

Irish Working Group on Gender Based Violence in Sierra Leone

POLICY BRIEF

On the implementation of the Sexual Offences
(Amendment) Act, 2019 in Sierra Leone



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In the pursuit of a safer, and more just society, Sierra Leone enacted the Sexual Offences (Amended) Act, 2019. The implementation of this legislative milestone serves as a step towards the eradication of sexual violence and ensuring the protection, empowerment, and dignity of every citizen.

This policy brief examines the implementation status of the Sexual Offences (Amended) Act 2019 in Sierra Leone, providing a concise overview of its achievements, gaps, and recommendations for improvement. Our analysis aims to inform stakeholders including policymakers about the current landscape of sexual offences and highlight areas for further attention and enhancement.



Figure 1: Safe Space Facilitator pose to explain power dimensions at Kotumahun Karankay, Gbo, Bo District

Pursuing justice for survivors



Situation Analysis

Key Legal Provisions under the SOAA 2019

State institutions are yet to implement some of the key provisions under the Act that are critical to effectiveness.

Table 1 Scale of implementation by legal provisions under the Act

| Section | Legal provision under the SOAA 2019 | Scale of implementation |
|---------|--|-------------------------|
| 6 | Free medical treatment and a free medical report for survivors/victims | 2 |
| 7(1) | Rules for regulating the practice and procedures under this Act | 2 |
| 7(2) | Compulsory sentencing guidelines | 1 |
| 8 | Criminalize settlement and compromise | 3 |
| 9 | Rules for setting up of child panels | 1 |
| 9 | Rules for compulsory counseling | 1 |
| 9 | Rules for establishing, maintaining and publishing annually a sexual offenders database | 1 |
| 9 | Rules for setting up of approved schools | 1 |
| 9 | Provisions for rape kits, training of forensic experts, and setting up of forensic labs | 1 |
| 10 | Produce and present to Parliament an annual report of the status of implementation of the SOAA, 2019 | 1 |

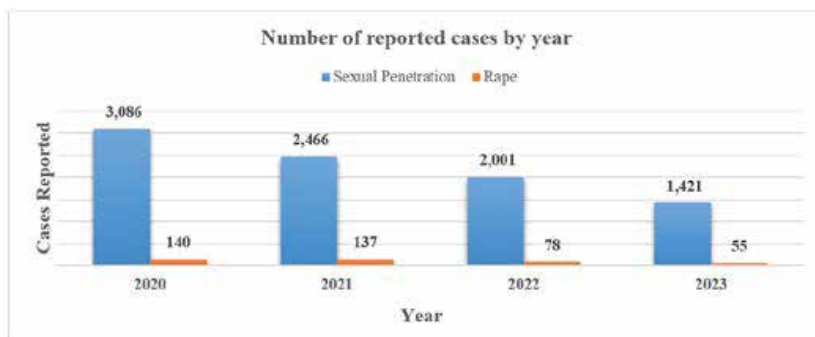
Red = Not Implemented (1); **Amber** = Partially Implemented (2); **Green** = Fully Implemented (3)

Trends in Reporting

A declining trend is observed in both sexual penetration and rape cases reported at the Family Support Unit (FSU) since 2020.

Between 2020 and 2021 there was a 20% reduction in the number of sexual penetration cases reported. Whereas 19% reduction was reported between 2021 and 2022, and 29% reduction in the number of cases reported between 2022 and 2023.

Figure 2: Number of cases reported at the FSU by year



Source: FSU Data

Sexual Penetration by Age

Age 11-15 years are the segment of girls that are mostly at risk of sexual penetration as report by the FSU. However, FSU report could not provide accurate data to ascertain the group of women at risk of rape.

Figure 3: Reported cases of sexual penetration by age



Source: FSU Data

Investigations

91.5% of the cases reported in 2023 are ongoing investigations, indicating delay at the level of investigations (FSU Report).

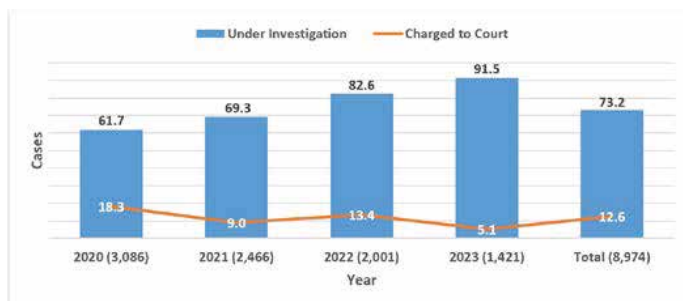
Prosecution of Cases

Detainees are held in custody awaiting trial beyond the 10 days provided by law. (Constitution of Sierra Leone 1991, Section 17(3)).

