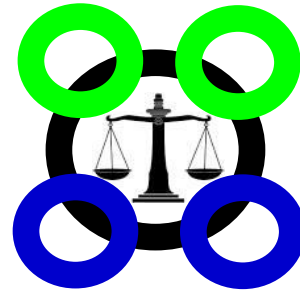




The Global Initiative
for Economic, Social and Cultural Rights



**Human Rights Defenders Network-
Sierra Leone**

**JOINT PARALLEL REPORT TO THE UNITED NATIONS
HUMAN RIGHTS COMMITTEE**

SIERRA LEONE, 110th Session (10 – 28 March 2014)

Submitted by:

The Human Rights Defenders Network - Sierra Leone

and

The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)

About the Submitting Organizations:

The Human Rights Defenders Network -Sierra Leone (HRDN-SL) is a coalition of human rights civil society organizations working towards promoting and protecting human rights. It was established as a local chapter upon the inspiration and support of the West Africa Human Rights Defenders Network (WAHRDN) - Togo and International Service for Human Rights (ISHR) - Geneva.

As a local chapter, we seek to promote the participation of civil society organizations to analyze and evaluate human rights issues for effective and strategic advocacy, campaign and lobby approach match with transparency and accountability for a just and equitable society for all..

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The Global Initiative for Economic, Social and Cultural Rights seeks to advance the realization of economic, social and cultural rights throughout the world, tackling the endemic problem of global poverty through a human rights lens. We believe this crisis — wherein close to 2 billion people worldwide daily lack access to adequate nutrition, health care, education, housing, water and sanitation — will only be overcome through the concerted efforts of human rights, women's rights, environmental and development organizations and agencies. The Global Initiative seeks to play a catalyzing role in fostering these cross-sector partnerships on key issues. We can change the world as we know it into a world where all economic, social and cultural rights are respected, protected and fulfilled, so that all people everywhere are able to live in dignity.

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Women's Land and Property Rights in Sierra Leone (Articles 2, 3 and 23(4) and 26)

1. This shadow report addresses the current situation of women in Sierra Leone with respect to the status of their land and property rights. Women in Sierra Leone have a close relationship with the land. The majority of women live in rural areas and deliver 60-80% of the agricultural output of the country. However, whilst women constitute the majority of the agricultural workforce, they have never had full access or control of land or property in Sierra Leone.¹ This means that in many parts of the country women can access land only through their husbands or other male family members, and are vulnerable to losing their access to land in cases of divorce or widowhood.² According to Women's Partnership for Justice and Peace, a local non-profit organization in Sierra Leone: "Women use the land more. But when it comes to ownership, women do not own the land."³

2. Under international human rights law, women have an equal right to land and property, and to non-discrimination in these areas, as provided for in the International Covenant on Civil and Political Rights (ICCPR), the Convention of Elimination of Discrimination Against Women (CEDAW) and the International Covenant of Economic, Social and Cultural Rights (ICESCR) - all ratified by the Sierra Leone Government. In its previous Concluding Observations (2007) on Sierra Leone, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) noted that it was "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 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" (emphasis added, UN Doc. CEDAW/C/SLE/CO/5, at para. 36). The CEDAW Committee at the time specifically urged the State party to take appropriate measures to eliminate all forms of discrimination against rural women with respect to land ownership and inheritance (UN Doc. CEDAW/C/SLE/CO/5, at para. 37).

3. Since that time, the *de facto* situation of women's land rights in Sierra Leone has not significantly improved due to lack of effective implementation of protective legislation and the continued application of customary law which discriminates against women. This problem goes to the issue of "... measures taken to modify or eliminate harmful cultural practices and customs, eradicate patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identity of women and men in the family and society in general," as highlighted in the Human Rights Committee's List of Issues respective to Sierra Leone (UN Doc. CCPR/C/SLE/Q/1, at para. 6).

¹ The Social Institutions and Gender Index (SIGI) of the Organisation for Economic Co-operation and Development (OECD) reports that while women constitute the largest group of agricultural labourers in Sierra Leone (in Sierra Leone, about 60 to 80 percent of the people working in the agricultural sector are women), they have never had secure rights to land, which is governed by customary rules. See: Social Institutions and Gender Index (SIGI) of the Organisation for Economic Co-operation and Development (OECD), country profile on Sierra Leone, available online at: <http://genderindex.org/country/sierra-leone>

² Ibid.

