



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Thirty-eighth session

14 May-1 June 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Sierra Leone

1. The Committee considered the combined initial, second, third, fourth and fifth periodic report of Sierra Leone (CEDAW/C/SLE/5) at its 777th and 778th meetings, on 17 May 2007 (CEDAW/C/SR.777 and 778). The Committee's list of issues and questions is contained in CEDAW/C/SLE/Q/5, and the responses of Sierra Leone are contained in CEDAW/C/SLE/Q/5/Add.1.

#### Introduction

2. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations. It expresses its appreciation to the State party for its combined initial, second, third, fourth and fifth periodic report, which followed the Committee's guidelines for the preparation of reports, was very informative and provided a candid picture of the situation of women in Sierra Leone, but which was long overdue. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

3. The Committee commends the State party for its delegation headed by the Deputy Minister of Social Welfare, Gender and Children's Affairs, and which included the Permanent Representative of Sierra Leone to the United Nations and representatives from different ministries of the Government with expertise in a broad range of areas covered by the Convention. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

4. The Committee commends the State for signing the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2000 and looks forward to its ratification.



**Positive aspects**

5. The Committee notes with appreciation that the combined initial, second, third, fourth and fifth periodic report was prepared in a participatory process involving government bodies and non-governmental organizations.

6. The Committee congratulates the State party on its efforts to review and revise legislation that discriminates against women, as well as elaborate the three bills presently before Parliament, namely, the registration of customary marriages and divorce, intestate succession and domestic violence bills. The Committee also congratulates the State party on the enactment of the Anti-Human Trafficking Act of 2005.

7. The Committee notes with appreciation that the Local Government Act of 2004 established a 50 per cent quota for women on Ward Development Committees in districts and towns.

8. The Committee expresses its appreciation for the regular cooperation and partnership with non-governmental organizations in efforts aimed at implementing the Convention.

**Principal areas of concern and recommendations**

9. **While recalling the State party's obligation to implement systematically and continuously all provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the time of submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on the action taken and the results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

10. The Committee is concerned that, although Sierra Leone ratified the Convention in 1988, the Convention still has not been domesticated as part of Sierra Leonean law. It notes with concern that, short of such full domestication, the relevance of the Convention has not yet been established in the State party. While welcoming the efforts of the State party at legislative reform in several fields such as marriage, divorce, inheritance and domestic violence, it is concerned at the delay in their enactment by Parliament, and that other legislation and customary laws that discriminate against women remain in force.

11. **The Committee urges the State party to place high priority on completing the process of full domestication of the Convention. It calls on the State party to accelerate its law review process and to work effectively with Parliament in ensuring that all discriminatory legislation is amended or repealed to bring it into compliance with the Convention and the Committee's general recommendations. It urges the State party to place highest priority on the enactment, during the current Parliamentary session, of pending draft bills that will strengthen compliance with the Convention, in particular the registration of customary marriages and divorces bill, the intestate succession bill and the domestic violence bill. The Committee also calls on the State party**

**to take a holistic approach to law reform that will ensure women's de jure equality as well as substantive (de facto) equality.**

12. The Committee is concerned about section 27 (4) (d) of the Constitution, which provides that the guarantee against non-discrimination does not apply with respect to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law, as this provision discriminates against women and is in violation of the Convention. In this regard, the Committee welcomes the recommendation by the Constitutional Review Committee of the repeal of section 27 (4) (d) of the Constitution.

**13. The Committee urges the State party to take all appropriate measures, and without delay, to repeal section 27 (4) (d) of the Constitution in order to guarantee equal rights of women and men in line with article 2 (a) of the Convention. The Committee encourages the State party to take comprehensive steps, including awareness-raising and sensitization campaigns on the Convention as a legally binding human rights instrument, to ensure that its repeal is approved in the referendum during the next elections, scheduled for August 2007.**

14. The Committee is concerned about the weak institutional capacity of the Ministry of Social Welfare, Gender and Children's Affairs, the national machinery for the advancement of women. The Committee is concerned that the Ministry is chronically lacking in resources and understaffed and does not have the authority or capacity to work effectively for the full implementation of the Convention or to act as catalyst for and coordinate the use of a gender mainstreaming strategy across all sectors of Government, and at provincial and local governmental levels.

