to girls who cannot continue with education due to pregnancy.

As the National Strategy itself states in its analysis of the problem “*girls consistently identified the inability of a pregnant girl or young mother to continue at school as one of the most harmful and psychologically distressing aspects of early pregnancy.*”<sup>47</sup> It also states that: “*The strategy will also put particular emphasis in ensuring that pregnant girls are allowed to and supported in taking their exams, so they will be able to create a life for themselves and for their children.*”<sup>48</sup>

<sup>44</sup> Report of the Sierra Leone TRC.

<sup>45</sup> Article 17, Truth and Reconciliation Act 2000, <http://www.sierra-leone.org/Laws/2000-4.pdf> (accessed 20 September 2015).

<sup>46</sup> See recommendation 17, Volume two, Chapter 3 of the Truth and Reconciliation report, [http://www.sierraleonetr.com/index.php/view-report-text-vol-2/item/volume-two-chapter-three?category\\_id=20](http://www.sierraleonetr.com/index.php/view-report-text-vol-2/item/volume-two-chapter-three?category_id=20) (accessed 21 September 2015).

<sup>47</sup> National strategy for the reduction of teenage pregnancy in Sierra Leone, p. 8.

<sup>48</sup> National strategy for the reduction of teenage pregnancy in Sierra Leone, p. 17.

The government's current policy of banning pregnant girls from taking exams conflicts with, and undermines, its own findings of the harm caused to girls by exclusion and drop out. It also conflicts with its own subsequent National Strategy to mitigate that harm and enable pregnant girls to sit their exams and stay on in school.

## LOCAL ORGANIZATIONS URGING THE GOVERNMENT TO RESPECT, PROTECT AND FULFIL GIRLS' RIGHTS

Many civil society organizations have continued their long history of working on women's and children's rights and have advocated to change the government's policy towards pregnant girls, or worked to support the creation of a temporary alternative to ensure the girls currently affected by this discriminatory policy do not miss out.

For example, the Human Rights Commission of Sierra Leone issued a press statement on 25 February 2015 in response to statements by officials of the Ministry of Education, Science and Technology that pregnant girls would be barred from taking exams and going back to school. They stated *"The Commission is of the view that this policy discriminates against women and girls and this pattern of stigmatising pregnant young women would only worsen their marginalization as well as their vulnerability... HRCSL therefore urges Government to take the necessary steps to create the enabling environment to ensure that pregnant girls and young mothers are accepted in schools, take their exams, continue their education and are not stigmatised and discriminated against."*<sup>49</sup>

Sierra Leonean youth activist, Chernor Bah, who works for Population Council, launched an on line petition against the ban which has amassed almost 5000 signatures so far.<sup>50</sup> Several other organizations came together to form the Civil Society Collective on Early Marriage and Teenage Pregnancy to advocate for a change in government policy. Education for All Coalition, a national coalition of civil society organizations, professional groups and education institutions, issued a press release with several international non-governmental organizations urging the government to comply with its "obligation to protect and secure all girls right to continue education, including those who have become pregnant."<sup>51</sup> These calls by local organizations have been echoed by the United Nations Country Team in Sierra Leone.<sup>52</sup>

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<sup>49</sup> Human Rights Commission of Sierra Leone, *Ensuring the Right to Access Education by Pregnant Girls and Young mothers*, 25 February 2015 (HRCSL, *Ensuring the Right to Access Education by Pregnant Girls and Young mothers*), <http://www.hrsl.org/content/ensuring-right-access-education-pregnant-girls-and-young-mothers> (accessed 24 September 2015).

<sup>50</sup> See petition, "Let pregnant girls go to school" available at <http://www.upforschool.org/petitions/stand-upforschool-with-chnor> (accessed 25 September 2015).

<sup>51</sup> See for example the joint statement by Action Aid, Community Action to Restore Lives, Education for all Sierra Leone Coalition, Save the Children, International Rescue Committee, IBIS Education for Development, Plan International, Concern Worldwide, issued on 6 May 2015. It demanded that the government publically confirm that girls could sit the exams, regardless of their pregnancy status, amongst other demands. Full statement available at: [http://ibissieraleone.org/sites/default/files/media/pdf\\_global/sierra\\_leone\\_pdf/organizations\\_call\\_on\\_government\\_to\\_make\\_a\\_provision\\_for\\_pregnant\\_girls\\_-\\_final\\_05-05-2015.pdf](http://ibissieraleone.org/sites/default/files/media/pdf_global/sierra_leone_pdf/organizations_call_on_government_to_make_a_provision_for_pregnant_girls_-_final_05-05-2015.pdf) (accessed 26 September 2015).

<sup>52</sup> United Nations Country Team in Sierra Leone statement on the ban on pregnant girls returning to school and taking exams, 15 April 2015, <http://sl.one.un.org/2015/04/15/united-nations-country-team-in-sierra-leone-statement-on-the-ban-on-pregnant-girls-returning-to-schools-and-taking-exams-4/> (accessed 26 September 2015). See further comments made by Kate Gilmore, deputy executive director of UNFPA, that the ban would perpetuate the cycle of poverty and hold the country back economically. The Guardian, *Sierra Leone poised to lift ban on pregnant girls being educated*, 24 June 2015, <http://www.theguardian.com/global-development/2015/jun/24/sierra-leone-ban-pregnant-girls-school-attendance-access-education> (accessed 26 September 2015).

## CHAPTER 3: THE IMPACT OF DENYING EDUCATION AND PUTTING GIRLS' AT RISK OF ABUSE

### PREGNANT GIRLS MISS AT LEAST SIX MONTHS OF EDUCATION COMPARED TO OTHER PUPILS

When the ban was introduced, there was no alternative provision in place for visibly pregnant girls to receive an education of any sort once they had been excluded from school, despite a commitment to providing them with education.<sup>53</sup> This meant that by October 2015, visibly pregnant girls had lost out on at least six months of education and one set of BECE exams, whilst an alternative system was agreed, planned and developed.<sup>54</sup>



Eliane 16 year old mother holding Eric in her hands, her one month old baby. *“When I was pregnant I felt bad because my sister could take exams and go to school, while I had to stay home. Pregnant girls should go to school and be brave”.*  
© Amnesty International

<sup>53</sup> See April 2 Statement by the Ministry of Education, Science and Technology, Appendix 1.

<sup>54</sup> Interviews conducted by Amnesty International in Sierra Leone with both local and international experts working in education, child protection and women and girls' human rights in June 2015.



**ISA'S EXPERIENCE** "I came to Freetown when I found out I was pregnant. When I heard I was pregnant I did not feel good. The boy is 19 years old and from the same village. I came with my man to town, but now I am staying with my aunt. I am 6 months pregnant. My dad died, so my uncle was paying for my school. The teachers did not allow me to go to school. My uncle took my bag and books and gave them to my sister. I feel ashamed but I would attend school now if I could go. And I will go back to school after giving birth."<sup>55</sup>

Despite the establishment of an alternative bridging system of education due to start in October 2015 (see Chapter 4), visibly pregnant girls remain excluded from forthcoming BECE exams currently scheduled to begin at the end of November 2015.

## EXAMS AND CONTINUING SCHOOL HELP GIRLS MITIGATE THE IMPACT OF AN EARLY OR UNWANTED PREGNANCY

*"If you are pregnant, it is not the end of your life. I was pregnant when school re-opened. I was not allowed to go. If I had been allowed, I would have gone."*<sup>56</sup>

Passing exams can constitute an opportunity for girls to ensure that early pregnancy does not become the event that defines the rest of their lives. In the government's National Strategy for the Reduction of Teenage Pregnancy, the government itself recognised the crucial importance of pregnant girls being able to sit exams, and committed to *"put particular emphasis in ensuring that pregnant girls are allowed to and supported in taking their exams, so they will be able to create a life for themselves and for their children."*<sup>57</sup>

Several local and international organizations working in child protection and children's rights expressed particular concern at the impact of the ban on girls taking the BECE exam and urged the authorities to revise their decision.<sup>58</sup> As one expert told Amnesty International, *"the exam only happens once a year and they end up behind."*<sup>59</sup>

<sup>55</sup> Interview conducted by Amnesty International in June 2015.

<sup>56</sup> Interview conducted by Amnesty International in June 2015.

<sup>57</sup> National strategy for the reduction of teenage pregnancy in Sierra Leone.

<sup>58</sup> See for example HRCSL, *Ensuring the Right to Access Education by Pregnant Girls and Young mothers*. The United Nations country office in Sierra Leone stated that this policy violates local and international human rights obligations (United Nations Country Team in Sierra Leone statement on the ban on pregnant girls returning to school and taking exams, 15 April 2015, <http://sl.one.un.org/2015/04/15/united-nations-country-team-in-sierra-leone-statement-on-the-ban-on-pregnant-girls-returning-to-schools-and-taking-exams-4/> (accessed 29 September 2015) and the joint statement by Action Aid, Community Action to Restore Lives, Education for all Sierra Leone Coalition, Save the Children, International Rescue Committee, IBIS Education for Development, Plan International, Concern Worldwide, issued on 6 May 2015, urging the Government of Sierra Leone to comply with its "obligation to protect and secure all girls' right to continue education, including those who have become pregnant." It demanded that the government publically confirm that girls could sit the exams, regardless of their pregnancy status, amongst other demands. Full statement available at: [http://ibissierre Leone.org/sites/default/files/media/pdf\\_global/sierra\\_leone\\_pdf/organisations\\_call\\_on\\_government\\_to\\_make\\_a\\_provision\\_for\\_pregnant\\_girls\\_-\\_final\\_05-05-2015.pdf](http://ibissierre Leone.org/sites/default/files/media/pdf_global/sierra_leone_pdf/organisations_call_on_government_to_make_a_provision_for_pregnant_girls_-_final_05-05-2015.pdf) (accessed 29 September 2015).

<sup>59</sup> Interview conducted with child education and rights expert by Amnesty International in Sierra Leone in June 2015. The BECE exams held in March 2015 were to replace the 2014 exams that were not held due to the Ebola crisis.



Some civil society actors have told Amnesty International that they fear the statements by Minister Bah and media coverage may have had a chilling effect and made many pregnant girls (whether visibly pregnant or not) afraid to even attempt to take exams.<sup>60</sup> This was also confirmed by girls interviewed by Amnesty International.

A journalist who has interviewed multiple girls and teachers about their experiences of the ban told Amnesty International *“As far as I have found so far, the policy is so widely known (and feared) that anyone who even suspects they might be pregnant doesn't bother trying to enter an exam hall. It seems they are very afraid of being humiliated and further stressed by examination officers.”*<sup>61</sup>

## ENFORCEMENT OF THE BAN PUTS ALL GIRLS AT RISK

Since the formal announcement of the ban in April 2015, no explicit instructions have been given to prevent any subsequent violations of girls' human rights as the ban is interpreted and enforced at a local level in schools and learning centres. Although all the government officials Amnesty International interviewed denied that there was an official requirement for schools to ascertain girls' pregnancy status, no preventive directive has been issued by the government prohibiting any testing or checking of girls for pregnancy. The ban and lack of preventive directive has led to a situation where teachers and school officials are taking unacceptable steps to ascertain girls' pregnancy status. The discriminatory policy of banning visibly pregnant girls from school settings, puts all girls at risk of abuses, as school staff and others in positions of authority feel empowered and required to take measures to ascertain girls' pregnancy status. Methods described to Amnesty International included physically touching girls' breasts, stomachs or other means.

The fact that the ban is meant to apply only to “visibly pregnant” girls does nothing to protect any girl, pregnant or not, from having her rights violated at any moment should a teacher or other person in authority require that she or a group of girls is investigated for pregnancy. It is also the case that the ban causes fear in many girls, pregnant or not, of being subjected to or having to witness, humiliating and degrading tests, which violate theirs or their friends' physical and mental integrity and dignity.<sup>62</sup>

## GIRLS' RIGHT TO PHYSICAL INTEGRITY, TO BE FREE FROM INHUMAN AND DEGRADING TREATMENT AND PUNISHMENT AND PRIVACY VIOLATED

Three girls interviewed told Amnesty International that they themselves had experienced testing and physical inspections and or they knew girls who had been checked or tested to ascertain if they were pregnant. Some of their friends had decided not to even try to come into school due to pregnancy; being aware of the ban, they did not want to risk being publically humiliated and turned away.<sup>63</sup>

<sup>60</sup> Interviews conducted by Amnesty International with several experts including a teacher in June 2015. Follow up interview conducted in September 2015.

