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SUBMISSION TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD

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INTRODUCTION

Amnesty International submits this briefing in advance of the September 2016 consideration of Sierra Leone's combined third to fifth periodic report on the measures taken to respect, protect and fulfil girls' human rights under the United Nations (UN) Convention on the Rights of the Child. It sets out Amnesty International's concerns regarding the State party's failure to uphold the right to non-discrimination (Article 2), the right to education (Articles 28 and 29 (a, b and d)), the right to information (Article 17), the right to privacy (Article 16), the right to be free from violence (Article 19), the right to be free from inhuman and degrading treatment and punishment (Article 37) and the right to health (Article 24). Also enclosed with this submission is a copy of a report by Amnesty International entitled '*Shamed and Blamed: Pregnant girls' rights at risk in Sierra Leone*,'¹ published in November 2015, and containing information pertinent to the rights of girls in Sierra Leone, including direct testimony from girls and the experts, such as teachers and children's rights activists, who work with them.

PREGNANT GIRLS BANNED FROM MAINSTREAM SCHOOL AND EXAMS (articles 2, 28, 29 (a, b and d))

In March 2015, as Sierra Leone was moving forward and beginning to return services to normality after the 2014 Ebola outbreak, the head of the Ministry of Education, Science and Technology, Minister Bah, made various media statements indicating that pregnant girls would not be allowed in schools or to sit exams. He specified in verbal statements in meetings and to the press in March 2015 that this ban would apply to "visibly pregnant" girls, in part because in his view: "[pregnant girls'] presence in the classroom would serve as a negative influence to other innocent girls."² On 2 April 2015, the Ministry of Education, Science and Technology published a policy statement outlining the government's position on pregnant school girls. The document formally indicated that girls who were pregnant would not be allowed in the school setting.³

The practice of excluding pregnant girls from schools and from sitting exams pre-dates the outbreak of Ebola – for example as long ago as 2004 the Human Rights Commission of Sierra Leone described the practice as "discriminatory and archaic."⁴ However, the March 2015 official declaration by the Sierra Leonean Government of

¹ See '*Shamed and Blamed: Pregnant girls' rights at risk in Sierra Leone*' 6 November 2015, Index number: AFR 51/2695/2015 Available at: <https://www.amnesty.org/en/documents/document/?indexNumber= afr51%2F2695%2F2015&language=en>

² See article from Ebola Deeply, No Multiplication in Sierra Leone's Classrooms, as Pregnant Girls Barred from Schools, 17 March 2015, <http://www.eboladeeply.org/articles/2015/03/7540/multiplication-sierra-leones-classrooms-pregnantgirls-barred-school/> (accessed 9 September 2015). For further press coverage see Awoko newspaper, 'Pregnant girls will not be allowed in school' – Education Minister, 25 March 2015, <http://awoko.org/2015/03/25/sierra-leone-news-pregnant-girls-will-not-be-allowed-in-school-education-minister/> (accessed 10 September 2015). See also VOA News, Schools reopen in Sierra Leone, but ban pregnant girls, 13 April 2015, <http://www.voanews.com/content/schools-reopen-in-sierra-leone-but-ban-pregnant-girls/2717246.html> (accessed 10 September 2015). 3 Statements had been made earlier in February 2015 by high ranking officials of the Ministry of Education, Science and Technology that pregnant girls/ young women would be barred from taking exams and going back to school which prompted concerns by civil society organizations. See for example Human Rights Commission of Sierra Leone, Ensuring the right to access education by pregnant girls and young mothers, 25 February 2015, <http://www.hrcsl.org/content/ensuring-right-access-education-pregnant-girls-and-young-mothers> (accessed 9 September 2015).

³ The full text of this policy statement can be found in Appendix 1 of the report *Shamed and Blamed: Pregnant girls' rights at risk in Sierra Leone* AI Index: AFR 51/2695/2015. Available at: <https://www.amnesty.org/en/documents/document/?indexNumber= afr51%2F2695%2F2015&language=en>

⁴ See Truth and Reconciliation Commission, Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission, 2004 (Report of the Sierra Leone TRC). Available at: <http://www.sierraleonetr.org/index.php/view-report-text-vol-2/item/volume-Index: AFR 51/4583/2016>

the ban on pregnant girls as a policy has cemented the pre-existing discriminatory practice. This policy has sparked renewed debate and serious concern about girls' human rights in Sierra Leone and constitutes a worrying retrogression in the protection of girls' human rights. Amnesty International considers that this policy is blatantly discriminatory and is founded in - and reinforces - negative stereotypes about girls. The ban on visibly pregnant girls attending school and sitting exams violates their right to education and non-discrimination.

In Sierra Leone education is being treated as a privilege that can be taken away from girls as punishment for getting pregnant, rather than as the right of all children. The banning of girls from mainstream school and from taking exams is a human rights violation with long-term implications in a country where just 52% of girls aged 15-24 are literate. The ban on pregnant girls attending mainstream school and sitting exams creates additional obstacles for these girls to progress into further education or secure employment. The ban therefore risks that early pregnancy becomes the event that defines the rest of a girl's life. It also disproportionately impacts on girls living in poverty, who are less likely to have the resources or support to secure child care in order to return to school after giving birth.

