

Gender Equality for Sustainable Peace in Sierra Leone: Analysis of Policy Frameworks, Strategies and Efforts by the United Nations and the Government of Sierra Leone (GoSL) to Enhance Equality for Women

Alex Sivalie Mbayo

Department of Peace and Conflict Studies, Fourah Bay College,
University of Sierra Leone

“Peace agreements ... do not in themselves end wars or bring about lasting peace. In most cases, prewar continuities and the war mentality jeopardize the prospects of a consolidated peace and postwar reconciliation.” (Francis, 2000: 357)

Introduction

Gender equality is considered one of the fundamental rights for all human beings (United Nations Fund for Population Activities – UNFPA), and therefore a cornerstone for development. But in most countries in the world, especially patriarchal nations like Sierra Leone, men and women are not accorded equal rights and opportunities in varying spheres of life. There is some recognition among gender activists that there has been some improvement in the status of women due to some developments in the legislative environment as the government of Sierra Leone signed up to the international Convention on Elimination of all forms of Discrimination Against Women (CEDAW) in 2000. This bold step led to some major achievements including the introduction of the National Gender Mainstreaming Policy (2004), the Anti-Human Trafficking Act (2005), the Child Rights Act (2007), the three Gender Justice Laws (GJL) of 2007. However, there still remain portraits of inequality between men and

women. Joe Pemagbi, the former Chair of the National Commission for Democracy and Human Rights (NCDHR) acknowledged this fact in one of the reports of his commission, which he summarised thus:

We have seen that the authoritative nature of traditional African administration structure excludes women and young people from the mainstream of decision making. The chiefs and the “grey hairs” have the “authority” to take decisions on behalf of women and the community at large. We have also seen the franchise at the chiefdom level favours men, limiting the participation of women in decision – making, including the right to choose their leaders. To understand rights, exercise rights and promote rights, rights should be exercised by those entitled to them, not by others on their behalf.¹

Women have the right to live and enjoy their individual dignities and freedom from want and fear. This also implies that empowering women, who form the bulk of the population of most countries, can be an indispensable tool for advancing and enhancing development and the reduction in poverty levels of countries, especially developing ones like Sierra Leone. As simply put by UNFPA (Home page), “empowered women contribute to the health and productivity of whole families and communities and to improve prospects for the next generation” (UNFPA, Home page). The importance of gender equality can best be underscored by its inclusion as one of the eight millennium Development Goals and has been singled out as key, for the achievement of the other seven.

But irrespective of the importance of gender equality to the development continuum as has been highlighted, yet discrimination against women and girls, which encompasses gender- based violence, the existence of discrimination in the economic

¹ Joe Pemagbi, “The Challenges to Democracy in Sierra Leone,” in Rawwida Baksh-Soodeen and Linda Etchart (eds.). *Women and Men in Partnership for Post-Conflict Reconstruction: Report of the Sierra Leone National Commission, Freetown, Sierra Leone* (London: Commonwealth Secretariat. 2002), p. 33.

and reproductive health spheres, coupled with the continuity of harmful practices; less access to and ownership of land and property, which in turn affects women's economic status, less involvement in decision making, and low literacy rate among women, still remain the most pervasive and persistent threat to the achievement of equality between the sexes. These inequalities in societies are often clearly laid bare during conflicts or emergency situations where women face tremendous and unbearable hardships, death, poverty and disease; as it was the case in Sierra Leone during the eleven years of civil conflict.

2. Statement of the Problem

Even though there exist various distinct affirmative international agreements on the rights of women, yet they are more likely to be poor and illiterate than their men counterparts. In Sierra Leone, even though women were engaged in long hours of work, yet they are paid less. This is mainly as a result of their lesser accessibility to medical care, property, credit, training and employment. These gaps pose a big threat to their full political participation and hence make them more susceptible to domestic violence. The grave gender inequality that existed in Sierra Leone before 1991 was one of the causes (direct or indirect) of the rebel war. In Sierra Leone, women are caretakers and maintainers of their immediate, extended families and thus their communities. Hence their marginalisation and suffering over the decades since independence eventually produced a hurting, disgruntled, and a huge unemployed youth population that was easily exploited by the Revolutionary United Front (RUF) for their personal gains.

Gender equality in its simplistic sense refers to a society, community or relationship where men and women enjoy the same opportunities, rights, outcomes and obligations in all spheres relating to their lives. In other words, equality refers to both men and women having their equal share or distribution of power and influence; enjoying equal opportunities for financial independence through work and the setting up of businesses; and the granting of equal access to education and the means of

fulfilling individual/ personal ambitions. The critical issue though, in the quest to promoting gender equality is the empowerment of women, with a clear and distinct focus on correcting the existing power imbalances; which could only be remedied by giving women more freedom and right to manage their own affairs. The empowering of women is very vital to creating a sustainable growth rate and development that will also culminate in the realisation of rights for all human kind. Drawing on the field research and theories of sustainable peacebuilding, this paper discusses and assesses the various interventions (both at the policy and development levels) and performances of The UN PBC/ PBF and the GoSL in their drive to address issues of inequality women in Sierra Leone face particularly in the political and social spheres of life and the challenges that remain.

This study is neither explanatory nor predictive. Rather, it is explanatory descriptive. The feminist survey technique adopted in this study is therefore an amalgamation of various approaches and methods in the collection of data. Instruments such semi-structured/ open ended questions, random sampling, participant observation, and focus group discussions, experiences of experts; better known as the qualitative method of data collection were employed. This qualitative method is giving consideration because it is considered appropriate for both the collection and analysis of data as expressed by Chambliss and Schutt. In their view “Qualitative research has both immediate and lasting attractions.”² A broad range of reviews of the available literature and content analysis of reports, documents etc. meant to collaborate, refute or add more information to the research findings were also undertaken.

Gender discrimination, which is still a very serious problem in Sierra Leone, is discussed below under the work and economic empowerment sector.

² Daniel Chambliss and Russell K. Schutt, *Making Sense of the Social World: Methods of Investigation* (Thousand Oaks, CA: Pine Forge Press, 2003), p. 187.

