The Road to Justice

A Handbook for the Media on Reporting

Sexual and Gender Based Violence (SGBV) Cases in Sierra Leone

The views expressed in this publication are those of the authors and do not necessarily represent those of the United Nations, including UNDP, or the UN Member States.
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Sexual and Gender Based Violence (SGBV) existed in Sierra Leone before the outbreak of the war in 1991, and intensified during the period of hostilities when there was a complete breakdown of not just law and order, but also of all levels of social authority, values and norms. At the end of the war in 2002, the brutality and breadth of SGBV became a negative national legacy. Unfortunately, the end of the war did not bring with it an end to SGBV and certain sections of the population, mainly poor women and girls, face serious challenges in accessing justice in contemporary Sierra Leone for this particular kind of violation. The media, being a powerful entity within society, has a role to play in addressing this serious social problem.

The Government and its international partners, immediately after the war, embarked upon several strategies aimed at addressing SGBV within the communities, and to that end several interventions were made. Notable amongst these were the creation of the Family Support Unit (FSU) within the Sierra Leone Police; the construction of Rainbow Homes for survivors to take refuge; and the passage of the three Gender Acts in 2007\(^1\) as a vital legal framework for dealing with some of the SGBV issues. Key national and international actors have supported the work of the Government and continue to work on addressing this social malaise with great passion and dedication. Development partners such as the British Council’s Justice Sector Development Programme (JSDP), Irish Aid, UN agencies like UNIPSIL, UNICEF, UNIFEM and UNFPA, as well as international NGOs, such as IRC, Action Aid and many others are providing important support to the country to enable it confront the problem of SGBV.

In an effort to ensure that national and international efforts took place in a cohesive and collaborative manner, the Government developed a Justice Sector Reform Strategy and Investment Plan (JSRIP) of 2008-2011, as a national framework. UNDP’s Access to Justice Project, established in 2009 to complement the initiatives of government in the Justice Sector, as contained in the Justice Sector Reform Strategy and Investment Plan (JSRIP) of 2008-2011 has, since its inception, placed considerable emphasis on the use of the law to address human rights violations. In particular, it places emphasis on criminal prosecution as a deterrent to would be SGBV perpetrators. Further to this, the Project has adopted a holistic strategy towards the problem by working very closely with state institutions and civil society groups.

Specifically, the Project has endeavoured to make an impact at both the national and state levels. To this end, the Project has supported the judiciary with the creation of Saturday Courts which adjudicate only SGBV cases; engaged relevant government departments at the policy level with the aim of strengthening certain pieces of legislation that punish SGBV, such as the initiative for enactment of a Sexual Offences Act which will harmonize all sexual offences laws into one; trained staff of the FSU in undertaking rigorous investigation and preparation of charges, all aimed at enhancing the chances of successful prosecution; produced a manual on case management in that same regard; given grants to CSOs to work with victims of SGBV; given capacity support to CSOs on the ‘three Gender Acts’ which has enabled them to take a number of referral cases to the Courts; and, through an institutionalized CSO UNDP forum that meets every month, has monitored and acted on cases of SGBV.

Finally, the field presence of UNDP access to justice officers in the regions has also contributed to an oversight role of state officials with responsibility to investigate and prosecute SGBV. Thanks to their presence, SGBV has for some time now become an agenda for district and provincial security committee meetings (known as DISEC and PROSEC, respectively) in some of the regions.

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In spite of these efforts, challenges remain. In order to bring about greater awareness about SGBV and the on-going interventions of the national and international community, the role of the media is extremely critical. The media can play a large role in championing the cause of humanity so as to bring about social change. This is important in a context like Sierra Leone, where radical change is needed in order to change the culture of impunity and bring about an end to SGBV. Given the position media occupies in society and its influence, UNDP held consultations with media practitioners in the provinces and Freetown on how sustained reporting on the proc-

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The idea for a media handbook was borne out of the need to provide journalists in Sierra Leone with comprehensive information and reference material on SGBV, the legal framework for addressing it, how to navigate the justice system and the valuable contributions the media can make in shaping public consciousness and driving social change to promote justice for victims and survivors of SGBV. This need was expressed at the first ‘Consultative Meeting with Media and Justice Sector Stakeholders on Publicization of Court Proceedings on SGBV Related Cases in Sierra Leone’, held on 22 July 2009. Following that first meeting two further consultations were held with media practitioners in Makeni and Bo in November 2009; and a national workshop in February 2010.

These consultations, and the media practitioners, lawyers and justice sector actors who participated therein, contributed tremendously to the development of this handbook.

Special recognition is given to the Independent Media Commission and its former Chairperson, Mrs. Bernadette Cole for her commitment and support in identifying and reaching the relevant stakeholders in this initiative, and also for participating actively in all the consultations.