Alleged offenders who are released on bail to avoid a violation of the Constitution (Section 17(3)) - on keeping suspects in detention beyond 10 days, sometimes end up absconding as a result, inhibiting justice for survivors.

Sometimes the poor quality of evidence affects prosecution and results in perpetrators going free. Consequently, the cases charged to court are far lesser than the number of cases reported (FSU Report).

Figure 4: Reported cases under police investigation versus cases charged to court



Source: FSU Data

Convictions

Convictions have increased from 53 in 2018 to over 200 per year since the Act was passed in 2019 (Rainbo Report).

Unlike adult males, minors (boys below 18 years) are increasingly becoming convicts and subsequently imprisoned for sexual penetration offences (FSU Report).

Imprisonment

Despite the provision in the law for publicizing sexual offenders register, data on convicted persons remain inaccessible because the nature of the cases prevent access to classified data on convicted persons.

Due to the inadequate approved schools, boys below 18 years who are convicted end up serving prison terms with adults.



“They told us not to play with the boys because when we play with some of them, they touch our waist and our breasts; they use phones to show us pornographic movies; and some make sexual advances on us in the ‘corner’ secluded area”. (FGD with adolescent girls)

Key Achievements / Progress

Public awareness and Education

- Existing public perceptions indicate increase in awareness about sexual offences, the reporting pathway, and the fate that awaits offenders.
- Evidence exists in communities suggesting that the referral pathway is understood and followed.

Protective environment for young women and girls

- Existing political space and commitment to combat SGBV remained visibly stronger at the highest level of Government.
- The enactment of the 2019 SOAA has further boosted the protective environment for young women and girls e.g., criminalizing settlement and compromises and increasing the maximum penalty for rape and sexual penetration.
- Structures aimed to increase the protection of girls including the One-Stop Centres, Sexual Offences Model Courts and the 116 helpline are in place.
- Rainbo Centres are functional in 6 districts complementing the 8 One-Stop Centres that are in various regions in the country.

Emerging Issues



Psychosocial Support: Professionals working on SGBV issues are in equal need of mental health and psychosocial support



Community Cohesion: The alarming imprisonment of minors is a concern for communities resulting in possible concealment and compromise. Community and family members seem to value co-existence over the severity of the punishment, which is mainly the long-term imprisonment of juvenile offenders.



Digital / Online Sexual Exploitation and Abuse: The emergence of digital gadgets including phones has exposed girls as well as boys to undesirable digital and online content. Men and boys take advantage of this situation to abuse girls.

Challenges / Gaps



Legislative: The law does not exclude children from standing trial and sentence meaning the age of criminal liability conflicts with other national and international laws, but also a human rights issue.



Reporting: Annual reports on the implementation of the SOAA are not submitted consistently to Parliament. Coordination and collaboration among the various actors concerned with the reporting process is weak. Importantly, there are existing gaps in monitoring, evaluation and data management which support reporting at different levels. Personnel skills, as well as tools and systems for collecting, analysing and reporting data require significant capacity strengthening.



Investigations: Lack of forensic machines and other medico-legal services such as X-Rays, CT-Scan. Confidentiality is undermined by the lack of appropriate resources including facilities at the level of investigating survivors' cases. Currently, 82 out of 94 accounting for 87.2% of police stations across the country have FSUs, meaning that there are some police stations (12) without FSUs. Free health care package to some extent does not align with the needs of survivors. There are substantial gaps in the services, treatments, and drugs currently provided to the survivors. A big issue affecting the operations of the One-Stop Centres is the late government subvention to the Local Council. This affects service delivery to survivors. Compromise in varying forms and levels continues to undermine the process of seeking justice for survivors.



Prosecution: Insufficient evidence, compromise and delay are key factors affecting effective prosecution of cases. Having the Attorney General as the sole authority to sign indictments prolong the interval for prosecution, while limited sexual offences courts, judges, state and defence counsels further contribute to this delay.



Conviction: Sentencing guidelines or regulations are yet to be passed as Law. The lack of sentencing guidelines may lead to unclear thresholds and inconsistency in the judgment delivered by judges.