3. Policies, Frameworks and Approaches by the GoSL and the UN Towards Achieving Gender Equality for Sustainable Peace in Sierra Leone

3.1 Background: GoSL's Gender Equality Approach

Subsequent governments of Sierra Leone since independence in 1961 have come and gone without legislating policies that would alleviate the burdens of and the inequalities women face and experience even though the national constitution clearly talks about equality of all citizens before the law. Worst still some even However, credit should be given to the NPRC junta rule of 1991-1996 that began to acknowledge the potentials of women, mainly because of their immense positive contributions to peace efforts, as earlier mentioned, which was climaxed by their sole handling of the Bintumani I and II conferences that ushered in a democratically elected government. Before this time there were no such things as clear cut gender policy and or programme designed to deal with inequalities, and to empower women for their onward contribution to peace and development. But the 1991 revised constitution of Sierra Leone is very clear on the maintenance of equality for all sexes. For example chapter 2, 6(3b) clearly states: (GoSL, 1991: 2-3)

For the purposes of promoting national integration and unity, the State shall secure full rights of residence for every citizen in all parts of the State.

7 (1b) ...manage and control the national economy in such a manner as to secure the maximum welfare and freedom of every citizen on the basis of social justice and equality of opportunity.

8 (3) The State shall direct its policy towards ensuring that:

(a) every citizen, without discrimination on any grounds whatsoever, shall have the opportunity for securing adequate means of livelihood as well as adequate opportunities to secure suitable employment; the health, safety and

welfare of all persons in employment are safeguarded and not endangered or abused, and in particular that special provisions be made for working women with children, having due regard to the resources of the State;

(e) there is equal pay for equal work without discrimination on account of sex, and that adequate and satisfactory remuneration is paid to all persons in employment.

9 (1b) The Government shall direct its policy towards ensuring that there are equal rights and adequate educational opportunities for all citizens at all levels by... safeguarding the rights of vulnerable groups, such as children, women and the disabled in security educational facilities.

Since the end of the war however, various steps have been taken by the democratically elected governments to put in place practical measures that would lay the foundation for enhancement of gender equality through policies and programmes. In an effort to alleviate the sufferings of IDPs and returning refugees, with funding from the international community the National Commission for Social Action (NaCSA) for the Reconstruction, Resettlement, and Rehabilitation (NCRRR) was created. The Special Representative for Sierra Leone (SCSL) and the Truth and Reconciliation Commission (TRC) were all instituted to provide gender justice and resolution for victims of the war, especially women and children. Additionally, a new ministry, Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) with ministerial resources to be a voice for women and children was created. In 2007 the government also instituted the National Health Action Plan (NHAP), developed an action plan on HIV/Aids with the help of the NGO Christian Extension Services, the first Poverty reduction Strategy Paper (PRSP- I & II) within which gender issues are mainstreamed, signed CEDAW (2000), National Gender Mainstreaming Policy (2004), the Anti-Human Trafficking Act (2005), the Child Rights Act (2007), the three Gender justice Laws (GJL) of 2007 – the Devolution of Estate Act, the Registration of Customary Marriage and Divorce Act, and the Domestic Violence Act; the National Policy on the Advancement of Women (2009), the Gender Strategic Plan (2009), and the Sierra Leone National Action Plan on

UN Security Resolution 1325 and 1820 (2009), granting of the thirty percent quota to women to hold positions both in the political and public sphere. As a focal ministry of government for gender equality, the MSWGCA developed and launched the National Gender Strategic Plan for 2010-2013,³ and the “Sierra Leone National Action Plan on UN Security Council Resolution 1325 and 1820” in 2010. The Ministry also convenes and chairs various donor meetings and the National Committee for GBV. The Sexual Offense Bill, if will also set the age for sexual consent and will define better the crime of rape against women including the penalties. All of these acts and undertakings are meant to address the numerous gender inequality issues, some of which are extensively discussed in chapter four of this study.

Irrespective of all of these new remarkable developments and the demonstration of willingness and accountability on the part of government to effective use of the rule of law mechanism however, yet there still remains a poor if not minimal application and or enforcement of these laws, which is one of the key components responsible for the lack of gender justice in Sierra Leone. Constitutions and laws of countries in the world, including Sierra Leone, will remain meaningless without the required resources and the national government’s will to enforce them. Rights of women are clearly and thoroughly defined in the 1991 Constitution of Sierra Leone. For example in Chapter 2, Section 8(2a) it clearly states: “In furtherance of the Social Order...every citizen shall have equality of rights, obligations, and opportunities before the law, and the State shall ensure that every citizen has an equal right and access to all opportunities and benefits based on merit;”⁴ but these nations are rarely enforced as women still continue to be victims on GBV, rape, FGM and so on.

3.2 Background: United Nations (PBC/ PBF)

³ The “National Gender Strategic Plan” (2010-2013) is based on two policies: “National Policy on Gender Mainstreaming” 2000, and the “National Policy on the Advancement of Women,” 2000. These two policies provide a legal framework and mandate for every stakeholder to address gender imbalances within all sectors – social, economic, political, civic and cultural.

⁴ The Constitution of Sierra Leone. “Supplement to the Sierra Leone Gazette Extraordinary,” Vo.1, CXX11, No.59. 25th September, 1991, p. 3.

United Nations involvement in the making and building of peace in Sierra Leone goes as far back as July 1999, when they acted as moral guarantors during the signing of the Lome Peace Agreement between the rebel RUF group and the GoSL. This signing was subsequently followed by the establishment of a United Nations Peacekeeping Mission for Sierra Leone (UNAMSIL), to replace the military wing of Economic Community for West African States known as Economic Community of West African States Monitoring Group (ECOMOG) in Sierra Leone as was agreed upon in the Lome accord. With the magnitude of atrocities committed against women and children during the war, UNAMSIL had no option but to post a gender adviser, who was originally situated within the human rights section. As a consequence gender has and continues to play a significant role in the work of the UN Human Rights section⁵ even with the transition from UNAMSIL to United Nations Integrated Office in Sierra Leone (UNIOSIL) and now United Nations Integrated Projects in Sierra Leone (UNIPSIL) – the peacebuilding outfit of UN. Although there was no longer a specific gender adviser as the UN Mission transitioned, yet it has continued to do all its human right trainings with a gender component - providing guidance, advice and helping to build the capacity of UNIFEM, and have continued to work with both the GoSL and the Truth and Reconciliation Commission (TRC) to ensure the inclusion of a gender component in their work; training and working with the Sierra Leone police, especially the Family Support Units (FSU), established to address problems of rape and domestic violence. The section has also continued to train and encourage civil society organisations to work and take onboard gender concerns, including the creation of human right committees specifically focusing on gender.

