



ISSUES OF DISCRIMINATION IN WIDOWHOOD IN SIERRA LEONE

THAT REQUIRE ADDRESSING IN THE CONTEXT OF THE CEDAW

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WPD hopes that this report will assist the Committee in its examination of the Government of Sierra Leone's report on its implementation and compliance with the articles of the Convention.

As in many countries, especially those in conflict and post conflict situations, the status of their widows, and also wives of the disappeared during the past conflict, is often ignored. Yet it is widows and their children, particularly their daughters, who so often suffer the most discrimination, direct and indirect, and this discrimination, resulting in extreme poverty, marginalisation, and exposure to violence, requires visibility so that it can be addressed by governments.

Since shortly after its independence, the history of Sierra Leone has been characterized by instability, military coups, authoritarianism, rebellions, and repression. Between 1991 and 2002, about 50.000 people were killed in the civil war and 2.000.000 were forced to leave their homes and become displaced or refugees. Sierra Leone is consequently home to huge numbers of

widows, whose situation is characterized by disadvantages, deprivations, violation of human rights and freedoms.

Widows' situation seems to have been so far most inadequately addressed by the Government and no official statistics on the number of widows and their life conditions seem to be available. Keeping in mind that the process of rebuilding Sierra Leone and re-establishing its failed institutions is still underway, and that there is a shortage in funding to compensate and give adequate assistance to all the victims of human rights violations during the civil war, it nevertheless has to be pointed out that the issue of widowhood is urgent and can't be further postponed.

WPD hopes that this brief submission will assist the Committee in its consideration of Sierra Leone's State Report during its 57th Session.

WPD urges the Committee to question the Cameroon Government **on the lack of any implementation or monitoring of the various gender-related laws that should protect widows**. The human rights violations are not only suffered by illiterate rural widows, but across society, since city dwellers retain always close links to the village.

It is a well-known fact that the perpetrators of abuses such as denial of rights to inheritance, land, property, custody of children, forced remarriage (for example, in breach of the levirate law, Sec 77 (2) of the Civil Status Registration Ordinance, 1981,) coercive degrading and harmful HTPs include, not just rural people where traditional attitudes are deeply ingrained and knowledge of modern laws is poor, but also many high-status important male figures in government, and in the military. This is intolerable. These men should be role models, and not perpetrators of discriminatory and abusive attitudes to women, girls and especially widows!

1. **Establishment of the truth and reparations** are of the outmost importance for the rehabilitation of all the victims, but especially of widows, who are among the ones who have been and still are suffering the most due to lack of resources and opportunities, poverty, uncertain legal status and social stigma. As stated by the Sierra Leone's Truth and Reconciliation Commission, war widows, together with amputees, war wounded, victims of sexual violence and child victims, are the most vulnerable victims. However, the Government action towards the reparations recommended by the 1999 Lomé peace accord and the 2004 TRC report has so far been delayed.¹ According to what reported to IRIN by NaCSA Programme Manager Bangura (2009),² *"A shortage of funds means war widows are being registered but will not receive*

¹ TRC recommendations, 2005; www.irinnews.org/report.aspx?ReportId=83100%20.

² www.irinnews.org/report.aspx?ReportId=83100%20

benefits until at least 2010, while new housing, at \$6,500 per unit, is expected to be given only to amputees and war-wound victims.”

→ The Government should be required to explain how its **Reparation Programme (SLRP)** is being implemented, what has been achieved so far and when it will be accomplished; how many widows are among its beneficiaries, how they have been identified and registered and how they are being helped, both for what concerns the establishment of truth and symbolic reparations, and practical support.

2. From the legal point of view, equality between men and women is still undermined by **Section 27 (4) (d) of the Constitution**, which, as recognised by the Government in its periodic Report,³ *“poses a serious legal challenge to the spirit and letter of the CEDAW”* by stating that the principle of non discrimination doesn't apply to laws that make provisions *“with respect to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law”*. The threat posed to widows by this provision is clear, and must be urgently addressed.

→ The Government should be asked to report on steps undertaken so far for the amendment or expunge (by referendum) of Section 27 (4) (d) of the Sierra Leone Constitution, which is urgent and necessary to impede the perpetration of lawful and justifiable discrimination.

