

# **Original contributions**

## Sexual violence in post-conflict Sierra Leone: Obstacles to prevention responses

Johannes John-Langba<sup>1</sup>
Department of Social Development, University of Cape Town, South Africa

Vivian Nasaka John-Langba South African Human Rights Commission, Johannesburg, South Africa

Nyella Maya Rogers
Harvard Law School, Massachusetts, United States

### **ABSTRACT**

Although the high prevalence of sexual violence during the decade-long armed conflict in Sierra Leone has been investigated and reported on extensively, very little is known about the nature and extent of sexual violence during Sierra Leone's post-conflict transition. The purpose of this paper was to explore narratives about the problem of sexual violence and obstacles to prevention efforts in the aftermath of war in Sierra Leone. Using a qualitative research approach, this study examines gender norms and pressures that shape gender roles, rights, responsibilities and sexual relationships in post-conflict situations. Evidence on the nature and extent of sexual violence and challenges and barriers to prevention responses were elicited through the in-depth interviews and focus group discussions with both men and women as well as key informant interviews with community leaders and service providers. Findings indicate the widespread occurrence of sexual violence that continues even in the aftermath of hostilities in Sierra Leone. The changes in economic, cultural and geopolitical spheres as well as gender inequalities in education, social and economic domains as a result of the conflict have evidently disempowered women and girls with a profound impact on their sexual and reproductive health/rights. Adequate attention should be given to the design and implementation of responses to sexual violence given the gendered nature of such violence and post-conflict contexts.

<sup>1</sup> Please direct all correspondence to: Dr Johannes John-Langba, Department of Social Development, University of Cape Town, Private Bag X3, Rondebosch, Cape Town, 7441, South Africa; Email: johannes.john-langba@uct.ac.za



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## INTRODUCTION

Cases of sexual violence that are brought before the courts are eventually settled at home because the perpetrators are neighbours or family members ... the laws are seldom enforced (Community leader, Kabala)

According to the United Nations, sexual violence is "any violence, physical or psychological, carried out through sexual means or by targeting sexuality" (United Nations, 1998, p. 7). Sexual violence includes rape and attempted rape, and acts such as forcing a person to strip naked in public, forcing two victims to perform sexual acts on one another or harm one another in a sexual manner, mutilating a person's genitals or a woman's breasts, and sexual slavery (United Nations, 1998).

Sexual violence came to be associated with Sierra Leone's unfortunate history of a decade-long (1991–2002) armed conflict in which all combating factions, including the Revolutionary United Front (RUF), the armed Forces Revolutionary Council (AFRC) and the Civil Defence Force (CDF) were reportedly responsible for gender-based atrocities against women and girls, including torture, rape, sexual slavery and forced marriage (Sierra Leone Truth and Reconciliation Commission [SLTR], 2004).

Between 1991 (when the RUF launched their attack against the government of Sierra Leone) and 2002 (when the war was finally declared over), evidence indicates that all parties to the conflict perpetrated rape, sexual slavery and other crimes of sexual violence against Sierra Leonean women and girls (SLTRC, 2004). Overall estimates indicate that more than 250 000 women and girls (33% of the total female population) were subjected to sexual violence), including rape, sexual slavery, forced pregnancy, abduction, enslavement and torture (Amnesty International, 2007). Many women and girls, together with their families and community members, lost their lives or limbs or were forced to witness or engage in horrendous acts, including killing their own family members (Human Rights Watch, 2003).

Evidence from the Sierra Leone Truth and Reconciliation Commission (SLTRC) suggests that women and girls were systematically targeted and singled out for some of the worst gender-based atrocities ever recorded (SLTRC, 2004). According to the SLTRC, women were particularly targeted during the conflict through rape, torture, sexual slavery and forced marriage and the manner in which these gender-based atrocities were addressed built on pre-existing notions about gender-based violence and the marginalised status of women in Sierra Leone society (SLTRC, 2004).



The social implications of sexual violence have also proven to be damaging not just to women and girls, but to communities at large by reinforcing pre-existing gender norms about women's sexuality and their low status in society (Teale, 2009). Historically, women and girls in Sierra Leone had little control over their sexuality, which was construed as belonging to the community. Because virginity was highly prized, it is believed that the widespread sexual violence against women and girls during the war was meant to challenge some of the norms associated with virginity and women's sexuality. Thus, in most instances the sexual violence was perpetrated in front of the victims' family or community members with impunity. This resulted in many of the victims of sexual violence being rejected by their families and communities, stigmatised, discriminated against and shamed (Human Rights Watch, 2003).

