



A LEGAL ASSESSMENT OF THE SEXUAL AND GENDER-BASED LAWS IN SIERRA LEONE

*Strengths, Gaps, Contradictions and
the Road to Reform*



An Assessment Report for the
UNDP SPOTLIGHT PROJECT



Freetown, Sierra Leone



July 2026

Table of Contents

Table of Contents	1
Executive Summary	3
Introduction and Purpose of the Assessment	4
The Constitutional Framework and Its Structural Limitation	4
The Domestic Violence Act 2007	5
Strengths of the Act.....	5
Weaknesses and Gaps in the Act	6
The Sexual Offences Act 2012 as Amended in 2019	7
Strengths of the Act.....	7
Weaknesses and Gaps in the Act	8
Contradictions and Inconsistencies Between the Sexual Offences Act and the Domestic Violence Act.....	9
The Devolution of Estates Act 2007	11
Purpose and Contribution of the Act	11
Loopholes Affecting Children.....	11
Loopholes Affecting Widows, Particularly in Polygamous Marriages	11
The Exclusion of Customary Property	12
Discretion, Enforcement and Administration	12
The Registration of Customary Marriage and Divorce Act 2009	13
The Gender Equality and Women's Empowerment Act 2022	14
The Promise of the Act.....	14
Loopholes and Gaps in the Act	14
Implementation of the Act in Practice	15
The Child Rights Act 2024 and Gender-Based Violence.....	16
The Prohibition of Child Marriage Act 2024	17
Cross-Cutting Gaps and Implementation Bottlenecks	18
The Absence of a Law Criminalising Female Genital Mutilation	18
Resources, Institutions and Access to Justice	18
Recommendations	19
Conclusion	22

Executive Summary

This report presents a comprehensive legal assessment, conducted by the Institute for Legal Research and Advocacy for Justice, of Sierra Leone's sexual and gender-based legal framework. The laws examined are the Domestic Violence Act 2007, the Devolution of Estates Act 2007, the Registration of Customary Marriage and Divorce Act 2009, the Sexual Offences Act 2012 as amended in 2019, the Gender Equality and Women's Empowerment Act 2022, the Child Rights Act 2024 and the Prohibition of Child Marriage Act 2024, all read against the Constitution of 1991 and the country's obligations under CEDAW, the Maputo Protocol and the Convention on the Rights of the Child.

The assessment finds that Sierra Leone possesses one of the more advanced gender law frameworks in West Africa, but that its protective force is diminished by defects operating at three levels. At the constitutional level, the clawback clause in Section 27(4)(d) exempts marriage, divorce, inheritance and other matters of personal law from the guarantee of non-discrimination, entrenching discriminatory customary practice in precisely the domains where women experience discrimination most acutely. At the statutory level, the assessment identifies discretionary language that converts quotas into suggestions, penalty structures too lenient to deter, and direct contradictions between the *Sexual Offences Act* and the *Domestic Violence Act*. It also notes a conflict between the 2009 customary marriage legislation and the 2024 child protection statutes over the minimum age of marriage. Furthermore, pervasive silences remain on coercive control, cyber and technology-facilitated abuse, attempted rape, and deliberate disease transmission. Above all, female genital mutilation remains outside the scope of criminal law, despite the ECOWAS Court of Justice ruling of July 2025. At the level of implementation, chronic under-resourcing, missing regulations, the dominance of customary settlement in rural areas, prohibitive barriers to reporting and the near-total absence of shelters and survivor support services separate the law as written from the law as lived.

The report closes with a ten-part programme of recommendations spanning constitutional reform, the enactment of an FGM law, targeted amendments to each statute assessed, harmonisation of penalties and remedies across the framework, and sustained investment in the institutions, data systems, and community engagement upon which enforcement depends.

Introduction and Purpose of the Assessment

Sierra Leone has, over the past two decades, constructed one of the more ambitious legal frameworks on gender in West Africa. Emerging from a devastating civil war in which sexual violence was used systematically against women and girls, the country committed itself to a programme of legislative reform driven by the recommendations of the Truth and Reconciliation Commission and by its obligations under international instruments, most notably the Convention on the Elimination of All Forms of Discrimination Against Women, the Maputo Protocol, the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The result is a substantial body of legislation that includes the three Gender Acts of 2007, the Sexual Offences Act 2012 and its 2019 amendment, the Registration of Customary Marriage and Divorce Act 2009, the Gender Equality and Women's Empowerment Act 2022, the Customary Land Rights Act 2022, the Prohibition of Child Marriage Act 2024 and the revised Child Rights Act 2024.

This report presents a legal assessment of that framework, undertaken by the Institute for Legal Research and Advocacy for Justice (ILRAJ). Its purpose is not to catalogue the achievements of Sierra Leonean lawmaking, though those achievements are real and are acknowledged throughout. Its purpose is to interrogate the framework as it actually operates, to identify where the statutes themselves are defective, where they contradict one another, where they are silent on emerging forms of abuse, and where sound legal provisions are defeated in practice by weak enforcement, cultural resistance and chronic under-resourcing. The assessment proceeds law by law, examining strengths before turning to weaknesses, and closes with cross-cutting findings and recommendations for reform.

A theme recurs throughout this assessment and deserves to be stated at the outset. Sierra Leone's gender laws are frequently described as progressive on paper but challenging in practice. That description is accurate, but it is incomplete. The gap between text and reality is not merely an implementation problem to be solved with more funding and training, although both are urgently needed. In several instances the gap is written into the law itself, whether through discretionary language that converts obligations into invitations, through penalty structures too lenient to deter, through exemptions that carve customary practice out of statutory protection, or through a constitutional clawback clause that permits discrimination in precisely the areas of life where women experience it most acutely. Legal reform and practical enforcement must therefore proceed together.