<sup>61</sup> Interview conducted by Amnesty International in September 2015.

<sup>62</sup> Interviews conducted with girls in both focus groups and individually by Amnesty International in June 2015.

<sup>63</sup> Interviews conducted with girls in both focus groups and individually by Amnesty International in June 2015.

## **“THEY TOUCHED OUR BREASTS AND STOMACH TO SEE IF WE WERE PREGNANT”**

Amnesty International interviewed an 18 year old girl who confirmed that she and her fellow pupils were physically inspected by teachers and some subjected to pregnancy tests when she went to school to get her attendance slip to sit the BECE exams in late March 2015.

“We had to register and queue to get an attendance slip for the exams. The female teachers told all the girls we would be searched as pregnant girls are not allowed to sit exams. We were made to line up and we were checked. They touched our breasts and stomach to see if we were pregnant. Some girls were made to take urine tests. The teacher was wearing gloves when she was checking us, but only used one pair of gloves throughout the process which is dangerous during Ebola times. I felt really embarrassed when this happened to me. Many girls left as they were scared the teachers would find out they are pregnant. About 12 pregnant girls did not sit their exams. This policy is bad as many girls may not sit exams.

I heard that this happened at other schools as well – at schools and not the examination centres. The teachers told us the government told them to do this checking. They are ashamed to see pregnant girls go to school. The teachers talked to the students not to say anything and now we are frightened to speak about what happened.” Interview conducted by Amnesty International in Sierra Leone in June, 2015.

Amnesty International interviewed two journalists who confirmed that they had also interviewed girls and witnesses who informed them about schools checking them physically to determine whether they were pregnant as they returned to school after the Ebola outbreak.<sup>64</sup>

Searches and physical examination of girls were confirmed by several experts as common practice at some schools for several years.<sup>65</sup>

## **“THE NURSE CHECKED THE GIRL, SHE TOUCHED HER BREASTS, MADE HER PASS URINE.”**

One young woman described her experiences just two years earlier in 2013 in a school in Freetown:

“I am a girl in Sierra Leone. I am 21 years old. If you are pregnant, the other school children will sometimes tell the teacher that one of their friends is pregnant. When they ask you sometimes you will deny and say that you are not pregnant and they will check you to know whether it is true that you are pregnant or not. If they find out you are pregnant they will drive you out of the school because you have spoilt the name of the school.

I know one of my friends they checked who was pregnant. She denied she was pregnant. She came and told me first that she was pregnant and I did not tell anyone but the other people who knew went and told the teachers. They [the teachers] went and called the nurse. The nurse checked the girl, she touched her breasts, made her pass urine, made her take a pregnancy test to know if the girl was pregnant. When they found out

<sup>64</sup> Interviews conducted by Amnesty International in June 2015.

<sup>65</sup> Interviews conducted by Amnesty International in June 2015.

she was pregnant they shouted at her and disgraced her. The girl was ashamed and she left school and she did not come back again.”<sup>66</sup>

Another girl interviewed by Amnesty International explained about the practice of searching in the past: “*When we were doing the WASSCE exam there was a rumor that a girl was pregnant. A lady was responsible for checking the uniform to see who is pregnant.*”<sup>67</sup>

Some of the 52 girls interviewed by Amnesty International also said that they felt scared at the possibility of being accused of being pregnant, or humiliated and degraded by being physically assessed to ascertain their pregnancy status. The extent of the practice of checking girls for pregnancy is difficult to assess.

## NO PREVENTATIVE ACTION TAKEN BY THE GOVERNMENT SO FAR TO STOP ANY ABUSE

Some government officials interviewed by Amnesty International denied that girls were being checked for pregnancy, implying that as the ban applied only to *visibly* pregnant girls they did not need to issue a directive prohibiting any such physical searches and investigation of girls. For example, senior officials from the National Teenage Pregnancy Secretariat, in response to concerns that girls were being investigated and checked for pregnancy prior to entry to exams or school, said that it was not true and that: “*The Ministry says it is not true – [it is] a false rumour.*” An official from the Ministry of Education also stated when asked “*[It is] not true that any principal inspects girls. We can't issue something preventively if this is not happening. We don't need to check girls as you can see who is pregnant. The Ministry has only spoken about visibly pregnant girls.*”

## DANGEROUS AND RISK TAKING BEHAVIOUR CAUSED BY THE BAN

Many girls want to sit the exam with their peers and not miss out on their chance to gain a qualification that they have studied for. Pregnant girls may also anticipate that they are unlikely to have the child-care support necessary to be able to return to school or take the exam later. Because of this there is an added incentive for risk taking in order to sit the exam, such as strapping stomach and breasts down in order to pass for non-pregnant girls. One girl described to Amnesty International how her friend: “*tied her stomach so she could sit her exam [BECE exam in March 2015]. She was not checked in the end [for pregnancy].*”<sup>68</sup>

Local experts also told Amnesty International that it has been common practice for pregnant girls to strap down their stomachs or take other measures in order to conceal the pregnancy so they can continue to attend school with their friends and not miss out on exams.<sup>69</sup> In its 2013 press release urging for all pregnant girls to be allowed to take exams, UNICEF raised concern that not allowing girls to take exams can lead to girls hiding pregnancy so they can

<sup>66</sup> Interview conducted by Amnesty International in June 2015.

<sup>67</sup> Interview conducted by Amnesty International with school girl in Freetown, Sierra Leone in June 2015.

<sup>68</sup> Interview conducted by Amnesty International in Sierra Leone with an 18 year old girl in June 2015.

<sup>69</sup> Interviews conducted by Amnesty International in Sierra Leone with girls and with several experts in June 2015.

take exams and missing out on vital pre-natal check-ups.<sup>70</sup> *"It makes the girls who are pregnant go backwards. They were hoping to sit their exams. Even after they have given birth, how can they attend school again?"* one girl told Amnesty International.<sup>71</sup>

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<sup>70</sup> UNICEF, *UNICEF Reiterates – Allow All Pregnant Girls to Take Exams*, 3 May 2013, [http://www.expotimesonline.net/index.php?option=com\\_content&view=article&id=147:press-release&catid=54:health](http://www.expotimesonline.net/index.php?option=com_content&view=article&id=147:press-release&catid=54:health), (last accessed 27 September 2015).

<sup>71</sup> Interview conducted by Amnesty International in Sierra Leone in June 2015.

# CHAPTER 4: TEMPORARY MEASURES: ALTERNATIVE EDUCATION SYSTEM DEVELOPED FOR PREGNANT GIRLS

## THE TEMPORARY ALTERNATIVE EDUCATION SYSTEM FOR PREGNANT GIRLS

In May 2015, following much local and international pressure, the President of Sierra Leone said during a stakeholder meeting with INGOS, that there needed to be more mobilisation and sensitization of people to understand and accept the issue of pregnant girls being allowed to return to school. According to the press release from State House:

*“He stated that there should be a bridging system to help put pregnant girls through an educational system to help care for themselves. He reaffirmed his position, saying that allowing pregnant girls to sit in class with non-pregnant ones will not hold for now because society is not prepared for it. He furthered that the situation is critical and that society cannot accept that, adding that if such decision is allowed at this moment, it will be rejected and resisted by the people.”<sup>72</sup>*

In light of this announcement, four months after announcing that visibly pregnant girls are banned from school settings, classrooms and exams, the government outlined an official plan for a bridging alternative for pregnant girls so that they could receive an education.<sup>73</sup> In their policy document the government estimated that there would be around 3,000 pregnant girls emerging from the Ebola crisis, who, due to the ban on them attending mainstream school, would now need alternative facilities and education provision to be designed and financed by the government working with donors.<sup>74</sup>

A rapid assessment study was subsequently conducted by the government and supported by international agencies and funders in July 2015 to establish the number and location of all the pregnant school-age girls (up to 19 years old) who were now officially banned from school settings, and also to develop a response to their educational and health needs. In interviews conducted by Amnesty International the actual estimated figures of girls documented by the mapping were much higher.<sup>75</sup>

On the basis of the mapping, an alternative bridging system is being established with the aim of ensuring that pregnant girls can continue with the same curricula as their peers but in

<sup>72</sup> State House Communications Unit, *President Urges More Sensitization on the issue of pregnant girls*, 20 May 2015, <http://www.statehouse.gov.sl/index.php/useful-links/1255-president-urges-more-sensitization-on-the-issue-of-pregnant-girls> (accessed 28 September 2015).

<sup>73</sup> Ministry of Education, Science and Technology policy statement, *School Reopening Sub-Group – Special Needs Pregnant Adolescent School Girls*. (The policy is not dated but it is understood from interviews to be from June – July 2015).

<sup>74</sup> Ministry of Education, Science and Technology policy statement, *School Reopening Sub-Group – Special Needs Pregnant Adolescent School Girls*.

<sup>75</sup> Interviews conducted by Amnesty International with various experts from June – October 2015.

alternative premises or times of the day to their classmates. The objective is for the girls to be able to reintegrate back to school after pregnancy. The government has also agreed to work with international agencies and funders to provide the girls with psycho-social services in cases of sexual violence and also support them in accessing other services such as ante-natal health information which are welcome additional elements.

It was understood, at the time of publication, that there would be four options for the educational component:

- School based interventions (outside of schooling hours – afternoon school);
- Community learning centres;
- NGO learning centres;
- Home based approach – where the above options are not feasible, identified pregnant girls can study from home with learning materials and additional visits from a teacher.<sup>76</sup>

The alternative bridging scheme will be funded by international agencies (particularly UNICEF and UNFPA) and key international donors, particularly Ireland and the UK, working closely with the government. Some components are funded up to March 2016 and others up to July 2016, though at the date of publication it was unclear what provision would be made afterwards or if it was hoped that by then the necessary steps would have been made to ensure visibly pregnant girls could stay in school or attend an alternative system as they wished.

## VIEWS ON THE ALTERNATIVE BRIDGING SYSTEM FOR PREGNANT GIRLS

Many of the experts interviewed coincided in their view that there was no opposition to the idea of having an alternative bridging system if the government wanted to invest and construct such an *option* for pregnant girls. However, it was expressed repeatedly to the delegation that this system should contain the same curricula and also be optional for the girls. As one leading expert observed: *"It is fine to provide alternatives but the option of going back to school must be there. The choice is key."*<sup>77</sup>

Another child rights' expert told Amnesty International: *"We don't mind if there is an alternative system, as some girls may feel shame. For those who are willing to go to school, I strongly believe that the system should be able to accommodate them. Making a choice should not restrict you to a choice made for you, just by the government. The ban must be lifted immediately. An alternative system must be based on choice."*<sup>78</sup>

Local and international experts expressed concerns to Amnesty International about the increased stigma of being banished from school settings as if the girls are something shameful. While recognising that some girls may prefer to be out of mainstream school due to

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<sup>76</sup> Interviews conducted by Amnesty International in June, September and October 2015 with both government officials and funders supporting the design and implementation of the programme.

<sup>77</sup> Interview conducted by Amnesty International with women and girls' rights expert in June 2015.

<sup>78</sup> Interview conducted by Amnesty International with children's rights expert in June 2015.

stigma, there were concerns about others who did not want to leave mainstream school being compelled to do so.<sup>79</sup>

A concern was raised a few times with the delegation, that there might be an inclination to provide a lesser form of education in order to avoid the risk of the alternative bridging system being seen as an attractive option or as an incentive for girls to get pregnant.<sup>80</sup> However, if it was to be a lesser education, this would clearly breach girls' right to equality, non-discrimination and right to education. International organizations supporting the alternative scheme have committed to providing the same curriculum in the alternative scheme, as mainstream schools. The alternative bridging system is just being implemented and will need to be monitored carefully.

The alternative bridging system does represent some progress and reflects laudable efforts made by local and international organizations to find quick and practical solutions to the problems posed by the ban. However, while it is too early to evaluate the effectiveness of the alternative bridging system, pregnant girls' right to education, equality and non-discrimination still hang in the balance, not least due to the lack of choice girls' have to continue on in mainstream school, if they wish to do so, or take exams. The stigma and discriminatory attitudes on which the ban is based and the risks of abuse created by people in positions of authority taking measures to ascertain girls' pregnancy status are still major causes for concern which must be addressed by the government.