Imprisonment: There are insufficient holding facilities for children under investigation and limited approved schools with inadequate facilities for convicted children. The unavailability of data makes it impossible to determine the situation for adult perpetrators.

Policy Recommendations

Strengthening Programme Quality by:

- 1) Conducting a comprehensive countrywide assessment should strongly consider the level of effort in the implementation of the SOAA 2019.
- 2) Coordinating the development and rollout of an overall implementation plan with a framework that guides the required and the outcome desired.
- 3) Establishing a coordinated and robust monitoring and reporting system with clear guidelines and mechanisms.
- 4) Supporting interventions aimed at providing mental health and psychosocial support to professionals working on gender-based violence issues with a two-pronged approach (influencing curriculum and training, providing support for professionals in active duty).
- 5) Reviewing and expanding the Free Health Care package for survivors as well as providing a supplementary package that complements the gaps in the current package.
- 6) Providing forensic machines and other medico-legal equipment in all key locations with the necessary support and trained experts.
- 7) Increasing the number of approved schools with particular emphasis on; locations in other districts outside of the Western Area and Bo.
- 8) Encouraging co-existence by insisting on positive family values, and good parenting that has the potential of preventing GBV issues within families and communities.
- 9) Engaging families and caregivers in preventing the sexual abuse of girls and boys, responding to harmful or otherwise unwanted experiences online and offline and supporting girls and boys after experiences of victimization.

Strengthening M&E and Data Management by:

- 10) Strengthen FSU's capacity for setting up and managing a strong M&E system with key performance indicators (quantitative and qualitative), tools, and minimum guidelines for better data management systems.
- 11) Strengthening data management capacities to ensure that the required skills for data credibility and reliability are enhanced.
- 12) Undertaking thorough qualitative research to understand the issues behind the current cases reported at the FSU.

Strengthening Effective Law Enforcement by:

- 13) Providing more investigators, prosecutors, defence counsels, judges, and sexual offences models, courts with adequate facilities to fast-track the hearing of cases and accelerate the realization of justice for survivors.
- 14) Developing and rolling out regulations for compulsory sentencing guidelines.
- 15) Amending the provisions to include other persons authorized by the Attorney General or the Director of Public Prosecutions or his authorities to sign indictments.
- 16) Revising the information, education, and communication (IEC) package to ensure gender-balanced messaging, as well as interpretation and application of the provisions of the Act.

Conclusion

Critical provisions essential for the effectiveness of the Sexual Offences (Amendment) Act 2019 are still pending implementation by state institutions. The implementation of the Sexual Offences (Amendment) Act 2019 faces significant technical challenges across legislative, reporting, investigation, prosecution, conviction, and imprisonment aspects, including conflicts in the age of criminal liability, lack reporting to Parliament, weaknesses in monitoring and data management, inadequate forensic and medico-legal services, compromised confidentiality, insufficient evidence, prosecutorial delays, absence of sentencing guidelines, and inadequate facilities for children under investigation or convicted. Addressing these technical gaps is crucial for the effective enforcement of the legislation.

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Brief Note on the Irish Working Group on Gender Based Violence

The Irish GBV Working Group in Sierra Leone (IGBVWG-SL) comprises of organisations that receive funding from the Irish Government either through the Irish Embassy in Sierra Leone or through Irish Aid Head Quarters in Ireland. The key objectives of the working group are:

To ensure that members implement high-quality programmes and activities that prevent or adequately respond to GBV issues in Sierra Leone.

Contribute to and influence both national and international policies and practices on GBV, based on high-learning evidence, research and learning from the respective work of its members at field level.

Demonstrate strong internal leadership and accountability in developing and implementing response to GBV in a dynamic, visible and systemic manner.

Members of the working group have diverse mandates and operational approaches representing development, humanitarian and human rights organisations. This diversity positioned the group to promote shared learning and collaboration amongst UN Agencies, International Non-Governmental Organisations and National Organisations to contribute to policy reforms, prevention and response mechanism. Membership of the Working Group include: Trócaire, Child Fund, Concern Worldwide - Sierra Leone, Christian Aid, GOAL Sierra Leone, Embassy of Ireland in Sierra Leone, International Rescue Committee, Plan International, World Vision, Action Aid, Rainbo Initiative, Forum Against Harmful Practices (FAHP), UNFPA, UNWOMEN, PURPOSEFUL and SEND-SL.



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