



# Holding African states to task on gender and violence: Domesticating UNSCR 1325 in the Sierra Leone National Action Plan

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## Abstract

This article assesses efforts to combat sexual violence in Sierra Leone through its National Action Plan (SILNAP) passed in 2010 to implement UN Resolution 1325. The article examines specifically pillars two and three, which address protection of women and girls from sexual and gender-based violence and prevention of violence against women through strengthening women's legal rights and supporting women's local peace initiatives. In spite of legislative measures and sustained activism by women's NGOs, efforts to promote gender equality and reduce institutionalized violence affecting women's daily lives are limited. Failure to account for structural inequalities such as poverty, illiteracy, income disparities, violence against women in private and public spheres, and limited budget allocation to implement the plan are contributing factors. The article is informed by feminist scholarship on sexual violence and implementation of UNSCR 1325 in national action plans. Implementation mechanisms, monitoring, evaluation, and enforcement measures, and accomplishments and shortfalls are discussed.

## Keywords

Peace-building, sexual violence, Sierra Leone, UNSCR 1325, women's political activism

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## Introduction

He used to lock me in a cage naked for the whole day, anytime I refused to honor his request to have an affair he would leave me in the cage after beating me. Then whenever he felt like it he took me out of the cage and raped me. He kept threatening me in this manner until one day when I managed to escape together with a few other girls. By then, I was five months pregnant. (cited from interview with Thorpe, 2006: 111)

Children will finally be returning to their classes throughout Sierra Leone on Monday after an eight-month hiatus due to the Ebola crisis. But there will be empty chairs at many schools. Visibly pregnant school girls will not be allowed to take their exams in primary and secondary school, according to Sierra Leone's Education Minister Minkailu Bah. 'Many of these girls have already been very disadvantaged over the last eight months, having been impacted by the Ebola crisis in Sierra Leone. And there has been a reported increase in sexual violence as well as a reported increase in pressure on girls to engage in transactional sex due to the very harsh economic impacts of Ebola,' says Sabrina Mahtani, Amnesty International's West Africa researcher. (Bagnetto LM, Radio France Internationale, 2015)

The first statement is from an interview with a 17-year-old girl who escaped abduction from rebel soldiers during the 1991–2002 Civil War in Sierra Leone. She vividly describes her subjection to brutal rape on multiple occasions by an armed commando of the rebel army until she escaped with other girls in captivity. Her experience of sexual violation during civil conflict helps us understand the devastating impact on the lives of women and girls and their vulnerability as civilian targets during such conflicts. The second statement is taken from a recent media report on Sierra Leone, which notes that as children return to school after an eight-month break resulting from the Ebola epidemic, pregnant school girls are prohibited by the government from attending school and taking exams. The report also states that during the Ebola crisis, sexual violence increased and more young girls became involved in transactional sex, the result of economic hardship encountered by families. While both events occur at different historical points, they draw attention to ways in which the perpetration of violence against women is not mutually exclusive regardless of whether it takes place during times of conflict or post-conflict. Both overlap under conditions where political and economic instability, cultural constraints, and structural inequalities persist. These statements reflect lived experiences which are critical to understanding the strengths and shortcomings of the United Nations Security Council Resolution (UNSCR) 1325, which was unanimously passed on 31 October 2000, and since 2005 has been implemented through national action plans in over 26 countries worldwide. These plans spell out the actual activities that governments will undertake at the domestic level to translate this international law into policies and program objectives. This article assesses the progress made to combat sexual violence in Sierra Leone since implementation of its National Action Plan (SILNAP) in 2010.

UN Resolution 1325, on 'Women, Peace and Security', recognizes the different experiences of women and men in conflict and peace-building, and provides a framework to empower women with the right to bring their voices and perspectives to decision-making structures when issues of war, peace, and post-conflict reconstruction are being addressed and resolved (Anderlini, 2007). It was the culmination of many years of activism and visionary leadership by women activists from many parts of the world who demanded an

end to the encroachment of violent civil wars into their daily lives. They demanded the right to be recognized as equal participants in the prevention and resolution of conflicts, as well as a role in the maintenance and promotion of peace and security.

The resolution has four pillars that support its goals of participation, prevention, protection, and promoting a gender perspective. Since 2000, the UN Security Council has also adopted other resolutions to strengthen gaps identified in the formulation and implementation of UNSCR 1325. These include UNSCR 1888 and 1820, which address criticisms about the use of soft language and a language of victimization that essentializes women as victims, and the lack of accountability mechanisms in UNSCR 1325 (Olonisikan et al., 2011; Otto, 2009; Swaine, 2010). UNSCR 1325 is where most progress has been made in terms of implementation, and it will be the focus of discussion for this article.