**15. The Committee calls on the State party to give urgent priority to the strengthening of the national machinery for the advancement of women, and provide it with sufficient authority, decision-making power and human and financial resources, including at the provincial and local levels, which are necessary to coordinate and work effectively for the promotion of gender equality and the use of a gender mainstreaming strategy in all policies and programmes across all sectors and levels of Government.**

16. While noting the National Policy on the Advancement of Women and the Gender Mainstreaming Policy of 2000, the Committee is concerned at the lack of effective monitoring of their implementation at all levels and sectors of Government.

**17. The Committee recommends that the State party assess the status of implementation of its policies for the advancement of women and gender mainstreaming. It encourages the State party to fully utilize the momentum and partnerships generated during the process of the preparation of its report under article 18 of the Convention, as well as the Committee's present concluding comments to review the current policy and further elaborate a comprehensive operational plan for the promotion of gender equality and advancement of women. This would cover legal, policy and programme measures and contain clear goals, benchmarks and timetables as well as mechanisms for regular and systematic monitoring and evaluation of progress in its implementation, including development of indicators, and in compliance with all the provisions of the Convention. It encourages the State party to seek**

**the support of the international and donor community in the implementation of such a plan.**

18. The Committee expresses concern that temporary special measures are neither provided for in law nor used by the State party to accelerate the achievement of de facto equality between women and men in all areas of the Convention, including participation of women in political and public life (articles 7 and 8 of the Convention), education (article 10 of the Convention) and employment in the formal economy (article 11 of the Convention), where the number of women and girls remains unacceptably low.

**19. The Committee encourages the State party to establish a legislative basis for the use of temporary special measures, either in the Constitution or other appropriate legislation, in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation 25. It draws the State party's attention to the fact that such measures are part of a necessary strategy towards the accelerated achievement of substantive equality for women in all areas covered by the Convention. It urges the State party to establish concrete goals, such as quotas and timetables to accelerate achievement of substantive equality between women and men for each area.**

20. The Committee is deeply concerned about the persistence of adverse cultural norms, practices and traditions and of patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such norms, customs and practices justify and perpetuate discrimination against women, including violence against women, and that no sustained and systematic action has yet been taken by the State party to modify or eliminate such negative cultural values, practices and stereotypes.

**21. The Committee urges the State party to view culture as a dynamic dimension of the country's life and social fabric, subject to many influences over time and therefore to change. It urges the State party to put in place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women and promote women's full enjoyment of their human rights in conformity with articles 2 (f) and 5 (a) of the Convention. Such a strategy should include specifically designed educational and awareness-raising programmes targeting women and men at all levels of society, including tribal chiefs, should be undertaken in collaboration with civil society and women's organizations and should be aimed at creating an enabling environment for the transformation and change of stereotypes and discriminatory cultural values, attitudes and practices. It also urges the State party to put in place monitoring mechanisms to regularly assess progress made towards the achievement of established goals, with the participation of tribal chiefs and women's organizations.**

22. While welcoming the awareness-raising efforts undertaken by the national machinery for the advancement of women towards ending the practice of female genital mutilation, the Committee is deeply concerned about the persistence and high incidence of this harmful practice, which is a grave violation of girls' and women's human rights and the State party's obligations under the Convention. The Committee notes the serious health complications for girls and women arising out of

the practice of female genital mutilation, including the high number of women suffering from vesicico-vaginal fistula.

**23. The Committee urges the State party to enact without delay legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and adequately punished. It urges the State party to strengthen its awareness-raising and educational efforts, targeted at both men and women, with the support of civil society, to eliminate the practice of female genital mutilation and its underlying cultural justifications. It also encourages the State party to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood. It calls on the State party to examine the link between female genital mutilation and the prevalence of vesicico-vaginal fistula, to take measures to reduce the occurrence of vesicico-vaginal fistula and provide medical support to those affected by it.**

24. While welcoming the domestic violence bill of 2006, the Committee is deeply concerned about the high levels of violence against women, including rape and sexual assault. The Committee is particularly concerned about the persistence of customary law and cultural practices that consider the physical chastisement of family members, in particular women, acceptable. The Committee is concerned about the limited progress made in the prevention and elimination of violence against women, the lack of access to justice for women victims, including the lack of legal aid, and the prevalence of impunity of perpetrators. The Committee further expresses concern about the lack of systematic data collection on all forms of violence against women.