Finally, and crucially, the alternative bridging system does not resolve the problem that, at the time of publication, visibly pregnant girls are still banned from sitting the formal national exams that their fellow pupils and friends will be sitting, such as the BECE and WASSCE. Given that the next BECE exams are to be held at the end of November 2015, this must be resolved urgently.

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<sup>79</sup> Interviews conducted by Amnesty International with girls and civil society organizations in June 2015.

<sup>80</sup> For example, senior officials from the National Teenage Pregnancy Secretariat, observed to Amnesty International that the alternative bridging scheme should not incentivise young girls to become pregnant. Interviews conducted by Amnesty International in June 2015.

# CHAPTER 5: SEXUAL VIOLENCE, ABUSIVE RELATIONSHIPS AND STIGMA

GIRLS DENIED THE CONDITIONS AND TOOLS NECESSARY TO DECIDE IF AND WHEN TO HAVE CHILDREN

*“It is frustrating. Everything is focussed on the girls and not on those who got them pregnant or other factors. Separating them from their school marks them out and can send the message that they are inferior. Look, education is not a privilege - it is a RIGHT of these girls. One other thing in all this discussion we are not talking about is sexual violence and rape.”<sup>81</sup>*

Many of those who Amnesty International interviewed expressed profound concern at the situation of negative attitudes towards girls and a general attitude that they “chose” to get pregnant. These negative attitudes do not take into account the fact that girls’ rights to be protected from sexual violence including exploitative and abusive relationships has not been upheld, nor their right to access the information, goods and services necessary to be able to prevent early pregnancy and that are necessary in order to genuinely “choose” pregnancy.<sup>82</sup> As one girl interviewed by Amnesty International pointed out *“The government just introduced a policy, but they did not provide family planning.”<sup>83</sup>*

When Amnesty International interviewed a senior official at the National Pregnancy Secretariat, the blame for early pregnancy was not placed with the lack of availability and barriers to girls accessing the information, services and goods, including post rape health care services, necessary to genuinely “choose” pregnancy, but rather with the girls, as she explained to Amnesty International: *“Why can’t they go and prevent themselves? Most can negotiate for the use of condoms. They are not utilising these services to protect themselves. Your parents are trying to provide for you and you can’t protect yourself.”*

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<sup>81</sup> Human rights expert who works on children’s rights, interview conducted by Amnesty International in Sierra Leone in June 2015.

<sup>82</sup> Defence for Children, *Gender-Based Violence and Girls’ Right to Education in Sierra Leone, May 2015*, [http://www.defenceforchildren.org/wp-content/uploads/2015/06/GBV-and-Girls-Right-to-Education-in-Sierra-Leone\\_May2015\\_EN.pdf](http://www.defenceforchildren.org/wp-content/uploads/2015/06/GBV-and-Girls-Right-to-Education-in-Sierra-Leone_May2015_EN.pdf) (accessed 30 September 2015), and the Ebola Recovery Report.

<sup>83</sup> Interview conducted with school girl by Amnesty International in Freetown, Sierra Leone in June 2015



## ADAMA'S EXPERIENCE

As Adama, a young teenager told Amnesty International "I live with my uncle. I did stay with an aunt, and did housework and chores. Then my mum came and took me and I finally went to school. I had not started my periods yet when I got pregnant. A man forced me to have sex, he took me in a room and closed the door. I tried to resist but he forced me. I think I am about 5 months pregnant. I saw a nurse where I live and asked her to see me, but I did not have money and my uncle did not do anything. The man has left the area."

When asked if she knew if she could go to school now or not, Adama said "I heard about a big man who said pregnant girls could not go to school."

Adama's hopes and dreams for the future: "I want to be a lawyer and to be able to talk for my friends."<sup>84</sup>

The situation of sexual violence including exploitative and abusive relationships endured by young girls in Sierra Leone is covered in detail in the reports published by UNDP, Save the Children and Defence for Children, amongst other detailed studies by expert agencies and children's right experts.<sup>85</sup> All evidence the very distressing circumstance in which many girls are becoming pregnant. For example, in the report by UNDP, several focus group participants raised the fact that women were more conscious of the Ebola prevention rules on avoiding bodily contact and that is why men were targeting young girls who did not understand the messaging and who had limited power.<sup>86</sup> Amnesty International also interviewed two victims of rape and several girls who experienced exploitative and abusive relationships who were left pregnant as a consequence.<sup>87</sup>

Sierra Leone's Sexual Offences Act 2012 provides that a person below the age of 18 is not capable of giving consent and that it is not a defence to any of the offences in the Act to show that the child has consented.<sup>88</sup>

Key expert studies concur that "choice" is largely absent for girls in Sierra Leone, who are denied the conditions necessary to exercise their right to decide if and when to have children and are not protected from sexual violence.<sup>89</sup> One of the girls interviewed observed that they felt this situation was particularly unfair because some girls were given no choice by their own and their family's desperate circumstances during the Ebola crisis, when the conditions were ripe for sexual violence including abusive and exploitative relationships. As she said: "*It is not right. During Ebola, their parents did not have money so many girls had to go to men.*"

Girls are frequently attacked by men who are older than them or in positions of power. In April 2015 the Ministry of Health and the National Teenage Pregnancy Secretariat launched

<sup>84</sup> Interview with Adama conducted by Amnesty International in Sierra Leone in June 2015.

<sup>85</sup> Defence for Children, *Gender-Based Violence and Girls' Right to Education in Sierra Leone*, May 2015, [http://www.defenceforchildren.org/wp-content/uploads/2015/06/GBV-and-Girls-Right-to-Education-in-Sierra-Leone\\_May2015\\_EN.pdf](http://www.defenceforchildren.org/wp-content/uploads/2015/06/GBV-and-Girls-Right-to-Education-in-Sierra-Leone_May2015_EN.pdf) (accessed 30 September 2015) and Plan International, Save the Children and World Vision, *Children's Ebola Recovery Assessment: Sierra Leone*. See also UNDP, *Assessing SGBV During the Ebola Crisis*.

<sup>86</sup> UNDP, *Assessing SGBV During the Ebola Crisis*.

<sup>87</sup> Interviews conducted by Amnesty International in Freetown in June 2015.

<sup>88</sup> Section 4, Sexual Offences Act 2012, <http://www.sierra-leone.org/Laws/2012-12.pdf> (accessed 30 September). The only defence provided is in section 24 (defence of mistake of age).

<sup>89</sup> Defence for Children, *Gender-Based Violence and Girls' Right to Education in Sierra Leone*, May 2015, [http://www.defenceforchildren.org/wp-content/uploads/2015/06/GBV-and-Girls-Right-to-Education-in-Sierra-Leone\\_May2015\\_EN.pdf](http://www.defenceforchildren.org/wp-content/uploads/2015/06/GBV-and-Girls-Right-to-Education-in-Sierra-Leone_May2015_EN.pdf) (accessed 30 September 2015) and further see the Ebola Recovery Report pp. 98 and 99. See also Plan International, Save the Children and World Vision, *Children's Ebola Recovery Assessment: Sierra Leone*.

a campaign “No Sex for Grades” due to concerns at the problem of sexual abuse occurring in schools.<sup>90</sup> Sexual violence by teachers has also been highlighted in various expert reports.<sup>91</sup> At least six girls interviewed by Amnesty International knew girls who had become pregnant by their teachers.<sup>92</sup> One of the girls interviewed by Amnesty International said if she had the opportunity to say something direct to the President “*I would ask that the president punish the male teachers that impregnate girls. A teacher raped a girl who was 8 or 9 years old. He was taken away from the school for a while but then he was back.*”<sup>93</sup>

Several experts working in the area of children’s and women’s rights criticised the failure of the state to adequately combat sexual violence. As one expert lawyer who works with women and girls victims of violence told Amnesty International:

*“We must enforce the laws on rape and sexual violence. The government is complicit in violence due to their inaction in implementing the laws and preventing it and protecting women and girls... The state – in fact the very officials and principle actors who should be defending and advocating for these girls - are the ones shaming and blaming them.”*<sup>94</sup>

A study by the Centre for Accountability and Rule of Law (CARL), in 2014, found that the Family Support Units of the Sierra Leone Police were insufficiently staffed, equipped and funded to properly dispense its mandate to investigate and prosecute sexual and gender based violence crimes.<sup>95</sup> In a press release in 2015, CARL stated that in 2014 the Sierra Leone Police Crime Statistics showed there were 11,358 incidents of sexual and domestic violence with 77 incidents of rape reported. Of the total number of 11,358 cases, only 2,144 were brought to court, with only 255 convictions secured. No convictions were reached for the 77 reported rape cases, even though 28 of those were brought to court.<sup>96</sup> It should be noted that sexual violence is a generally under reported crime worldwide and Sierra Leone is no exception.<sup>97</sup>

Expert studies, such as by UNDP, have indicated how the Ebola outbreak has further impacted the limited access to protection services and increased impunity for sexual and gender based violence (SGBV) crimes. For example, in their report focusing on the Eastern region of Sierra Leone, they detail the lack of magistrates, inability of mobile courts to hold circuit hearings due to restrictions on movement, backlogs in court cases and limited medical services as well as fear of going to medical centres to obtain medical reports (key to

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<sup>90</sup>See statement ‘Health Ministry launches No Sex for Grades campaign’ available from: <http://health.gov.sl/?p=3132> (accessed 13 October 2015).

<sup>91</sup> Defence for Children, *Gender-Based Violence and Girls’ Right to Education in Sierra Leone*, May 2015, [http://www.defenceforchildren.org/wp-content/uploads/2015/06/GBV-and-Girls-Right-to-Education-in-Sierra-Leone\\_May2015\\_EN.pdf](http://www.defenceforchildren.org/wp-content/uploads/2015/06/GBV-and-Girls-Right-to-Education-in-Sierra-Leone_May2015_EN.pdf) (accessed 30 September 2015) and UNDP, *Assessing SGBV During the Ebola Crisis*.

<sup>92</sup> Interviews conducted by Amnesty International in Freetown in June 2015.

<sup>93</sup> Interview conducted by Amnesty International in Freetown in June 2015.

<sup>94</sup> Women and girls’ rights expert interviewed on the ban of pregnant girls by Amnesty International in June 2015.

<sup>95</sup> Centre for Accountability and Rule of Law, *Assessing the Family Support Unit*, 2014, <http://www.carl-sl.org/home/images/stories/reports/FSU%20REPORT%20PDF.pdf> (accessed 2 October 2015).

<sup>96</sup> Concord Times, *CARL expresses shock over increase in SGBV cases*, 16 February 2015,

<http://slconcordtimes.com/carl-expresses-shock-over-increase-in-sgbv-cases/> (accessed 2 October 2015). Statistics from the Family Support Unit of the Sierra Leone police from 2013 counted 6,636 reported cases of domestic and sexual violence nationwide, including 60 rape cases and 1,246 cases of “sexual penetration,” the category assigned for rape of children. Of the total cases, 777 were charged and 125 were convicted. See further, Concern Worldwide Sierra Leone, *Engaging Men Evaluation, November 2013 - March 2015*, <https://www.concern.net/resources/engaging-men-contribute-safer-communities-tonkolili-district-project-evaluation> (accessed 29 October 2015).

<sup>97</sup> Unite to End Violence Against Women Campaign, available at <http://www.un.org/en/women/endviolence/situation.shtml> (accessed 10 October 2015).

prosecution of SGBV cases) due to Ebola.<sup>98</sup>

It is important to note, however, that even if such conditions did exist, for girls to genuinely “choose” whether or not to have an early pregnancy, they would still all have the right not to be stigmatised for their decision and have the same rights to education, equality, non-discrimination, health and physical integrity as everyone else.