Women's political participation is still low, yet UN's timely and sustainable intervention and promotion of gender equality issues has led to the passing of numerous laws including that on the trafficking of women,⁶ as highlighted above and

⁵ Multi Donor Review of Implementation of Security Council Resolution 1325 on Women, Peace and Security by the United Nations Missions in Liberia (UNMIL) and Sierra Leone (UNIOSIL) 2 - 10 April 2006.

⁶ Act was passed in August 2005. For the first time trafficking was defined as an offence. Trafficking remains a serious problem, however.

to address the provisions of CEDAW.

In 2006, the UN in its bid to further help countries return to normalcy by addressing the root causes of their conflicts, establish the rule of law and functioning democratic institutions, support peacebuilding programmes and projects and so; the UN put together a peacebuilding architecture known as the Peacebuilding Commission (PBC). The PBC was born out of the UN reform summit of 2005 that resulted further in the creation of support structures such as the Peacebuilding Fund (PBF) and the Peacebuilding Support Office (PBSO) – assist and support the PBC administer the PBF, and serve the UN Secretary General (UNSG) in coordinating UN agencies in their peacebuilding efforts; all of which form the UN peacebuilding architecture. The PBF was established through General Assembly Resolution A/60/180 and the Security Council Resolution S/RES/1645-2005.⁷ But of great importance is the fact that all three bodies have the single most aim of addressing the shortfalls of the international community in post-conflict situations or environments through continuous interaction and collaboration. As Jenkins puts it, the PBC in its strictest sense, is an intergovernmental body but nevertheless its nomenclature applies to all three elements, the PBC, the PBF and the PBSO.⁸

The PBC is headed by a Chair person who is elected annually,⁹ and through the PBF money is allocated for peacebuilding in post-conflict countries through two funding facilities – the Immediate Response Facility (IRF) and the Peacebuilding Recovery Facility (PRF). The PBF has funded projects in many countries under the IRF and PRF facilities, with Burundi and Sierra Leone being part of its priority plan. Both of these facilities fund initiatives that respond to one or more of the following four criteria:¹⁰

- Respond to imminent threats to the peace and initiatives that support peace agreements and political dialogue.

⁷ See UN Peacebuilding Fund website. “Preventing a Relapse into Violent Conflict.”

⁸ Jenkins, Rob. “The UN Peacebuilding Commission and the Dissemination of International Norms,” *Crises States Working Papers Series*, No. 2, Working Paper 38 (London, Crises States Research Centre), 2008, p. 3.

⁹ See UN PBC website.

¹⁰ *Ibid.*, UN Peacebuilding Fund website.

- Build or strengthen national capacities to promote co-existence and peaceful resolution of conflicts.
- Stimulate economic revitalisation to general peace dividends.
- Re-establish essential administrative services

The PBF is managed on behalf of the UN Secretary General by the Assistant Secretary General, supported by the PBSO; with the UNDP Multi-Donor Trust Fund (MDTF Office) as the administrator of the fund. Worthy of note also is the fact that all UN agencies currently in Sierra Leone, commonly referred to as the UN Country Team (UNCT) is headed by UNDP.

Currently, the PBF is supporting more than a hundred projects in fifteen (15) countries including Sierra Leone by delivering fast, flexible and relevant funding. In its country specific meeting, the PBC on 12 October 2006 formally declared Sierra Leone as eligible to receive the PBF funding for peacebuilding activities. This declaration set into motion the allocation and disbursement processes described in the Terms of reference of the PBF.¹¹ The proposed priority plan was finalised by the GoSL and UNIOSIL and fully endorsed by the Head of PBSO, which was followed by a review process by the Senior Policy Group Peacebuilding.

The total PBF budget for all peacebuilding activities/ projects in Sierra Leone, which are divided into five priority areas amounts to 35 million US Dollars; of which 34.8 million has already been spent on various projects as the 2008 review intimated. Below are the five priority areas and their budget allocations.

Table 1: Priority Plan for PBF Sierra Leone – Revised July 2008

	Priority Areas	Allocation requested from the PBF (in US \$m)
1	Youth empowerment and employment	4.0
2	Justice and security	15.0
3	Democratic governance	5.0
4	Support to increased energy	9.0
5	Capacity building of public administration	2.0

¹¹ *Ibid.*

	Total	35.0
--	--------------	-------------

Source: UN PBF Website

3.2.1 UN's Gender Equality Policy Framework for Sustainable Peacebuilding in Sierra Leone

Gender equality, whose pursuit and achievement is the major focus of UN Resolution 1325 on Women, Security and Peace, was the rationale behind for the creation of the PBC.¹² Jennifer Klot submits that gender equality speaks directly to the PBC's aim of "focusing attention and consolidating good practice on vital cross-cutting issues...for which effective programmes must draw on the capacities and plans of actors across the full range of political-security-humanitarian-development activities."¹³ The fulfillment of this gender equality perspective into peacebuilding by the PBC through mainstreaming is enshrined in three principal strategies:¹⁴

- 1) Addressing the particular impact of conflict on women's recovery – especially sexual and gender based violence;
- 2) Supporting women's full participation in and ownership of peacebuilding and recovery process; and
- 3) Ensuring that national priorities for recovery – political, social and economic – redress inequalities of the past and positively influence gender relations and contribute to gender equality.