While all four pillars of the resolution are equally relevant to this study, and interrelate with each other, I focus on pillar two, which calls for the protection of women and girls from sexual and gender-based violence. I also look at pillar three, which emphasizes prevention of violence against women and strengthening women's legal rights, while supporting women's local peace initiatives. I examine these two pillars because in spite of numerous international efforts to address the issue of sexual violence during conflicts, the incidence of sexual violence has not lessened (True, 2012). Thirteen years after the end of a 10-year civil war in Sierra Leone, sexual violence, particularly that experienced by women and girls, continues to be a persistent problem. For example, in 2010 a study conducted by Concern Worldwide on school-related, gender-based violence in Sierra Leone, found that junior secondary school girls were very vulnerable to sexual abuse and sexual exploitation especially from their teachers (Concern Worldwide, 2010, in African Development Bank, 2011: 32).

By focusing on Sierra Leone, we can learn about how international laws, ratified by member states, are articulated and implemented at the national level. It also demonstrates the complex political, economic, and sociocultural processes that shape intended and unintended outcomes. A case study approach keeps us mindful of historically and locationally specific contexts when examining these issues (Ray and Kortweg, 1991; Steady, 2006, 2011).

This article is informed by True's (2012) application of the feminist political economy model to explain why confronting sexual violence as articulated in UNSCR 1325 cannot be effectively implemented in national action plans. True (2012) posits that most national action plans primarily focus on sexual violence under conditions of conflict with little or no emphasis on ongoing forms of institutionalized or structural violence, such as poverty, hunger, and customary laws and traditions (e.g., marriage, property, and inheritance laws). The failure to recognize links between violence during war and in peacetime results in a disconnection. Unless both forms of violence are linked and incorporated into the formulation, implementation, and enforcement of national action plans, their overall impact on empowering women will be limited, and violence against women will remain invisible regardless of war or peacetime.

I argue that in spite of the sustained activism of women's organizations to establish and implement SILNAP in Sierra Leone, its impact has been limited in promoting gender equality and reducing institutionalized violence, which women continue to encounter on

a daily basis. I demonstrate that while the government has endeavored to pass some key legislation to facilitate implementation of pillars two and three of the National Action Plan (SILNAP), there has been limited success due to a lack of adequate accountability and enforcement mechanisms to fully implement the plan. This is because of the failure to take into account structural inequalities such as poverty, illiteracy, income disparity; persistent violence against women in private and public spheres; and limited budget allocation to the Ministry of Social Welfare, Gender, and Children's Affairs which is responsible for implementing the plan. This article begins with a review of key issues that have been addressed in feminist scholarship on sexual violence and UNSCR 1325, as well as its implementation in national action plans. This is followed by a brief description of the study's methodology and the historical context of Sierra Leone. The last section examines the Sierra Leone National Action Plan (SILNAP) in relation to sexual violence and discusses mechanisms instituted to implement the plan, as well as measures established to monitor, evaluate, and enforce the plan. Within this context the study also looks at accomplishments, shortfalls, and the role of women's NGOs.

## **UNSCR 1325 and gender-based violence**

Although UNSCR 1325 was strengthened by SCR 1820 and 1889, which specifically provide for the protection of women and girls from sexual violence, feminist analyses of the 'Women, Peace and Security' agenda have primarily focused on UNSCR 1325 because this is where most progress on implementation has been made. They argue, however, that this resolution has not lived up to expectations at both international and national levels (Hoewer, 2015; Olonisakin et al., 2011; Otto, 2009; Shepherd, 2010; Swaine, 2010; True, 2012). Hoewer (2015: 223), drawing on a recent UN Women report, explains that only 40 countries have so far developed national plans, and only four out of 14 peace negotiations led by the United Nations in 2011 included women in their delegations. In Sierra Leone, for example, women were excluded from the post-war reconstruction process and limited funds were provided by the international community for programs to address gender equality and women's specific needs (True, 2012). Budgetary allocation for gender equality and women's empowerment initiatives still remain relatively low.

Other scholars criticize SCR 1325 as being a 'soft' law because it lacks enforcement powers that compel member states to implement their national action plans. Compared to other resolutions such as SCR 1612 on Children and Armed Conflict, which has established monitoring, reporting, and accountability mechanisms, and special representatives, or SCR 1372 on Counter Terrorism that uses strong language and forces the military to take it seriously, the Women, Peace and Security resolution lacks the enforcement power of a 'hard' law. Consequently, this leads to a lack of political will on the part of nation-states to carry through with UNSCR 1325 (Hoewer, 2015; Otto, 2009; Swaine, 2010). Hoewer (2015) argues that this weakness in the resolution reduces the agency of women's NGOs to advocate, especially when implementation of national action plans is not linked to regional and local activities.