The Constitutional Framework and Its Structural Limitation

Any assessment of gender legislation in Sierra Leone must begin with the Constitution of 1991, because the Constitution both anchors and undermines the entire framework. Section 27 prohibits discrimination, including discrimination on the ground of sex, and guarantees equality

before the law. On its face this provision supplies the constitutional foundation upon which all subsequent gender legislation rests.

The difficulty lies in Section 27(4)(d), commonly described as the clawback clause. This subsection provides that the non-discrimination guarantee does not apply to laws concerning adoption, marriage, divorce, burial, the devolution of property on death, and other matters of personal law. The practical effect is profound. The very domains in which Sierra Leonean women experience the most persistent daily discrimination, namely marriage, divorce, inheritance and family property, are the domains expressly exempted from constitutional protection against discrimination. The clause entrenches customary and personal law, much of which is patriarchal in character, and it has been repeatedly identified in CEDAW reviews and independent legal analyses as the single largest structural gap in the national framework. It also weakens every statute discussed in this report, because legislation designed to protect women in family and property matters must operate in a constitutional environment that tolerates discriminatory personal law.

A second constitutional weakness compounds the first. Chapter II of the Constitution, which sets out fundamental principles of state policy including equality, is generally not justiciable. Its promises cannot be directly enforced in court. Litigants seeking to vindicate equality in the family sphere therefore find themselves caught between a non-justiciable statement of principle and an enforceable non-discrimination clause from which their circumstances have been carved out.

Layered over this constitutional arrangement is the dual legal system. Statutory law and customary law operate side by side, and customary law, administered largely by chiefs and traditional authorities, prevails in practice across much of rural Sierra Leone where the majority of the population lives. Many disputes involving violence, marriage and inheritance never reach the formal courts at all. They are settled informally, often in ways that disadvantage women and girls, and often by the very authorities whose conduct the statutes seek to regulate. This duality is the backdrop against which every gap identified in this report must be understood.

The Domestic Violence Act 2007

Strengths of the Act

The Domestic Violence Act 2007 was one of the three Gender Acts passed together in 2007 and it remains the principal statute governing violence within domestic relationships. Its strengths are genuine. Section 2(2) defines domestic violence broadly to include physical, sexual, emotional, psychological and economic abuse, together with harassment and intimidation. This breadth is progressive. It recognises that harm within domestic relationships is not always visible and that control and economic deprivation can be as damaging as physical assault. The Act applies across a range of relationships, including marriage, cohabitation and wider family

arrangements, and it permits third parties to lodge complaints on behalf of victims, which matters greatly in a context where victims are frequently unable to come forward themselves.

The protection order regime in Sections 10 to 18 is the strongest feature of the Act. Courts may grant interim or final protection orders restraining contact, excluding a respondent from a shared residence, or imposing other safety conditions. These civil remedies allow the court to intervene quickly even where a full criminal trial will take time, and Section 18 gives the regime teeth by making breach of a protection order a criminal offence in its own right. The orders are therefore enforceable rather than merely symbolic. The Act also contemplates victim support, including access to medical care, and it assigns frontline responsibility to the Family Support Units of the Sierra Leone Police.

Weaknesses and Gaps in the Act

Against these strengths must be set a series of significant weaknesses, several of which have become more pronounced as understanding of domestic abuse has evolved since 2007.

The first and perhaps most consequential gap is the absence of any provision criminalising coercive control. Coercive control describes a pattern of behaviour designed to dominate, isolate, intimidate or control an intimate partner through psychological, emotional, financial or social means rather than through physical violence. It includes constant surveillance, restriction of a partner's movements, control over access to money, isolation of the victim from family and friends, threats, humiliation and manipulation. Modern domestic violence legislation in many jurisdictions now treats this pattern as an offence in itself, recognising that it is frequently the foundation upon which physical violence is later built. The Sierra Leonean Act, drafted before this understanding became widespread, addresses individual incidents rather than patterns of domination, and victims of sustained non-physical abuse are left without a clear statutory remedy.

Second, the Act fails to provide a clear mechanism through which victims can pursue civil claims for compensation for the abuse and harm they have suffered. A victim may obtain a protection order and the perpetrator may be prosecuted, but the financial, medical and psychological costs of abuse fall on the victim with no structured route to redress. This omission stands in awkward contrast to the Sexual Offences Act, which does provide for compensation, a contradiction addressed later in this report.

Third, the Act contains no provision granting special protection to groups at heightened risk of domestic violence. Persons with disabilities, the elderly, pregnant women and lactating mothers face unequal power dynamics within domestic relationships and are often least able to escape abuse or to report it. The Act's failure to recognise their particular circumstances limits its protective reach precisely where protection is most needed.

Fourth, the Act does not recognise children who witness domestic violence as victims in their own right. Exposure to violence in the home causes significant and well-documented psychological and emotional harm to children, yet the statute extends neither victim status nor tailored protection to them. A child who watches a parent being beaten is, in the eyes of the Act, a bystander rather than a victim.

Fifth, the Act is silent on cyber domestic violence. Abuse within intimate relationships increasingly occurs through digital means, including persistent abusive messaging, online stalking, non-consensual sharing of intimate images, control of passwords and surveillance through digital devices. None of this conduct is expressly addressed by a statute drafted in 2007, and the absence of express provision leaves victims of technology-facilitated domestic abuse in a legal vacuum.

Sixth, the Act makes no provision for shelters. Women and children who suffer domestic violence frequently have nowhere to go, and the absence of a statutory obligation to provide safe accommodation means that many victims must choose between remaining in an abusive home and destitution. The law is likewise silent on the common practice of relatives pressuring abused women to return to their husbands' homes on the ground that they are married, a form of coercion that undoes whatever protection the formal system has managed to provide.

Seventh, the Act sets no time limit within which a court must grant or determine an application for an interim protection order. Delay in granting interim protection leaves victims exposed to further abuse during the very period in which they are most at risk, having taken the dangerous step of seeking help, and it discourages victims from continuing with their applications.