Four important people who supported and nurtured the seeds of this endeavour, but who have moved on to other opportunities are worthy of mention here. They are Amber Phalen, who served as Media and Communications Officer with the UNDP Access to Justice Project from September to November 2009. During this period, she facilitated the two regional consultations and a strategic planning meeting and distilled the ideas from these meetings into the initial structure of the handbook. Lucy Turner joined the Project in November 2010 and edited the entire draft of the handbook extensively, ensuring a more reader friendly outlook. Walter C. Neba, interning on the Project from August to December 2009 conducted painstaking research and developed the comprehensive glossary of terms to keep all users abreast with relevant legal terminology used in the handbook. Finally, Nana K. A. Busia Jnr, former Head of the Access to Justice Project, provided overall inspiration and encouragement to the initiative.

All other persons who have contributed in great or small measure to the completion of this handbook are hereby duly acknowledged.
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<td>ACHPR</td>
<td>African Charter on Human and People's Rights</td>
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<td>ACRWC</td>
<td>African Charter on the Rights and Welfare of the Child</td>
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<td>AIDS</td>
<td>Acquired Immuno Deficiency Syndrome</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of all forms of Discrimination Against Women</td>
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<tr>
<td>CRA</td>
<td>Child Rights Act</td>
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<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>CSW</td>
<td>Commission on the Status of Women</td>
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<td>DPP</td>
<td>Director of Public Prosecution</td>
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<td>FSU</td>
<td>Family Support Unit</td>
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<td>HIV</td>
<td>Human Immuno-deficiency Virus</td>
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<td>IMC</td>
<td>Independent Media Commission</td>
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<tr>
<td>MSWGCA</td>
<td>Ministry/Minister of Social Welfare, Gender and Children's Affairs</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>PI</td>
<td>Preliminary Investigation</td>
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<td>SGBV</td>
<td>Sexual and Gender Based Violence</td>
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<td>SLP</td>
<td>Sierra Leone Police</td>
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<td>STD</td>
<td>Sexually Transmitted Disease</td>
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<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNIFEM</td>
<td>United Nations Fund for Women</td>
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<td>UNIPSIL</td>
<td>United Nations Integrated Peace building Mission in Sierra Leone</td>
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<td>UNSC</td>
<td>United Nations Security Council</td>
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<td>USA</td>
<td>United States of America</td>
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<td>VAW</td>
<td>Violence Against Women</td>
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<td>VCS</td>
<td>Voluntary Cautioned Statement</td>
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<td>WHO</td>
<td>World Health Organisation</td>
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Introduction

This handbook is designed by the United Nations Development Programme (UNDP)’s Access to Justice Project to provide media practitioners in Sierra Leone with a step-by-step guide to reporting and publicizing Sexual and Gender Based Violence (SGBV) cases and convictions in Court. The handbook draws on a rich blend of experiences from local and international media practitioners. Lessons learned and best practices have been extracted from these, and adapted to the local context to meet the needs of media practitioners in Sierra Leone.

One of the many definitions of SGBV which has achieved a measure of global acceptability appears in UN General Assembly Resolution 48/104 of 20 December 1993. It defines SGBV thus:

*any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, arbitrary deprivation of liberty, whether occurring in public or in private life.*

SGBV in its various forms is a serious impediment to progress in those areas of development with which communities in Sierra Leone are most concerned, including health, education, human rights and economic growth.

Exposure to SGBV significantly increases girls’ and women’s chances of early sexual engagement, acceptance of forced sex, engaging in transactional sex, and non-use of condoms. The impact on all areas of health and social programming is profound. Survivors of sexual violence also experience increased rates of morbidity and mortality, HIV transmission, and teenage pregnancy, stunting future educational and economic growth.

In Sierra Leone, SGBV continues to be a source of concern for many human rights campaigners. SGBV issues such as rape, wife beating, sexual harassment and molestation, forced marriages, and wife inheritance continue to be a daily occurrence. A culture of impunity is encouraged by negative traditional beliefs, harmful customary practices, and weak capacities in institutions that are responsible for the implementation of justice and security. This leads to a culture of silence and a perception of impunity.

As a result, SGBV thrives; justified and perpetuated in the name of “discipline” and “culture”. Women are often relegated to the home, where they are deprived of the opportunity to engage in other, more productive, livelihood activities. This has a debilitating effect on the overall output of women, which deprives entire communities—and the whole country—of the value of their contribution to economic and social development.

One way to address SGBV prevention and response is by strengthening the legislative and regulatory frameworks. Sierra Leone has taken an important step in this direction: the ‘three Gender Acts’ have passed into law, and key stakeholders are increasing popular awareness of them. With more women becoming aware of their rights and the avenue for their protection under the law, the justice system is increasingly becoming the platform for the protection and realization of women’s rights in Sierra Leone.

The law is a powerful instrument for combating SGBV, protecting women’s rights, and promoting social justice for two main reasons. Firstly, it can ensure that justice is delivered in a fair and effective manner – both for the SGBV survivor as well as the perpetrator in an individual case. Sec-

ondly, the law has a ‘deterrent effect’: punishments meted out to the individual perpetrator deter other would-be perpetrators from committing SGBV.