**25. The Committee urges the State party to place the highest priority on implementing a comprehensive approach to address all forms of violence against women, including the speedy enactment and the full implementation of the bill on domestic violence. It encourages the State party to make full use of the Committee's general recommendation 19 in its efforts to address violence against women. It urges the State party to raise public awareness through media and education programmes that all forms of violence against women, including domestic violence, are unacceptable. The Committee calls upon the State party to train the judiciary, law enforcement officials, legal professionals, social workers and health providers on violence against women so as to ensure that the perpetrators of violence against women are effectively prosecuted and punished with the required seriousness and speed, and that effective and gender-sensitive support is provided to victims. The Committee requests the State party to remove impediments women may face in gaining access to justice at all levels, and recommends that legal aid be made available to victims in both urban and rural areas. It calls on the State party to establish support measures for victims of violence against women, including shelters and legal, medical and psychological support. The Committee requests the State party to provide information in its next report on the laws, policies and programmes in place to deal with all forms of violence against women and on the impact of such measures, as well as on data and trends in the prevalence of various forms of such violence.**

26. The Committee is concerned that insufficient attention is being given to the findings of the Truth and Reconciliation Commission, which made specific recommendations for the rehabilitation, psychological recovery and social

reintegration of girls and women victims of violence and sexual slavery during the war. It is concerned that without increased attention to those recommendations, girls and women affected by the war, and children who were born as a result of wartime rape, will remain marginalized and will not be rehabilitated and reintegrated into society.

**27. The Committee urges the State party to devote resources to the implementation of the priority recommendations of the Truth and Reconciliation Commission that pertain to the impact of the war on girls and women and their children so as to ensure their full rehabilitation and reintegration into society. The Committee requests the State party to work with civil society and the international donor community in those efforts.**

28. While welcoming the adoption of the Anti-Human Trafficking Act of 2005, the Committee is concerned about the persistence of trafficking in the country and the limited effectiveness of measures to ensure the law's practical implementation.

**29. The Committee requests the State party to accelerate its efforts aimed at the effective implementation and full enforcement of the Anti-Human Trafficking Act of 2005. Such efforts should in particular include the effective prosecution and punishment of traffickers. It also recommends that the State party increase the provision of assistance and support to women victims, as well as prevention efforts, by addressing the root causes of trafficking and improving the economic situation of women so as to eliminate their vulnerability to exploitation and traffickers.**

30. The Committee is concerned about the highly negative impact of the war on the educational infrastructure, which constitutes particular obstacles for the education of girls and young women. The Committee is especially concerned about the high rate of illiteracy, which in 2004 stood at 71 per cent for girls and women in Sierra Leone, and which clearly demonstrates patterns of discrimination under article 10. The Committee notes that education is a key to the advancement of women and that the low level of education of girls and women remains among the most serious impediments to their full enjoyment of human rights and the achievement of women's empowerment. It is also concerned about the high school dropout rate of girls, including for such reasons as pregnancy and early and forced marriage.

**31. The Committee recommends that the State party take steps to improve the educational infrastructure, especially in the rural areas, and to raise awareness of the importance of education as a human right and a basis for the empowerment of women. It recommends that the State party implement measures to ensure equal access for girls and women to all levels of education and retention of girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. It encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls' and women's education. The Committee calls on the State party to make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes at the formal and non-formal levels, and through adult education and training. It encourages the State party to strengthen collaboration with civil society and to seek enhanced support from the**

**international community and donor organizations to accelerate compliance with article 10 of the Convention.**

32. The Committee notes that the report did not provide sufficient information and data disaggregated by sex in regard to article 11 of the Convention. In particular, the Committee lacks a clear picture of women's participation in the labour force in urban and rural areas, their unemployment rates, vertical and horizontal labour force segregation and women's ability to benefit from new economic opportunities. The Committee is also concerned that it did not receive sufficient information on the situation of women in the informal sector in rural and urban areas, where the vast majority of women work, or on the State party's efforts to improve their precarious position.