Another set of criticisms addresses the analytical centrality and influence of language, as it informs policy and academic debates on 'gender', 'violence' and 'security', in

UNSCR 1325 (Shepherd, 2008, 2010). Shepherd (2010) posits that the meanings we attach to these concepts are never fixed and vary over time and place depending on prevailing social, political, and economic norms, which mediate how policy documents and strategic plans will be interpreted and understood. Abramowitz and Moran (2012) affirm this argument in their empirical study of Liberia. They show how different understandings of policy initiatives can lead to negative responses from beneficiaries because of uncertainties about how to interpret the changing meanings of established social relationships. They found that the negative response from men and women in this community had less to do with the implementation of the program intervention and more to do with the terms and conditions governing it. Abramowitz and Moran (2012) conclude that program interventions to combat gender-based violence in such situations will fail unless they are grounded in locally relevant understandings of what a policy means.

Feminist scholars also criticize the treatment of 'women' as a homogeneous category based on the biological determinants of their gender. Such an assumption ignores differences among women such as class, caste, ethnicity, region, nationality, and sexual identity. These differences matter because of their differential impact on women's position in relation to economic, social, and political opportunities, resources, and privileges. The use of 'gender' as a synonym for women is similarly contested because it depoliticizes gendered power relations, which shape women's subordination and ability to exercise equal rights (Abramowitz and Moran, 2012; Nduka-Agwu, 2009; Swaine, 2010). For example, by equating 'women' with 'gender', questions pertaining to how particular categories of men are affected by the resolution fail to be addressed and the interrelationships between men and women are lost in the analysis (Abramowitz and Moran, 2012; Swaine, 2010). Also, the assumption of a heteronormative model to conceptualize the resolution marginalizes lesbian, gay, bisexual, and transgender sexualities, and privileges particular interests over others in entitlements to protection (Shepherd, 2010). These criticisms are particularly relevant when applying such terms as 'violence against women' or 'gendered violence' interchangeably in discourses on UNSCR 1325.

In the context of this article, I emphasize 'violence against women' because not only are women in Sierra Leone disproportionately affected by violence on a daily basis, and during periods of conflict as compared to their male counterparts, but UNSCR 1325 is specifically designed to address the adverse impact of war on women. This resolution establishes an international legal framework that highlights the critical role of women in decision-making processes pertaining to conflict resolution, conflict management, conflict prevention, as well as peace-building and peace-keeping.

The concepts of 'protection' and 'prevention' in the resolution are also criticized as being conceptually flawed, in the sense of assuming that men are the perpetrators and that 'women and children' are the victims of violence and therefore in need of protection (Chinkin and Kaldor, 2013; Hoewer, 2015; Shepherd, 2010; Swaine, 2010). Such an assumption positions women as weak and subordinate, which reduces their agency in negotiating for peace, peace-building, and leadership prospects during peacetime. It also ignores the fact that men can also be victims of gendered violence and women, perpetrators (Coulter, 2009; Grey and Shepherd, 2013; Jones, 2006). By placing more emphasis on the issue of protection in United Nations discourses, less attention is

given to establishing strong measures to prevent sexual violence and to critically examine, and take action to address, the underlying causes of sexual violence against women (Swaine, 2010).

The political economy perspective is another approach employed by feminist scholars and practitioners to articulate linkages between violence against women during conflict situations and during peacetime (True, 2012: 3). Through this lens all violence is seen as being part of a continuum of violence women experience irrespective of war, economic prosperity or impoverishment, political empowerment or political repression (Hoewer, 2015; True, 2012). Gender inequality promotes and sustains violence against women and contributes to their vulnerability economically, socially, and politically, under situations of conflict or peace and in an increasingly globalized context (True, 2012). The political economy approach understands violence against women from a holistic perspective and avoids disconnecting the problem from the underlying structural causes and consequences. It takes into account individual costs to women in the private and public sphere in terms of access to opportunities and benefits. When preventive measures to combat violence against women are not instituted, the collective costs to society adversely impact the public and private sector in numerous areas, including employment, productivity, healthcare, and criminal justice (True, 2012).

The political economy analysis of violence against women views UNSCR 1325 as being lacking, in that it singles out sexual violence during conflict and fails to link this to gendered structures of inequality and the lack of opportunities that confront women on a daily basis. True (2012: 6) argues that the weakness in the conceptualization of Resolution 1325 ‘perpetuates the invisibility of violence against women in peacetime and within national borders’. The political economy approach advocates that the causal linkages need to be acknowledged and clearly articulated in resolutions regarding sexual violence, if interventions are to be effectively implemented. The following section discusses the methodology of my study that informs this article, followed by a historical context and analysis of Sierra Leone and its National Action Plan.