Reporting and publicizing convictions for SGBV cases has been identified as a prime strategy for optimising the potential of the law to promote and protect women’s rights in Sierra Leone. First, quality reporting demonstrates the force of these laws through Court proceedings and outcomes. By doing so, it can overcome the perception (and reality) of impunity which denies victims justice, and discourages them from seeking it. Second, by publicising this information, the media can maximise popular awareness of SGBV issues and the punishments they attract. By so doing, the media has a multiplier effect on the deterrent value of the law.

Third, journalists who are well informed about international, regional and national laws and principles pertaining to SGBV can, through their reporting, expose instances in which the way laws are applied and processes conducted deviate from prescribed standards.

Fourth, journalists can use their ability to communicate and their access to mass media sources to both report events and add more in-depth analysis. By providing analyses and bringing together multiple perspectives—from all over Sierra Leone, West Africa, and beyond—journalists can stimulate the development of a public that is conscious of, and more knowledgeable concerning, critical issues such as human rights, justice and SGBV. Reporting of this kind can encourage critical thinking on social attitudes and common practices. It can foster awareness that the customary is not the natural; that the way that women and men are treated is not prescribed in any natural order and can change. Finally, quality reporting can expose the opportunity costs of such treatment - poorer development outcomes.

A more knowledgeable public is likely to be a more engaged public, willing and able to engage in dialogue on SGBV issues, to advocate for the strengthening of laws and norms from village to ministerial level, and to hold relevant actors to account for any deviation from them. By promoting greater public awareness, therefore, the media can promote a stronger civil society and more active population, empowered to promote positive change on SGBV issues.

To date, reporting on SGBV in Sierra Leone has failed to achieve its potential to stimulate popular awareness, meaningful public debate, and civic activism to counter SGBV. Victims of SGBV, and society as a whole—for all Sierra Leoneans are affected by SGBV—are thereby deprived of an opportunity to transform their lives by eradicating the scourge of SGBV.

The media has neither influenced policy changes nor enhanced grassroots awareness of the problem. It is very hard to find high quality reporting on SGBV – there are few if any well-researched, thought-provoking accounts that carry a variety of opinions, give readers a wide range of views to consider, and reflect on the reality of SGBV that exists in Sierra Leone. Cases are generally reported as isolated incidents, and as a social problem, not a crime. Reporting rarely attempts to give readers an idea of how widespread various forms of SGBV are, and what the Courts and other national institutions are doing to address them.

Why has the media so far failed to achieve its potential? A series of consultative workshops with media and justice sector stakeholders convened across the country by UNDP between July and September 2009 identified two reasons:

- Adherence to standards, ethics and rules of reporting cases in Court has fallen far short of professional standards.
- Little interest in reporting SGBV cases at all, let alone sustained reporting from the time charges are preferred to conviction or acquittal.

All the participants agreed to remedy these shortcomings through capacity development training of journalists on issues relevant to the effective reporting of SGBV cases and convictions.
In response to this uniform recommendation, UNDP convened a team of local and international expert media practitioners to develop a tool which would foster effective and professional reporting of SGBV cases and convictions in Court.

The tool was developed with those who are to use it in mind. Presentations on topics relevant to the media reporting of SGBV cases and convictions in Court were drafted and ‘pre-tested’ in a workshop of forty journalists in Freetown. At the workshop, participants assessed the appropriateness of the learning materials and topics and proposed ways in which these could be strengthened. Their recommendations are reflected in this handbook.

This is, therefore, a handbook that is not only produced for journalists, but with them, and by them. It is hoped that by using this handbook, journalists will be willing and able to witness SGBV Court proceedings, listen to the stories of the ordinary men and women who experience SGBV, and acquire the skills they need to report these stories professionally. By so doing, it is expected that journalists will support the emergence of a knowledgeable public, provoke informed debates and dialogues on SGBV at both the national and local levels. And hopefully they will become critical participants in national efforts to prevent and respond to SGBV.
Reporting on SGBV: What is all the fuss about?

“Why should I care about SGBV?”  It’s a national emergency. In the first six months of 2008 alone, there were 625 reported sexual assaults on women and girls in Sierra Leone, 454 were treated for sexually transmitted infections, and 74 were found to be pregnant. In 2010, SGBV is more common than it was in 2008. These women and girls are daughters, sisters, wives and mothers. We are affected by what happens to them. We are affected by poorer development because they—half our population—cannot put their talent, potential, and energy into Sierra Leone’s development. For everyone in Sierra Leone, SGBV is a problem.

“What difference do court cases make?”  Court cases can ensure that an SGBV victim and a perpetrator receive justice. They also prevent similar crimes from happening in future: would-be perpetrators know that SGBV is a punishable offense. With Sierra Leone’s legal system getting more effective all the time, its potential to achieve these two outcomes is getting better and better. For the realisation of women’s rights in Sierra Leone, the justice system is the way forward.

“But why should I report on SGBV cases? There is so much else going on here!”  By reporting on SGBV cases, you send out the deterrence message loud and clear. You let communities in every part of the country know that SGBV is a crime, punishable by law. By sending out that message, you can protect your mother, sister, daughter, wife from the threat or occurrence of SGBV. Since SGBV holds back national development, you can also drive Sierra Leone towards a brighter future.