The UN PBC's determination to involve women at all levels of its peacebuilding process in Sierra Leone led to the convening of a National Consultation for Enhancing Women's Engagement in collaboration with UNIFEM in January 2007,¹⁵ for the purpose of informing women leaders and CSOs about the PBC; and for helping

¹² Klot, Jennifer F. "Women and Peacebuilding," Independent Expert Paper Commissioned by UNIFEM and the Peacebuilding Support Office (PBSO), 29th January, 2007. p.1.

¹³ *Ibid.*, p.2.

¹⁴ *Ibid.*, p.3.

¹⁵ "National Consultation for Enhancing Women's Engagement with the UN Peacebuilding Commission in Sierra Leone," unpublished report, Freetown, Sierra Leone, January 2007.

establish a national peacebuilding agenda for women.

This move is premised on the strong belief by UN that sustainable peacebuilding cannot be achieved without the recognition of equal rights of girls and women and ensuring their full participation in all political, social and economic aspects of life in the country, was clearly reflected in the policy framework adopted by the UN's Country Team Sierra Leone titled "Joint UN Approach to Gender Equality" as at 17 May 2011. It states "[T]he Joint UN Vision 2009 – 2012 has recognised the importance of gender equality and women empowerment for peacebuilding and the long-time stability in Sierra Leone." In addition to Programme 17 "Promoting Gender Equality and Women's Rights," it has made this a cross-cutting issue for all UN support programmes.¹⁶

The UNCT under the leadership of the Executive Representative (ER) developed a UN Joint Vision (UNJV) aligned with the PRSP II, which seem to present strategic objectives for the country as well as a general cooperation framework. Among the twenty-one programmes of the UNJV, programme 17 focuses on "Promoting Gender Equality and Women's Rights," programme 2 deals with "Access to Justice and Human Rights;" programme 7 on "Reproductive and Child Health and Nutrition;" programme 9 on "Child Protection;" and programme 18 on "Community Empowerment," all of which are explicitly geared towards addressing gender equality and or issues of GBV.¹⁷

In collaboration with donors such as European Union, World bank; DFID, INGOs, CBOs; UN agencies and the Government of Sierra Leone have engaged in a wide range of strategic activities towards achieving gender equality and women's empowerment through the development of an evidenced – informed policy and programmes targeting important areas such as education, health, nutrition, GBV, justice, and political decision-making. With UN support the MSWGCA is working towards meeting the international commitments including the preparation of reports on

¹⁶ UN Country Team SIERRA LEONE. "Joint UN Approach to Peacebuilding and Gender Equality," 17 March, 2011, p.1.

¹⁷ *Ibid.*

CEDAW, Resolution 1325 and the CRC.

The UNCT has promoted an integrated approach towards improving the reproductive health of women and addressing GBV – by funding the establishment of seventy-four (74) advocacy and mobilisation groups, engaged in community sensitisation on maternal health issues and GBV; the involvement of more than five hundred (500) community stakeholders with an increased knowledge on management and maternal health and on GBV prevention; and the involvement of communities and commitment on the prevention of GBV including FGM.¹⁸ With UN support, the judiciary has been able to extend Magistrate courts circuits/ sittings to some remote areas in the Southern Province such as Mongere and Zimi for the very first time in February 2010. There are now Saturday court sittings specifically to deal with matters related to the three Gender Acts and sexual violence. Similarly so, the UN supported the development and implementation in five districts of a referral protocol for child victims of sexual abuse, and the provision of free medical examination and services for these victims, which according to the UNCT, has led to more cases being tried through the justice system rather than compromised for an out-of-court settlement. In another engagement, UN and its agencies have in the past undertaken a nationwide dialogue on GBV and FGM in all twelve districts including the two Western Rural Areas (WRAs), that was attended by 266 Sowies¹⁹ including Mammy Queens and female councilors.²⁰ This dialogue served as a platform to understand the Sowies, traditional and religious leaders, in a bid to work with them promote positive cultural values and benefits and to increase their knowledge of inequality issues for girls and the harmful effects of FGM. It is hoped that with proper information, these traditional leaders would be drivers of positive change for the girls and women.

UNCT supports the access to education for girls and women for an increase in the primary school enrolment, retention and completion through some of the following

¹⁸ *Ibid.*, p.21.

¹⁹ Sowies are both the spiritual and patron heads of the Bondo Society, who have the legal rights under customary law to perform the initiation rites (cutting of the genitalia) on girls and women.

²⁰ *Op. Cit.*, UN Country Team SIERRA LEONE. “Joint UN Approach to Peacebuilding and Gender Equality,” p.51.

strategies: the development of a National Strategy to accelerate girls' education at all levels; strengthening the capacity of the media to effectively advocate and disseminate the need for the girl child education; development of a code of conduct for Teacher's and Education Personnel; child-friendly standards for schools to create child-friendly learning environment to promote girls' retention; and the revision of primary school curriculum and core text books to incorporate emerging issues and make the books gender appropriate.

UNCT and UNIPSIL supported the GoSL to achieve the thirty percent women's political participation and decision making through for the 2012 general elections and to transform the momentum for its interventions into concrete gains in the 2012 elections, UNCT plans to conduct training programmes for potential women candidates, increase advocacy with traditional chiefs and other political gate keepers, and to enhance the capacity of existing traditional women's institutions to promote popular support for women candidates in the elections.

4. A General Assessment of the Policies, Frameworks, Strategies and Interventions by GoSL and UN PBC/ PBF towards Gender Equality for Sustainable Peace.

There is no doubt among women's rights activists, groups and or CSOs interviewed by the author about the role of the UN PBC/ PBF in facilitating gender- aware legal and judicial reforms and its much needed financial and political support to ensure the long overdue adoption of the legal frame work that outlaws the various kinds of human right abuses and discriminatory laws and practices discussed earlier, and its commitment to gender equality. There is also high commendation for the progress made so far in this direction , starting with the signing of the CEDAW in 2000, followed by the passing of subsequent and numerous legislations (mentioned above); all aimed at achieving equality for both sexes as main pillar for the achievement of the rest of the Millennium Development Goals (MDGs).