## LACK OF COMPREHENSIVE SEXUALITY EDUCATION

*“In the days of our mothers we had Family Life Education, but now it is removed and the girls are giving information to themselves. It is the blind leading the blind. Government needs to provide Family Life Education in schools.”<sup>99</sup>*

Several local and international experts we spoke to raised concern that there is scarce sexual and reproductive health information and education provided at schools. As one interviewee explained: “Sex education was stripped in schools almost 10 years ago – based on morality.”<sup>100</sup>

The provision of sexual education in the curricula is not obligatory in all schools and although some schools provide some information, sometimes via a non-governmental organization, this is not a consistent nationwide provision.<sup>101</sup> A course titled Family Life Education, used to be taught at schools but this was stopped after the war. This was confirmed by government officials Amnesty International spoke to, who expressed their intention that it would be reintroduced in the future.<sup>102</sup>

Universal access to comprehensive sexuality education is key to assisting in overcoming this inequality, and vital not only towards the prevention of early and unwanted pregnancies, but also in the prevention of HIV and other sexually transmitted infections for both boys and girls. In a context where adolescent maternal deaths are such a problem, access to comprehensive sexuality education is particularly important. There is a substantially higher chance of dying in pregnancy for girls as well as other physically or psychologically negative outcomes even if they do survive.<sup>103</sup> This risk, and the deficit of access to information about how to prevent pregnancy and sexually transmitted infections, is acknowledged as one of the key concerns addressed in the National strategy for the reduction of teenage pregnancy.<sup>104</sup>

<sup>98</sup> UNDP, *Assessing SGBV During the Ebola Crisis*.

<sup>99</sup> Interview conducted by Amnesty International with advocate for women and girls' human rights, Freetown, Sierra Leone in June 2015.

<sup>100</sup> Interview conducted by Amnesty International with advocate for women and girls' human rights, Freetown, Sierra Leone in June 2015.

<sup>101</sup> Interviews conducted by Amnesty International with local and international experts working with education, child protection and women and girls' human rights in Freetown, Sierra Leone in June 2015.

<sup>102</sup> Interviews with by Amnesty International government officials and members of international assistance and cooperation conducted in Freetown, Sierra Leone in June 2015.

<sup>103</sup> See World Health Organization Adolescent Pregnancy Factsheet, particularly the section “Adolescent pregnancy is dangerous for the mother”,

[http://www.who.int/maternal\\_child\\_adolescent/topics/maternal/adolescent\\_pregnancy/en/](http://www.who.int/maternal_child_adolescent/topics/maternal/adolescent_pregnancy/en/) (accessed 19 October 2015).

<sup>104</sup> National strategy for the reduction of teenage pregnancy in Sierra Leone.

## AMINATA'S EXPERIENCE

Aminata, 13 years old.

"My mum does not give me money to go to school. My mum does not have any money. I ended up with a boy aged older than 17 years. I got pregnant and I had to have the baby. The boys' mother used to swear at me, she said her son was not the father and that she hoped I would die in childbirth. We went to the police station with the baby. Now I live with my parents. I did not know how you got pregnant, so when I felt ill and one of my aunties who is nurse told me I was shocked. For the first three months I stayed on at school, then I left, my fellow pupils started talking."

Aminata's hopes and dreams: "I would like to work for people and help. I would like to be a lawyer maybe?"

In addition to their lower social status and high levels of discrimination including violence against girls, it is widely acknowledged that their scope to negotiate condom or other contraceptive use is extremely limited.<sup>105</sup>

## STIGMATISED AND MARGINALISED: THE PUNISHMENT OF PREGNANT GIRLS IN SIERRA LEONE

*"Here it seems we love to stigmatise – look at the way we have treated some Ebola survivors and now with these pregnant girls – we stigmatise them, marginalise them: why?" Local Human Rights Expert*

The delegation tested the justification for the ban as articulated by the Ministry of Education, Science and Technology in the 2 April 2015 statement and elsewhere, with experts who worked with children, including some teachers. Of particular concern to several experts, were the references that inferred pregnant girls might be a bad influence on their "innocent" fellow girl pupils, such as in the statement by Minister Bah that "[pregnant girls'] presence in the classroom would serve as a negative influence to other innocent girls".<sup>106</sup>

The delegation was often told by experts and support workers providing services to children or involved with child protection that, in addition to the human rights concerns, it made no sense to ban pregnant girls from school, because in practice the girls in a community mix and mingle and see each other all the time, not just at school. For example one interviewee said: "This argument some people have given that girls will influence others in school, this is a fallacy. Even it makes no sense. In the communities these girls see each other all the time – they share food, they share houses – they do not only see each other at school because they

<sup>105</sup> Women's inequality of power within relationships and their lower status in society in general has been found to directly increase their risk of HIV infection by as much as 13%. See Jewkes R, Dunkle K, Nduna M and Shai N, *Intimate partner violence, relationship power inequity, and incidence of HIV infection in young women in South Africa: a cohort study*, The Lancet, Vol 376, 3 July 2010. This study was conducted in rural Eastern Cape and found "that 13.9% of incident HIV infections could be avoided if gender equity in heterosexual relationships was enhanced so that no women were in relationships with low power."

<sup>106</sup> Statement from 2 April by Ministry of Education, Science and Technology.

*all share a community! These arguments are not acceptable.”<sup>107</sup>*

Another expert who works directly with girls who have had early pregnancies describes: *“The policy of and culture against pregnant girls is so longstanding. People say things like “I do not want these pregnant girls in a classroom with my children!” And I say, “What?! In case they “catch” pregnancy?!”<sup>108</sup>*

Stigma can be a major reason for some girls to drop out of school, for fear of bullying or being turned away by teachers and staff at the school. The National Strategy for reduction in teenage pregnancy also recognises stigma as a problem that needs to be addressed, providing an important commitment to build on.<sup>109</sup> A key part of eradicating stigma and blame is addressing the language by many government officials and the government's own rhetoric around pregnant girls.

Girls interviewed by Amnesty International frequently mentioned the unchecked stigma and negative attitudes that they had confronted. They told the delegation how the fear of stigmatisation and rejection by teachers and fellow pupils had meant several of their friends had dropped out of school after pregnancy:

*“Around six girls we know who were pregnant, decided not to go to school from their own choice. Some want to come but the parents say no, they will not pay for them again – so they decide to get married. After they give birth, they do not want to go back. They are afraid, ashamed, some of their friends will laugh at them. Some feel that the teachers will not allow them again.”*

One teenage mother called Baindu told us that she expected some bullying and negative comments as she returned to school after the baby, but resolved to be strong: *“I have faith that I'll be back to school. I will not listen to negative comments and I will be whatever I want to be. I will be strong and I will do something with myself.”*

President Koroma's statement that sensitisation and mobilization is key to get people to understand and accept the issue of pregnant girls attending school is a welcome recognition that the problem of stigma that girls face in society is important.<sup>110</sup> Other government officials should follow this lead and avoid any discriminatory and stigmatising views in their statements, in order that girls like Baindu who want to carry on at school will be supported and defended, rather than stigmatised and blamed. Excluding girls from mainstream school undermines the very efforts to challenge stigma that the President has called for.<sup>111</sup>

<sup>107</sup> Interview with human rights expert in Sierra Leone, conducted by Amnesty International in June 2015.

<sup>108</sup> Interview with child's rights advocate working with pregnant girls in Sierra Leone, conducted by Amnesty International in June 2015.

<sup>109</sup> National strategy for the reduction of teenage pregnancy in Sierra Leone.

<sup>110</sup> See official statement by the State House Communications Unit, *President urges more sensitisation on issue of pregnant girls* (State House official statement, *President urges more sensitisation on issue of pregnant girls*) <http://www.statehouse.gov.sl/index.php/useful-links/1255-president-urges-more-sensitization-on-the-issue-of-pregnant-girls> (accessed 10 October 2015).

<sup>111</sup> State House official statement, *President urges more sensitisation on issue of pregnant girls*.

## QUESTION: IF THERE WAS A PREGNANT GIRL WHO WAS FRIGHTENED OF GOING TO SCHOOL, WHAT WOULD YOU SAY TO HER?

"If you really want to learn, you can learn and forget about the provocation – it is not just you who has gone through this."

"I would try to be closer to them, if anyone wants to say anything, I would come close and protect them, and say you don't know how this happened. If you listen to the voice of the market, you won't buy anything. [Krio proverb]"

"In 2011, the teachers did not allow a girl to take her exam as her belly was big but we spoke for her and then they allowed her to sit the exam. This was at [name withheld] school."

"Try to encourage her – don't listen to what people are saying – become friends with her"

"Encourage her – say education is the best – if you just sit down in a married house – they [men] can seek advantage over you"<sup>112</sup>

## STIGMA AND NEGATIVE STEREOTYPES ABOUT PREGNANT GIRLS BEING UNABLE TO STUDY OR PASS EXAMS

The delegation was told repeatedly by officials that pregnant girls anyway could not concentrate and were universally physically weak, making them incapable of continuing school. For example, Minister Kaikai told the delegation that in his view, "*Pregnant girls cannot concentrate. They are tired and get sick. If a girl is sick this could cause chaos in this post Ebola context. I cannot risk this for other children*".<sup>113</sup>

The delegation was also told by other officials that "*Pregnant girls get sick. They need to spit a lot and cannot study. They will set a bad example. Other girls will try to get pregnant if they see their friend pregnant*."<sup>114</sup>

Experts and those working with young girls frequently countered this view.<sup>115</sup> Experts often pointed out that pregnant girls are expected to continue with their household chores and agricultural work, if they are in the rural areas until late in the pregnancy. They also told the delegation that not all pregnancies are the same and that the girls should be able to decide if they feel physically able to continue or not. As one key women's rights activist and education expert observed to the Amnesty International delegation: "*They [the Government] equate pregnancy with disability, yet nine-month pregnant women go the farms and still work*."<sup>116</sup>

<sup>112</sup> Interviews conducted with schoolgirls by Amnesty International in Freetown, Sierra Leone in June 2015.

<sup>113</sup> Interview conducted by Amnesty International with women's rights expert in Freetown, Sierra Leone in June 2015.

<sup>114</sup> Interview conducted by Amnesty International with women's rights expert in Freetown, Sierra Leone in June 2015.

<sup>115</sup> Interview conducted by Amnesty International with women's rights expert in Freetown, Sierra Leone in June 2015.

<sup>116</sup> Interview conducted by Amnesty International with women's rights expert in Freetown, Sierra Leone in June 2015.

## **“MY TEACHER TOLD ME TO CARRY ON COMING TO SCHOOL. I TALKED TO MY FRIENDS, AND THEY DO NOT TEASE ME.”**

**One girl interviewed by Amnesty International showed how, with the right support, a girl can continue in school without harassment or disruption:**

“I heard on the radio that the President said pregnant girls should not go to school and someone also told me. My teacher told me to carry on coming to school. I talked to my friends and they do not tease me. I am now four months pregnant. When I found out I was afraid of my father. He drove me out of the house. I went to the boy's house but am now with my stepmother. My father is not there. My father has two wives and so I strain at the house. The boy helps me with food and clothes. That's why I agreed. I have three brothers but they are not made to work. I found out I was pregnant as my body was warm and I was vomiting so I got a test. No one helped me. Plenty girls are pregnant. If you say don't go to school they will be disadvantaged. I go to school and they teach me well. I don't have anyone to look after my child when it is born. I would tell the President to change his policy.”

Girls and experts alike disagreed with the position that those pregnant girls who wished to sit exams should be banned from doing so, or would necessarily fail if they did. As one of the girls described, *“I know a girl who was 12 or 13 and became pregnant. She knew the government would not allow her to take the exams that are before the BECE exams. She tied her stomach so she could sit exams. She did very well – 320 out of 500.”*<sup>117</sup>

Other girls described how distressed they felt, watching their sisters and peers sit exams and carry on at school, while they were banished. As one teenage mother called Eliane describes: *“When I found out that I was pregnant I thought that was the end of my life. I felt awful because my sister could take exams and go to school, while I had to stay home.”*<sup>118</sup>

## **“PREGNANT GIRLS, WHEN THEY ARE DETERMINED THEY CAN GO TO SCHOOL”**

As Christina explained to Amnesty International, “I am a project officer working with young girls. We work to empower them to see that we create change. We want them to be agents of change in their communities and I am aspiring to be a gender activist. Well I think the ban is discriminatory because they are just focusing on the girls, telling them to stop going to school because they are pregnant or stopping them from public exams leaving the perpetrators behind....

Yes, pregnant girls, when they are determined they can go to school even with the pregnancy and they can be able to study because it is not every pregnancy that affects a woman that much. And I believe if they are able to carry on with the pregnancy and doing other household chores, they will still be able to concentrate on their studies.