“These are over-enthusiastic claims! I’m just a journalist!”  Has anyone ever criticised an article you have written? Or has someone approached you to encourage you to write about a specific issue? They do so because they know this truth: journalists are powerful! If journalists were not powerful, they would leave you alone. Throughout the world, and throughout history, the media has created massive social change by championing a cause. Consider this; by reporting on SGBV, you can: amplify the deterrent effect of the law, expose instances in which the way laws are applied deviates from proper practice, and generate a conversation on SGBV issues that encourages people to question the attitudes that lead them to accept SGBV as ‘just one of those things’.

“I would have to be a genius to achieve all these things!”  Not at all! You just need to know a bit about SGBV, a bit about the law, and the professional standards, ethics and rules of reporting court cases. All that information is contained in the following pages. Making a powerful contribution to the safety, prosperity and wellbeing of your family, community, and country, starts with simply reading on.
The Power of the Media to Influence Change

Julius Spencer

If media owners and practitioners decide to include the exposure of SGBV on the media agenda, the mass media in Sierra Leone will make a major contribution to stemming what has become a culture of violence; the impact of which on victims is not understood or appreciated by the majority.

Ask any journalist what the role of the mass media is and you will almost certainly get the common answer, ‘to inform, educate and entertain’. There is no doubt that these three activities form the pillars of mass media, but they are not simply ends in themselves. Particularly through the first two pillars of informing and educating, the media has an impact on individuals and consequently, society. Whether it is through exposing wrongdoings of government officials or providing information about improved varieties of seeds to farmers, the media has the capacity to influence change in the way individuals, groups and the general society behave. This chapter will explore how the media operates and the pathways through which it influences change.

The Role of the Mass Media

Mass media plays a crucial role in forming and reflecting public opinion, connecting the world to individuals and individuals to the world, and reproducing the self-image of society. In other words, the mass media in any society fulfills a number of functions. In the first place, through the stories it tells and the opinions it disseminates, the mass media influences people’s thoughts and therefore the opinions they hold about events, issues, people and institutions. In today’s world, people have access to a wide variety of media, and the opinions they hold are thus shaped by the media they are watching, reading or listening to.

Secondly, by giving the people access to information about things happening in other parts of the world, the media allows us to connect with people and events in other countries in an emotional way. It enables us to learn about a tsunami in Indonesia, an earthquake in Haiti, an Israeli bombing of Gaza, etc. Here in Sierra Leone, we talk about these things as if we witnessed them happening. In the same way, citizens of far away countries learn about SGBV in Sierra Leone and are distressed in the same way that we might expect our neighbours to be.

Another important function fulfilled by the mass media is that of cultural assimilation. In other words, through the images it portrays (verbal, written and visual) the media reflects the values, customs and traditions of the society in which it operates. Consequently, those who consume media—that is you and I who read newspapers, listen to radio or watch television—become absorbed into the culture of the society being portrayed by the media. Sierra Leonean popular culture is being influenced by foreign cultures because these are the images being portrayed through the media. Thus, instead of young Sierra Leoneans being assimilated into Sierra Leonean culture, they are being drawn to foreign cultures.

Audience Reception Theories

There are several theories about how audiences receive media, but perhaps the most widely accepted theory on audience reception is Denis McQuail’s Uses and Gratifications Model which

3. Those means of communication that reach large numbers of people with information for example, newspapers and magazines, radio, television and – more recently - internet.

emphasises four reasons why audiences consume media:

1. The need to reinforce one’s own behaviour by identifying with roles, values and gender identities presented in the media. As human beings we feel the need to justify our behaviour through the behaviour of others. In other words, when we see others behaving like we do, or we behave like others do, we are satisfied that we are behaving in the right way.

2. The need to feel some kind of interaction with other people which is offered by text such as a soap opera or a lifestyle magazine. This provides us an opportunity to see how other people live their lives.

3. The need for security. Media offers a window to the world that allows education and the acquisition of information. This is what gives meaning to the phrase “information is power” because the information we acquire through our engagement with the media enables us to make informed decisions and avoid making decisions that could put our lives and livelihoods at risk.

4. The need for entertainment through both escapism and the need for emotional release, such as laughter. This is why we enjoy watching movies, and watching football. The tension we feel when the team we are supporting is trailing and the joy we feel when our team scores a goal, or the tears we shed when the hero or heroine in the movie we are watching suffers or dies, or the laughter we experience watching a comedy, gives us emotional relief.

**The Media and Agenda Setting**

In performing its function of providing news and information to society, the media does not simply transmit all information to the public. All information goes through a process of filtration that results in the media determining what the public reads, sees or hears. This is referred to as agenda setting. By deciding what is reported, the media controls what gets into the public domain.

The news output of the world’s media is generally provided by a few large news agencies, namely: Associated Press (AP), Reuters, Agence France Press (AFP) and Universal Press Institute (UPI). These four news agencies claim together to provide 90% of the total news output of the world’s press, radio and television. Consequently, it is these four news agencies that set the world’s news agenda and thus determine what the world sees or hears.