A huge amount of inspiration can be derived from the Government of Sierra Leone's

national policies and strategies, backed by the UN and the international community that reflects their genuine concerns for the achievement of gender equality. However, these concerns when weighed or tested against the realities on the ground in Sierra Leone, reveals major lapses/ flaws.

First and most importantly, a closer look at the budget allocation to the various sectors or priority areas reveals gender as a cross cotton issue as clearly stated above and not given the priority it deserves as an underlying factor in the conflict. Energy, which was identified as the second most important sector under the PRSP II of the APC ruling government, as the financial allocation shows in the building a sustainable peace in Sierra Leone; was never seen a major issue in the PRSP I document. This priority place giving to energy over other ‘pressing’ needs remains to be justified as the whole country wallows in darkness – and the electricity provided from the generator bought with this fund cannot even meet the power needs of the capital Freetown and its environs. But more intriguing is the fact that a sustainable peacebuilding process seeks to address the underlying causes of any conflict in a bid to prevent a reoccurrence or relapse into violence. Its clear from analysis of the Sierra Leone conflict that electricity was never an underlying or a contributing factor to the civil conflict although its importance for modern day development is unquestionable. Speaking on the basis of anonymity, some of the interviewees alleged that the making of electricity a priority over other very important issues such as poverty alleviation and job creation to address the pervasive youth unemployment was a ploy by the APC led government to fulfill their promise to the Western Area voters, who greatly contributed to their overall winning of the 2007 general elections. In the same vain, the financial support of US \$700, 000 to the CSO capacity building project,²¹ with over one hundred and fifty organisations, is considered as abysmal compared to allocations for other sectors that may not be highly beneficial to majority of Sierra Leoneans. The persistent of GBV with very few prosecutions and conviction of perpetrators all leave numerous questions about the achievement of gender equality on the lips of many Sierra Leoneans interview.

²¹ UN/ GoSL. “Priority Plan For Peacebuilding Fund (PBC) Sierra Leone,” July 2008. p.7.

Secondly, from an insider-investigator point of view, and those of professionals/ practitioners in the field of gender; there still remains major obstacles and challenges such as the lack of proper or effective implementation of enacted gender equality laws/ policies and recommendations, marginalisation, discrimination and political violence, to persistent customary and traditional practices that deter women's rights and freedoms to mention but a few. Frantic efforts by MSWGCA in fulfilling its mandate, especially under CEDAW to deal with the discriminatory laws and practices; which are discussed later in the section, their efforts still remain effective mainly because the lack of resources and the relevant skills required. Both international and national calls to stop GBV and FGM have not yielded much dividend as both inhuman practices still remain, especially in the provincial areas of the country where 'traditional patriarchy' through enforced Muslim and customary law is widely believed and practiced. In order to improve or alleviate these awful conditions women find themselves, 'transformation through conscientisation has to first happen at the local or chiefdom levels where these violations are still rife and most disputes are still settled by local/ regional chiefs that are mostly men.'

Thirdly, although the free health and medical care, with supplements and drugs for pregnant girls and women, lactating mothers and children under five years of age as mentioned earlier, has been praised as having increased access to medical care by the target group by fifty percent, yet interview responses point to corrupt practices on the part of the officials, lack of proper monitoring and accountability²² by government and therefore no guarantee that the actual target beneficiaries are getting free access without discrimination; and there are doubts even of the project's effectiveness and sustainability. Many stakeholders interviewed are very concerned and even so skeptical about the continuity of this project once the donor funds stop flowing. Child and maternal mortality rates were very high by 2010,²³ which warranted the government to introduce a nation-wide free medical health care policy

²² UN Country Team Sierra Leone, *op.cit.*, "Joint UN Approach to Peacebuilding and Gender Equality," p. 21.

²³ According to the DFID, statistics estimated under-five mortality rate and maternal mortality ratio of 267 per 1000 live-births and 2100 per 100,000 live-births respectively.

for pregnant women, lactating mothers and all children under age five in all government health care institutions. However, there are other health issues that still gravely affect women and girls such as teenage pregnancy and sexual reproductive health. This is mainly caused by their lack of adequate and proper education and therefore their inability to negotiate safer sex with partners, thus leading to high possibility of HIV/Aids other sexually transmitted diseases contraction; which has an immense impact of family and community life. A control and prevention legislation on HIV/Aids is in place, which was legislated in 2007 but even this is yet to be engendered since it still has discriminatory clauses against persons living with the disease, and especially women. There is need to provide quality counseling and access to HIV testing, treatment, care and support services to HIV affected girls and women. Some of the most challenging issues are the prevention of transmission from mother-to-child, access to girls in the remotest areas; improving the capacity of health workers to deliver adolescent-friendly reproductive health services and the improvement in sanitation and other preventive measures. According to estimates, 1.7 percent of women are living with HIV in Sierra Leone, with a 3.2 percent affection rate among pregnant women attending ante-natal clinics and an 8.5 affection rate among commercial sex workers.²⁴

Fourthly, although the GJL, which includes the three gender acts, is a significant and promising step in the right direction, yet it has serious contradictions if not omissions, which if not taken care of appears ominous if not fatal to the well-meaning efforts of government. For example, the Devolution Act provides for surviving spouses, children, parents, relatives and other dependants of testate and interstate persons and to provide for other related matters. Although this Act gives wives and daughters inheritance rights alongside husbands and sons, however; the exclusion of family, chieftaincy and community property of the deceased person from been distributed as clearly written in part I under Application I Sub Sections (3), which states: “This Act shall not apply to family property, chieftaincy property or community

²⁴ Marnie Keegan. “Sierra Leonean Women: Post-Conflict Rights, Resources, and Voice, Advanced Gender and Development,” Monterey Institute of International Studies November, 2002, p. 1.

property held under customary law, and (4) For the avoidance of doubt, this Act shall not apply to any claim that is statute-barred by virtue of the Limitation Act, 1961,”²⁵ is unfair. This denial of women the right to property sends them lagging behind men as far as issues of ownership of and access to land, which is a major source of livelihood and economic empowerment for more than seventy percent of the population is inimical to the improvement of the economic status of women. Although numerous efforts have been made by MSWGA to enhance women’s rights in the areas of education, protection from violence, health care, and even economic rights; yet few of its programmes have incorporated the need for women to have the right to own and inherit property. This has left some organisations weary of governments’ determination to once and for all rid the nation of Sierra Leone of major inequalities. For example the African Development Bank’s findings on Sierra Leone’s Gender Profile, which reveals that the Government’s reluctance/ refusal to expunge Section 27(d) from the Constitution or to ban FGM from traditional practices, is clear indication of the lack of commitment to the gender agenda/ process;²⁶ is a case in point.

