

SIERRA LEONE COUNTRY REPORT
LEGAL ACCESS THROUGH WOMEN YEARNING FOR
EQUALITY RIGHTS AND SOCIAL JUSTICE
(L.A.W.Y.E.R.S.) ORGANISATION
AT THE AFRICA REGIONAL CONGRESS OF
INTERNATIONAL FEDERATION OF WOMEN
LAWYERS (FIDA) HELD IN ABUJA, NIGERIA
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INTRODUCTION AND BACKGROUND

Legal Access through Women Yearning for Equality Rights and Social Justice (L.A.W.Y.E.R.S.) was founded in 1997 with a membership of ten female lawyers. The organisation was formally launched on 14th February 1997 by the late Mrs Patricia Kabba, then First Lady of the Republic of Sierra Leone, who was also a lawyer.

The objectives for which L.A.W.Y.E.R.S. is established are:

- a. To advocate for the recognition and protection of the rights of women and girls;
- b. To sensitise and educate the public on human and women rights and gender issues;
- c. To campaign for the reform of laws that discriminate against women and girls;
- d. To advocate for enactment of laws that ensure the rights of women and girl children are enforced.

Soon after the launching, the civil war in Sierra Leone intensified forcing most of its members to leave the jurisdiction. L.A.W.Y.E.R.S was dormant for the rest of the conflict, was reactivated in 2000. and is registered with the Ministry of Social Welfare, Gender and Children's Affairs(MSWGCA). The organisation joined FIDA International as an affiliate member in September 2009.

L.A.W.Y.E.R.S is led by a President (currently Ms Mariama Dumbuya) and 5 woman executive committee elected by members for a 2 year term. Regular general meetings are held. It has established an office in Freetown and employed full time staff. Members provide various kinds of legal services and technical assistance on pro bono basis and also pay

membership dues. A 5 Year Strategic Plan for the period 2009-2014 was finalized in 2008 and is currently being implemented with assistance from partners such as IRC and UNFPA.

According to its constitution, every female lawyer registered to practice in Sierra Leone is a member of L.A.W.Y.E.R.S. Currently, nominal membership stands at eighty women, thirty three of whom are active in the organisation. 10% of L.A.W.Y.E.R.S' members are out of the country and 11(including Chief Justice Umu Hawa Tejan Jalloh) are judges.

Although the number of stipendiary magistrates has increased substantially over the last three years, only two out of 12 are women. The Sierra Leone Bar Association is made up of some 300 members. There are four women advocates in the Law Officers' Department out of a total of nineteen legal professionals.

Women lawyers occupy leadership positions in statutory commissions and other state institutions such as the Human Rights Commission of Sierra Leone. Female lawyers serve as in house counsel in a number of banks and other commercial enterprises while both women judges and lawyers teach at the university and the Law School.

In the wider context, it can be said that the 11 year civil war(1991-2002) had a huge impact on Sierra Leonean women; many of whom were radicalised and forced out of their traditional 'comfort zone' for the first time into the public sphere by the realization that male dominated structures such as government and the army were powerless to protect them and their children in a war that was primarily being waged against unarmed civilians. The anti-war peace movement and return to civilian rule campaigns of the 1990s were spearheaded by women with female lawyers in the forefront.

After the war women have not retreated back to the private sphere and there is an increase in women's participation in all spheres of life in Sierra Leone. After the 2007 elections 14% percent of Sierra Leonean parliamentarians are women and in the last parliament (2002-7)a woman served as Deputy Speaker. The Deputy Speaker of the ECOWAS parliament is also a Sierra Leonean woman. However, presently the president has only a single female cabinet minister and four deputy ministers in a government of 30 ministers.

Women's participation in other aspects of governance and politics has increased (particularly in local government structures) while post war reforms and civil service restructuring have led to increased recruitment as well as promotion of women into the higher cadres of both the military and police. Sierra Leone can now boast of the first and still only female brigadier general in West Africa.

The women's movement in Sierra Leone is fairly well organised and still plays a leading role in civil society. There are several active women's Non Governmental Organisations (NGOs) and community based organisations (CBOs). Over the decades Sierra Leonean women have used strategic networking and coalition building effectively to undertake successful campaigns on women's issues and there are generally good relationships between women's groups from different political, social, religious, economic and geographic affiliations.

ACTIVITIES

BACKGROUND

L.A.W.Y.E.R.S is a member of the Women's Forum of Sierra Leone (a women's civil society networking mechanism) and with other women's groups and the Ministry of Social Welfare, Gender and Children's Affairs has actively participated in various initiatives promoting women's rights, women's health issues and empowerment of women generally.