Educating girls is important as it helps to break the cycle of poverty. As they say, when you educate a girl you educate a nation. And if that girl becomes educated she will be able to educate her own family, her community where she is and the whole country at large. So if girls are given the opportunity to reach their full potential

<sup>117</sup> Interview conducted by Amnesty International with women's rights expert in Freetown, Sierra Leone in June 2015.

<sup>118</sup> Interview conducted by Amnesty International in Sierra Leone in June 2015

the country will be able to develop. The message I want to give President Ernest Bai Koroma is for him to revoke his decision.”

## EDUCATION IS A RIGHT, NOT A PRIVILEGE TO BE TAKEN AWAY AS PUNISHMENT

*“The government is causing an unnecessary problem and the outcome of this policy is as discriminatory as the intention. It speaks volumes about the way our government views education that according to this policy that these girls will have missed at least 9 to 12 months of schooling. Excluding them for pregnancy is not acceptable. Education is a right – the girls must be the ones to decide for themselves if they carry on with school or not.”<sup>119</sup>*

Many girls spoke to Amnesty International of how shocked, ashamed and fearful they were when they found out they were pregnant. Three girls who had given birth told Amnesty International that before getting pregnant they did not have any idea what sex was or any of the potential consequences such as pregnancy or sexually transmitted diseases.

### CHRISTIANA’S STORY – “I DID NOT KNOW WHAT SEX WAS”

“I was 12 years old when I got pregnant. The boy is 19 years old. I met him when fetching water. He gave me money and helped me. I did not know what sex was. I have not learnt about sex in school. I did not use protection. When I found out I was pregnant I was shocked.

My mum drove me from the house and I went to stay with my aunt. My mum told my aunt to drive me from the house and I went to the street until my uncle begged my mum to allow me back in the house. The baby is 9 months old. I am just at home looking after the child. I would tell the President to help me go back to school.”

Girls who shared their experiences of early pregnancy with Amnesty International said how unfair it felt that they were forced to leave school.

Amie, described to Amnesty International: *“I was pregnant and I was not allowed to go to school. It was unfair. They didn’t allowed me to have a future. If I had been back I would have not listened to any provocation from my peers, because it is about my future.”<sup>120</sup>*

### TEENAGE GIRLS’ ANSWERS TO THE QUESTION “WHY IS SCHOOL IMPORTANT?”:

“School is important if you are a girl. It is the only thing that can destroy being poor.”

“School helps you to learn and know something. This is the only thing that can carry us to greatness.”

“School destroys poverty – if you have education you don’t suffer as you can work and get your living”

“School can make us read and write”

<sup>119</sup> Interview conducted by Amnesty International with human rights expert in Sierra Leone in June 2015.

<sup>120</sup> Interview conducted by Amnesty International with Amie in Sierra Leone in June 2015.



“School helps us to fight for ourselves – our rights”

“School can help you be a President like Ernest [President Ernest Bai Koroma] – you can do what men can do”

“Men cannot take advantage of us if we are educated”

“So you get respect in your community”

“So you can be like Christiana Thorpe” [Dr Thorpe is the Advisor to the Ministry of Education]

“School is important it makes us brave and be able to speak - like now.”

“Schools help us to achieve our goals.”

## PARTICIPATION BY WOMEN AND GIRLS IN THE DEVELOPMENT OF POLICIES

Experts in children's and women's rights interviewed by Amnesty International, said they would like to have greater involvement in the development of policies that affect women and girls. One of the experts for example commented that:

*“[The government] have violated the rights of these girls, you should leave it to the girls to make this choice. You are playing to many multiple parts. You have not even spoken to these girls. There was no discussion. No effort to hear their own side. This itself is discriminatory. The outcome is as discriminatory as the intention.”*

Further, a lawyer stated: *“There needs to be a serious push for right of participation of women and girls in the design and implementation of policies.”*

# CHAPTER 6: LEGAL OBLIGATIONS

## SIERRA LEONE'S LEGAL OBLIGATIONS TO RESPECT, PROTECT AND FULFILL GIRLS' HUMAN RIGHTS

***“Discrimination based on adolescent pregnancy, such as expulsion from schools, should be prohibited, and opportunities for continuous education should be ensured”***<sup>121</sup>(emphasis added) The Committee on the Rights of the Child (2013).



My hopes and dreams as drawn by Frances during a focus group discussion for early adolescent to 18 year old girls, Sierra Leone, June 2015. © Amnesty International

International and regional human rights law sets out minimum obligations that states, including Sierra Leone, are bound to respect, protect and fulfil. By ratifying international and regional human rights treaties, Sierra Leone has undertaken to put into place domestic measures and legislation compatible with its legal obligations and duties.

In addition to its own constitutional and domestic human rights legal framework, Sierra Leone is party to all the key international and regional human rights treaties relevant to the human rights concerns raised in this report.<sup>122</sup> These include:

<sup>121</sup> Para. 56 of General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24) UN Doc CRC/C/GC/15.

<sup>122</sup> The implementation of international human rights treaties is monitored by UN Treaty bodies. Treaty bodies also have a mandate to provide interpretative guidance to states on complying with their specific human rights obligations under each of the treaties they are party to. The implementation of the regional treaties is monitored by the respective regional

- The African Charter on the Rights and Welfare of the Child. The Charter requires states to uphold the right to non-discrimination as a fundamental principle and in the delivery of all rights. It also obliges states to take measures to ensure girls' equality in accessing education, upholding children's right to be free from inhuman and degrading treatment, right to health including post rape health care and sexual and reproductive services, information and education and their right to privacy. (Articles 3, 11, 10, 14 and 16 respectively);
- The African Charter on Human and People's Rights at Articles 17 and 5 require states to protect the right to education as well as to prohibit all forms of torture, cruel, inhuman and degrading punishment and treatment;
- The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. The Protocol requires states to uphold girls' rights to non-discrimination, to take measures to reform and overcome harmful and negative stereotypes, protect women and girls' right to health, including sexual and reproductive health care, information, services and goods, provide access to safe and legal abortion services and exert due diligence in relation to the prevention, eradication and punishment of sexual violence, including protecting women and girls from sexual violence. (See Article 2 on non-discrimination, Article 4 on right to be free from inhuman and degrading treatment, Article 12 on Right to education and Article 14 on right to health and reproductive rights);
- The United Nations Convention on the Rights of the Child requires Sierra Leone to protect girls' human rights, including their rights to non-discrimination, education, right to be free from inhuman and degrading treatment, privacy and physical integrity. **The Committee on the Rights of the Child has explicitly urged states to prohibit the exclusion of girls due to pregnancy due to the practice being discriminatory and impedes continuous education** (emphasis added);
- The United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) requires Sierra Leone to protect girls' human rights to non-discrimination, education, physical integrity, health, privacy and access to information;
- The United Nations Convention against Torture requires Sierra Leone to prevent, punish and eradicate acts of torture and cruel, **inhuman and degrading treatment and punishment** (emphasis added);
- The International Covenant on Economic, Social and Cultural Rights in Article 14 requires that Sierra Leone respect, protect and fulfil girls' rights to non-discrimination, education, to the highest attainable standard of health (sexual and reproductive health care information, services, and goods, including post rape health care);
- The International Covenant on Civil and Political Rights in Articles 2, 7 and 17 requires that Sierra Leone respect, protect and fulfil girls' rights to non-discrimination freedom from inhuman and degrading treatment and privacy.

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systems of human rights protection, in the case of Sierra Leone this is through the African Union and African Commission on Human and Peoples' Rights.

The findings contained in this report provide evidence of serious violations and abuses of a range of girls' human rights in Sierra Leone. The key human rights of girls that are at stake include, girls' human rights to non-discrimination, physical integrity and right to be free from inhuman and degrading treatment and punishment, right to education, right to the highest attainable standard of health, right to equality, right to privacy and right to information.

## RIGHT TO NON-DISCRIMINATION AND EQUALITY

The right to non-discrimination is crucial. Non-discrimination and equality are necessary for the full protection and enjoyment of all other human rights and is an immediate cross-cutting obligation for states. The UN Committee on Economic, Social and Cultural Rights has explained what the scope of state parties obligations are in relation to non-discrimination in its General Comment number 20 at paragraph 7. *“Non-discrimination is an immediate and cross-cutting obligation in the Covenant. Article 2(2) requires States parties to guarantee non-discrimination in the exercise of each of the economic, social and cultural rights enshrined in the Covenant and can only be applied in conjunction with these rights. It is to be noted that discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights. Discrimination also includes incitement to discriminate and harassment.”*<sup>123</sup>

The importance of non-discrimination as a precursor to the protection of other human rights has been recognised by the African Commission on Human and Peoples' Rights, which has asserted the following: *“Together with equality before the law and equal protection of the law, the principle of non-discrimination provided under Article 2 of the Charter provides the foundation for the enjoyment of all human rights”*.<sup>124</sup>

The African Charter on the Rights and Welfare of the Child also enshrines the principle of non-discrimination in Article 3, including on the basis of sex. Article 11 of this treaty also requires that the state party take special measures to guarantee girls equal access to education.<sup>125</sup>

Importantly, the African Commission has recognised that there can be multiple and intersecting forms of discrimination against women which are all prohibited. Some of these grounds are outlined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and, specifically in relation to women and girls' sexual and reproductive rights, in the subsequent General Comment 2.<sup>126</sup> In addition, the African Commission *“recognises that these forms of discrimination, individually or*

<sup>123</sup> For example see para. 7 of the Committee on Economic, Social and Cultural Rights, General Comment No. 20, Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2) U.N. Doc. E/C.12/GC/20 (2009) and also 10 (a) of the same.

<sup>124</sup> African Commission on Human and Peoples' Rights, Decision of 15 May 2006, *Zimbabwe NGO Human Rights Forum v. Zimbabwe*, Communication No. 245/2002, para. 169

<sup>125</sup> African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999.

<sup>126</sup> See Article 2 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Adopted during the 2<sup>nd</sup> Ordinary Session of the Assembly of the Union, Maputo, CAB/LEG/66.6 (Sept. 13, 2000); reprinted in 1 Afr. Hum. Rts. L.J. 40, entered into force Nov. 25, 2005 and further Paragraph 12 of the General Comment No. 2 on Article 14 (1) (a), (b), (c) and (f) adopted at the 55<sup>th</sup> Ordinary Session held from 28 April – 12 May 2014 in Luanda, Angola.

*collectively, prevent women from realising their right to self-protection and to be protected.”<sup>127</sup>*

There are also important Sierra Leonean laws pertinent to the protection of girls' right to education on an equal basis to others and without discrimination. For example, the obligations Sierra Leone has to respect, protect and fulfil the human rights of girls additionally stem from Sierra Leone's 1992 Constitution, which in Article 27. (1) *“prohibits legal provisions which are discriminatory either in and of itself or in its effect. Further, the Constitution prohibits discrimination on the basis of sex as well as other grounds.”<sup>128</sup>* Further, Article 9. (1) establishes the right to education and states that: *“The Government shall direct its policy towards ensuring that there are equal rights and adequate educational opportunities for all citizens at all levels by - a. ensuring that every citizen is given the opportunity to be educated to the best of his ability, aptitude and inclination by providing educational facilities at all levels and aspects of education such as primary, secondary, vocational, technical, college and university; b. safeguarding the rights of vulnerable groups, such as children, women and the disabled in security educational facilities; and c. providing the necessary structures, finance and supportive facilities for education as and when practicable.”<sup>129</sup>*

Further, the Sierra Leone Education Act (2004) establishes the principle of non-discrimination in accessing Education (Art. 4 section 1) and Article 3 (2) (a) (i) of the Child Right Act (2007) which also upholds the fundamental principle of non-discrimination for children in the enjoyment of their human rights.<sup>130</sup>

## RIGHT TO EDUCATION

The Covenant on Economic, Social and Cultural Rights in article 13 enshrines the right to education. In its General Comment 13, the Committee on Economic, Social and Cultural Rights describes the right to education as *“Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth.”<sup>131</sup>*

<sup>127</sup> General Comments on Article 14 (1) (d) and (e) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

<sup>128</sup> See the Constitution of Sierra Leone (1991) Subject to the provisions of subsection (4), (5), and (7), no law shall make provision which is discriminatory either of itself or in its effect. (2) Subject to the provisions of subsections (6), (7), and (8), no person shall be treated in a discriminatory manner by any person acting by virtue of any law or in the performance of the functions of any public office or any public authority. (3) In this section the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, sex, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description.