Finally, the penalty structure of the Act is strikingly lenient. Section 2(3) provides a term of imprisonment of two years or a fine of five thousand leones for offences of domestic violence. These penalties apply generally, without differentiation according to the gravity of the conduct, and they are too light either to deter offenders or to deliver justice to victims who may suffer serious and lasting physical, emotional or psychological harm. The comparison with the Sexual Offences Act, under which rape carries a minimum of fifteen years, illustrates how anomalous the domestic violence penalties have become, particularly given that much sexual violence occurs within domestic relationships.

The Sexual Offences Act 2012 as Amended in 2019

Strengths of the Act

The Sexual Offences Act 2012, strengthened by amendment in 2019, is the cornerstone of Sierra Leone's response to sexual and gender-based violence, and in several respects it is a modern and well-constructed statute. Its consent-based structure is its foundation. Section 2 sets out the circumstances in which consent is absent, including where apparent agreement is obtained

through coercion, intimidation, deception or abuse of authority, or where the complainant lacks capacity. This structure moves the law away from outdated notions centred on physical resistance and instead places voluntary agreement and bodily autonomy at the heart of the offence, providing clearer guidance for courts and prosecutors.

The definition of penetration in Section 1 is deliberately broad, encompassing partial or complete penetration of the vagina or anus by a penis, an object or any body part, and including oral penetration. This wording closes the technical loopholes that historically complicated prosecutions and reflects an understanding that sexual violation takes many forms. The Act criminalises rape within marriage, expressly providing that marriage is no defence, which was a decisive break with the past. The age of consent is set at eighteen, and Sections 19 to 26 create specific offences of sexual penetration and sexual touching of a child, with consent unavailable as a defence where the complainant is under eighteen. The 2019 amendment substantially increased penalties, with rape under Section 6 carrying fifteen years to life imprisonment, and it supported the establishment of one-stop centres and a dedicated Sexual Offences Model Court to accelerate the processing of cases. Section 36 requires courts to consider a victim impact statement at sentencing, formally acknowledging the psychological, emotional and economic consequences of the offence, and Section 39 provides for free medical treatment and medical reports for victims.

Weaknesses and Gaps in the Act

Notwithstanding these strengths, the Act contains omissions that leave victims exposed, several of which concern forms of exploitation that have emerged or intensified since 2012.

The Act makes no provision for shelters or protective homes for victims, and this omission is especially serious in relation to children. A large proportion of sexual abuse occurs within the victim's own home at the hands of family members or persons with whom the victim lives. When a complaint of sexual penetration is made, there is no statutory mechanism for removing the alleged victim from that environment and placing her in protective care while investigation and prosecution proceed. The victim therefore frequently remains under the same roof as the alleged perpetrator, exposed to further abuse and to sustained pressure to withdraw the complaint.

Closely related is the absence of any provision protecting complainants from intimidation and retaliation. Victims who report sexual offences commonly face threats, harassment and retribution from perpetrators and from the perpetrators' relatives and associates. Without explicit legal safeguards, and without any structured witness protection, victims are discouraged from coming forward at all, contributing to chronic under-reporting and to the withdrawal of cases already commenced.

The Act does not criminalise attempted rape. A person who takes clear and deliberate steps toward committing rape but fails to complete the act may escape punishment proportionate to

his conduct. This is a startling gap in a statute otherwise notable for its careful construction of offences, leaving potential victims without the protection that the criminalisation of attempts is designed to provide.

The Act is likewise silent on the deliberate or reckless transmission of HIV and other life-threatening sexually transmitted infections. In many households, men who maintain multiple sexual relationships refuse to use protection and expose their wives and partners to serious disease without their knowledge or consent. Such conduct endangers life, yet it attracts no specific criminal liability. Criminalising intentional or reckless transmission would protect women, promote responsibility between sexual partners and impose accountability for conduct that can amount to a death sentence.

The Act also fails to address the modern landscape of sexual exploitation. It does not explicitly criminalise the sexual grooming of minors, online sexual harassment, the non-consensual distribution of intimate images, or technology-facilitated abuse more generally. Nor does it address the use of artificial intelligence to create and circulate sexually explicit imagery without consent, such as the superimposition of a person's face onto explicit material which is then published online. These forms of abuse are increasingly prevalent on digital platforms and cause severe and lasting harm, yet victims in Sierra Leone currently have no redress under the Act.

A further gap concerns persons with mental disabilities. The Act does not specifically criminalise the prostitution or commercial sexual exploitation of persons with mental disabilities. Such persons are particularly vulnerable to manipulation and coercion, and those who exploit their condition for sexual or financial benefit should face express and serious criminal liability.

The Act's penalty structure, though greatly improved in 2019, does not differentiate the sexual penetration of infants and toddlers from other child sexual offences. Given the extreme vulnerability of very young children and the catastrophic physical and psychological harm inflicted upon them, the law should mark the special gravity of these offences with distinctly aggravated penalties.

Finally, the Act sets no clear statutory timelines for prosecution. Sexual offence cases compete with the general criminal docket, adjournments multiply, evidence deteriorates and complainants lose heart. The absence of binding timeframes contributes to prolonged trials, withdrawal of cases and, ultimately, impunity. It should also be recorded that the mandatory minimum sentences introduced in 2019, while intended to signal seriousness, have drawn criticism for their potential to over-criminalise consensual adolescent relationships in poor communities, an unintended consequence that merits careful review.

Contradictions and Inconsistencies Between the Sexual Offences Act and the Domestic Violence Act

Beyond the weaknesses internal to each statute, the relationship between the Sexual Offences Act and the Domestic Violence Act generates contradictions that cause delay, confusion and what may fairly be described as selective justice. The starting point is their respective fields of application. The Sexual Offences Act applies to sexual offences regardless of any relationship between the parties. The Domestic Violence Act applies only where a domestic relationship exists or where the court can establish one. Where sexual abuse occurs within a domestic setting, both statutes are potentially engaged, and the task of choosing between them can itself delay adjudication and complicate a survivor's access to justice.