The "bridging" education system - which was established as an alternative for pregnant girls by the Sierra Leonean government offering them schooling at a different time or on a different premises to their peers - has been welcomed by some girls, but it is not a solution for those girls who want to continue attending regular classes. There have been concerns expressed that the curriculum is not the same as that taught in mainstream school, and does not prepare them for the exams. The lack of choice between the mainstream and the alternative system continues to be a concern for the girls, as well as all the stigmatization created by the persistence of the ban. The choice between mainstream or alternative systems, or whether or not girls sit exams, should be that of girls.

In 2014, the Committee outlined in its concluding observations to Indonesia that compliance with its international legal obligations under the Convention in relation to pregnant girls and their human right to education required that steps be taken to: "Ensure that married adolescents, pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools and that they can combine child rearing and completing education."⁵ (emphasis added)

The Committee has specifically said "*Discrimination based on adolescent pregnancy, such as expulsion from schools, should be prohibited, and opportunities for continuous education should be ensured.*"⁶ In addition, Sierra Leone has not heeded concerns raised by the Committee on the Elimination of Discrimination against Women concerning girls' lack of access to education, including for reasons such as pregnancy. In 2014 that Committee urged Sierra Leone to: "*Ensure that sexual abuse and harassment in school are adequately addressed and punished, and effectively implement the National Strategy for the Reduction of Teenage Pregnancy (2013) and the Code of Ethics for Teachers, and remove all barriers to school attendance by pregnant girls and young mothers.*"⁷ On a previous occasion in 2007, the same UN Committee urged the Sierra Leonean government to "*implement measures to ensure equal access for girls and women to all levels of education and retention of girls in school.*"⁸

Unfortunately, there has been little progress made by the government of Sierra Leone on this issue since the publication of Amnesty International's report in November 2015, despite significant advocacy by international and local organisations. The ban on pregnant girls attending mainstream school and sitting exams is still in effect. There have been three sets of exams since the ban was officially pronounced by the Ministry of Education in March 2015 and pregnant girls have been banned from sitting exams on each occasion.

Further, Sierra Leone did not accept recommendations made by several countries to lift the ban during its recent Universal Periodic Review adopted by the UN Human Rights Council in June 2016⁹.

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⁵See para. 60 (c) of the CRC Concluding Observations: Indonesia CRC/C/IDN/CO/3-4 (10 July 2014) and further, see para. 48 (b) CRC, Concluding Observations: Guyana: CRC/C/15/Add.224 (30 January 2004) for example.

⁶ See para. 56 of General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24) UN Doc CRC/C/GC/15.

⁷ See para. 29 (c) of the CEDAW Concluding Observations: Sierra Leone CEDAW/C/SLE/CO/6 (10 March 2014).

⁸ See para. 31 of the CEDAW Concluding Observations: Sierra Leone CEDAW/C/SLE/CO/5 (11 June 2007).

⁹ Amnesty International, *Sierra Leone must Protect and Promote Women and Girls' Human Rights, including to Education and Physical integrity* 29 June 2016, available at <https://www.amnesty.org/en/documents/afr51/4353/2016/en/> (Accessed 1 July 2016).

LACK OF INFORMATION ABOUT THE NUMBER OF GIRLS BANNED FROM SCHOOL AND EXAMS

It is not clear how many girls are affected by the ban. Official figures published in June 2015 suggested three thousand girls had become pregnant since the start of the Ebola outbreak¹⁰, but experts mapping the situation indicate that the true figure is far higher, and likely to be at least ten thousand girls. The government denies these figures, but has yet to publish data on the number of teenage pregnancies, despite the fact that a mapping exercise was conducted across the country by the authorities, jointly with UN agencies, in 2015.¹¹

HUMILIATING AND DEGRADING TREATMENT AND PUNISHMENT OF PREGNANT GIRLS (articles 2, 17, 19 and 37)

Since the ban came into force, girls have experienced discriminatory and degrading treatment by teachers and other authority figures, some of whom have conducted pregnancy tests, violating their rights to privacy and to be free from discrimination. In some cases, pregnancy tests have been conducted through humiliating and degrading treatment. Amnesty International interviewed girls who had experienced or witnessed others being subjected to degrading procedures by teachers and others, such as nurses. For example, girls have publicly had their breasts and stomachs felt by adults on school premises to see if they are pregnant. Some girls have been compelled, by their schools, to take urine tests.¹²

Girls described acute embarrassment and fear at being subjected to such treatment when they tried to attend school or sit exams. Fear of being “tested” for pregnancy and/or turned away from school has meant that some girls who are pregnant stay away from school. Others, fearing that they may become victims of these humiliating procedures, decided to put their health at risk by strapping their stomachs and breasts down in order to hide their pregnancy. The extent of the practice of girls strapping themselves or using other means to hide their pregnancy is difficult to assess. Such “testing” of girls is a serious violation of their right to physical integrity, right to be free from discrimination, right to be free from degrading treatment and their right to privacy. To date, no official directive has been issued by the government to schools prohibiting them from conducting tests to ascertain girls’ pregnancy status.