Although it is generally believed that the media is by nature antagonistic to the established order (i.e. government and institutions), this is not entirely true. The truth is that the ethics of the media are closely related to that of the homogeneous establishment, providing vital support to the existing order. The overall interpretations of events they provide in the long run are those most preferred by, and least challenging to, those with economic power. This is so because the media owners are themselves usually part of that existing order and have no desire to see it disrupted. In addition, although having a social agenda, the media is also first and foremost a business and needs the patronage of those with economic power to survive.

Having said this, however, it must be noted that the media are not simply crude agents of propaganda. The media in any society does not set out to project a particular ideology or agenda. Its support for the existing order is more overt than covert and comes out of the fact that the consciousness of its owners and operators is in tune with that of the established economic order. The media organises public understanding of issues and events based on its presentation of these issues and events, thus helping to maintain social order. This point is well made in the Inter Press Service’s handbook for journalists on Reporting Gender Based Violence:
The media is one of the most important socializing influences in people’s lives. Negative and stereotype images of women in the media, and the ways in which the media reports on gender-based violence (as a lesser crime or violation) contributes to the acceptance of gender-based violence as a norm. The dominant myth is that the media is neutral and objective. This is not so. Each journalist brings to the newsroom his/her views opinion, beliefs and attitudes. These inform the way in which the journalist views a particular issue. Thus the media is not a passive transmitter of information to society but a source of information that comes with value judgements. Because the media informs our understanding of issues, it has a critical role to play in processes of transformation.\(^5\)

**The Media as an Agent of Social Change**

The relation of mass media to contemporary popular culture is commonly perceived as a flow of perception that has long-term consequences which are significant and worthy of attention; more so because of the fact that majority control and ownership of the media rests with the elite. One of the consequences is the sense that the mass media serves as a means of social control of the masses by the elite thus, leading to accusations of a 'media elite' having a form of 'cultural dictatorship'.

However, even though it has been said that the media helps sustain the established economic order, the media also plays a vital role in bringing about social change. In the first place, the development of mass media is a crucial factor in the transition from an absolutist regime to a liberal-democratic society. The media creates a space which provides individuals with a chance to collectively and critically assess, discuss and evaluate contemporary issues of utmost importance for the people. It enables them to make informed decisions about the society in which they live, partly because it provides them insights into how other people live. For example, this space which the media provides makes the state highly visible and acts as a regulatory mechanism over the state and state actors thereby bringing to the open things earlier kept in the dark. Thus, without the media, absolutist regimes would continue to thrive.

Although a sizable portion of mass media offerings—particularly news, commentaries, documentaries, and other informational programmes—deal with highly controversial subjects, the major portion of mass media offerings are designed to serve an entertainment function. These entertainment programmes tend to reflect beliefs and values approved by the mass audience. To do otherwise would place the media at risk of losing its audience. The media, therefore, can also be said to help propagate stereotypes. For example many adverts on radio and television reinforce the stereotype of the woman’s place being in the kitchen or the one to look after the children. Seldom will we see an advert that has to do with food or cooking with a man being the one doing the cooking. Nor will we see an advert with a man doing the laundry.

**New Media**

Although there is still a certain amount of elite control of the media, this control has diminished significantly in recent times due to the emergence of what is now referred to as 'new media'. This has come about as a result of the growth in communication technology, in the form of the internet and the mobile phone.

With the almost unlimited freedom provided by the internet, no group has control over the information that can be consumed, except in totalitarian states where the state still controls access to the media. Generally, however, people now have virtually unlimited access to information. Even

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in the area of news dissemination, the old models of news packaging are giving way to more unregulated means such as internet blogging.\(^6\)

These blogs are usually accessible to all who care to visit the site. Even though the accuracy/reliability or impartiality of these blogs is questionable, they have provided a major challenge to the status quo as far as the mass media is concerned. Little wonder some presidents and other high ranking members of society now have their own blogs and subscribe to social networking sites like Facebook.

In addition to the internet, the mobile phone revolution has also had a major impact on the mass media. Information is now disseminated much more quickly from person to person using mobile phone communication: bulk text messaging is used for campaigns and mobilising people, people can listen to the radio and watch television on their mobile phones, and even take pictures and record audio and video of events which are submitted to established media institutions. This has given rise to the use of the term “citizen reporter” or the popular CNN “I-Report.” With the arrival and continued transformation of these technologies, mass media and the means of information dissemination are no longer the exclusive preserve of journalists and other media professionals. Ordinary citizens now have the tools at their disposal.

In addition to new technologies, the modern media landscape has witnessed the revival of an ‘old’ medium—radio—in a new form. Community radio is a type of radio station which is based in, owned, and operated by a particular community. Community members therefore enjoy access to the airwaves in ways they do not with commercial radio stations. In a country like Sierra Leone where broadcasting was fully state controlled, this kind of access to news and information at the community level is an invaluable asset in fostering community cohesion as well as mobilizing for change.

**Implications for SGBV**

What does all this mean for a campaign to minimise the occurrence of SGBV in Sierra Leone?