The most troubling inconsistency concerns penalties. The Sexual Offences Act creates specific offences with graduated punishments. Rape under Section 6 carries fifteen years to life imprisonment, while indecent assault under Section 7 carries a fine not exceeding five million leones or imprisonment not exceeding five years. The Domestic Violence Act, by contrast, provides in Section 2(3) a single undifferentiated penalty of two years' imprisonment or a fine of five thousand leones for offences of domestic violence, and it provides no penalty at all for conduct falling under Section 2(2). The consequence is that identical conduct may attract radically different punishment depending upon which statute is invoked. Sexual abuse charged as domestic violence exposes the offender to a maximum of two years, while the same conduct charged under the Sexual Offences Act could attract fifteen years to life. Offenders with influence or connections benefit from the lenient route while victims carry the harm for the rest of their lives. So long as this disparity persists, prosecutorial charging decisions will determine the severity of justice more than the gravity of the crime.

The definitional architecture of the Domestic Violence Act contains its own internal inconsistency. Section 3 defines a domestic relationship in terms of family relationships or relationships similar to family relationships, yet Section 13 includes a friend among those connected with the protective machinery of the Act. The inclusion of a friend sits uneasily with the Section 3 definition, and the resulting uncertainty about the boundary of a domestic relationship can complicate the choice of law where, for example, a friend of a relative is abused. Section 4 compounds the difficulty by providing that a single act, whether sexual abuse or sexual harassment, may amount to domestic violence carrying the same penalty, which contradicts the graduated approach of the Sexual Offences Act under which different acts attract different punishments.

The overlap runs in the other direction as well. Section 35(f) of the Sexual Offences Act expressly contemplates its application where the defendant is a member of the same family as the victim, meaning that the Sexual Offences Act reaches directly into the domestic sphere. And Section 37 of the Sexual Offences Act provides for compensation to the victim by the defendant in addition to any other punishment, a remedy for which the Domestic Violence Act makes no provision whatsoever. A woman raped by a stranger may therefore receive compensation, while a woman

subjected to years of abuse by her husband, if the matter proceeds under the Domestic Violence Act, may receive none.

These inconsistencies are not academic. Section 6 of the Domestic Violence Act promises a swift police response to all cases of domestic violence, yet in practice the speed and quality of the response often depends on the identity of the victim and the influence of the defendant. Similarly, the free medical treatment promised by Section 39 of the Sexual Offences Act and by Section 7 of the Domestic Violence Act is of questionable effectiveness in practice. The two statutes require harmonisation, both of penalties and of remedies, so that the protection a survivor receives no longer depends on the statute under which her case happens to travel.

The Devolution of Estates Act 2007

Purpose and Contribution of the Act

The Devolution of Estates Act 2007 regulates inheritance and intestate succession and was a landmark in its time. It extended equal inheritance rights to surviving spouses, including spouses of customary marriages, and to children. It protects the marital home during administration and it outlawed the practice of widow inheritance, under which a widow was treated as property passing to her husband's relatives. These achievements should not be understated. Nevertheless, a close reading of the Act reveals a network of loopholes that operate, individually and cumulatively, to the disadvantage of the very women and children the Act was designed to protect.

Loopholes Affecting Children

Section 5 entitles a natural child to maintenance and education only until the age of eighteen, the completion of secondary school or undergraduate study. Children requiring postgraduate education, and more importantly children with disabilities who require lifelong support, fall outside the statutory safeguard entirely. Sections 22 to 27 permit courts to vary wills in favour of dependants, but the legislation offers no guidance on what constitutes reasonable provision, leaving children dependent on unstructured judicial discretion. Section 23(3)(a) allows a court to take into account the child's own capital or income, which may operate to reduce provision for vulnerable children, and the time limits for applications in Section 25 can extinguish claims where children or their guardians are unaware of deadlines or lack access to legal services.

Loopholes Affecting Widows, Particularly in Polygamous Marriages

Section 3(3) gives priority to the first spouse in applying for letters of administration. In polygamous households this system disadvantages later wives, who may face delay or be excluded altogether from the management of the estate. Section 6(2) then distributes the estate among multiple spouses in proportion to the duration of each marriage and to unspecified contributions to the estate. The Act nowhere defines contributions, and the omission invites

courts to undervalue the non-monetary contributions that women characteristically make, including domestic labour and childcare. The combined effect leaves widows in polygamous marriages exposed to economic marginalisation at precisely the moment of greatest vulnerability.

The rigid distribution formula in Section 8 creates further difficulty. The Act allocates thirty-five percent of the estate to the surviving spouse, thirty-five percent to the children, fifteen percent to the parents of the deceased and fifteen percent to heirs under customary or Muslim law. The formula was intended to provide clarity, but its rigidity prevents any adjustment for the size of the estate, the needs of disabled dependants or the actual contributions of the widow. In small estates, to which Section 18 applies a simplified regime, the statutory thresholds take no account of inflation, household dependency ratios or the special needs of minors, and women and children may be left materially underprovided.

The Exclusion of Customary Property

Section 15(1) excludes family property, chieftaincy property and community property from the intestate estate. Women and children whose security is bound up with such property are thereby remitted to customary or Muslim law, and customary rules in many communities favour male heirs, diminishing the property rights of widows and daughters. Section 15(2) softens the exclusion by granting the surviving spouse a right of lifetime residence, but residence is not ownership, and the exclusion as a whole sits in tension with Article 16 of CEDAW, which requires equal rights in respect of the ownership and disposition of property. This provision is a statutory echo of the constitutional clawback clause, reproducing within the Act itself the pattern of exempting customary property relations from equality guarantees.