3. According to Paragraph 31 of the periodic Report submitted by the Government,⁴ the **implementation of the Gender Justice Laws** (Registration of Customary Marriage and Divorce Act, Domestic Violence Act and Devolution of Estates Act), is still problematic due to lack of resources, promulgation and partnerships; sectorial gender focal points in MDAs are still not functional. This lack of implementation has a special negative impact on widows' life conditions and enjoyment of their rights. In fact, as recognised by the Government itself in its periodic Report,⁵ domestic abuse includes *“Economic abuse i.e. bread winner (men/fathers) not providing adequate financial support for the family; difficulties women face regarding land property; wife's property considered as the husband's; men spending much money on things other than their own hungry children and paying school fees.”* Considering this, the vulnerability widows are exposed to is evident, especially taking into account the fact that *“[...] in traditional customary law, the wife was herself considered the **property** of the husband and so whatever she owned devolved to the surviving husband on her death. Also a woman's continued interest*

³ CEDAW/C/SLE/6, par. 23-26.

⁴ CEDAW/C/SLE/6, par. 31.

⁵ CEDAW/C/SLE/6, par. 63.

*in a property owned by her husband was dependent on two factors: • whether she bore children with the husband, or • whether on the death of her husband she chooses to remarry a male relation of her deceased husband. If none of these factors exist, the woman/widow loses every right or interest in her deceased husband's property.”*⁶ Due to social and cultural stereotypes and stigma, many widows in Sierra Leone have not only their possessions, but also their children, taken by the family of the deceased husband; they are outcasts and have little or no chance to remarry. This is not only a traumatic experience, but also one that leaves them destitute, without opportunities. Many of them are **forced to remarry** to a relative of the deceased husband, as happened, for example, to many young girls among the Fula⁷ (against Article 16 of the CEDAW).

→ The Government should be asked to report on the measures undertaken so far to implement the principle of **equality of rights** between men and women (as enshrined not only in the CEDAW, but in the Constitution of Sierra Leone itself) and to face legal and societal discrimination, with particular attention towards harmful traditional practices.

→ The Government should be asked to explain how it is implementing the Article 5 of the CEDAW, which requires to State Parties to modify the **social and cultural patterns** of conduct of men and women in order to eliminate prejudices and customary 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 men and women.

→ The Government should be in particular called to forward details on the status of implementation of the Gender Justice Laws and on widows' **access to property and enjoyment of the right to property**, and especially on the implementation of the Devolution of Estates Act No. 21 (through which it has formally repealed all the discriminatory provisions of law and practices against women in the distribution of estate), particularly in rural contexts where customary law is stronger (Article 14 of the CEDAW).

4. Having to face lack of opportunities and resources, widows in Sierra Leone adopt **coping strategies** that often, even when they don't lead them into informal labour, illegality and further victimisation, force them and those dependant on them to live with no stability and zero margin for any crisis. Temporary and no sustainable solutions offered by emergency assistance have often been outstretched in the long term, due to necessity; consequently, widows don't have the chance to move beyond basic subsistence.⁸ The difficulties that widows

⁶ CEDAW/C/SLE/6, par. 225.

⁷ www.refworld.org/docid/3df4bea9c.html

⁸ www.baptistglobalresponse.com/news/view/from_hopeless_to_hopeful

have to face reflect on those depending of them, especially on their children and on the other orphans they often accept to take care of. Food, housing, clothing, education, health are necessary, but in many cases difficult to afford, especially when the family of the deceased husband doesn't have a sympathetic approach and access to loans and benefits is not possible.⁹

→ According to Article 6 of the CEDAW, the Government should be held responsible to undertake all efforts possible in order to impede that widow's coping strategies lead them and their families towards illegality, exploitation, marginalization and extreme poverty; both material and psychological support strategies are to be taken into account. The Government should be asked to explain the actions undertaken so far to protect and support widows and those dependant on them.

WPD thanks the Committee for inviting it to submit this report. Please contact us if you require any further information.

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⁹ www.commissionstories.com/africa/stories/view/world-hunger-fund-helps-orphans-widows-in-sierra-leone