The marginalisation of the victims of sexual violence and the seemingly general impunity extended to perpetrators during the conflict has made it problematic to respond effectively to sexual violence in post-conflict Sierra Leone. In addition, although the conflict in Sierra Leone gained international notoriety for evoking amputations, child soldiers and unethical diamond mining, the gender-based violence experiences of Sierra Leonean women has received little attention (Teale, 2009).

In post-conflict Sierra Leone, violence against women still persists in various forms, including intimate partner violence, sexual assault, child sexual abuse, wife inheritance, forced marriage, forced prostitution, female genital mutilation, rape, sexual exploitation of women and solicitation of child prostitutes (Barnes, Albrecht, & Olson, 2007). Given the poor state of the healthcare system, most of the victims had very limited access to healthcare, including counselling. The continued poor state of the healthcare system in Sierra Leone means that access to healthcare remains limited and of poor quality (World Health Organization, 2008).

Women's low status in society is reportedly a contributory factor to continued incidences of sexual violence. The Sierra Leone legal system is traditionally three-tier, having components of English law (general law), Islamic law and customary law. Women in Sierra Leone are granted equal rights to men under the 1991 Constitution, which reflects the basic human rights enshrined in international and regional instruments such as the Universal Declaration of Human Rights and the African Charter on Human and People's Rights. However, a weak and largely dysfunctional criminal justice system and limited access to the formal court system has ensured that Sierra Leonean women are ill-protected from sexual violence.

The Maputo Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa also guarantees comprehensive rights to women in Sierra Leone, including



social, political and their reproductive health rights (African Union, 2003). The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) addresses the progress of women and provides guidance on how to achieve the protection of these rights (United Nations, 1981). Although the Maputo Protocol has been particularly lauded for its call on states to enact and enforce laws to prohibit all forms of violence against women, including forced sex and early marriage, and to uphold their reproductive rights, women in Sierra Leone are still to fully realise these rights (African Union, 2003).

There has been some progress on the legal front in terms of sexual violence prevention mechanisms in post-conflict Sierra Leone. Advocacy activities of civil society and other non-governmental organisations (NGOs) have been accelerated significantly in recent years leading, for instance, to the enactment of three Gender Bills in 2007. More recently, the Sexual Violence Act of 2012 has increased the definition of a child to anyone that is below the age of 18, the maximum sentencing length of sexual offences has been increased from 5 years to 15 years' imprisonment and any out-of-court settlement between victims' family and the accused has been eradicated (Government of Sierra Leone, 2012).

Notwithstanding the ground-breaking decision of the Special Court for Sierra Leone to define systematic, widespread torture, rape, abduction and sexual slavery experienced by women during the conflict as a new crime against humanity, Sierra Leone's dual legal system, which embraces common law as well as statutory law and regulations, provides an additional complex web of legal loopholes (Special Court for Sierra Leone, 2009).

The rule of evidence sufficient to convict perpetrators of crimes of a sexual nature is often inadequately applied in Sierra Leone. There is a strong procedural emphasis and onerous burden of proof that requires corroborated evidence and the inadmissibility of "hearsay" evidence without any exceptions as a condition for conviction. It has been noted that unless significant improvements are made to the social, political and economic domains of women's empowerment, risks and vulnerability to sexual violence against women and girls will persist in post-conflict Sierra Leone (Graybill, 2011).

This study explored narratives of sexual violence and obstacles to the promotion of gender-equitable and non-violent practices in post-conflict Sierra Leone. The specific objectives were to examine gender norms and practices that shape sexual roles, rights, responsibilities and relationships as reported by a group of local men and women in post-conflict Sierra Leone.

## **METHODOLOGY**

This study employed a qualitative research design to examine the problem of sexual violence, with particular focus on the obstacles to the promotion of gender-equitable and non-violent practices in post-conflict Sierra Leone. The paper was drawn from data that emerged from a larger study that investigated the drivers of HIV and sexual violence and exploitation in post-conflict Sierra Leone. A social constructionist approach was utilised as a framework to examine gender norms and practices that shape roles, rights, responsibilities and sexual relationships in Sierra Leone in the aftermath of the armed conflict.

In order to capture and explore the dynamics and evolution of sexual violence and the meaning of the related constructs of gender norms and practices to both males and females during post-conflict transition processes, 25 in-depth interviews, 10 key informant interviews and 12 focus group discussions were conducted in in two regional study sites sites in Sierra Leone. A total of 107 male and female respondents participated in the study, with females comprising about 70% of the participants in this study.