Discretion, Enforcement and Administration

The dependant provision regime of Sections 22 to 27 rests on broad and undefined concepts, including reasonable provision in Section 22(3) and equitable principles in Section 22(2), leaving outcomes highly discretionary and unpredictable. Section 23(3)(b) permits the court to consider the conduct of the dependant in relation to the deceased, a criterion that can disadvantage widows who were in conflict with abusive husbands and children caught in contentious family environments. Sections 32 to 35 criminalise unlawful interference with estate property but impose fines and terms of imprisonment too low to deter relatives or administrators from depriving women and children of their inheritance. Section 30 forfeits the inheritance only of a person who intentionally causes the death of the deceased, offering no response to beneficiaries who have neglected, exploited or abused the deceased or the surviving dependants.

The administrative machinery of the Act creates risks of its own. Sections 19 to 21 empower courts to appoint receivers with broad discretionary powers over estate property, including the power of sale, yet the Act supplies no detailed accountability framework beyond the right of an

aggrieved party to apply to the court. A receiver may mismanage property, delay distribution or sell assets before proper valuation and before the widow's residence rights have been considered, and a widow without legal representation has little practical recourse. Section 35 criminalises the fraudulent acquisition of letters of administration but only after the fact, providing no preventive mechanism for verifying an applicant's identity or relationship to the deceased. An unscrupulous relative may therefore obtain control of an estate by misrepresentation and lock the widow out of her inheritance before any offence is ever detected.

Two temporal provisions complete the picture. Section 33(2) protects a widow from eviction from the matrimonial home before distribution, but only for one year in the case of family houses and six months in the case of public property, periods plainly insufficient for widows without alternative housing, especially in rural areas. Section 33(1) meanwhile allows executors and administrators up to three years to settle and distribute an estate. For a widow who depended on her husband's estate for daily support, three years of suspension is three years of hardship, dependence on temporary arrangements and exposure to the mismanagement risks already described.

The Registration of Customary Marriage and Divorce Act 2009

The Registration of Customary Marriage and Divorce Act 2009 completed the trilogy of Gender Acts. Its objectives were to bring customary marriages within a formal registration system, to set a minimum age for marriage, and to protect a married woman's independent property rights and her capacity to contract during marriage and upon divorce. Each of these objectives is undermined by weaknesses in the drafting of the Act and by the realities of its enforcement.

The registration regime is the first casualty. Section 7 requires registration, yet the Act simultaneously provides that a customary marriage is valid the moment the traditional rites are performed, whether or not a certificate is ever issued. Registration is therefore, in substance, optional. Couples routinely skip the process, and the consequences fall most heavily on women at the dissolution of the marriage or the death of the husband, when the absence of registration makes it difficult to prove the marriage and therefore to inherit property. The penalty attached to the illegal registration of a customary marriage or divorce is, moreover, too flexible and too light in view of the seriousness of the conduct, further weakening the incentive to comply.

Enforcement in the sphere of divorce is weaker still. Many customary divorces are never registered at all. They are handled by family members or traditional leaders, with no judge to supervise proceedings or to enforce an equitable division of property. The Act attempts to protect women, but in practice tradition frequently overrides the written law, and a woman divorced under custom may leave the marriage with nothing.

The consent provisions contain a contradiction of a different kind. The Act makes room only for the consent of the spouses themselves, whereas tradition requires the consent of the parents on both sides before a marriage is concluded, a divergence that generates friction between the statute and the practice it seeks to regulate. Far more seriously, the Act creates room for a child under the age of eighteen to enter marriage, with or without parental consent. This provision stands in direct and irreconcilable conflict with the Child Rights Act and with the Prohibition of Child Marriage Act 2024, both of which set the minimum age of marriage at eighteen without exception. So long as the 2009 Act remains unamended, it offers a statutory foothold to those who would defend the marriage of children under the banner of custom, and the conflict of laws itself becomes a loophole.

Finally, the Act accommodates polygamy, permitting a man to take multiple wives. Whatever view is taken of polygamy as a social institution, its statutory accommodation interacts with the weaknesses already identified in the Devolution of Estates Act, multiplying the number of widows competing for a rigidly divided estate and deepening the economic insecurity of each.

The Gender Equality and Women's Empowerment Act 2022

The Promise of the Act

The Gender Equality and Women's Empowerment Act, passed by Parliament on 15 November 2022 and gazetted on 30 December 2022, is Sierra Leone's most comprehensive gender equality statute and the centrepiece of the current framework. It establishes a minimum of thirty percent representation for women in public elections, in cabinet and government appointments, in public office and in designated public and private employment, including thirty percent of decision-making positions. It prohibits gender discrimination in employment, dismissal on grounds of pregnancy and sexual harassment. It requires equal remuneration for work of equal skill, equal access to training and scholarship opportunities, and at least fourteen weeks of paid maternity leave. It guarantees equal rights to credit and financial services and directs government institutions to prescribe procedures improving women's access to finance. It obliges every Ministry, Department and Agency to establish a Gender Unit within its Planning Directorate, to collect sex-disaggregated data and to practise gender-responsive budgeting. It creates an annual reporting obligation, a Gender Steering Committee empowered to conduct audits, and penalties for non-compliance including substantial fines, imprisonment and victim compensation. The Act has since been reinforced by the Gender Equality and Women's Empowerment Act Regulations of 2025.

Loopholes and Gaps in the Act

The Act's most damaging loophole is found in Section 3(1), which provides that the President may consider appointing women to at least thirty percent of cabinet and other government positions. The word may converts what is presented as a quota into a discretion. The President retains the

legal authority to appoint fewer than thirty percent, and the flagship provision of the flagship statute is thereby rendered exhortatory rather than binding at the very apex of government. Discretionary language of this kind undermines the Act's objective of guaranteeing substantive representation of women in leadership, and its amendment to mandatory language should be a priority of reform.