Fifthly, there is still a significant high percentage of violence against women in Sierra Leone amidst all efforts by organisations such UNICEF, UNIFEM, UNCHCR and the Forum for African Educationalist (FAWE), which was established in 1995 to help victims at their clinics through discrete, private, and free healthcare; formalised GBV data collection and advocacy efforts and has assumed a lead role in counseling with elders, police, lawyers, and the judiciary to develop GBV prevention and response protocols. Although Sierra Leone has signed and ratified CEDAW, yet section 27 of the constitution, permits discrimination against women in relation to issues dealing with “adoption, marriage, divorce, burial, and devolution of property upon death of husband or other interests of personal law,”²⁷ which have direct bearing on the rights of women

²⁵ Government of Sierra Leone. “Devolution of Estate Act, Parliament of Sierra Leone,” 14 June, 2007, p. 34.

²⁶ Enhancing Communication between Civil Society and States (NCISS). “Coping Strategy 2011 Report,” Freetown, Sierra Leone. p. 9.

²⁷ *Ibid.*, Section 27. Subsection 27 (1) provides that “Subject to the provisions of subsections (4), (5), and (7), no law shall make provision which is discriminatory either of itself or in its effect.” Under Subsection 4, however, the protection provided under Subsection 1 does not apply “... (d) with respect to adoption, marriage, divorce, burial, devolution of property on death or other

as well as customary law. This contradiction has not only contributed immensely to the low status and limited rights of women in Sierra Leone but also legitimized the application of discriminatory attitudes under customary law. For example a woman can only refuse to have sexual intercourse with her husband if she is on her menses, physically ill or suckling a young child or during daytime, in the bush or during Ramadan. Worst still, customary and Islamic laws continue to be widely applied, notwithstanding the provision in the constitution that the general law should take precedence over the customary law when the customary law is “repugnant to the statute or natural justice, equality and good conscience.”²⁸

Even though the Marie Stopes Clinics in Sierra Leone run well respected GBV education and counseling for both male and female victims and perpetrators, yet what compounds the situation for GBV survivors is the slow referral protocols, obstacles in accessing justice, simply because the judicial system requires substantive resources in the form of transport costs and time and tenacity (lengthy time cases might drag on in the courts), with no compensation for the victims. The alleged increase in the confidence of victims and a corresponding increase in reported cases of sexual violence because of the technical and financial support to the Family Support Unit (FSU) of the Sierra Leone Police need further clarification as payment requests for medical certification from poor victims, among others, continue to hinder or limit the prosecution rates of sexual abuse cases. But even disturbing is the findings by the Lawyers Centre for Legal Assistance (LAWCLA) survey which reports that 67 percent of the urban women interviewed about SGBV violence admitted to have been beaten

interests of personal law, or (e) for the application in the case of members of a particular race or tribe or customary law with respect to any matter to the exclusion of any law with respect to that matter which is applicable in the case of other persons.” Discrimination is also permitted against persons who are not citizens of Sierra Leone or naturalized Sierra Leoneans. According to Dr. Tucker, former Chairperson of President’s Kabbah’s Advisory Committee, the original intent of Section 27 was “to preserve certain areas of segregation which are embedded in traditional practices and are generally acceptable to both sexes, such as the segregation between male and female secret societies. What was taken up in the constitution was more extensive than what was intended.” Interview with a Human Rights Watch staff, Dr. Tucker (Consultant on the Law Development Program funded by the U.K.’s DFID), Freetown, April 25, 2002. (See also footnote: “We will Kill You,” p.24.)

²⁸ Section 2 of the 1963’s “Local Courts Act,” and section 76 of the 1965’s “Courts Act.”

and 50 percent reported being forced to have sexual intercourse.²⁹ The strict adherence to customary law, which also includes Islamic law and prevalently practiced in the provinces, that allows the husband to “reasonably chastise his wife by physical force”³⁰ if and when it becomes necessary further exacerbates the issue. It only becomes unacceptable if done persistently cruel or beats her to an extent that bodily harm is afflicted and gives her the right to divorce the husband if she opted. Although there is the FSU to deal with such issues, yet the provincial and remote areas do not only have these facilities but few available ones are also far removed from urban centers where these facilities exist.

There is equally the problem of political discrimination and marginalisation of women although some improvements have been made. Sierra Leone has a three layer governance mechanism or divisions: the formal national government in the form of elected parliament and president, formal local government, which is made up of district councils located at district headquarters and ward committees at community level; and chiefdom structures that operate at the local level and are semi-regulated through national legislation. National politics in Sierra Leone is dominated by two parties – the Sierra Leone People’s Party (SLPP) and the All People’s Congress (APC) with strong regional basis, with both of them heavily relying on the support of the populations in these stronghold – although not entirely as some traditional members of one party can switch support to the other as we saw it happen in 1996 and 2007 elections.

In the 2002 general elections (the first post war) that used a proportional representation system, taking into account the fact that people were displaced as a result of the war, 18 women were elected to parliament out of a total of 124 members of parliament (MPs). But in the 2007 elections, the number of women parliamentarians dropped because the country returned to its traditional majoritarian system. This caused the selection of few women candidates, as the political party leadership was

²⁹ Lawyers Center for Legal Assistance (LAWCLA), *Unique Rights: Discriminatory Laws against Women in Sierra Leone*, Reffo Printing, Kissy L.C., Freetown, p. 7.