The focus group discussions were conducted with both males and females, exploring gender norms and pressures that shape the roles, rights, responsibilities and social conditioning of males and females, including community views and perceptions about the causes and consequences of sexual violence. They involved both men and women, disaggregated by sex and two age categories: 18–24 years and 25–48 years old for both male and female groups. The average age of the participants in the focus group discussions was 23 years.

The key informant interviews were conducted with community leaders and health service providers to explore views about sexual violence, focusing on community perceptions of the nature of sexual violence, common patterns in the evolution of sexual violence, community or collective protective mechanisms against sexual violence, and the clarification of linkages between sexual violence and the constructions of gender norms and practices in various communities in Sierra Leone.

#### THE STUDY SITES

Sierra Leone is a West African country that borders Guinea to the north, Liberia to the southeast and the Atlantic Ocean to the west. It is approximately 72 000 km² in size and has an estimated population of 4.9 million with females accounting for about 51% of the total population. Sierra Leone is divided into four administrative regions, namely Northern Province, Southern Province, Eastern Province and Western Area. The capital city, Freetown, is located in the Western Area of the country (see Figure 1).



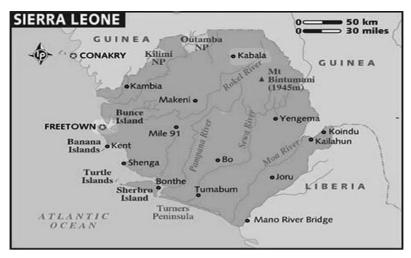


Figure 1: Map of Sierra Leone showing the study sites: Freetown and Kabala

Qualitative data was collected in Kabala, which is situated in the Northern Province and Freetown in the Western Area of Sierra Leone. Given the gendered linkages of sexual violence with HIV and AIDS, the study sites were selected based on evidence of their relatively high prevalence of HIV (Government of Sierra Leone, 2005).

## **FINDINGS**

The social constructionist analytical framework yielded four main themes that were related to the widespread and context-specific nature of sexual violence, gender norms and practices, poverty and sexual violence, participants' perceptions about sexual violence prevention responses, and perceptions about community responsibility to challenge sexual violence in post-conflict Sierra Leone.

#### SEXUAL VIOLENCE IS WIDESPREAD AND CONTEXT-SPECIFIC

There are varying views about the widespread nature of sexual violence in post-conflict Sierra Leone with conflicting views from victims, community leaders and service providers. Most health workers claimed that sexual violence continues to be widespread in the aftermath of the conflict with profound impacts on women and girl's vulnerability to HIV. Interviews with both health service providers and community leaders indicate that the incidence of sexual violence remains high with relatives and/or family members as the most common perpetrators. One health worker interviewed in the capital city of Freetown confirmed this:



Yes! Sexual violence is a problem. People use their position to exploit people. Rape is a crime but the perpetrator is usually a family member. Rape is widespread especially of under-aged girls. Some people force their children into prostitution (*Health worker, Freetown*)

Although most of the community leaders interviewed believed that sexual violence against women and girls remains widespread and high particularly in rural communities, the general consensus was that incidences of sexual violence are context-specific and often concentrated in specific communities rather than widespread or generalised. In most instances, they are believed to occur in situations of gender inequality and instances of differential power relations, as argued by one health worker in Freetown:

Sexual violence mostly happens secretly; it's common in the higher learning institutions for a pass grade; it also occurs in the workplace for position (*Health worker, Kabala*)

#### GENDER NORMS AND PRACTICES, POVERTY AND SEXUAL VIOLENCE

Sexual violence in post-conflict Sierra Leone is reportedly influenced by poverty and the seemingly low socio-economic status of women in society. Participants argue that the vulnerability of women and girls to sexual violence in post-conflict Sierra Leone is influenced by various factors, including cultural practices and norms, as well as a lack of communication and discussion about issues of sexuality and violence. According to an NGO health service provider:

[w]omen in particular generally have low self-risk perceptions to both sexual violence and HIV. Knowledge gaps on important issues about HIV/AIDS, limited community dialogue on issues of sex, sexuality and HIV/AIDS, gender inequalities at all levels, religious beliefs, harmful cultural and sexual beliefs and practices, and drug use increases a woman's or a girls chances of experiencing sexual violence (Health service provider, Freetown)

Gender norms and inequalities between men and women were also reported as one of the major causes of sexual violence which needed to be combated. According to one service provider:

[m]ost men demonstrate their male superiority by forcing women to yield to their sexual desires; men are most times economically empowered and they can coerce women into sex by paying; culturally a woman has no right to refuse having sex with her husband or partner (*Health programme coordinator, Freetown*)



Society in Sierra Leone is overtly patriarchal, placing emphasis on the superiority of men over women and condoning male authority over women. As a result men often seek ways to affirm their masculinity through irresponsible sexual behaviour and domestic violence, including sexual violence.