## **Methodology**

This article is based on an analysis of Sierra Leone’s National Action Plan (SILNAP) and qualitative interviews conducted by the author during 2011–2012 with women’s civil society organizations in Sierra Leone. Secondary documents used for analysis include monitoring and strategic planning reports of civil society organizations and government agencies, UN reports, African Development Bank reports, newspaper articles, dissertations, and published articles on the subject.

## **Historical context**

In Sierra Leone women have an established history of political activism and a tradition of political leadership, for example the paramount chieftaincy in the southern and eastern provinces. Mende women in the southern and eastern regions of the country have traditionally belonged to the Sande or Bundu society, a hierarchically structured sociopolitical organization that gave them power to influence social, political, and economic

decision-making in their communities, and to represent specific interests of women as a group (Day, 2012; Hoffer, 1973; Steady, 2006, 2011). In the nationalist struggle for independence, women participated actively in strikes and campaigns to end British colonialism and to usher in self-determination across ethnic, class, and religious lines.

After many years of activism and visionary leadership in formulating the 'Women, Peace and Security' agenda, women peace activists in Sierra Leone were major stakeholders in passing UNSCR 1325 in 2000. They came to this campaign having experienced the horrific effects of civil war between 1991 and 2002. During this war women and girls were brutally raped, maimed, kidnapped and put into sexual servitude or used as spies, carriers, cooks, and even combatants for warring factions. For example, the Special Court for Sierra Leone found that:

Women and girls – were often abducted in circumstances of extreme violence, compelled to move along with the fighting forces from place to place, and coerced to perform a variety of conjugal duties including regular sexual intercourse, forced domestic labor such as cleaning and cooking for the 'husband', endure forced pregnancy, and to care for and bring up children of the 'marriage'. (Chinkin and Kaldor, 2013: 175)

Though devastated by the war collectively and individually, with the support of international agencies and the global women's movement, grassroots and elite women were able to organize and agitate for an end to violence. Ultimately, Nigerian, UN, and British military forces were brought in to run the insurgents to the ground and end the violence. Much of the grassroots activism to end the war was organized by a coalition of women's groups such as the Sierra Leone Women's Peace Movement (SLWPM), and the Women's Forum, both of whom forced the military to hold multi-party elections. They spearheaded the Movement for Democracy, which was a network of civil society organizations intent on having a democratic government that would be accountable to the people of Sierra Leone. It was their efforts that ushered in the democratically elected government of President Ahmed Tejan Kabba. The SLWPM was recognized for its peace activism when the Mano River Women's Peace Network (MARWOPNET), a regional movement of Sierra Leonean, Liberian, and Guinean women peace activists, was awarded the UN Peace Prize in 2003.

In the post-war period, three successful democratic elections have been held and the Truth and Reconciliation Commission and Special Court for Sierra Leone have set up and concluded their work. In this historical moment, women's NGOs have continued to advocate for a broad range of issues affecting gender equality in the society. An interview with a member of the Fifty-Fifty Group, an organization formed to promote more representation of women in elected office and decision-making positions, stated that:

What we see in postwar Sierra Leone is an increase in women's movements, organizations, and associations engaged in providing needed services and advocating for democratic principles, good governance, justice, and security reforms. They advocate for gender equity, bodily integrity, access to resources, property rights, and more representation of women in parliament. (in Beoku-Betts and Day, 2015: 93)

Successive governments have recognized these efforts by appointing women to ministerial, judicial, civil service, and para-state board positions. Legislative reforms have

been passed such as the three Gender Acts (2007), the Sexual Offences Act (2012), the appointment of a Gender Advisor in the President's Office, and pillar eight of the government's 'Agenda for Prosperity' launched in 2012, which addresses gender equality and women's empowerment. In spite of these efforts, provisions have still not been made for the implementation of the Convention on all Forms of Discrimination Against Women (CEDAW), or for the ratification of the African Union's Women's Protocol. Women's political representation in parliament has also declined from 13.4% to 12.4% between 2001 and 2012. In the 2012 local council elections, only 337 women were elected out of a total of 1238 candidates (M'Cormack-Hale, 2012). Furthermore, although prior to the Ebola crisis in 2014, there was improvement in economic growth and poverty reduction in Sierra Leone, an African Development Bank report (2011) points out that the gender related Millennium Development Goals (MDGs) component of the country's poverty reduction strategy are not yet achievable. Women are more vulnerable to poverty given their dominance in the informal sector, low salaries, low literacy rates, high maternal and infant mortality rates, low participation in governance, and the prevalence of gender and sexual-based violence in the country (African Development Bank, 2011).