³⁰ Joko-Smart, H.M. *Sierra Leone Family Customary Law*, Atlantic Printers, Freetown, Sierra Leone, 1983, p. 152.

concerned that the electorates would not vote for them.³¹

At the local government level (re-established in 2004), women won 56 out of the 456 seats in the district council elections across the country. The 2008 local elections produced 86 women councilors, which was a significant improvement on the 2004 elections. However, women's representation at the district council level varies significantly across the country – in some, the representation is very high whereas in others the proportion of women is just minimal. But at ward committee levels, the 50 percent representation of women is mandatory, making this the only gender balanced level of governance although these committees have very little power and handle or cover limited governance issues.³²

At the provincial/ customary level, every Chiefdom (149 in all) in Sierra Leone is headed by a Paramount Chief and assisted by section, divisional and village chiefs. This system, which was instituted during the colonial rule in Sierra Leone, has to a large extent reified and standardised previous diverse traditions, although differences in the nature and rules of customary governance still exist between the various localities. Regulated by the Native Administrative Act of the late 1930s, the customary governance system largely excludes women from political participation, although there are notable variations. For example, while women can become Paramount Chiefs in the southern province, in the north women are not still allowed although they allegedly hold several chiefdom councilor positions. In summary, among the 124 parliamentarians in Sierra Leone's unicameral legislature, 14 percent are women; over 65 percent of women and girls have no formal education; 62 percent of them are married before the age 18-19; 91 to 94 percent of girls and women aged 15-49 have undergone

Due to all of these and other barriers, the few cases of SGBV that end up in court most often result to victims opting instead for an out of court settlement at the community or family level. Hence, very few male perpetrators have been convicted for

³¹ Clare Castillo, "Women's Political Participation and Influence in Sierra Leone," 83 Working Paper, June 2009, FRIDE, Madrid-Spain.

³² *Ibid.*

rape and the fines levied are most often paid to the father or another male relative and not to the victim. Worse situations happen in the provinces where Muslim and Customary law practices are prevalent. Un these circumstances, a woman who reports domestic violence/ abuse of either a husband or a family member to local authorities is often denied protection and are usually recommended to return home, where she might face additional violence for ‘reporting’ or ‘causing a problem.’ My close observation as a male growing up in the provincial setting, has always shown that many authorities and even the police, many of whom are males; have this same discriminatory tendencies towards women victims of GBV as the same family members who abuse. Most often women/ girls are blamed for ‘enticing’ the males, thus causing the act of rape. Similarly so, provincial girls are most often either forced or encourage into sexual or marriage relationships by their parents/ relatives under age 16, which clearly shows that ‘local customary law and practice will be implemented where national laws are not enforced.’ Another example is polygamy, which is acceptable under Mohamedan Customary Law and not outlawed by any national or constitutional law, is widely practiced in many parts of Sierra Leone including the capital Freetown. More interestingly, most of the police officers in Sierra Leone are traditional males, and often reporting of these cases, especially in the provincial areas, does more harm than good to women.

However, the Chairperson of FAWE, Christiana Thorpe is hopeful about the development in the case of rape as she remarked “the good thing in all this bad is that there has been a breakthrough in the culture of silence on rape. We’re now going to the schools, sensitizing people and communities.”³³ The Sexual Offenses Act and the Matrimonial Bill are yet to be passed into law by Parliament, which if passed might help, now that the traditional silence (for fear by the victim of being rejected/ ostracised) that formally surrounded the act has now been broken as mentioned by the Chair of FAWE.

³³ Marnie Keegan, “Sierra Leonean Women: Post-Conflict Rights, Resources, and Voice,” *Advanced Gender and Development Monterey Institute of International Studies*, November, 2002, p. 1.

As a result of these lapses still lingering in the gender equality drive, some international organisations are not very optimistic of a positive outcome if certain measures are not put in place by the government of Sierra Leone. A call from the African Development Bank (ADB) advocating for the development of a policy framework for improving girl's enrolment, and retention and completion rates of their primary education is a case in point. This call could not be unconnected with the inability of poor Sierra Leonean parents, mainly women shouldering the burdens of their children, including those who are single parents/ heads of households, to pay the other school charges, transport fare and lunch is causing the high level of school drop outs among girls thus increasing the illiteracy rate among women irrespective of the government acclaimed 'free education policy' for the girl child at the primary school level since 2003.

Sixthly, irrespective of the numerous moves to train women to be effective in the political game, they still continue to face violence from their male counterparts in the political game, as was evident during the last general elections where some women candidates faced intimidation and physical molestation in the north of the country.

Lastly, although the Disability Act has now been passed (2011), the condition under which these persons live, especially those that suffered amputations during the rebel massacre is precarious and appalling. Majority of them have become a kind of nuisance to and a spectacle of laughter to foreigners and or visitors as begging along the street corners of Freetown has become their legal occupation.

5. Conclusion

Amidst all of the policy moves to improve various sectors as listed under the UNJIV, nonetheless it seems that very little has been concretely accomplished as the illiteracy levels among women and girls still remain high, with limited options for employment, and extensive discrimination in the political, economic, social, cultural and civic domains. Although the TRC recommendations are so clear on the abolishing of all

statutory and customary laws that discriminate against women and the GoSL numerous steps to advance gender equality based on national and international frameworks,³⁴ yet is yet to yield much dividend. In other words, despite the trials of some perpetrators of these gender crimes, women and children still continue to suffer physical, emotional, and psychological trauma of massive human rights abuses up to this day. It is therefore of significant importance that the government revisits its support to the free primary education policy for the girl child – by removing all financial burdens to the parents and extending the policy up to the secondary level, take strategic but firm measures by abolishing the practice of FGM and other harmful practices; and to make the constitution the primary and supra national source of arbitration in instances where traditional and customary law over steps its bounds and violates women’s rights as they often do.