<sup>129</sup> See Constitution of Sierra Leone.

<sup>130</sup> See Article 3 (2) (a) (i) of the Sierra Leone: Act No. 7 of 2007, The Child Right Act, 2007 [Sierra Leone], 3 September 2007, available at: <http://www.refworld.org/docid/468a5ed02.html> [accessed 10 October 2015]

<sup>131</sup> See para. 1 of the UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10. <http://www.refworld.org/docid/4538838c22.html> (accessed 12 October 2015).

The obligation to respect requires States parties to avoid measures that hinder or prevent the enjoyment of the right to education and the obligation to fulfil (facilitate) requires States to take positive measures that enable and assist individuals and communities to enjoy the right to education.<sup>132</sup>

Article 12 of the Maputo Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, sets out a list of State's obligations to guarantee girls and women the right to education, including the obligation to take positive action to promote literacy and education, as well as to ensure both the enrolment and retention of girls in schools.<sup>133</sup> This requirement recognises the preexisting inequality and discrimination that frequently obstructs girls from accessing their right to education, amongst other rights, and the duty of states to take special measures to guarantee their access, and to ensure that services provided and measures taken respect girls' right to equality and non-discrimination.

The Covenant on Economic, Social and Cultural Rights in article 13 enshrines the right to education. In its General Comment 13, the Committee on Economic, Social and Cultural Rights describes the right to education as *“Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth.”*<sup>134</sup>

The United Nations Convention on the Rights of the Child also requires Sierra Leone to respect, protect and fulfil girls' human rights, including their rights to non-discrimination, education, privacy and physical integrity. Further, and crucially, the Committee on the Rights of the Child has specifically said **“Discrimination based on adolescent pregnancy, such as expulsion from schools, should be prohibited, and opportunities for continuous education should be ensured.”**<sup>135</sup> (emphasis added) Further, the Committee on the Rights of the Child has outlined what compliance with legal obligations would look like in respect to the issue of pregnant girls and their human right to education. In 2014 the Committee on the Rights of the Child stated that steps needed to be taken to: **“Ensure that married adolescents, pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools and that they can combine child rearing and completing education.”**<sup>136</sup>(emphasis added)

The CEDAW Committee has raised its concern with Sierra Leone about girls' lack of access to education, including for reasons such as pregnancy. In 2014 the Committee urged Sierra Leone to: “Ensure that sexual abuse and harassment in school are adequately addressed and punished, and effectively implement the National Strategy for the Reduction of Teenage Pregnancy (2013) and the Code of Ethics for Teachers, and remove all barriers to school

<sup>132</sup> See above, FN 132, (CESCR General Comment 13) at para. 47.

<sup>133</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, CAB/LEG/66.6 (Sept. 13, 2000); reprinted in 1 Afr. Hum. Rts. L.J. 40, entered into force Nov. 25, 2005.

<sup>134</sup> See para. 1 of the UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10, <http://www.refworld.org/docid/4538838c22.html> (accessed 12 October 2015).

<sup>135</sup> See para. 56 of General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24) UN Doc CRC/C/GC/15.

<sup>136</sup> See para. 60 (c) of the CRC Concluding Observations: Indonesia CRC/C/IDN/CO/3-4 (10 July 2014) and further, see para. 48 (b) CRC, Concluding Observations: Guyana: CRC/C/15/Add.224 (30 January 2004) for example.

attendance by pregnant girls and young mothers.”<sup>137</sup> On a previous occasion in 2007, the same UN Committee urged the Sierra Leonean government to “implement measures to ensure equal access for girls and women to all levels of education and retention of girls in school.”<sup>138</sup>

In addition, there are some key domestic ethical standards pertinent to the issue of girls' education, safety and physical integrity. These govern the conduct of teachers and should be adhered to by teachers in Sierra Leone. These are known as the Code of Conduct for Teachers and Education Personnel in Sierra Leone from August 2009. At 2.2.3 of the code it states that *“Teachers and other education personnel are required to: a) promote safe and conducive learning environment; b) ensure that learners are treated with dignity and respect and their rights fully protected; c) establish and maintain zero tolerance for all forms of sexual and gender-based violence, exploitation and abuse, physical and humiliating forms of punishment, psychological abuse, and child labour; and d) eliminate all forms of discrimination at all times.”*

## RIGHT TO PHYSICAL INTEGRITY AND FREEDOM FROM INHUMAN AND DEGRADING TREATMENT

There are multiple treaties and domestic laws that require Sierra Leone to protect girls from violence and to exert due diligence in their obligations to investigate, prevent and punish violence (including sexual violence), as well as ensuring remedies and protection for survivors/victims. For example, the African Charter on the Rights and Welfare of the Child in Article 27 (1) requires that Sierra Leone protect children from sexual violence and takes measures to prevent the same. The UN Convention on the Rights of the Child also obliges Sierra Leone to respect, protect and fulfil children's right to be free from violence, including sexual violence. In Article 19 (1) the Convention requires that States Parties *“take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”*

The Committee has expressed concern that adolescents who suffer sexual violence are exposed to multiple risks including STDs, HIV/AIDS, and additionally for girls the possibility of unwanted pregnancies, unsafe abortions, further violence and psychological distress. The Committee underlines the state obligation to prevent sexual violence, protect those at risk and enact and enforce laws to prohibit and punish all forms of sexual violence.

## OBLIGATION TO PREVENT, ERADICATE, INVESTIGATE AND PUNISH ACTS THAT COULD AMOUNT TO INHUMAN AND DEGRADING TREATMENT AND PUNISHMENT

Article 16 of the Convention against Torture requires Sierra Leone to prevent, eradicate, investigate and punish acts of cruel, inhuman and degrading treatment or punishment.<sup>139</sup>

<sup>137</sup> See para. 29 (c) of the CEDAW Concluding Observations: Sierra Leone CEDAW/C/SLE/CO/6 (10 March 2014).

<sup>138</sup> See para. 31 of the CEDAW Concluding Observations: Sierra Leone CEDAW/C/SLE/CO/5 (11 June 2007).

<sup>139</sup> Importantly and relevant to this issue of the inhuman and degrading treatment of girls in Sierra Leone, in 2014 the Committee against Torture reminded Sierra Leone *“of the commitment it made during the dialogue with the Committee and recommends that it take the necessary legislative measures to explicitly prohibit corporal punishment in all*

The Committee against Torture has expanded on state parties obligations under the Convention against Torture in General Comment 2 at paragraph 4 where they explain that “States Parties are obligated to eliminate any legal or other obstacles that impede the eradication of torture and ill-treatment; and to take positive effective measures to ensure that such conduct and any recurrences thereof are effectively prevented.”<sup>140</sup>

The Convention on the Rights of the Child in Article 37 a) requires that States Parties shall ensure that: “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment” and in Article 19. 1 requires that “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”<sup>141</sup> The Convention on the Rights of the Child in General Comment 4 has underlined the obligation of states to take immediate appropriate measures to prevent and eliminate institutional violence against children in both private and public schools.<sup>142</sup>

In this case, where it relates to the obligation to protect a particularly vulnerable group from such acts, such as children, and the regulation of adults who are in a position of authority and entrusted with their care, there is a recognised enhanced duty on states in this regard.<sup>143</sup> In such situations the state has a duty to take measures and exert due diligence to ensure girls are protected against inhuman and degrading treatment or punishment, such as in this case touching their breasts and stomachs, urine tests or any other humiliating and degrading means to ascertain a girls' pregnancy status and her subsequent exclusion from schools and exams on the basis of the same.

The Human Rights Committee when determining if the right to be free from inhuman treatment had been violated in a particular case, found that it “depends on all the circumstances of the case, such as the nature and context of the treatment, its duration, its physical or mental effects and, in some instances, the sex, age, state of health or other status of the victim.”<sup>144</sup> The power dynamic between a teacher or other person in a position of authority and a child or young person in their care, is an important factor which increases the vulnerability of the girl in this case, and brings with it heightened and enhanced duties on the part of the state to prevent any abuse and ill-treatment in such contexts.

The African Charter on Human and People's Rights at Article 5 requires states to prohibit all forms of torture, cruel, inhuman and degrading punishment and treatment.<sup>145</sup> The African Charter on the Rights and Welfare of the Child, recognises this enhanced obligation and also requires Sierra Leone to respect and protect girls' right to be free from cruel inhuman, degrading treatment. Article 16 of the Charter obliges states to “take specific legislative,

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*settings, conduct public awareness-raising campaigns about its harmful effects, and promote positive non-violent forms of discipline as an alternative to corporal punishment.”* Corporal punishment is considered a breach of Article 16 of the Committee against Torture the right to be free from cruel, inhuman and degrading treatment or punishment.

<sup>140</sup> Committee Against Torture, General Comment 2, Implementation of article 2 by States Parties, U.N. Doc. CAT/C/GC/2/CRP. 1/Rev.4 (2007) at para. 4.

<sup>141</sup> Article 19 (1) and 37 (a) of the Convention on the Rights of the Child (1989).

<sup>142</sup> See Committee on the Rights of the Child, General Comment 4 at para. 23.

<sup>143</sup> See Committee on the Rights of the Child, General Comment 4 at para.23.

<sup>144</sup> See *Brough v. Australia*, Communication No. 1184/2003, CCPR/C/86/D/1184/2003, 2006, at para. 9.2.

<sup>145</sup> Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights ("Banjul Charter")*, 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).



*administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child,” and further, to take “effective procedures for the establishment of special monitoring units to provide necessary support for the child and for those who have the care of the child, as well as other forms of prevention and for identification, reporting referral investigation, treatment, and follow-up of instances of child abuse....”*

It is additionally important to recognise that only girls are at risk of being subjected to the humiliation of tests to find out their pregnancy status or subsequently then be denied their right to education by being excluded from school settings and exams on the basis of the same. No boy has to fear being subjected to the same humiliating and degrading searches or investigations, nor does he have to fear exclusion as a consequence of pregnancy. The measures taken to ascertain girls' pregnancy status and the subsequent exclusion as a punishment for the same are a particularly gendered form of inhuman and degrading treatment and punishment.

## RIGHT TO POST RAPE HEALTH CARE, INCLUDING PROPHYLAXIS FOR HIV/AIDS AND OTHER STIs, FREE EMERGENCY CONTRACEPTION AND THE OPTION OF SAFE AND LEGAL ABORTION SERVICES

Article 14.2 (c) of the Maputo Protocol requires that states guarantee the right of rape victims to safe abortion in cases of sexual assault, rape, incest and when pregnancy endangers the mental and physical health of the mother or the life of the mother and the foetus.<sup>146</sup> The African Commission's General Comment 2 outlines states' obligations to guarantee access for victims of sexual violence to post rape health care services including STI/HIV Prophylaxis, emergency contraception and safe and legal abortion services.<sup>147</sup> Importantly, the African Commission recognises the reparative value of these services and establishes that these services are necessary for a victim of rape to manage the consequences of the crime she has suffered.<sup>148</sup>

The UN Convention on the Rights of the Child in Article 39 enshrines children's right to physical and psychological recovery and social reintegration in an environment that fosters health, self-respect and dignity.<sup>149</sup> The Committee has underlined that it is obliged to provide appropriate range of health and counselling services to adolescents who have suffered sexual violence to ensure their physical and psychological recovery, including *“making sure that they are treated as victims and not as offenders.”*<sup>150</sup> The obligation to ensure that girls have the means to manage the consequences of rape including prevention of pregnancy, has been emphasized on several occasions by the Committee on the Rights of the Child which has said

<sup>146</sup> See Article 14.2 (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Adopted by the 2<sup>nd</sup> Ordinary Session of the Assembly of the Union, Maputo, CAB/LEG/66.6 (Sept. 13, 2000); reprinted in 1 Afr. Hum. Rts. L.J. 40, entered into force Nov. 25, 2005.

<sup>147</sup> See paras. 23- 63 in particular of the General Comment No. 2 on Article 14 (1) (a), (b), (c) and (f) and Article 14 (2) (a) and (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa adopted at the 55<sup>th</sup> Ordinary Session held from 28 April – 12 May 2014 in Luanda, Angola.

<sup>148</sup> See Article 14 (2) (a) and (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and paragraphs 14 and 31-36 respectively of the General Comment No. 2 on Article 14 (1) (a), (b), (c) and (f) adopted at the 55<sup>th</sup> Ordinary Session held from 28 April – 12 May 2014 in Luanda, Angola.