³ As quoted in: IRIN News, 'Sierra Leone: Fighting for women's right to land,' 22 June 2012, available online at: <http://www.irinnews.org/report/95705/sierra-leone-fighting-for-women-s-right-to-land>

4. While the State Party's report to the Human Rights Committee makes no mention of women's land rights, the State Party's recent report to the CEDAW Committee acknowledges that "Considering the land tenure system in Sierra Leone, it is surprising that only half of the rural women had access to adequate land resources to farm. Land belongs to families and family members could farm on as much as they could manage to cultivate. It is not clear from the survey the reasons why rural women did not have access to adequate land for farming" (emphasis added, UN Doc. CEDAW/C/SLE/6 at para. 205).

5. While there is protective legislation in Sierra Leone, the *de facto* situation of women's land rights in Sierra Leone falls short of the protections offered to women under the Covenant on Civil and Political Rights (Articles 2, 3 and 23(4) and 26). The Human Rights Committee has underscored that "During marriage, the spouses should have equal rights and responsibilities in the family. This equality extends to all matters arising from their relationship."⁴ The Committee also specifically notes that women have equal rights to marital property and inheritance.⁵ On the discriminatory application of customary law, General Comment No. 28 on the equality of rights between men and women by the Human Rights Committee is also instructive. There, the Committee highlights that States parties should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women's right to equality before the law and to equal enjoyment of rights.⁶

6. For example, the enactment of the Devolution of Estates Act 2007 (one of the Gender Acts) improved the protection for inheritance rights of women, but the protection afforded within the Act, and under Sierra Leone law generally, provides for only specific types of ownership (private, individual property ownership) and is not applicable to the majority of properties and rural land found outside of the Western Area. Consequently, women's rights to own and use property are deeply encumbered throughout most of the country. Even within the Western Area, women are facing severe challenges around property and land rights.

7. According to the Social Institutions and Gender Index (SIGI) of the Organisation for Economic Co-operation and Development (OECD), while positive legal reforms have been made in the areas of marriage, divorce, and inheritance, the application of customary law in Sierra Leone continues to disadvantage and discriminate against women in relation to their land and property rights. It reports that: "[with the new Devolution of Estates Act (2007), men and women now have the same inheritance rights in the event of the death of a spouse or a parent, regardless of religious or ethnic identity. In addition, it is now a criminal offence for a widow to be evicted from the home that she shared with her husband, although there are still certain types of property that cannot be passed to a widow (namely 'family property' and 'community property'). There is, however, widespread ignorance about civil legislation relating to inheritance, and as a result, it is rarely effectively enforced" (emphasis added).⁷

⁴ United Nations Human Rights Committee, General comment No. 19: Article 23 (The family) (Thirty-ninth session, 1990), U.N. Doc. HRI/GEN/1/Rev.9 (Vol. I), pp. 198-199.

⁵ Ibid.

⁶ United Nations Human Rights Committee, General comment No. 28: Article 23 (The equality of rights between men and women) (Sixty-eighth session, 2000), U.N. Doc. HRI/GEN/1/Rev.9 (Vol. I), pp. 228-234.

⁷ Social Institutions and Gender Index (SIGI) of the Organisation for Economic Co-operation and Development (OECD), country profile on Sierra Leone, available online at: <http://genderindex.org/country/sierra-leone>

8. Similarly, the organization Action Aid, in a report addressing the status of women's land rights in Sierra Leone, found that "... despite women's immense contribution to agriculture and food production [in Sierra Leone] and the fact that they constitute the largest group of agricultural labourers, most of them usually only access small plots of land for purposes of household gardening. They rarely own or control land."⁸ At the statutory level, while some good laws exist, there is no coherent framework which defines and protects women's secure rights to land. The customary tenure system, which applies to rural communities in the provinces, is also discriminatory against women because, in general: "wives are considered as 'strangers' or properties themselves. Daughters are considered as 'leavers.' {n.b. meaning that they will eventually join another family through marriage} This classification excludes most women from having the right to own or inherit land. Bluntly put, women in Sierra Leone have never had full control over land that is governed by customary rules."⁹