Since 2000 the organisation has undertaken several specific projects including a Prison Project in 2004, wherein members provided free representation to female prisoners who were held for offences ranging from murder to loitering and even for civil debts. At the outset of the project the Women's section of the Central Prison in the capital, Freetown was very overcrowded and the result of intervention was that more than half of the 57 women in the central prison were acquitted, discharged for want of prosecution or fined.

L.A.W.Y.E.R.S paid the fines and the accused were released from prison. On release, the women were also given some money to start life with. Bail applications were also made on behalf of several on remand and a good number of them were released on bail. The intervention was successfully replicated in Moyamba District, Southern Region. The project culminated in the publication and launch of a comprehensive report on the situation of women in the prison system in Sierra Leone that has been influential in bringing about penal reform and improvement of prison conditions.

Another successful project was the construction and commissioning of two information desks at the Law Courts Building in Freetown; donation of two complete sets of computers, printers and UPS to the High Court of Sierra Leone for use at the information desks as well as provision and regular restocking of the information desks with legal materials such as photocopies of statutes, simplified versions of the 2007 'Gender Justice' laws and other legal literature.

The legal literature includes brochures and guides on; 'How to be a good witness in court', 'How to get a witness to testify when they do not speak English', 'Tips on preparing to meet with a lawyer', 'Simple questions to ask a potential lawyer' and 'What to remember when seeking legal advice'. Copies of the complaint forms designed by L.A.W.Y.E.R.S for women seeking legal aid on women's rights issues are also available at the desks.

After initial reluctance and internal debate over whether direct action advocacy is appropriate for a legal NGO, L.A.W.Y.E.R.S has become involved in the constitutional review process since 2008 participating in various advocacy activities, public debates and drafting position papers.

The organization has also made it a practice to honour its deceased members formally. So in 2005, when one of its 10 original founding members, Justice Valerie Nicol, died it organised (with the Women's Forum) a special Book of Condolences and Tributes ceremony and held a well attended memorial service for her in 2010.

ACTIVITIES 2009-10

LEGAL CLINIC AND LEGAL REPRESENTATION

In July 2009 LAWYERS' legal clinic was set up and commenced work through funding from United Nations Population Fund (UNFPA). Members of L.A.W.Y.E.R.S provide legal advice and court representation to women cases of domestic violence, gender based violence, divorce, desertion, devolution of family property, child trafficking and other related matters.

Since the commencement of the legal clinic, over a hundred women have received free legal advice and L.A.W.Y.E.R.S has appeared on behalf of these women in 40 cases in the Magistrates and High Court. Most of the cases are still ongoing and in 10 matters, interim orders in respect of

maintenance and protection orders have been obtained. However, 5 cases have been discharged for non appearance of witnesses as a result of interference by family members. LAWYERS has pioneered the use of the 'Gender Justice' laws in prosecution of complaints by women.

In addition to legal advice and court representation, L.A.W.Y.E.R.S also provide counseling and support to the women who seek its services. In March 2009 after eleven women political party supporters were reported to have been gang raped at their party premises by political opponents and police officers during a political clash L.A.W.Y.E.R.S assisted the alleged victims to file reports with the police, to make statements and also prepared them to testify to a Commission of Enquiry set up to investigate the allegations.

SENSITISATION AND PUBLIC EDUCATION

From 2009 to mid 2010 several sensitisation workshops were undertaken on 'The Gender Justice Acts' i.e. the Domestic Violence Act of 2007, the Devolution of Estates Act 2007 and the Registration of Customary Marriage and Divorce Act 2007. The general membership of L.A.W.Y.E.R.S were first sensitised on the new laws during an experts meeting conducted by 3 lawyers who had been directly involved in the process of developing and enacting the laws in 2007. L.A.W.Y.E.R.S then also sensitised the general public through radio and television discussions and by presentations at activities organised by other NGOs and agencies. Two further workshops were conducted specifically for judges and magistrates on the three Acts.

14th February 2010, the foundation anniversary of the organisation, members visited two general markets in the city and the main government referral maternity hospital in the capital to sensitise women on the three 'Gender Justice' Acts. As part of the International Women's Day 2010 celebration, the President of L.A.W.Y.E.R.S facilitated sessions on women rights at training workshops organised by the Women Solidarity Support Group (WSSG) in Koidu.

L.A.W.Y.E.R.S also conducts public education through issue of press releases. This was done in the immediate aftermath of the SLPP Headquarters Rape incident in March 2009. In continuation of its sensitisation mandate, on 5th March 2010 the organisation issued another press release concerning reports of rising incidents of rape in Kono district in Eastern Region on 5th March and in April 2010 on the occasion of the President's launching of the Free Healthcare program.