<sup>149</sup> See the Convention on the Rights of the Child (1989) at Article 39.

<sup>150</sup> See Committee on the Rights of the Child, General Comment 4 at para. 37.

that in cases of rape states have the obligation to: *“Ensure that girls and adolescents have free and timely access to emergency contraception and raise awareness among women and girls about their right to emergency contraception, particularly in cases of rape.”*<sup>151</sup>

The UN CEDAW Committee also emphasizes the obligations of states to guarantee women and girls access to such services, post rape. The Committee recommends that States parties ensure access by rape victims to sexual and reproductive health and rights information; emergency contraception; safe abortion services; prevention and treatment of HIV/AIDS and other sexually transmitted infections, including post-exposure prophylaxis; care to treat injuries such as fistula arising from sexual violence as well as psychosocial support; among others.<sup>152</sup> The UN CEDAW Committee has found that states failure to remove barriers to accessing sexual and reproductive health care services constitutes a form of discrimination against women.<sup>153</sup>

## GIRLS' RIGHT TO PRIVACY

Following closely on from, and connected to, the above discussion around potential breaches of the right to protection from inhuman and degrading treatment, there are concerns about the searches, investigations and/or testing of girls for pregnancy, as well as their ensuing exclusion on the basis of their pregnancy status also constituting a breach of girls' right to privacy.

Article 10 of the African Charter on the Rights and Welfare of the Child requires that Sierra Leone ensure that *“No child shall be subject to arbitrary or unlawful interference with his privacy, family home or correspondence, or to the attacks upon his honour or reputation... The child has the right to the protection of the law against such interference or attacks.”*

Similarly, Article 16 of the Convention on the Rights of the Child states that, *“No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation. (2) The child has the right to the protection of the law against such interference or attacks.”*

In Sierra Leone there are local frameworks in place to govern the protection of girls' right to dignity. The Sierra Leonean Constitution also prohibits torture and inhuman or degrading treatment in Article 20. (1).<sup>154</sup> The Child Rights Act (2007), for example, in Article 3 gives effect and reinforces the fundamental principles of the Convention on the Rights of the Child, including non-discrimination in the enjoyment of each of their rights in 3 (2) (a) (i).<sup>155</sup>

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<sup>151</sup> Concluding Observations of the Committee on the Rights of the Child, Costa Rica, U.N. Doc. CRC/C/CRI/CO/4 (2011) at para.64 (e).

<sup>152</sup> Article 12 of the United Nations Convention on the Elimination of all forms of Discrimination against Women and, further, the Committee on the Elimination of Discrimination against Women, General Recommendation 24, Women and Health (Twentieth session, 1999), U.N. Doc. A/54/38 at 5 (1999), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 271 (2003).

<sup>153</sup> See paras. 11, 14 and 17 of Recommendation 24, Women and Health (Twentieth session, 1999), U.N. Doc. A/54/38 at 5 (1999), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 271 (2003)

<sup>154</sup> Sierra Leonean Constitution (1992) – Article 20 (1) No person shall be subject to any form of torture or any punishment or other treatment which is inhuman or degrading.

<sup>155</sup> See Article 3 (2) (a) (i) of the Sierra Leone: Act No. 7 of 2007, The Child Right Act, 2007 [Sierra Leone], 3 September 2007, <http://www.refworld.org/docid/468a5ed02.html> (accessed 10 October 2015).

## RIGHT TO COMPREHENSIVE SEXUALITY EDUCATION

The UNESCO International Technical Guidance on Sexuality Education defines comprehensive sexuality education as follows: *“an age-appropriate, culturally relevant approach to teaching about sex and relationships by providing scientifically accurate, realistic, non-judgmental information. Sexuality education provides opportunities to explore one’s own values and attitudes and to build decision-making, communication and risk reduction skills about many aspects of sexuality.”*<sup>156</sup>

The obligation to guarantee access to comprehensive sexuality education has been set out by several treaties to which Sierra Leone is a party. It is founded in children’s right to the highest attainable right to health, right to information and right to be free from violence, amongst other rights. These include the Convention on the Rights of the Child which states in its General Comment 4 that: *“Adolescents have the right to access adequate information essential for their health and development and for their ability to participate meaningfully in society. It is the obligation of States parties to ensure that all adolescent girls and boys, both in and out of school, are provided with, and not denied, accurate and appropriate information on how to protect their health and development and practice healthy behaviours. This should include information on ... safe and respectful social and sexual behaviours.”*<sup>157</sup> Comprehensive sexuality education and information is deemed necessary by the Convention on the Rights of the Child, in order to prepare the child for a *“responsible life in a free society.”*<sup>158</sup>

The obligation of state parties such as Sierra Leone to provide access to comprehensive sexuality education is also set out as in CEDAW General Recommendation 21: *“In order to make an informed decision about safe and reliable contraceptive measures, women must have information about contraceptive measures and their use, and guaranteed access to sex education and family planning services, as provided in article 10 (h).”*<sup>159</sup>

## RIGHT TO SEXUAL AND REPRODUCTIVE HEALTH CARE INFORMATION, SERVICES AND GOODS

Sexual and reproductive health care information, services and goods<sup>160</sup> are essential and have a profound nexus to the protection of women and girls’ right to life, to freedom from violence and dignity. A failure to guarantee the human right to these services disproportionately affects women and girls, who are the only ones who experience pregnancy due to their sex, and are most frequently the main care givers for children. Due to its close nexus to the

<sup>156</sup> See page 2, UNESCO, International Technical Guidance on Sexuality Education and further, “Report of the United Nations Special Rapporteur on the right to education”. See also para. A.25; CEDAW/C/MDA/CO/3, para 31 and CRC/C/15/Add.247, para. 54 amongst other examples of where it has been recommended to states that CSE is provided as a compulsory component of education.

<sup>157</sup> UN Committee on the Rights of the Child (CRC), *General comment No. 4 (2003): Adolescent Health and Development in the Context of the Convention on the Rights of the Child*, 1 July, 2003, CRC/GC/2003/4, para. 26, <http://www.refworld.org/docid/4538834f0.html> (accessed 9 October 2015).

<sup>158</sup> See the Convention on the Rights of the Child, Article 29(1) (d).

<sup>159</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 21: Equality in Marriage and Family Relations*, 1994, <http://www.refworld.org/docid/48abd52c0.html> (accessed 10 October 2015).

<sup>160</sup> Committee on Economic, Social and Cultural Rights, *General Comment 14, The right to the highest attainable standard of health* (Twenty-second session, 2000), U.N. Doc. E/C.12/2000/4 (2000), para. 21 and 23.

fulfilment of other human rights of women and girls, including their right to life, the CEDAW Committee “requires states to report on measures taken to eliminate barriers that women face in gaining access to health care services and also to ensure women timely and affordable access to such services. A failure to actively and expeditiously address and remove such barriers can constitute discrimination.”<sup>161</sup> (CEDAW GR 24) Article 14 of the Maputo Protocol also calls for access to family planning information about contraceptive health care and safe abortion<sup>162</sup>. The obligations states have to guarantee women and girls' human rights to access sexual and reproductive health care information, services and goods are set out very clearly in the General Comment 2 of the Maputo Protocol.<sup>163</sup> The United Nations Convention on the Rights of the Child requires the state to protect girls' human rights, including their rights to non-discrimination, education, privacy and physical integrity. Explicitly, due to the concern at high rates of pregnancy among adolescents globally and the additional risks of associated morbidity and mortality, the Committee on the Rights of the Child requires States to “ensure that health systems and services are able to meet the specific sexual and reproductive health needs of adolescents, including family planning and safe abortion services. States should work to ensure that girls can make autonomous and informed decisions on their reproductive health.” Further in its General Comment 4 the Committee on the Rights of the Child explains that “in light of articles 3, 17 and 24 of the Convention, States parties should provide adolescents with access to sexual and reproductive information, including on family planning and contraceptives, the dangers of early pregnancy, the prevention of HIV/AIDS and the prevention and treatment of sexually transmitted diseases (STDs).

The UN CEDAW Committee's General Recommendation 30, from 2013 outlines the obligations of state parties to the Convention in relation to the provision of sexual and reproductive health care services for women and girls. At Paragraph 52(c): “The Committee recommends that States parties ensure that sexual and reproductive health care includes access to sexual and reproductive health and rights information; psychosocial support; family planning services, including emergency contraception; maternal health services, including antenatal care, skilled delivery services, prevention of vertical transmission and emergency obstetric care; safe abortion services; post-abortion care; prevention and treatment of HIV/AIDS and other sexually transmitted infections, including post-exposure prophylaxis; and care to treat injuries such as fistula arising from sexual violence, complications of delivery or other reproductive health complications, among others.”<sup>164</sup>

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<sup>161</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 24: Article 12 of the Convention (Women and Health)*, 1999, A/54/38/Rev.1, chap. I, <http://www.refworld.org/docid/453882a73.html> (accessed 10 October 2015).

<sup>162</sup> See Article 14 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, CAB/LEG/66.6 (Sept. 13, 2000); reprinted in 1 Afr. Hum. Rts. L.J. 40, entered into force Nov. 25, 2005. Further, the right set out in Article 14 and the obligations of state parties to guarantee the same are elaborated on further by the African Commission on Human and Peoples' Rights (the Commission) in its General Comments on Article 14 (1) (d) and (e) adopted at its 52<sup>nd</sup> Ordinary Session held from 9 to 22 October 2012. See paras. 19-36.

<sup>163</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Adopted by the 2<sup>nd</sup> Ordinary Session of the Assembly of the Union, Maputo, CAB/LEG/66.6 (Sept. 13, 2000); reprinted in 1 Afr. Hum. Rts. L.J. 40, entered into force Nov. 25, 2005.

<sup>164</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, 1 November 2013, CEDAW/C/GC/30, <http://www.refworld.org/docid/5268d2064.html> (accessed 10 October 2015)

## ELIMINATION OF HARMFUL AND NEGATIVE GENDER STEREOTYPES

The negative and harmful stereotypes about pregnant girls that blame them and stigmatise them, including over their capacity or not to study or pass exams, and, in particular, their potential to affect “innocent” others in a classroom due to their pregnancy status must be urgently addressed and commitments made to do so, acted upon. The Maputo Protocol in article 2 states: “*States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.*”<sup>165</sup>

Further, the Convention for the Elimination of all forms of Discrimination against Women at Article 10 (c) requires states to ensure “*The elimination of any stereotyped concept of the roles of men and women at all levels*” in particular in relation to education.<sup>166</sup>

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<sup>165</sup>See Article 2 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Adopted by the 2<sup>nd</sup> Ordinary Session of the Assembly of the Union, Maputo, CAB/LEG/66.6 (Sept. 13, 2000); reprinted in 1 Afr. Hum. Rts. L.J. 40, entered into force Nov. 25, 2005.

<sup>166</sup> See Article 10 c) of the Convention on the Elimination of All Forms of Discrimination against Women, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981.

## CHAPTER 7: CONCLUSIONS

*“We are against the ban. It is not justifiable and it is against the rights of the girls themselves – against their right to education.”<sup>167</sup>*

The discriminatory ban on pregnant girls from mainstream school and exams violates girls' human rights. This prohibition is discriminatory and founded in negative stereotypes about girls and is stigmatising. The policy remains in place, despite an imperative recommendation from the Truth and Reconciliation Commission in 2004 to change the situation because it found exclusion of pregnant girls from school to be “discriminatory and archaic.”

In 2013 the President committed the government to putting a “*particular emphasis in ensuring that pregnant girls are allowed to and supported in taking their exams, so they will be able to create a life for themselves and for their children*”.<sup>168</sup> The ban on pregnant girls sitting exams they have prepared for alongside their peers is both deeply concerning and flies in the face of this commitment. One key exam, the BECE exam, is scheduled for end of November 2015. This situation is urgent and must be addressed immediately in order for those pregnant girls who wish to do so to be able to sit the exam with their fellow students.

Despite reports of girls being physically examined to ascertain their pregnancy status, the government has not issued a preventative directive prohibiting such action by school teachers, principals or other people in positions of authority.

The presence of the ban, coupled with this failure to issue directives to prevent any such acts, puts girls at risk of abuse. It exposes them to having their physical integrity violated, including being compelled to urinate and take a pregnancy test, or other such inhuman and degrading procedures.