9. Women often face violence and poor treatment which is intrinsically linked to their land and property rights violations. Securing women's rights to housing and land is therefore fundamental to ensuring that women are able to enjoy their rights to non-discrimination and equality, to improving women's economic status and their lives, and to ensuring that women have the ability to leave potentially harmful situations. It is also an essential step to women's economic empowerment and therefore the development of communities and the country overall. Women who own land and property can make decisions that benefit themselves, their families and their communities.¹⁰

10. The 2011 African Union (AU) Guidelines and Framework for Land Policy seek to strengthen land rights of women, and enhance access to land through tenure reform and also contain redistributive reforms and prescribes best practices in this area. The Guidelines are a global reference for best practices in governance of tenure rights and the framework explicitly recognizes the challenge of discrimination against women when it comes to ownership and control of land resources. Nationally, work has been undertaken by the Ministry of Land with the support of UNDP to develop a National Land Policy which aims at reform of the land tenure system throughout the country. The draft policy makes a range of recommendations, which will need to be operationalised over the coming years, including the establishment of a National Land Commission, District Land Committees, and at the local level Community Land Committees. Whilst the draft National Land policy has taken positive steps to address some of the discrimination that women face through the land tenure system, it is vital that legislation is developed to protect women from discriminatory practices and beliefs. Change around these

⁸ ActionAid, 'Women's Land Rights Project in Guatemala, India, and Sierra Leone: Empowering poor and excluded women and fighting against poverty and hunger through enhanced access to and control over land - Consolidated Baseline Report,' June 2012.

⁹ Ibid.

¹⁰ In a HRDN-SL random sampling interview, 66% of the women interviewed said they were not involved at all in household decision-making, planning and implementation, and 33% were only involved (informed) in consultations at the end of the decision making process. 93% of these women said this denial of the right to decision making, planning and implementation at the household and community level affects their ability to educate themselves and their children, access to health facilities, and participate as equal citizens in their localities.

issues needs to simultaneously come from the community level in terms of ‘hearts, minds and behavioural’ change.

11. Another issue of concern is the impact of large scale land purchases (or land grabbing) on women’s already tenuous land rights in Sierra Leone. According to Women’s Land Rights Unit of the Sierra Leone Network on the Right to Food, “In the past four years alone, more than 20 percent of the country’s total arable land has been granted to foreign investors on leases of fifty years (with possible extensions) for large-scale industrial agriculture. However, the government does not currently have a clear policy on land acquisitions, or sufficient provisions to protect women’s land rights.”¹¹

Recommendations

12. In light of the above information, the Human Rights Defenders Network of Sierra Leone and the Global Initiative for Economic, Social and Cultural Rights respectfully suggests that the Human Rights Committee urge the State party to take the following measures:

- 1) Call upon the State party to take appropriate measures to eliminate discrimination against women with respect to land ownership and inheritance. Laws that are currently in place protecting women’s land, property and inheritance rights must be effectively promulgated and enforced.
- 2) Also call upon the state party to ensure the establishment of a National Land Commission, District Land Committees, and at the local level Community Land Committees, and to ensure that women are able to meaningfully participate in these institutions.
- 3) Ensure that women’s secure land rights are protected within the context of large scale land acquisitions, and ensure that land lease contracts do not result in forced eviction and internal displacement or the increased food insecurity and poverty of local populations, including women and girls. Affected women should also be able to participate fully in decision-making processes related to such land acquisitions.
- 4) Take immediate steps to address and remedy the application of negative customs and traditional practices, especially in rural areas, which affect the enjoyment of women’s land and property rights. The State party should ensure that community land governance committees include women representatives so as to better protect women’s secure land rights at the community level.
- 5) Sensitize communities on ‘hearts, minds and behavioural’ change, and build the capacity of local traditional authorities to protect women’s land rights at the local level, in particular by raising awareness of women’s land rights under international and national law.

¹¹ Mariama Tarawallie, ‘Women in Sierra Leone: Resisting dispossession,’ 13 December 2013 (as posted on OpenDemocracy.net and available online at: <http://www.opendemocracy.net/5050/mariama-tarawallie/women-in-sierra-leone-resisting-dispossession>)