On International Women's Day (8th March 2010) with sponsorship of the telephone company (COMIUM), L.A.W.Y.E.R.S initiated another type of sensitisation program by sending unsolicited text messages on 'the Gender Acts' to telephone subscribers of the Comium mobile network.

The March 2010 press release was also accompanied by a program of jingles and dramatisations on the 3 Gender Acts broadcasted throughout the month of March 2010 on the Sierra Leone Broadcasting Corporation and other major radio stations. The jingles and drama were broadcasted three times a day on four days. This raised a great deal of awareness among women and prompted several to visit the legal clinic for advice and legal representation.

LEGAL REFORM & REPORTING

L.A.W.Y.E.R.S has played an active role in the current public consultations on proposed amendments to Matrimonial Causes Act and a new draft consolidating Sexual Offences Act. It is being proposed that the current notion of 'matrimonial offences' would be replaced by 'grounds for divorce' that would now include rape, sodomy or bestiality, drunkenness, imprisonment for more than three years or conviction for murder or any offence involving serious bodily harm, non maintenance for at least two years and knowingly infecting a spouse with HIV/ AIDS.

L.A.W.Y.E.R.S also provided technical assistance in the consultative process and drafting of the Sierra Leone Action Plan (SiLNAP) on United Nations Security Council Resolution 1325 which was finally adopted and launched in May 2010.

The ongoing national periodic report writing process for CEDAW is also benefiting from input from L.A.W.Y.E.R.S; members have also contributed to the draft Criminal Procedure Act.

PUBLIC INTEREST LITIGATION

In early 2010, L.A.W.Y.E.R.S joined forces with the Human Rights Commission of Sierra Leone (HRCSL) and other Women's groups and NGOs to support two test cases brought by women under the Chieftaincy Act 2009 seeking to enforce the rights granted to women to contest the traditional office of paramount chief on equal basis with men. Although the first applicant was unable to secure her right to contest, in the second case the High Court enjoined the electoral process until the female contestant's name was restored to the ballot.

Members of the organisation were invited to participate in a High Level Experts Meeting on ‘Women’s Rights Issues in the Chieftaincy Act 2009’ convened by HRCSL in preparation for a constitutional challenge in the Supreme Court.

WOMEN AND POLITICS

L.A.W.Y.E.R.S is part of the M30% Taskforce established under the leadership of the MSWGCA to implement the Government’s commitment to establish a minimum 30% quota for women in all aspects of leadership. The organisation is now part of the Drafting and Legal Issues sub committee of the M30% Taskforce. The Taskforce has set itself the target of attaining the Minimum 30% Quota in time for it to be used for the 2012 general elections.

WOMEN’S HEALTH

On 27th April this year, President Koroma launched a “Free Health Care Program for Pregnant Women, Lactating Mothers and Children under five years of age” aimed at reducing infant and maternal mortality. L.A.W.Y.E.R.S subsequently made a press release in support of the program as a way of further sensitising members of the public on the health program.

A national debate was initiated this year on the status of the abortion law and other reproductive health issues and L.A.W.Y.E.R.S is actively taking part in these debates which are still ongoing.

KEY CHALLENGES

The organisation has been faced with several key challenges amongst them are

- ❖ Inadequate funding to effectively carry out some of the activities stipulated in the Strategic Plan.
- ❖ Time constraints on members for voluntary service.
- ❖ Reluctance of some members of the Bench to recognise and attach the required importance to domestic and gender based violence cases.
- ❖ Insufficient instances of public interest litigation.

- ❖ Interference with witnesses by relatives and family members in domestic violence and sexual abuse cases.

RECOMENDATIONS AND WAY FORWARD

- ❖ More sensitization and training is needed for Judges, Lawyers, Enforcement and Implementing Agencies and Parliamentarians on the different laws dealing with women's and children's rights.
- ❖ Training sessions for judiciary staff to manage the information desks at the Law Court's Building effectively.
- ❖ Inspiring and Mentoring female aspirants for the next general presidential, parliamentary and local government elections.
- ❖ Re-invigorated Advocacy and direct action for the passage of the Sexual Offences Act, the Matrimonial Causes Act and the amendment of the 1991 Constitution by the end of the 1st quarter of 2011.
- ❖ Continuation of the legal clinic and legal representation for women on a pro bono basis.
- ❖ Expansion of contacts and networking with professional colleagues in the sub-region and across Africa.
- ❖ Concerted advocacy for speedy ratification of the Protocol to the African Charter on Women Rights (the Maputo Protocol) and for speedy implementation thereafter, particularly the provisions on women's reproductive health rights .
- ❖ L.A.W.Y.E.R.S plans to focus on legal aspects of women's economic empowerment. It will seek support to organise media sensitisation activities, policy advocacy, workshops and seminars on economic rights investment and business opportunities, and women's role in and relationship in privatisation.

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