A second structural loophole appears in Section 12, which provides that the Act applies to public bodies and to those private bodies published by the Minister in the Gazette. Coverage of the private sector therefore depends on ministerial designation, and women employed in undesignated private bodies, who constitute a large share of the female workforce, fall outside the Act's protections against discrimination, unequal pay and workplace inequality. A statute of general aspiration is thus, by its own terms, a statute of selective application.

Beyond these two structural weaknesses, the Act is silent on a series of matters that bear directly on women's economic and social equality. It provides fourteen weeks of maternity leave but does not guarantee that a woman will return to the same or an equivalent position afterwards, leaving job security after childbirth unprotected. It makes no provision for breastfeeding facilities in the workplace, despite the medical consensus that infants should be exclusively breastfed for at least six months, so that women returning from leave have no supported means of continuing to nurse. It contains no provision for menstrual leave. It does not address discrimination by landlords, who may refuse to rent or lease property to women with impunity, a significant barrier in urban housing markets. It does not prohibit the coercion of women into remaining at home against their will, leaving unprotected the basic right to work, earn and participate in public life. It makes no provision for adult education, vocational training or skills development programmes for women and girls. It reserves no share of government procurement for women-owned businesses, forgoing one of the most direct instruments of economic empowerment available to the state. And it establishes no system for the collection of national gender statistics and research on employment gaps, political participation and other indicators, without which progress under the Act cannot be measured and the statute risks becoming symbolic rather than evidence-driven.

Implementation of the Act in Practice

The first national assessment of the Act's implementation, covering thirty-two Ministries, Departments and Agencies for the period January to December 2025 and conducted by the Ministry of Gender and Children's Affairs with support from UN Women, the World Bank and the Embassy of Ireland, offers an instructive picture of both progress and shortfall. On the positive side, women constituted thirty-four percent of candidates nominated for parliamentary and local council elections, thirty percent of elected Members of Parliament and thirty-four percent of elected local councillors, meeting the statutory threshold. Presidential appointments to Cabinet

stood at thirty-one percent female and Deputy Minister positions at forty-four percent, meeting or exceeding the minimum.

The shortfalls are equally telling. Only fourteen percent of elected Mayors and Chairpersons were women. Female representation among Judges stood at twenty-nine percent and among Ambassadors at twenty-five percent, both below the statutory minimum. Women made up fifty-eight percent of the civil service overall but only thirty-one percent of decision-making positions at Grade 10 and above, and of the thirty-two MDAs assessed only six met the thirty percent threshold for women in decision-making roles, while three recorded no women at all at senior levels. Eighteen of twenty-eight line ministries had established the Gender Units the Act requires, leaving more than a third non-compliant, and only ten MDAs had been trained in gender-responsive budgeting. Perhaps most revealing of all, not a single case of workplace discrimination or sexual harassment was reported across the entire public sector during the review period, a statistic that almost certainly reflects barriers to reporting rather than an absence of incidents. The assessment identified limited institutional capacity, inadequate financial resources for gender units, entrenched cultural norms and weak monitoring and data systems as the principal obstacles, findings which confirm that the gaps in the statute and the gaps in its implementation reinforce one another.

The Child Rights Act 2024 and Gender-Based Violence

The Child Rights Act 2024, building on the foundational framework of 2007, gathers the core personal, social and legal protections of the child principally in Sections 21 to 32, 34, 57 and 59. Together with the Prohibition of Child Marriage Act 2024, it represents a significant closing of legal loopholes, most notably the harmonisation of the minimum age of marriage at eighteen and the elimination of the parental consent exception that had survived from 2007. Yet a careful examination of the Act against the realities of gender-based violence reveals shortfalls that limit its practical protective force.

The first shortfall is foundational. Section 21 mandates birth registration, but a significant percentage of children in rural Sierra Leone still lack birth certificates. Every age-based protection in the Act, from the marriage ban to the labour prohibitions, depends on proof of age, and where no certificate exists a perpetrator can simply assert that the victim is eighteen or older. The registration gap thus threatens to unravel the entire protective architecture from beneath.

Section 32 prohibits exploitative labour, but the law struggles to draw the line between chores and exploitation in the contexts where the question matters most, namely diamond mining and subsistence farming. In many districts child labour remains a primary survival strategy for families, and in the absence of any social safety net the prohibition is widely ignored. Section 30 grants specific rights to children with disabilities, who in reality face extreme levels of gender-based violence and sexual abuse compounded by social stigma, yet no specialised reporting

channels exist, whether in braille, in sign language or through adapted Family Support Unit procedures, to make the right tangible.

Section 34, which fixes the minimum age of marriage at eighteen, is the primary statutory defence against the most common form of gender-based violence affecting girls in Sierra Leone. Its principal weakness lies not in what it says but in what the 2024 reform as a whole omitted. The Act harmonised the marriage age yet failed to criminalise female genital mutilation. Child marriage and FGM are interlinked patriarchal practices, the one frequently serving as the gateway to the other through initiation, and banning one while leaving the other untouched allows gender-based violence to persist under the guise of cultural initiation. The retroactive position is also unclear. The law punishes new marriages, but children already living in informal unions or cohabitation occupy a legal grey area with respect to support and separation, and the Act offers them little guidance.

Section 57 enlists village heads and traditional leaders in support of child rights within their communities. The provision is well-intentioned but confronts a structural conflict of interest, because in many cases of gender-based violence the village heads and Soweis are the very persons presiding over the harmful practices or settling rape cases outside the court system through the informal practice. The Act invites their support but creates no mechanism to sanction a traditional leader who looks the other way, so that compliance is effectively optional. Section 59 imposes a duty on any person with knowledge that a child is being harmed to report it, but the duty operates without a witness protection programme. In close-knit communities, reporting a neighbour or family member invites social ostracisation and retaliation, risks the Act does nothing to mitigate. And reporting presupposes somewhere to report to. For children in remote areas the nearest Family Support Unit may be a costly journey away, and the price of transport alone places the justice promised by the section beyond reach.