In the first place, it is quite clear that the mass media can exert significant influence on the way the public views SGBV. If media owners and practitioners decide to include the exposure of SGBV on the media agenda, the mass media in Sierra Leone will make a major contribution to stemming what has become a culture of violence; the impact of which is not understood or appreciated by the majority.

As the Inter Press Service notes in its handbook for journalists on Reporting Gender Based Violence:

> Sexual and Gender Based Violence...has presented particular challenges to the media and to society because of the way in which it has been consigned to the ‘private’ sphere – dampening public discussions and stifling media debate. Yet, the media has the potential to play a lead role in changing perceptions that, in turn,

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6. This is the name given to a mini website created by an individual who posts news and his opinion on events on this site. Some blogs are like diaries where the individuals record daily events they witness, hear about or are involved in.
can help galvanize a movement for change.\(^7\)

It goes on to say:

> By making gender based violence more visible through the media, the press forces society to acknowledge it as a problem and to place pressure on policy makers to legislate against it and, where legislation already exists, to enforce such legislation.\(^8\)

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8. Ibid, p.12
The Power of the Media to Influence Change

CHAPTER REVIEW:

What the media does:

- **Forms opinion**: The media plays a crucial role in forming public opinion—the stories it tells and opinions it disseminates influence people’s thoughts and opinions.

- **Sets the agenda**: The media doesn’t just reflect the values and norms of a society, it shapes them.

- **Changes people’s minds, changes society**: The media is one of the most important socialising influences in a person’s life. The way it presents issues and events organises public understanding of issues and events.

- **Transforms**: Because the media informs our understanding of issues, it has a critical role to play in processes of social transformation.

- **Gets people thinking**: The media provides a space in which individuals can critically assess, discuss and evaluate issues—including attitudes and cultural norms which tacitly encourage or permit SGBV.

- **Throws light on the ‘shadowy’ aspects of society**: Part of the reason why SGBV has become so rampant is that it has been consigned to the private sphere. In turn, victims have been silenced, perpetrators are free to re-offend, and impunity reigns.

- **Promotes movements for change**: By making SGBV more visible through the media, the press forces society to acknowledge SGBV as a problem, and encourages action to address it.

How the media can contribute to eradicating SGBV:

- Consistently report SGBV as a crime.

- Call public attention to the devastating effects of SGBV.

- Contribute to monitoring the response to SGBV.

- Place emphasis on success stories as well as on failures on the side of the State to respond.

- **Direct victims/survivors of SGBV to relevant organisations** and institutions where they can receive help and support.
Definition of SGBV

Sexual and Gender based violence (SGBV) can be described as an act (or several acts) that causes harm to a person (or group of persons) as a result of the weak position in which they find themselves in society because of their sex. SGBV takes many forms and occurs in many situations, whether conflict or non-conflict. Because it is an act or acts that cause harm, SGBV is also a human rights violation and some of the many forms in which it occurs are considered as crimes in many parts of the world.9

A global definition of SGBV was first made under Article 1 of the UN Declaration on the Elimination of Violence against Women10 adopted by the UN General Assembly in 1993. The definition reads:

[SGBV is] any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.

In order to better understand this definition it is important to also understand the concepts of gender, sex and gender roles and how they shape the character of a society and affect the lives of the men and women who are part of it.

Defining Gender and Sex

Sex is a description of the physical and biological distinction of male and female e.g. unique sexual organs, different body shapes and sizes and hormonal differences. These distinctions are universal and determined at birth.

Gender is used to explain the characteristics that over time are socially (culturally, politically, economically) assigned and associated to being male or female. Thus the way society considers certain status, roles, benefits, behaviors, activities and attributes to be more appropriate for men...
and women is the essence of gender. These societal considerations influence beliefs and value systems and ultimately reflect on how society portrays men and women and issues affecting them differently in communication media.

It is important to note however that gender—and the characteristics, identities and distinctions it re-enforces between males and females—is learned. It is not an innate physical or biological state of being and so it can (and does) change in relation to time, culture and environment. According to the World Health Organization (WHO), ‘People are born female or male but learn to be girls and boys who grow into men and women. This learned behavior makes up gender identity and determines gender roles.’

We can illustrate this point by observing that the position of women and girls in Africa and Asia for instance is quite different from the position of women in Western Europe and the USA. While women in Africa and Asia are generally excluded from leadership and have limited access to justice and development services, women in the USA and Western Europe on the other hand are more vocal and visible in leadership and have greater access to justice and development services. This distinction of fortunes can be explained by the fact that over time, these ‘Western’ societies have transformed the roles, benefits, behaviors, activities and attributes associated with being male or female to be more equitable to both sexes.

<table>
<thead>
<tr>
<th>Gender</th>
<th>Sex</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social - roles/characteristics/expectations</td>
<td>Physical/Biological – roles/characteristics/</td>
</tr>
<tr>
<td>Learned (assigned/ascribed/imposed)</td>
<td>Innate (born that way)</td>
</tr>
<tr>
<td>Can change (based on time, culture and environment)</td>
<td>Cannot change (except by physical means)</td>
</tr>
</tbody>
</table>

**Gender vs. Sex Roles**

Sex roles are fixed and cannot change (e.g. in women: pregnancy, child birth and breast feeding; in men: the ability to impregnate a woman).