RECOMMENDATIONS:

Amnesty International urges the Sierra Leonean government to:

- Guarantee girls’ human rights to non-discrimination and education by immediately lifting the ban on pregnant girls who wish to attend mainstream school and sit exams.
- Urgently issue a directive to all schools prohibiting the checking or testing of girls for pregnancy to protect their rights to privacy, physical and mental integrity and their right to be free from discrimination, as well as humiliating and degrading treatment.

CONCERNS ABOUT GIRLS’ RIGHT TO BE FREE FROM VIOLENCE (article 19) AND RIGHT TO HEALTH INFORMATION INCLUDING ACCESS TO EMERGENCY CONTRACEPTION AND SAFE ABORTION PRACTICES (ARTICLE 24 and Article 17)

In March 2016, President Ernest Bai Koroma refused to sign a bill which legalised abortion, despite the fact that it had been adopted by Parliament on two occasions.¹³ Research conducted by various organisations confirms that there was a rise in the number of girls becoming pregnant during the Ebola crisis. This can be attributed to a number

¹⁰ Ministry of Education, Science and Technology policy statement, *School Reopening Sub-Group – Special Needs Pregnant Adolescent School Girls* (This policy document is not dated but it is understood from interviews conducted by Amnesty International with experts to be from June – July 2015). See further ‘*Shamed and Blamed: Pregnant girls’ rights at risk in Sierra Leone*’ 6 November 2015, Index number: AFR 51/2695/2015 Available at: <https://www.amnesty.org/en/documents/document/?indexNumber= afr51%2F2695%2F2015&language=en>.

¹¹ See page 13 of the report ‘*Shamed and Blamed: Pregnant girls’ rights at risk in Sierra Leone*’ 6 November 2015, Index number: AFR 51/2695/2015 Available at: <https://www.amnesty.org/en/documents/document/?indexNumber= afr51%2F2695%2F2015&language=en>.

¹² See ‘*Shamed and Blamed: Pregnant girls’ rights at risk in Sierra Leone*’ 6 November 2015, Index number: AFR 51/2695/2015 Available at: <https://www.amnesty.org/en/documents/document/?indexNumber= afr51%2F2695%2F2015&language=en>.

¹³ See further, BBC, *Sierra Leone abortion bill blocked by President Bai Koroma again*, 12 March 2016, available at <http://www.bbc.com/news/world-africa-35793186> (Accessed 1 July 2016) and Amnesty International, *Sierra Leone: Sign Bill Allowing Safe Abortions*, 4 February 2016 available at <https://www.amnesty.org/en/latest/news/2016/02/sierra-leone-sign-bill-allowing-safe-abortions/>.

of factors, including a higher number of incidents in which girls were targeted for sexual violence, including abusive and exploitative relationships. Information about, and access to, post-rape health care - already scarce and provided by very few clinics prior to the outbreak - was severely curtailed. Even where such emergency healthcare may have been available, many girls had difficulty accessing the assistance necessary to both seek protection from, but also manage the consequences of, sexual violence and prevent unwanted and high-risk pregnancy, since such care is very rarely available from primary health care centres.¹⁴ Access to sexual and reproductive healthcare information, services and goods was also limited and lack of access to comprehensive sexuality education is a consistent concern.

RECOMMENDATIONS

Amnesty International calls on the Sierra Leonean government to:

- Develop a Comprehensive Sexuality Education programme as part of the curricula delivered in all schools and take effective governmental action to respect, protect and fulfil girls' human rights to health, access to information and protection from violence.
- Increase efforts to prevent and protect girls from violence , lift the ban on abortion and guarantee access to safe and legal abortion services in line with its international human rights obligations, as well as increase the availability and accessibility to quality and acceptable sexual and reproductive healthcare information, services and goods.
- Improve girls' access to cost free post rape services and sexual and reproductive health care. Additionally, the government must take steps to guarantee the right of all girls (including rape victims) to information about, and access to, free emergency contraception.¹⁵

¹⁴ See pages 11-13 of the report *'Shamed and Blamed: Pregnant girls' rights at risk in Sierra Leone'* 6 November 2015, Index number: AFR 51/2695/2015 Available at: <https://www.amnesty.org/en/documents/document/?indexNumber=afr51%2F2695%2F2015&language=en>.

¹⁵ The Committee has underlined state obligations in relation to emergency contraception on previous occasions. For example in CRC/C/CR1/CO/4, the CRC urged Costa Rica to “**Ensure that girls and adolescents have free and timely access to emergency contraception and raise awareness among women and girls about their right to emergency contraception, particularly in cases of rape**”. Further, other UN expert Committees have also urged states to protect girls' right to information about and cost free access to emergency contraception. See for example CESCR E/C.12/BFA/1 at para 47 (b) also urges free access to emergency contraception, including for rape victims.