The Prohibition of Child Marriage Act 2024

The Prohibition of Child Marriage Act 2024 criminalises the conduct of a child marriage, consent to a child marriage, and the aiding or facilitation of a child marriage, and it attaches heavy penalties to each. It is the strongest legislative statement yet made against a practice that remains widespread. Its weaknesses lie almost entirely in the space between the statute and the village.

Enforcement is the first difficulty. Child marriages occur predominantly in remote communities where the police and social welfare officers are rarely present and where disputes are handled informally by traditional authorities. In such settings marriages go unreported and the heavy penalties of the Act, however severe on paper, exert little practical force. The Act, moreover, designates no specialised enforcement body. Responsibility is dispersed across the police,

social welfare, the courts and local authorities, and dispersed responsibility becomes, in practice, no responsibility, with each institution assuming another will act.

The Act is similarly underdeveloped on the protection of victims. It criminalises the practice but does not establish clear procedures for reporting or clear systems of protection for children who come forward. A child bride who reports her own marriage confronts the fear of family retaliation, the absence of accessible reporting channels, and limited access to legal aid and shelter. Without strong victim protection, the criminal prohibition will be enforced mainly against the unlucky rather than the culpable.

The Act also engages only weakly with the customary and religious context in which child marriage is embedded. Chiefs and community elders frequently bless these marriages and facilitate the negotiations surrounding them, yet the Act does not sufficiently regulate traditional authorities or attach consequences to their participation. Heavy criminalisation without community engagement carries a further risk, which is that the practice is driven underground rather than eliminated. Families may conduct marriages secretly and avoid registration altogether, making detection harder and leaving married children even more isolated. Finally, the Act concentrates on punishment and neglects rehabilitation. It contains no provision for the reintegration of child brides, for their return to education or for psychological counselling, so that even where the law intervenes successfully, the child it rescues is left without support.

Cross-Cutting Gaps and Implementation Bottlenecks

The Absence of a Law Criminalising Female Genital Mutilation

The most conspicuous omission in the entire framework is the absence of a comprehensive national law criminalising female genital mutilation. Prevalence in Sierra Leone has historically stood at around eighty to ninety per cent, and although rates are declining in some areas, the practice remains widespread, sustained principally through initiation into the Bondo society. The voluntary memoranda of understanding concluded in some localities have no legal force. On 8 July 2025, the ECOWAS Court of Justice ruled that Sierra Leone's failure to criminalise FGM violates its human rights obligations, including Article 5 of the Maputo Protocol, and constitutes a form of torture, and the Court ordered the state to legislate, prevent, protect, investigate and prosecute. As of mid-2026, full implementation of that ruling remains pending. Until a criminalising statute is enacted and enforced, the framework assessed in this report will continue to prohibit the marriage of a girl of fifteen while permitting her mutilation, a contradiction that no amount of enforcement of the existing laws can resolve.

Resources, Institutions and Access to Justice

The institutional foundations of the framework are chronically under-resourced. The Ministry of Gender and Children's Affairs receives less than one percent of the national budget and is

understaffed relative to its mandate. The Family Support Units, the police more broadly, the courts and the legal aid system lack funding, training, vehicles and forensic capacity. Several of the Acts, including the Domestic Violence Act and the Devolution of Estates Act, still lack the statutory instruments and regulations needed to give their provisions operational effect, so that even willing officials have no procedures to follow. Investigations in sexual offence matters depend on timely medical examination and proper evidence handling, and delays in the forensic process weaken cases before they ever reach court. Procedural delays then compound the problem, as sexual and domestic violence cases compete with the general criminal docket, adjournments accumulate, complainants withdraw and conviction rates for sexual and gender-based violence remain low. Enforcement of protection orders is inconsistent wherever resources and training are limited.

Access to justice is further obstructed by the practical requirements placed on victims. The expectation of a medical report in domestic violence and sexual offence cases, the cost and distance of travel to a Family Support Unit or a court, the stigma attached to disclosure, and the fear of retaliation together deter reporting on a large scale. Surveys continue to record high levels of social tolerance of domestic violence, and under-reporting is the norm rather than the exception. Legal awareness is low, particularly among rural and illiterate women, many of whom simply do not know that the rights described in this report exist, while chiefs and communities frequently give precedence to custom over statute. Data systems remain weak, sex-disaggregated data is scarce, and although the GEWE Act introduces monitoring mechanisms, they are new and untested at scale. Intersectional dimensions of vulnerability, including disability and rurality, are routinely overlooked, and support services for survivors, from shelters to psychosocial care to economic empowerment programmes, are grossly insufficient across the country.

Recommendations

The findings of this assessment point to a programme of reform that must operate simultaneously at the constitutional, statutory and institutional levels. ILRAJ makes the following recommendations.

First, at the constitutional level, Section 27(4)(d) of the Constitution should be repealed or amended so that the guarantee of non-discrimination extends to marriage, divorce, inheritance and other matters of personal law, bringing the Constitution into full alignment with CEDAW and the Maputo Protocol. This single reform would strengthen every statute discussed in this report and should remain central to the ongoing constitutional review process.

Second, Parliament should enact without further delay a comprehensive law criminalising female genital mutilation, in compliance with the ECOWAS Court of Justice ruling of July 2025,

accompanied by sustained community engagement with traditional practitioners and the Bondo society so that criminalisation changes practice rather than merely concealing it.

Third, the Domestic Violence Act should be amended to criminalise coercive control and cyber domestic violence, to recognise children who witness domestic violence as victims in their own right, to provide special protection for persons with disabilities, the elderly, pregnant women and lactating mothers, to create a civil compensation mechanism, to impose statutory time limits for the granting of interim protection orders, to mandate the provision of shelters, and to raise its penalties into proportion with the gravity of the conduct it governs and into consistency with the Sexual Offences Act.