Gender roles (also called the “gender division of labour”) on the other hand are the social allocation of tasks, roles, responsibilities and activities to men and women in all societies on the basis of their sex. This is the most important social factor governing gender relations. Some typical examples include perceptions of the male as a breadwinner and a female as the housekeeper; men as sources of security and women as providers of love, care and comfort.

Gender roles have the following effects on individuals and society as a whole:

- **Shape the way men and women think, act or behave.** For example, boys are allowed to play longer after school while girls are encouraged to support domestic chores; boys are allowed or encouraged to be rambunctious and opinionated while girls are cautioned to be silent, even mannered and docile; boys are raised to believe they are entitled to receive services from their sisters, mothers and other females in the family.

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• **Determine the choices we make in life.** For example, technology and strength/endurance related professions such as engineering and mining are more populated by men, while women dominate the care professions such as nursing and teaching.

• **Determine the opportunities open to men and women,** such that politics and leadership is dominated by men while women face several cultural and social barriers to their participation in decision making.

• **Determine the power structure between men and women.** For example, laws relating to marriage, citizenship and inheritance give men greater powers than women; and the domination of politics and leadership by men means they have more economic power than women and so control decisions and choices relating to the lives of women and children.

From the above we can agree with the summation that, ‘gender is a complex system of personal and social relations of domination and power through which women and men are socially created and maintained and through which they gain access to power and material resources or are allocated status within society’.  

13 This means that gender creates unequal power relations between men and in society. Abuse of power is a major cause of SGBV.

**Men can also be Victims of SGBV**

As we have noted in the definitions above, the term gender does not apply to women alone. It is rather the meaning that any given society attaches to being male or female. With this understanding in mind, it becomes apparent that men and boys can also be targets of SGBV, such as sexual abuse and exploitation of adolescents and young boys or physical and psychological abuse of men by female partners.

However, the UNFPA qualifies this observation by recognising that:

>Women and adolescent girls are not only at high risk and primary targets for GBV but also suffer exacerbated consequences as compared with what men endure. As a result of gender discrimination and their lower socio-economic status, women have fewer options and fewer resources at their disposal to avoid or escape abusive situations and to seek justice. They also suffer sexual and reproductive health (SRH) consequences, including forced and unwanted pregnancies, unsafe abortions and resulting deaths, traumatic fistula, and higher risks of sexually transmitted infections and HIV.

14 Accordingly, UNFPA defines SGBV as follows:

>Gender-based violence is violence involving men and women, in which the female is usually the victim; and which is derived from unequal power relationships between men and women … It includes, but is not limited to, physical, sexual and psychological harm (including intimidation, suffering, coercion, and/or deprivation of liberty within the family, or within the general community). It includes that violence which is perpetrated or condoned by the state.

15 This definition differentiates SGBV from other forms of violence because of three main elements:

>Violence is not general but targeted.

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15. (UNFPA Gender Theme Group, 1998)

16. Ibid, see preamble
Against a person or group of people.

Because of the characteristics society applies to them by virtue of their sex.

Observation of the trends of SGBV over the years have led governments, NGOs and UN institutions to the conclusion that women constitute the greater proportion of victims of SGBV and suffer more consequences thereof. It was in this vein that the UN Declaration on the Elimination of Violence against Women has recognized that,

violence against women is a manifestation of historically unequal power relations between men and women, which have led to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared to men.¹⁶

**Forms of SGBV**

SGBV can take any of several forms and it is important to know them to be able to recognize a situation which may otherwise seem innocent or non-threatening. The following forms have been identified under Article 2 of the UN Declaration above:

- **Sexual Violence**: any unwanted act of a sexual nature. It also includes *child sexual abuse*, which is any sexual act involving children, regardless of the consent of the child.
- **Physical Violence**: the deliberate use of physical force with the intention of causing harm.
- **Psychosocial or Emotional Violence**: any conduct that makes another person feel constantly unhappy, humiliated, ridiculed, afraid or depressed or to feel inadequate or worthless.¹⁷ It is usually a non-physical method of exercising control or domination over another person.
- **Economic Violence**: is the use of control over finances to dominate another person. It occurs mostly in domestic relationships.