SILNAP, formulated to implement UNSCR 1325 and 1820, was initiated in 2009 and launched in March 2010. Official documents suggest that effort was made to be inclusive and involve a broad coalition of stakeholders, spearheaded by the Ministry of Social Welfare, Gender, and Children's Affairs (Government of Sierra Leone, 2010). Other participants include the West Africa Network for Peace-Building (WANEP), MARWOPNET, representatives from government ministries and security sector agencies such as the police and military, civil society organizations, particularly women's organizations, the UN, and several international donor agencies.

## **SILNAP and gender-based violence**

The following section examines progress made in implementing SILNAP in regard to gender-based and sexual violence. It discusses the mechanisms instituted to implement the plan, and measures established to monitor, evaluate, and enforce the plan, to assess the accomplishments and shortfalls. While recognizing particular accomplishments such as acknowledgment on the part of the state that gender-based violence remains a persistent problem regardless of whether the country is in a state of conflict or post-conflict, as well as new legislative reforms and appointments of women in leadership positions, there are also significant shortfalls, which include structural flaws in existing and new legislation, and lack of funding and resources to effectively implement SILNAP by the mandated ministry.

Official acknowledgment that sexual violence was a prevalent factor that adversely impacted many people during the war was first made by the democratically elected President, Ahmed Tejan Kabba, who took office after the war. He offered a public apology to all survivors of sexual violence (True, 2012). While recognizing the significance of this apology, much that needed to follow was not done thereafter to promote gender justice through the delivery of gender equality or women's empowerment programs. Even after UNSCR 1325 was authorized, the UN mission in Sierra Leone (UNAMSIL) invested only limited funding and senior staffing to address the concerns of women and gender. Although there was a gender specialist in the UNAMSIL mission, programs were

primarily designed to have a short-term impact as opposed to a long-term impact, such as gender mainstreaming (Nduka-Agwu, 2009).

Sierra Leone launched its National Action Plan (SILNAP) in March 2010, with a broad coalition task force and the Ministry of Social Welfare, Gender, and Children's Affairs as the lead agency. In formulating the NAP, a baseline study was initially undertaken among 697 civil society organizations to determine, first, their knowledge of UNSCR 1325 and capacity to undertake activities that relate to the priority concerns of the resolution, and second, their efforts to end impunity and persecution against women (Government of Sierra Leone, 2010). The survey revealed that 67% of organizations had worked with victims and survivors of gender-based violence, helping in some cases to bring perpetrators to justice. Informed by the findings of this baseline survey, SILNAP established violence against women as its top three pillars: (1) Prevention of conflict, including violence against women and children (SGBV), (2) Protection, empowerment of victims and vulnerable persons, especially women/girls, (3) Prosecution, punishment of perpetrators, and safeguarding women and girls during, and pre-/post-conflict periods (Government of Sierra Leone, 2010: ii).

The state's acknowledgment in the SILNAP document that gender-based violence permeates every fiber of Sierra Leone society during war, and post-conflict, at first sight makes it an impressive document. Nonetheless, prevailing experiences of gender-based violence in Sierra Leone today continue, ranging from intimate partner violence to other structural forms of violence that make women vulnerable economically, politically, and socially (Barnes et al., 2007). Highlighting violence against women as a key area for intervention and evaluation in SILNAP not only during war but also in everyday contexts establishes a clear framework by which to hold the government accountable in fulfilling its obligations to UNSCR 1325.

## **Mechanisms of implementation**

What mechanisms has the state established in a budgetary capacity and legislatively to implement the National Action Plan? What are the accomplishments and challenges? Much of the government's policy approach to address gender-based violence and promote gender equality in Sierra Leone is largely shaped by its commitments to international conventions and frameworks, to which it is a signatory (e.g., the Convention of all Forms of Discrimination against Women [CEDAW], the Convention on the Rights of the Child, the Beijing Platform for Action, and the Protocol to the African Charter on Human and People's Rights, on the Rights of Women in Africa). Much of the effort to implement these commitments was the result of the collective advocacy of civil society organizations. Several women activists have made it clear in interviews that the work of the peace and democracy movement was spearheaded by a broad coalition of women's organizations which set the stage for these legislative reforms to promote gender equality (Beoku-Betts and Day, 2015). For example, an interview with a member of the Fifty-Fifty Group revealed the following:

We realize that Sierra Leone had national treaties like CEDAW they were doing nothing about. We pulled together other women's groups to get the government to domesticate these laws. (Interview with Fifty-Fifty Member #2, 2012)