The UN through the PBC needs to clarify its priorities in relation to civil society, especially women’s civil society participation in the peacebuilding process; and to increase funding for specifically designed projects targeting women and not to rely heavily on mainstreaming policy in all programmes and projects in order to fulfill its potential to assist government in promoting sustainable peace and development. There is also need to monitor all stake holders, organisations, and agencies implementing projects under the PBC and who claim to be gender inclusive. The reality on the ground, as indicated by the interviews carried out by this study, is that some of these organisations, especially some of the male dominated/ headed ones are

³⁴ National and international frameworks include: 1) National Constitution which provides non-discriminatory on the basis of sex, however, claw-back provision limits the guarantee of equal rights for men and women especially in matters of personal and family law; 2) Local Government Act 2004 with provisions made therein on the advancement of gender equality at local government level; 3) “Sierra Leone Poverty Reduction Strategy Paper II” “An Agenda for Change” 2008 – 2012; 4) the three Gender Acts which need to be implemented; 5) Peace Building initiatives and UN Security Council 1325 and 1820, dealing with women peace and security; 6) Work Plans of the UN Gender Theme Group – UN Joint Vision; 7) The Protocol to the ‘African Charter on Human and People’s Rights on the Rights of Women in Africa’ the African Heads of State Solemn Declaration on Gender Equality; 8) Convention on the Elimination of ALL forms of Discrimination Against Women (CEDAW); 9) Beijing Platform for Action, the Millennium Development Goals (2000); 10) International Convention on Civil and Political Rights (ICCPR); 11) International Convention on Economic, Social and Cultural Rights (ICESCR); and 12) Convention on the Rights of the Child (CRC).

not paying much attention to gender in their programmes and projects outside of Freetown. The one important commendation though, is that there is now at least an appreciable high level of awareness among the population on the need to protect women's rights in Sierra Leone. What remains is actualizing this awareness through enforced legislation and attitudinal change, especially in traditional circles. In other words, the sustainability of peace in post-war Sierra Leone requires a sincere and firm dealing with the root causes of the conflict through the involvement of all stakeholders and by addressing social inequalities, education, poverty, political participation and women's engagement at all levels of decision making. With concerted efforts, determination/ firmness and sincerity on the part of all stake holders, light will be eventually seen at the end of the tunnel.

References

- Castillejo, Clare. "Women's Political Participation and Influence in Sierra Leone," 83 Working Paper, June 2009. FRIDE, Madrid-SPAIN.
- Chambliss, Daniel and Russell K. Schutt. *Making Sense of the Social World: Methods of Investigation*, Thousand Oaks, CA: Pine Forge Press, 2003.
- Enhancing Communication between Civil Society and States (NCISS). "Coping Strategy 2011 Report," unpublished report, Freetown, Sierra Leone.
- Government of Sierra Leone. "Devolution of Estate Act (2007)," Parliament of Sierra Leone, 14 June, 2007.
- Government of Sierra Leone. "The Constitution of Sierra Leone 1991: Supplement to the Sierra Leone Gazette Extraordinary," Vol. CXX11, No.59, 25th September, 1991.
- Human Right Watch. "We will kill you if you cry: Sexual violence in Sierra Leone," 350 Fifth Ave 34th Floor New York, N.Y. 10118-3299. Vol. 15, No. 1 (A) , January 2003, p.20. Available at: <http://www.hrw.org/sites/default/files/reports/sierleon0103.pdf> (accessed on 7th

April, 2010).

Jenkins, R. "The UN Peacebuilding Commission and the Dissemination of International Norms," *Crisis States Working Papers Series*, No. 2, Working Paper 38 London, Crisis States Research Centre, p.3. Available at: <http://www.crisisstates.com/download/wp/wpSeries2/wp38.2.pdf> (accessed on 2nd April, 2010).

Joko-Smart H. M. *Sierra Leone Family Customary Law*, Atlantic Printers Ltd. Freetown, Sierra Leone, 1983.

Keegan, Marnie. "SIERRA LEONEAN WOMEN: Post-Conflict Rights, Resources, and Voice," Advanced Gender and Development Monterey Institute of International Studies, November, 2002.

Klot, Jennifer F. "Women and Peacebuilding," Independent Expert Paper commissioned by UNIFEM and the Peacebuilding Support Office (PBSO), 29th January, 2007. p.3. Available at: <http://www.un.org/peace/peacebuilding/> (accessed on 13th August, 2011).

Lawyers Center for Legal Assistance (LAWCLA). *Unique Rights: Discriminatory Laws Against Women in Sierra Leone*, Reffo Printing, Kissy L.C., Freetown.

Multi Donor Review of Implementation of Security Council Resolution 1325 on Women, Peace and Security by the United Nations Missions in Liberia (UNMIL) and Sierra Leone (UNIOSIL) 2 - 10 April 2006.

Pemagbi, Joe. "The challenges to democracy in Sierra Leone," In Rawwida Baksh-Soodeen and Linda Etchart (Eds). *Women and Men in Partnership for Post-Conflict Reconstruction: Report of the Sierra Leone National Commission*, Freetown, Sierra Leone, London, Commonwealth Secretariat, 2002.

"Report of National Consultation for Enhancing Women's Engagement with the UN Peacebuilding Commission in Sierra Leone," unpublished report, Freetown, Sierra Leone, January 2007.

The Sierra Leone Peacebuilding Fund. Available at: <http://www.unpbf.org/sierraleone/sierraleone.shtml> (accessed on 13th August, 2011).

UN Peacebuilding Fund. "Preventing a Relapse Into Violent Conflict," Available at:
<http://www.unpbf.org/index.shtml> (accessed on 5th August, 2011).

UN PBC Home Page: <http://www.un.org/peace/peacebuilding/> (accessed on 8th August, 2011).

UN Country Team SIERRA LEONE. Joint UN Approach to Peacebuilding and Gender Equality. 17 March, 2011. p.21. Available at:
http://www.betterpeace.org/files/CSC_SL_Joint%20Approach%20to%20Peacebuilding%20and%20Gender%20Equality.pdf (accessed on 9th August, 2011).

UN/ GoSL. "Priority Plan for Peacebuilding Fund (PBC) Sierra Leone," the Revised plan, July 2008. Available at:
http://www.unpbf.org/docs/Sierra_Leone_PBF_Revised_Priority_Plan_3July2008.pdf (accessed on 3rd August, 2011).