Girls actually being subjected to these humiliating searches and tests and being turned away from school, as well as a fear of being subjected to this sort of investigation, has stopped some girls trying to attend school, whether pregnant or not.

Although an alternative system is in place to at least temporarily allow some girls to continue accessing education, the exclusion of all pregnant girls, including those who may prefer to stay on with their peers in mainstream school, and who wish to sit exams, is deeply worrying.

The net result of the ban on visibly pregnant girls from school settings is violations of girls' human rights to non-discrimination, physical integrity and right to be free from inhuman and degrading treatment and punishment, right to education, right to the highest attainable standard of health including sexual and reproductive health care information, services and

<sup>167</sup> Interview with an expert working with children, including their right to education and freedom from sexual violence conducted by Amnesty International in June 2015.

<sup>168</sup> National strategy for the reduction of teenage pregnancy in Sierra Leone, pillar 3, p.17.

goods, right to equality, right to privacy and right to information.

There are high rates of sexual violence against girls, including exploitative and abusive relationships. Girls and boys do not have access to comprehensive sexuality education and sexual and reproductive health care information services and goods is scarce. Whilst recognising the impact of the Ebola outbreak on the provision of the services, access to these services has been a persistent problem predating the Ebola outbreak, and one that urgently needs addressing to assist in preventing early and high risk pregnancies, reducing maternal deaths as well as addressing sexually transmitted diseases such as HIV/AIDs.

Stigma, blaming and shaming of pregnant girls, and assigning the responsibility with them for "choosing" pregnancy is persistent, of great concern, and is going unchecked and unaddressed. Education is being treated as a privilege that can be taken away at any moment, rather than as a right of all children. This attitude is stigmatising and fails to take into account the high levels of sexual violence, and deficit of information, services and goods which means girls are not having their right to decide if and when to have children, and how many, guaranteed. This situation is to the detriment of girls and women and undermines the protection of their human rights in Sierra Leone.

The authorities are failing to protect girls from sexual violence and to exert due diligence in their obligations to investigate, prevent and punish violence against girls. They are also not guaranteeing girls' access to comprehensive sexuality education and sexual and reproductive health services (in particular access to information services and goods, including contraception, emergency contraception and safe and legal abortion). This has led to a larger discriminatory context.

This context means girls are effectively being punished for pregnancy, when pregnancy is something they were in many cases unable to avoid due to the wider failures of the state to uphold their human rights. Yet even if girls did freely decide, for whatever reason, to have an early pregnancy, there is still a clear obligation on the state to ensure that no girl is discriminated against on the basis of her pregnancy status, something only women and girls can experience by reason of their sex.

## CHAPTER 8: RECOMMENDATIONS



I want to become a President  
of this Nation in future

My hopes and dreams as drawn by Esther during  
a focus group discussion for early adolescent to 18 year old girls,  
Sierra Leone, June 2015. © Amnesty International

### **GIRLS' MESSAGES AND RECOMMENDATIONS TO THE PRESIDENT OF SIERRA LEONE:**

"I would ask the President to allow all girls to go to school, and to go forward with their lives – they might help the whole country to go forward."

"We can build up Mama Salone!" [Sierra Leone]

"As a President he should make schools have education so that girls know their rights and don't get pregnant."

"Mr President, you must give free education to girls. I have heard that if you educate a girl you educate a nation."

"Mr President, girls can do anything! Girls can do anything that boys can do."

"We can be educated and be good people in life and be good"

"We can bring development to the country"

"President should not stop pregnant girls from being in school, as at that time they have zeal to study. If the



person is ashamed to sit their exams, that is their choice, but if not, there is no need for him to stop them”

“If I was the President I would make free schools for poor people as not everyone can afford school. I will make sure all the girls will be able to go to school. When you educate women, you educate the whole country.”

“If I was the president I would provide more trained and qualified teachers”

“If I am President I will give the children freedom of speech and movement. I will make the teachers teach the students well so the teachers will teach them their rights.”

“I would provide food for school and free transportation if I was President.”

“I would ask that he monitor the teachers and motivate the teachers.”

“If I was the President I would provide hospital, toilet, water and electricity for students.”

“I would ask that the president punish the male teachers that impregnate girls. A teacher raped a girl who was 8 or 9 years old. He was taken away from the school for a while but then he was back.”

“In the future I would like to be the first president woman of Sierra Leone. And as president I would give free education for girls”

**Message from lawyers working with girls who are victims of violence:**

“Child care to enable the girls to go to school”

“We must enforce the laws on rape and sexual violence. The government is complicit in violence due to their inaction in implementing the laws and preventing it and protecting women and girls.”

**Message from a teacher to the President:**

“I want to ask our President: can we please look at our laws? Can we look at how we are implementing the laws and who is in need? I would say to him: let's let the girls, including pregnant girls, work hard and become someone and make Sierra Leone better. If only teachers understood rights and knew that education was a right. If only they had a concern for women and girls. We need to help the girls and improve their education because they are suffering right now.” Teacher of teenage girls, Freetown, Sierra Leone, interviewed in June 2015.

**AMNESTY INTERNATIONAL'S RECOMMENDATIONS FOR THE GOVERNMENT OF SIERRA LEONE:**

- Guarantee girls' human rights to non-discrimination and education by immediately lifting the ban on pregnant girls attending mainstream school if they wish to do so;
- Guarantee girls' human rights to non-discrimination and education by immediately lifting the ban on them sitting exams and enabling the pregnant girls who wish to do so to take the exams with their peers. This is urgent and must be immediately addressed in relation to the forthcoming exams in late November 2015;
- Protect girls rights to privacy, physical and mental integrity as well as their right to be free from inhuman and degrading treatment by issuing a directive to all schools banning the checking or testing of girls for pregnancy;
- All girls, including girls who are visibly pregnant, must be guaranteed their right to education and permitted and enabled to sit exams and stay on at school or attend the alternative bridging system, in accordance with their wishes and if they feel physically able to do so;
- Guarantee girls' human rights to education, non-discrimination and equality by ensuring the same content of schooling and curricula in both mainstream school and the alternative bridging system. Attending the alternative bridging system must be optional for those girls who do not wish to continue at mainstream school;
- Develop and implement a programme of Comprehensive Sexuality Education as part of the curricula delivered in all schools and communities to enable people, boys and girls alike, to take informed decisions about their sexuality and health, including information to help prevent sexually transmitted diseases and early or unwanted pregnancy;
- Guarantee girls' human rights to health, life and right to equality and non-discrimination by guaranteeing them their right to health including access to acceptable and quality sexual and reproductive health care information, services and goods, as well as ante-natal care. Such services should be available and accessible by all girls regardless of if they attend the alternative bridging system, attend a mainstream school or decide to drop out of education;
- Disseminate information about, and guarantee cost free access to post rape health care including emergency contraception and prophylaxis for HIV and other STDs. The aim should be to integrate these services at the primary health care level;
- Re-double efforts to eradicate violence against girls, and enforce laws against perpetrators of sexual violence. Measures to eradicate corporal punishment, violence and sexual harassment and abuse perpetrated by teachers must be strengthened;
- Conduct nationwide campaigns to alleviate the stigma and discrimination endured by pregnant girls;
- Ensure that women and girls' right to access safe and legal abortion services in, at a minimum, the following circumstances is guaranteed: when their life or health is at risk, when they are the victim of rape or incest, as well as when there is a severe and fatal foetal impairment;

- Respond to the request for access to information which were submitted in June 2015, to the Permanent Secretary, Ministry of Education, Science and Technology under Section 3 of the Access to Information Act 2013 by the Civil Society Collective on Early Marriage and Teenage Pregnancy;
- Ensure teachers abide by and uphold their ethical and professional standards. Investigations must be conducted where there are allegations of abuse by teachers, including the conduct of mandatory pregnancy testing or sexual abuse. Students should be informed of their rights, about what constitutes abuse, and where they can safely go and how to report any acts of abuse they suffer;
- Ensure girls' are able to access child care and/or other support necessary so that they can return to school if they wish to do so.

**International Community and UN Agencies:** Continue efforts to support the Sierra Leonean government to fully comply with its international legal obligations to respect, protect and fulfil the rights of pregnant girls. In particular, take the urgent steps necessary to guarantee their rights to non-discrimination, equality, physical integrity, education and privacy, and to ensure all programming is in line with human rights standards and that programmes do not reinforce stigma or undermine pregnant girls' right to equality and non-discrimination in education.

# APPENDIX 1: APRIL 2 STATEMENT BY THE MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY



Government of Sierra Leone  
Ministry of Education, Science and Technology, New England, Freetown, Sierra Leone

## GOVERNMENT POSITION ON PREGNANT SCHOOL GIRLS

A UNICEF funded study on teenage pregnancy conducted in 2009, clearly revealed that “There is a very high probability that younger girls sharing the same facility with pregnant girls will themselves become pregnant”<sup>1</sup>. Based on this and other studies on teenage pregnancy, there are indications that if pregnant girls are allowed in schools, there is likelihood that many more girls will become pregnant. While such condition has the potential to negatively impact on their ability to concentrate and participate during lessons, it exposes them to ridicule by their colleagues and undermines the right ethical standards required in our educational institutions and in the process, compromises the quality of education.

As a matter of policy, Pregnancy is not a deterrent for girls to continue their education in Sierra Leone. The 1996 policy clearly supports the continuing education of girls after delivery and the same policy is applied also to students in Tertiary Education Institutions. Girls are now allowed to continue their education after giving birth to their babies. What had not been done in the past is the provision of free antenatal services to such expectant mothers. With the free Health Care Program, pregnant girls including pregnant school girls are given free antenatal services which are a need for every expectant mother.

The Ministry of Education strongly upholds the policy of the Teenage Pregnancy Secretariat to protect girls from being pregnant.

The Ministry of Education recently conducted a survey on pregnant girls throughout the country and the finding was that 600 teenage girls are now pregnant. Due to their condition and cognizant of the fact that pregnancy is usually a critical condition which requires specialized support, the Ministry of Education, Science and Technology plans to carry out the following activities to help the pregnant girls cope with their pregnancy,

<sup>1</sup> [Glimpse into the world of Teenage Pregnancy in Sierra Leone 2009 - Pg29](#)

prepare for motherhood and facilitate their re-entry into the educational system after delivery:

- Collaborate with World Food Programme to provide needed nutritional support which is also good for the unborn baby.
- Collaborate with Ministry of Health and Sanitation to provide pre-natal services to the pregnant girls through the Free Health Care Programme.
- Collaborate with Ministry of Social Welfare, Gender and Children's Affairs to provide skills and basic knowledge in parenting.
- Collaborate with Ministry of Health Sanitation to support the girl-mothers with post-natal services to prevent maternal and child mortality.
- Assist them in their re-entry back to school after delivery with the support of the DDs (Deputy Directors) in the districts, the Non-Formal Education Directorate and the Accelerated Learning Committee.
- Provide training and basic knowledge in literacy and numeracy.

*M. J. S.*  
*02/07/15*



# WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

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# I WANT TO HELP

## **SHAMED AND BLAMED:**

### **PREGNANT GIRLS' RIGHTS AT RISK IN SIERRA LEONE**

In April 2015 the Ministry of Education, Science and Technology banned visibly pregnant girls from mainstream education and taking exams. Official figures suggest several thousand girls are affected, but the true figure may be higher.

Enforcement of the ban puts all girls at risk of abuse, as some school staff and others in positions of authority feel empowered and required to take measures to ascertain girls' pregnancy status. This has been done through physical examination of girls.

Despite the government announcing the establishment of a temporary alternative system for pregnant girls, there are concerns at the persistent presence of the ban on them attending mainstream school and exams. The policy is discriminatory and reinforces negative stereotypes about girls. It also fails to take into account the high levels of sexual violence in Sierra Leone.

Amnesty International's research shows the ban on visibly pregnant girls attending school and sitting exams violates their rights to non-discrimination and education. Over ten years ago the Sierra Leone Truth and Reconciliation Commission called this same practice "discriminatory and archaic."

Amnesty International calls on the government of Sierra Leone to guarantee girls' human rights by lifting the ban. The government must also protect girls' rights to physical and mental integrity by urgently issuing a directive to schools prohibiting the physical examination of girls for pregnancy.

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