The main legislative reforms instituted were the Domestic Violence Act (2007), the Registration of Customary Marriage and Divorce Act (2007), and the Devolution of Estates Act (2007), all commonly known as the three Gender Acts. The Domestic Violence Act clearly defines what domestic violence is in terms of physical, sexual, economic, emotional, verbal or psychological abuse, as well as sexual harassment and intimidation. The law criminalizes domestic violence and imposes a maximum sentence of two years' imprisonment. It requires law enforcement agencies to enforce the law and the government to provide temporary shelter for victims of domestic violence. The Customary Marriage and Divorce Act states that children cannot marry under the age of 18 years, and that both parties must consent to the union. Under this Act women can acquire and dispose of property in their own right, and even in the event of divorce or separation, a woman does not have to return her dowry. In addition, women married under customary law have the right to register their marriage in the same way as women married under statutory law. The Devolution of Estates Act criminalizes the customary practices after the death of a husband of evicting a wife or child from the marital home, and depriving a woman from inheriting her husband's property (Center for Accountability and Rule of Law, 2009; IRIN Africa, 2012).

While each of these Acts has set a legal framework to address discriminatory practices against women, including forced marriage of children, there are structural problems embedded in these laws which impede their ability to effectively transform the lives of women and girls. For example, the maximum sentence for domestic violence is two years' imprisonment and no matter how extensive the abuse, judges cannot increase the sentence. Lack of funding also makes it difficult to provide temporary shelters for survivors of domestic violence.

Although the domestic violence legislation is another significant accomplishment in regard to protecting women from violence, incidences of violence remain pervasive and most cases go unreported. Recent crime statistics, reported by the Sierra Leone police, state that of the 11,358 incidents of sexual and domestic violence reported in 2014, 2154 complaints pertained to child sexual abuse, and 77 complaints were of rape (Africa News Service, 13 March 2015). Conviction rates for these kinds of cases are relatively low because they are thrown out of court for lack of convincing evidence from the prosecution. Cases are also settled privately, especially when the victims are poor or illiterate, likely to be stigmatized by their communities, or when there is bribery by the perpetrators (International Rescue Committee, 2012).

The failure to effectively implement the Domestic Violence Act must also be viewed from the perspective of how local communities understand these policies in relation to establishing their social relationships. As Abramowitz and Moran (2012) explain, if these new measures are not grounded in locally relevant understandings of what these policies mean at the local level, it can lead to resistance in acceptance. Although these new laws seek to empower women with their rights, without mechanisms in place to help them with the transition (e.g., literacy and education opportunities, income earning employment, job skills, access to transportation, health facilities, political participation, funding for popular education to raise awareness about the new laws), it is difficult to fully embrace the intention of the law. In an interview conducted by the International Rescue Committee with a woman survivor of domestic violence in Freetown, capital of Sierra Leone, the woman states:

They wanted us to go to court on this matter. For now I don't think I want to put the kids through those things – For now, I need some sort of intervention – I just need some kind of dialogue, or somebody going to him, talking to him. (International Rescue Committee, 2012: 15)

While this woman is seeking protection from her perpetrator and is clearly aware of her rights, if she pursues the matter legally, she is uncertain as to the long-term implications of taking such a step. Abramowitz and Moran (2012) draw attention to the fragility and resource impoverishment of post-conflict states like Sierra Leone and Liberia, which make it difficult to guarantee protections under the law. Furthermore, as these societies work towards sustainable peace-building and development initiatives, there is considerable uncertainty regarding the rights and expectations of social relationships between male and female members of kinship-based domestic groups. Such factors therefore need to be taken into account and planned for in the implementation of program initiatives to combat violence against women, and to promote gender equality.

There are also structural problems with the Constitution. The Registration of the Customary Marriage and Divorce Act and the Devolution of Estates Act cannot be effectively implemented unless the current document is revised to incorporate the recommendations of the Constitutional Review Committee that Section 27(d) in the Constitution be expunged (a process that has been under review since 1991). In its present form, the Constitution recognizes statutory and customary laws, and Section 15 guarantees the human rights of all Sierra Leoneans regardless of gender. However, discriminatory practices are excluded in cases such as adoption, marriage, divorce, burial, and devolution of property on death. Women are negatively affected by these flaws in the legislation. For example, when customary law is applied to marriage and land rights, women have no legal recourse under the traditional land tenure system which does not recognize individual rights to land. Traditional rulers or families who stand to lose customary rights and privileges tend to ignore the legislation and apply customary law to these lands in order to maintain them as communal or family property. When women lose access or rights to these resources they become poverty stricken, homeless, and their children become more likely to drop out of school because they can no longer afford to pay school fees. Some women end up marrying into their late or divorced husband's family as a way to survive and gain access to land for farming (Cooperazione Internazionale [COOPI], in IRIN, 2012).