Community leaders further reported that the probability of women and girls experiencing sexual violence is linked to poverty as women and girls place themselves at risk of sexual violence through engaging in transactional sex. A female focus group discussion participant in suburban Freetown argued as follows:

Women sell themselves through sex due to poverty – they have sex with fishermen. Fishermen are known to trade fish for sex (Female participant, Freetown)

Participants claimed that poverty impacts on the status of women and their vulnerability to sexual violence. This gendered norm is linked with poverty that facilitates transactional sex, multiple sexual partners for economic gain and early sexual relationships, claimed a service provider:

Some of the young women including girls who have lost parents or husbands use their bodies as the only commodity to survive because they have no immediate relative to support and protect them (*Programme coordinator, Freetown*)

#### COMMUNITY RESPONSIBILITY TO CHALLENGE SEXUAL VIOLENCE

It was encouraging that there was a strong voice from participants regarding the imperative for the community to protect women and girls from sexual violence. Responsibility for the protection of women and girls is ascribed to society in general and to the government in particular, argued a community leader from the Northern Province:

Women and girls should have the right to be protected from sexual violence. Parents and guardians, community leaders, civil society groups, human rights groups and the Government (the Ministry of Social Welfare in particular) should be responsible for protecting women and girls from sexual violence (Community leader, Kabala)

The need to recognise and enforce women's rights was also pointed out as a crucial step towards improving the protection of women and girls from sexual violence. A project officer of a local community-based organisation lamented:

Women's rights are human rights and it is everybody's responsibility to ensure that they are protected (*Project officer*, *Kabala*)



Narratives of the experiences of sexual violence revealed a high level of awareness of the impact of sexual violence on the victims and on society in general. Participants identified the need for sensitisation and awareness-raising as the most effective ways through which women and girls could be protected from sexual violence in the post-conflict context of Sierra Leone. It was further argued that women and girls also need to have access to economic opportunities such as engaging in small and medium enterprises; this, according to most participants, will protect them from sexual violence.

On the other hand, some community leaders were less supportive and engaged in rape myths and blamed women and girls for sexual violence. One community leader in a focus group discussion in Kabala argued that in most instances women and girls are to blame for sexual violence perpetrated against them:

Women and girls should change the way they dress so as to reduce their vulnerability and risk of sexual violence (Community leader, Kabala)

#### PERCEPTIONS ABOUT SEXUAL VIOLENCE PREVENTION RESPONSES

Most community leaders claimed that sexual violence generally exists within a culture of silence and impunity in post-conflict Sierra Leone due to the inability of the justice system to adequately redress sexual violence crimes. Among various recommendations for prevention mechanisms, the general consensus was the need for stricter punishment to be instituted for sexual violence crimes to prevent sexual violence against women and girls. The main perpetrators of sexual violence against women and girls were identified as family members, elderly wealthy men, teachers and lecturers. Participants lamented that although sexual violence is deemed to be a serious crime, the punishment meted out to the perpetrators is often too lenient, if not frivolous.

Perpetrators of sexual violence should serve jail terms commensurate with the crime committed (Community leader, Kabala)

Another community leader suggested that:

[p]erpetrators should be ostracised at the community level or they should suffer shame (Community leader, Freetown)

Related to the silence and secrecy associated with the prosecution of sexual violence cases, a focus group discussion participant claimed that:



[p]erpetrators are not punished for sexual violence e.g. a man is charged with having carnal knowledge (Female participant, Kabala)

The views of relevant government officials related to effective sexual violence prevention responses were, however, conflicting. One government official from the Ministry of Health argued that improved sensitisation of communities and awareness-raising about gender norms and practices related to sexual violence as an effective response is needed in the post-conflict context of Sierra Leone. He suggested the following:

Any such response should involve traditional and religious leaders. Sexual violence prevention programmes should take into account all issues involving sexual violence including working closely with men to challenge their notions of masculinity (Ministry of Health official, Freetown)

## DISCUSSION

The findings of this study indicate an intrinsically patriarchal society with the low status of women reflected by such patriarchy. Under customary law, the position of a woman is secondary to that of a man; she is always under the guardianship of a male relative and her woman's status within society and within a polygamous household increases with every child she bears (Smart, 1983). Such gender norms and practices are still prevalent in post-conflict Sierra Leone.

