



The Global Initiative
for Economic, Social and Cultural Rights

**PARALLEL REPORT TO THE UNITED NATIONS COMMITTEE
ON THE ELIMINATION OF DISCRIMINATION AGAINST
WOMEN**

SIERRA LEONE, 57th session (10 Feb 2014 - 28 Feb 2014)

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

Address:

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

8 North 2nd Ave. East, #208

Duluth, MN 55802, USA

Phone/Fax: +1 218 733 1370

Email: Mayra@globalinitiative-escr.org, Website: www.globalinitiative-escr.org

Women's Land and Property Rights in Sierra Leone (ARTICLES 2, 3, 5, 14 and 16)

1. This shadow report addresses the current situation of women in Sierra Leone with respect to the status of their land and property rights. 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 and a lack of adequate health services, education, economic opportunities, including credit facilities, and access to justice. The Committee is concerned about the prevalence of harmful traditional practices, such as early marriages, and expresses its particular concern about the persistence of customs and traditions regarding access to land and inheritance that adversely affect women’s equality and advancement” (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).

2. The *de facto* situation of women’s land rights in Sierra Leone has not significantly improved since the last review due to lack of effective implementation of protective legislation and the continued application of customary law which discriminates against women. The State Party report currently under consideration 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).

3. 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: “[w]ith 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).¹

4. The SIGI also 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. This means that in many parts of the country women can

¹ 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>

access land only through their husbands or other male family members, and are vulnerable to losing their access to land.² According to Gladys Brima, the founder of 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

5. The organization ActionAid, in a report addressing the status of women's land rights in Sierra Leone, similarly 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."⁴ 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."⁵

6. 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 Mariama Tarawallie, the Women's Land Rights Project Coordinator with 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."⁶

7. This situation of women's land rights in Sierra Leone falls short of the protections offered to women under CEDAW Articles 2(f), 3, 5(a), 14 (1) (2a, f, g & h) and 16 (1c & h). The CEDAW Committee has specifically recognized that "the right to own, manage, enjoy and dispose of property is central to a woman's right to enjoy financial independence, and in many countries will be critical to her ability to earn a livelihood and to provide adequate housing and nutrition for herself and for her family."⁷ On inheritance, the Committee has observed that "There are many countries where the law and practice concerning inheritance and property result in serious discrimination against women. ... Often inheritance rights for

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 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.

⁵ Ibid.

⁶ 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>)

⁷ United Nations Committee on the Elimination of Discrimination against Women, General Recommendation 21, Equality in marriage and family relations (Thirteenth session, 1992), U.N. Doc. A/49/38 at 1, 1994, para. 26.

widows do not reflect the principles of equal ownership of property acquired during marriage. Such provisions contravene the Convention and should be abolished.”⁸

Recommendations

8. In light of the above information, the Global Initiative respectfully suggests that the CEDAW Committee urge the State party to take the following measures:

- 1) Reiterate its previous call for the State party to take appropriate measures to eliminate all forms of discrimination against rural women with respect to land ownership and inheritance, and further call on the State party establish a clear and coherent legal framework to protect women’s secure land rights. Laws that are currently in place protecting women’s land, property and inheritance rights must be effectively promulgated and enforced.
- 2) Ensure that women’s secure land rights are protected within the context of large scale land acquisitions, and ensure that 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.
- 3) 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.
- 4) Sensitize 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 CEDAW as well as under national law.
- 5) Take positive steps to ensure that women have access to productive land, agricultural credits, seeds, tools and other necessary resources to make their farming practices sustainable and productive.

⁸ Ibid, para. 35; See also: paras. 7-8, 26-29, 30-34.