The Sexual Offences Act was also passed by parliament in 2012. This law covers such issues as unlawful carnal knowledge, cruelty to children, domestic violence, indecent assault, sexual harassment, and rape. Critical problems arise in the implementation of this law. Media reports mention parents who in the spirit of compromise marry off an assaulted child to the perpetrator. When caught, these parents are also subject to prosecution under the law (Women Count, 2013).

Women's NGOs and other civil society organizations have been very instrumental in raising public awareness to promote implementation of these laws. For example, the Fifty-Fifty Group translated the Gender Acts into four of the local languages and organized media campaigns and popular education programs to teach men and women around the country about their new civil rights. The following section examines how the lead ministry responsible for overseeing the implementation of SILNAP has navigated the process.

In 1996 a new Ministry of Gender and Children's Affairs was established by the Sierra Leone People's Party (SLPP) government with a mandate to advocate for the rights of women and children. Two years later, under neoliberal economic policies to reform the public sector, the ministry was collapsed into the Ministry of Social Welfare to become the Ministry of Social Welfare, Gender, and Children's Affairs (MSWGCA). This proved to be problematic because the Ministry of Social Welfare was relatively weak, not well funded, and lacked authority and influence in the government. A 2011 report from the African Development Bank on Sierra Leone states:

The Ministry's woes have been compounded by low budgetary allocations from the national budget. The MSWGCA's annual budgetary allocation between 2005 and 2010 has hovered between 1.1% and 2.7% of the sectoral allocation and 0.2% and 0.7% of the national budget. Due to its poor financial and technical capacities, and in spite of its inter-ministerial mandate, the MSWGCA is one of the weakest and least influential in the national political scene. (African Development Bank, 2011: 11)

In view of these constraints, women's organizations continue to face many challenges that undermine their capacity to effectively advocate for tangible policy reforms to promote a broad based gender equality agenda. Most critical among these challenges is resistance from legislators to pass the Truth and Reconciliation Commission recommended Gender Equality Act, which requires a 30% representation of women in elected office, and other leadership and decision-making positions. Recognizing the limitations of the Ministry of Social, Welfare, Gender, and Children's Affairs to effectively represent women's particular interests, women's NGOs have demanded an independent National Commission on Women, which the government has shown little interest in supporting, preferring instead to appoint a gender advisor assigned to the President's office. Furthermore, since 2002, almost all heads of the MSWGCA have been men.

## Monitoring and evaluation

Effective monitoring and evaluation of SILNAP require a holistic understanding of structural inequalities and gender hierarchies that permeate the wider society. For example, the 2013 Civil Society Monitoring Report of UNSCR 1325 points out that patterns of sexual violence, such as rape, that existed prior to and during the war still persist. Women's representation in the justice and security sector is also relevant for effective implementation of legislation on violence against women. Women constitute 23.9% of the judiciary, 17.8% of the police, 7.5% of commissioned ranks, and 2.4% among non-commissioned ranks in the military. Some progress has also been made to introduce training on sexual violence and affirmative action policies to accelerate promotion of more women officers in the police and military. Women's representation in peace support operations in Africa has also increased (Women Count, 2013). Notwithstanding, it is still difficult to evaluate the level of government's commitment to SILNAP because there are no quantifiable figures on record in the document. Although there is a budget for SILNAP's implementation, it does not clearly identify the government's specific responsibilities or provide particular targets in budgetary allocations. More information is also

needed on what budget allocations will be made to build the capacity of the print, radio, and TV media as well as civic education groups, which have responsibility to raise awareness and disseminate information promoting the goals of the plan.

Another issue of concern is what specific roles civil society organizations should perform in the implementation of SILNAP, and whether there is enough distance between these organizations and the government, or with international donors, to exercise an independent status in the monitoring process. For example, NGOs are often presented as a homogeneous body of organizations while overlooking the different types of activities they engage in, quality of their programs, and tensions between particular organizations based on regional, religious, ethnic, and political alliances. An understanding of these patterns of differentiation fosters clearer understanding of the structural inequalities and hierarchies that need to be disentangled to appreciate the needs of these constituencies, and to promote effective monitoring and evaluation of SILNAP. Also pertinent to this issue is the question of what enforcement measures are in place and how effective they are.

## **Enforcement**

Failure on the part of the government to invest adequate resources, such as funding and staff training, makes it difficult to effectively enforce SILNAP. For example, the African Development Bank report notes that the MSWGCA has not been strong and effective due to the high turnover of senior staff, and limited technical and financial resources to engage effectively with stakeholders and partners (African Development Bank, 2011).