**33. The Committee invites the State party to provide in its next report detailed information, including trends over time, about the situation of women in the field of employment, in both the formal and informal sectors, and about measures taken and their impact on realizing equal opportunities for women in income-generating activities. The Committee further recommends that the State party pay particular attention to the conditions of women workers in the informal sector and invites the State party to provide, in its next report, information regarding credit, training, technology and access to markets, as well as social services and protection.**

34. While the Committee welcomes the efforts made by the State party and the support of the international community to reduce the incidence of maternal and infant mortality rates, it notes with concern that the maternal and infant mortality rates in Sierra Leone are among the highest in the world. It is further concerned about women's lack of access to adequate prenatal and post-natal care and family planning information, particularly in rural areas, and the very low contraceptive prevalence rate among women and men.

**35. The Committee recommends that the State party step up its efforts to reduce the incidence of maternal and infant mortality rates. It suggests that the State party assess the actual causes of maternal mortality and set targets and benchmarks within a time frame for its reduction. It urges the State party to make every effort to raise awareness of and increase women's access to health-care facilities and medical assistance by trained personnel, especially in rural areas and particularly in the area of post-natal care. The Committee further recommends that the State party implement programmes and policies aimed at providing effective access to contraceptives and family planning services.**

36. The Committee is especially concerned about the precarious situation of women in rural areas, who form the majority of women in Sierra Leone and who are disproportionately affected by poverty and a lack of adequate health services, education, economic opportunities, including credit facilities, and access to justice. The Committee is concerned about the prevalence of harmful traditional practices, such as early marriages, and expresses its particular concern about the persistence of customs and traditions regarding access to land and inheritance that adversely affect women's equality and advancement.

**37. The Committee encourages the State party to make the implementation of the Convention and promotion of gender equality an explicit component of its national development plans and policies, in particular those aimed at poverty**

**alleviation and sustainable development. The Committee urges the State party to pay special attention to the needs of rural women and ensure that they participate in decision-making processes and have equal access to health, education, economic opportunities, including income-generation projects and credit facilities, and justice. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against rural women with respect to land ownership and inheritance.**

38. The Committee expresses concern that discriminatory provisions persist in customary law and the Mohammedan Marriage Act. The Committee notes, for instance, that polygamy is permitted, intestate distribution of property discriminates against women, grounds for divorce are different for women and men, and women and men are not afforded the same level of authority or guardianship over their children. The Committee is also concerned that local courts, which apply customary law, are not part of the judicial system and consequently their decisions are not subject to appeal.

**39. The Committee urges the State party, in line with its general recommendation number 21, to accelerate its reform of marriage and family relations in order to eliminate all discriminatory provisions in customary law and the Mohammedan Marriage Act, particularly in relation to marriage, divorce and inheritance, so that women and men can enjoy the same legal rights and obligations. The Committee also urges the State party to review the status of local courts and ensure that all their decisions may be appealed to a higher court.**

40. The Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention. The Committee is also concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

**41. The Committee calls upon the State party to begin designing a system of data collection, including the use of measurable indicators to assess trends in the situation of women and of progress towards women's de facto equality, and to allocate sufficient budgetary resources for that purpose. It invites the State party, as necessary, to seek international assistance for the development of such data collection and analysis efforts. The Committee also requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, indicating the impact of policy and programmatic measures and the results achieved.**

**42. The Committee encourages the State party to ratify the Optional Protocol to the Convention, and accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

**43. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

**44. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the**



**Goals, and requests the State party to include information thereon in its next periodic report.**

**45. The Committee notes that adherence by States to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Sierra Leone to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

**46. The Committee requests the wide dissemination in Sierra Leone of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

**47. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in December 2009.**

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.