Fourth, the Sexual Offences Act should be amended to criminalise attempted rape, sexual grooming, online sexual harassment, the non-consensual distribution of intimate images including material generated by artificial intelligence, the deliberate or reckless transmission of HIV and other life-threatening infections, and the commercial sexual exploitation of persons with mental disabilities. The amendment should introduce aggravated penalties for the sexual penetration of infants and toddlers, statutory timelines for prosecution, victim and witness protection against retaliation, and provision for protective shelters, particularly for child victims abused within their own homes. The operation of the mandatory minimum sentences introduced in 2019 should be reviewed for their effect on consensual adolescent relationships.

Fifth, the penalty and remedy structures of the Sexual Offences Act and the Domestic Violence Act should be harmonised, so that the punishment an offender faces and the compensation a victim may receive no longer depend on which statute a case happens to proceed under, and so that sexual abuse within a domestic relationship can never attract lighter punishment than the same conduct between strangers.

Sixth, the Devolution of Estates Act should be reformed to extend maintenance beyond the age of eighteen for children in tertiary education and for children with disabilities, to give all spouses in polygamous marriages equal standing to apply for administration, to define contributions so as to recognise domestic labour and childcare, to introduce flexibility into the distribution formula in the manner of South Africa's intestate succession regime, to extend statutory protection to customary property consistently with CEDAW Article 16, to structure judicial discretion with clear criteria for reasonable provision, to strengthen penalties and oversight for mismanagement by administrators and receivers along the lines of Kenyan and South African practice, to introduce preventive verification of applicants for letters of administration, to extend the widow's protected occupation of the matrimonial home, and to shorten the maximum period of estate administration.

Seventh, the Registration of Customary Marriage and Divorce Act should be amended to remove entirely the possibility of marriage under the age of eighteen, resolving its conflict with the Child

Rights Act and the Prohibition of Child Marriage Act, to attach meaningful consequences to non-registration while protecting the property rights of women in unregistered marriages, to bring customary divorce and the division of matrimonial property under judicial supervision, and to reconcile the consent provisions with community practice without subordinating the spouses' consent to that of their families.

Eighth, the Gender Equality and Women's Empowerment Act should be amended to replace the discretionary language of Section 3(1) with a mandatory obligation, to extend the coverage of Section 12 to all employers rather than only those gazetted by the Minister, to guarantee return to the same or an equivalent position after maternity leave, to require breastfeeding facilities in the workplace, to provide for adult education, vocational training and skills development, to reserve a minimum share of government procurement for women-owned businesses, to address discrimination in housing, and to establish a national system of gender statistics and research. The government should complete the rollout of Gender Units to all MDAs, extend gender-responsive budgeting beyond the ten institutions so far trained, address the acute deficit of women among mayors, judges, ambassadors and senior decision-making grades, extend the assessment framework to the private sector, and investigate the reporting barriers suggested by the complete absence of recorded workplace discrimination and harassment cases in the first assessment period.

Ninth, the child protection statutes should be reinforced with a national birth registration campaign, since every age-based protection depends on proof of age, with a designated and resourced lead enforcement body for the Prohibition of Child Marriage Act, with accessible and disability-inclusive reporting channels, with a witness protection framework covering mandatory reporters, with oversight and accountability mechanisms for traditional leaders under Section 57 of the Child Rights Act, with clarification of the status of children already in informal unions, and with rehabilitation, reintegration, educational and psychosocial support programmes for child brides and child survivors of sexual violence.

Tenth, at the institutional level, the budget of the Ministry of Gender and Children's Affairs, the Family Support Units, the judiciary and legal aid services must be substantially increased. The outstanding statutory instruments under the 2007 Acts should be issued so that the laws become operable. Justice sector actors and traditional leaders should receive systematic training. Nationwide legal literacy programmes should carry knowledge of these rights to rural and illiterate women. Barriers such as the medical report requirement should be removed or mitigated wherever possible, forensic and evidentiary capacity should be built, and data collection and monitoring systems should be strengthened so that the next assessment of this framework can be conducted on evidence rather than inference. Engagement with traditional and religious leaders should be sustained and respectful, distinguishing harmful practices from the positive customs with which they coexist.

Conclusion

Sierra Leone has built, statute by statute, one of the more advanced gender law frameworks in the region. The three Gender Acts of 2007 broke ground that many neighbouring states had not yet approached. The Sexual Offences Act of 2012 and its 2019 amendment created a modern, consent-based law of sexual violence. The GEWE Act of 2022 committed the state to measurable representation and economic inclusion, and the twin child protection statutes of 2024 closed loopholes that had endured for a generation. These are achievements of which the country's lawmakers, advocates and survivors can be proud, and this report has recorded them fully.

The same record, however, discloses a framework weakened from three directions at once. It is weakened from above by a Constitution whose clawback clause exempts family and inheritance law from the guarantee of non-discrimination. It is weakened from within by discretionary language, lenient and inconsistent penalties, statutory silences on coercive control, technology-facilitated abuse, attempted rape and female genital mutilation, and by internal contradictions between statutes that should operate as one system. And it is weakened from below by the realities of enforcement, by under-resourced institutions, informal customary settlement of cases, prohibitive barriers to reporting, and the absence of shelters, rehabilitation and support for the survivors the laws exist to protect.

The task ahead is, therefore, not to legislate more but to legislate better and to match the ambition of the statute book with the resources, institutions and cultural engagement required to make it real. The recommendations set out in this report chart that course. If they are pursued with the same determination that produced the framework itself, the distance between the law as written and the law as lived, which this assessment has measured gap by gap, can at last begin to close. ILRAJ stands ready to support the government, Parliament, civil society and development partners in that work.