Another fundamental problem affecting enforcement of SILNAP is the externally driven structure of international funding that has led to a decline in the organizational autonomy of women's civil society organizations. The agendas of international donors who work with local NGOs are primarily guided by specific goals that are fundable and achievable within a limited time frame set by the donor agencies. The demands to comply with these expectations often limit the ability of local civil society organizations to pursue more flexible and independent agendas that represent the interests of their stakeholders, such as raising public awareness about the new laws, training law enforcement agencies and traditional leaders, and effectively lobbying parliament and allies to advocate for the implementation and enforcement of these laws. As a member of the Forum for African Women Educationalists stated in an interview, 'We need funds and collaboration with donor partners, but we want to maintain our own individuality as FAWE. Who pays the piper calls the tune. You can lose your identity and become a servant to the donor' (Beoku-Betts and Day, 2015: 96–97).

## **Conclusion**

While it is clear that some progress has been made to implement pillars two and three of the Sierra Leone National Action Plan, the question remains as to how much this plan either improves, undermines, or even delegitimizes women's agency to bring about gender-related structural changes in Sierra Leone. As Barnes (2011) points out women's marginalization persists in Sierra Leone, in spite of UNSCR 1325, because the mechanisms

of implementation are fundamentally unsuited for the type of structural changes it assumes will take place, such as poverty reduction and eradication of corruption and everyday forms of violence against women. The Sierra Leone case shows how these issues interact and impact women's lives in specific ways when connections are not made across the continuum of violence. It also weakens the capacity of women's organizations to confront the state to effectively address their strategic gender interests, and to significantly influence the agenda for gender equality. As stated by Swaine (2010: 420), 'The real challenge is to understand how attention to gender issues might require the wholesale reconfiguration of peace keeping and peacebuilding efforts, rather than to assume that the simple inclusion of women in the process would solve the problem of gender inequality.'

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### Author biography

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### Résumé

Cet article examine les efforts déployés par la Sierra Léone pour lutter contre les violences sexuelles dans le cadre de son plan d'action national (SILNAP), instauré en 2010 et visant à mettre en œuvre la résolution 1325 de l'ONU. Il examine deux éléments du triptyque portant sur la protection des femmes et des petites filles contre les violences sexuelles et sexistes et la prévention de la violence sexuelle par le renforcement des droits juridiques des femmes et le soutien aux initiatives de paix prises par des groupes locaux de femmes. En dépit des mesures législatives et de l'action militante des organisations non gouvernementales féminines, les efforts visant à promouvoir l'égalité des sexes et à réduire les violences institutionnalisées affectant les femmes dans leur vie quotidienne restent limités. Les principaux facteurs expliquant cette situation sont la non-prise en compte des inégalités structurelles, telles que la pauvreté, l'analphabétisme, les disparités de revenus, la violence contre les femmes dans la sphère privée et publique, et le budget limité alloué à la mise en œuvre du plan. Cet article s'appuie sur des études féministes portant sur la violence sexuelle et la mise en œuvre de la résolution 1325 dans les plans d'action nationaux. Il examine les mécanismes d'application, de suivi, d'évaluation et de contrôle des mesures, ainsi que leurs réussites et leurs échecs.

### Mots-clés

Militantisme politique féminin, promotion de la paix, RCSNU 1325, Sierra Léone, violence sexuelle

### Resumen

Este trabajo evalúa los esfuerzos para combatir la violencia sexual en Sierra Leona a través de su Plan de Acción Nacional (SILNAP) aprobado en 2010 para implementar la Resolución 1325 de la ONU. Examinó los fundamentos dos y tres que se ocupan de la protección de las mujeres y niñas de la violencia sexual y de género y la prevención de la violencia contra las mujeres mediante el fortalecimiento de los derechos legales de las

mujeres y el apoyo a las iniciativas de paz locales de las mujeres. A pesar de las medidas legislativas y el activismo sostenido por organizaciones no gubernamentales de mujeres, los esfuerzos para promover la igualdad de género y reducir la violencia institucionalizada afectando la vida cotidiana de las mujeres son limitadas. No tomar en cuenta las desigualdades estructurales, como la pobreza, el analfabetismo, las desigualdades de ingresos, la violencia contra las mujeres en los ámbitos público y privado, y la limitada asignación de presupuesto para implementar el plan son factores que contribuyen. El estudio es informado por estudios feministas sobre la violencia sexual y la aplicación de la Resolución 1325 del Consejo de Seguridad de las Naciones Unidas en planes de acción nacionales. Discuto mecanismos de implementación, monitoreo, evaluación y medidas de ejecución, así como los logros y deficiencias.

**Palabras clave**

Activismo político de mujeres, consolidación de la paz, Resolución 1325 del Consejo de Seguridad de las Naciones Unidas, Sierra Leona, violencia sexual