While sexual violence against women and girls is reportedly common, it is still not generally recognised as a societal problem in post-conflict Sierra Leone, even though there are programme, policy and legal responses to address the issue. On the other hand, some participants in this study outlined the important role that communities themselves can play in challenging sexual violence. It is believed that obstacles to prevention responses are primarily due to a weak criminal justice system, but are also the result of structural discrimination against women and societal attitudes towards women that are entrenched in pre-existing gender norms and practices.

Discriminatory property and inheritance laws are reportedly another factor that exacerbates women's vulnerability to poverty and sexual violence. These practices are derived from the land tenure and property inheritance rights that generally favour males and deny women access to a vital source of financial security. This is particularly true of the plight of female-headed households, which increased after the war. Many single mothers and widows, upon returning, are denied access to their land or property due to their status as women. As a result, many have slipped deeper into poverty, which in turn has increased their vulnerability



to sexual violence. The engagement in unequal transactional sex out of material need was reportedly a key reason for women's vulnerability to sexual violence.

Victims of sexual violence rarely report such crimes because the current legal environment is not conducive to doing so, leading to a culture of impunity in respect of crimes of a sexual nature. Customary laws in respect of sexual offences are deeply discriminatory against women and girls and are known to contribute to a culture of impunity. For instance, under customary law, the consent of a minor for sex is not usually required. Crimes of rape and sexual violence are usually settled directly between violator and the parents or guardians of the girl child without the victim's say in the matter. Families usually settle crimes of rape and sexual violence by accepting monetary compensation or by the offender being compelled to enter into marriage with the minor victim.

## CONCLUSION

This paper has foregrounded the centrality of poverty and gender inequalities together with inadequacies in the law as obstacles to appropriate sexual violence prevention in post-conflict Sierra Leone. The centrality of gender norms and practices in reproducing sexual violence is evident, as is the disconnect between the realisation of the social, legal and individual rights of women and girls in this post-conflict context.

The intersection between social and individual sexual and reproductive health/rights has been shown to be particularly crucial in Africa, where individual rights are often mediated by claimed cultural norms and beliefs as well as gendered household and community relations (Crichton, Nyamu-Musembi, John-Langba, & Theobald, 2006).

In post-conflict Sierra Leone, efforts to strengthen sexual violence prevention responses require, among other things, a review of the criminal justice system through the domestication of human rights standards within an environment where commitments to international conventions and treaties that protect women and children have been known to pose paradoxical legal problems. Although Sierra Leone is a signatory to the Maputo Protocol to the African Charter on Human and People's Rights and CEDAW, implementation of the Maputo Plan of Action for Sexual and Reproductive Health has been problematic due to gendered household and community relations.

There are also certain entrenched values and mores that reinforce attitudes and practices that condone sexual violence and facilitate the perpetuation of violent practices against girls and women. For instance, the prosecution or litigation of domestic violence and marital rape is rare. Cultural processes of seeking a wife for the most part connote an asymmetric

relationship, depicting the wife as a sex symbol. This is often seen among the Mende tribe where a male suitor believes that the requests for his new bride's hand in marriage is for the sole purpose of sex.

Pre-existing gender norms and practices in Sierra Leone also make it a unique environment for sexual violence and build on the apathy on the part of the national government to codify customary laws that are inherently biased in favour of men. The Sexual Violence Act (2012) is predisposed to a valid defence of honest and reasonable mistake or belief. This means that a defendant of a sexual violence crime could argue that at the time of committing the act, he was under a mistaken belief about sexual relationships under customary law. This may explain why Sierra Leone is among 25 countries in Africa that is a signatory to the Maputo Protocol, but has yet failed to ratify the protocol or to implement all the provisions of CEDAW due to its customary law, in spite of stipulations in article 27 of the Vienna Convention on the Law of Treaties.

The Domestic Violence Act of 2007 has also been legally ineffective in adequately addressing gender-based violence and discrimination, because it runs contrary to section 27(1)(d) of the Sierra Leone Constitution, which contains several provisions on the issues of marriage, devolution of estate and divorce under customary law. Sexual violence under this Act is rightly viewed as a crime but the culture of secrecy and impunity makes it difficult to implement or enforce penalties against it. Adequately solving the problem of sexual violence in post-conflict Sierra Leone would require addressing continued inequalities between men and women bolstered by gender norms and practices through sensitisation, awareness-raising and education, as well as sustained efforts to improve the social, political and legal domains related to women's current disempowerment in Sierra Leone.

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