### FORMS OF SGBV

<table>
<thead>
<tr>
<th>SEXUAL Violence</th>
<th>PHYSICAL Violence</th>
<th>PSYCHOLOGICAL Violence</th>
<th>ECONOMIC Violence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rape</td>
<td>Assault</td>
<td>Verbal Abuse</td>
<td>Deprivation of money or basic necessities</td>
</tr>
<tr>
<td>Unlawful Carnal Knowledge</td>
<td>Battery</td>
<td>Humiliation</td>
<td>Rigid Control of Finances (e.g. demanding and withholding another’s earnings and determining what, how much and when the other person can make personal expenses)</td>
</tr>
<tr>
<td>Defilement</td>
<td>Wounding</td>
<td>Threats of Violence</td>
<td>Stealing or forcefully taking money from another</td>
</tr>
<tr>
<td>Sexual Abuse and Harassment</td>
<td>Human trafficking</td>
<td>Intimidation</td>
<td>Controlling work or career options</td>
</tr>
<tr>
<td>Sexual Exploitation</td>
<td>Slavery</td>
<td>Controlling Behavior</td>
<td>Sabotaging job (e.g. deliberately making a person to work late, miss work-related travel, or damaging office property in the other person’s custody)</td>
</tr>
<tr>
<td>Forced Marriage</td>
<td>Physical Restraint (Detention, Isolation)</td>
<td>Confinement</td>
<td></td>
</tr>
<tr>
<td>Harmful Traditional Practices (e.g. FGM, widowhood cleansing, dowry related violence etc.)</td>
<td>Murder</td>
<td></td>
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</tr>
</tbody>
</table>

¹⁷. Section 2, the Domestic Violence Act of 2007
Different forms of SGBV are prohibited under various laws in Sierra Leone; see Chapter 3 of this handbook for more detail.

**Situations in which SGBV Occurs**

Article 2 of the UN Declaration on the Elimination of Violence against Women\(^\text{18}\) highlights three different situations (or locations) in which SGBV occurs:

- **The Family:**\(^\text{19}\) this is where SGBV occurs in the family or household and involves family members or people in a close relationship. This situation is also commonly referred to as domestic violence. Domestic violence is the most prevalent kind of SGBV to be found all over the world and it could take physical, sexual, psychological or economic forms. Domestic violence is inflicted mostly on women and girls by husbands, fathers, brothers or other male relatives.

- **The Community:** here SGBV occurs within the general community, including at work, in educational institutions and elsewhere. A typical example of this is sexual harassment in schools and the work place.

- **The State:** this is where SGBV is either perpetrated or condoned by the State, wherever it occurs. Examples include murder, systematic rape, sexual slavery and forced pregnancy in situations of armed conflict, forced maternity, forced sterilization, forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.

**Effects and Consequences of SGBV**

**The ‘ripple’ effects of SGBV**

Consider a woman who has sharp business instincts. Her business is taking off and her whole family enjoys the benefits: proper nutrition, education for her children, and medical care for sickly relatives. She pays taxes which contribute to the delivery of public goods and services which promote development. One day, on her way home from work, she is brutally raped.

Now, she only feels safe walking to work in broad daylight so she starts work late and finishes early, missing out on hours of trade. She no longer has the confidence to sell to customers. She has lost the energy to seek out new, cheaper suppliers which would increase her profits, or to explore advertising possibilities to increase sales. She loses customers to competitors, no longer breaks even, and is forced to give up work.

SGBV can have far reaching effects which could be felt in a chain starting from the victim to the wider society or country. Contrary to misconceptions that SGBV only affects the victim because immediate scars, pains and other grievous effects can be observed from them, SGBV has significant—but not readily observable—effects on children and immediate family members, effects on income earning to the family, and finally affects the victim’s contributions to the community and overall societal development.

It is very important to note that those who are ‘victims’ of SGBV can survive the experience in every sense; going on to lead productive, fulfilling lives. However, women who experience SGBV normally need a great deal of understanding and support from professionals (e.g. police, psychotherapists and counsellors),

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18. The UN Declaration on Violence against Women, Ibid
19. Quotation in text book (‘The home can be one of the most dangerous places for a woman to be’) according to UNFPA: see [http://web.unfpa.org/intercenter/violence/intro.htm](http://web.unfpa.org/intercenter/violence/intro.htm)
their family and community to get to that point – support which is often lacking. At the consultative workshop for the media on Reporting and Publicising SGBV Cases and Convictions, participants brainstormed the diverse effects of SGBV at these four levels and came up with the following observations:

<table>
<thead>
<tr>
<th>Levels of Impact of SGBV</th>
<th>Observed Effects &amp; Consequences</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Victim</strong></td>
<td>Feelings of shame, fear, self blame, powerlessness, low self esteem</td>
</tr>
<tr>
<td></td>
<td>Negative effects on reproductive health: sexually transmitted diseases, unwanted pregnancy, adverse pregnancy outcomes</td>
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<tr>
<td></td>
<td>Victim exposed to repeated attacks by the same perpetrator or fresh attacks by other people</td>
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<tr>
<td></td>
<td>Psychological effects: depression, anxiety, suicidal tendencies</td>
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<tr>
<td></td>
<td>Drug and alcohol abuse</td>
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<td></td>
<td>Serious health implications</td>
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<tr>
<td></td>
<td>Severe injury, maiming, physical disability</td>
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<tr>
<td></td>
<td>Loss of life/death</td>
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<tr>
<td></td>
<td>Personality distortion</td>
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<tr>
<td></td>
<td>Isolation, loss of social network</td>
</tr>
<tr>
<td></td>
<td>Future productive potentials diminished</td>
</tr>
<tr>
<td></td>
<td>Victimization</td>
</tr>
<tr>
<td></td>
<td>Stigma</td>
</tr>
<tr>
<td></td>
<td>Traumatisation</td>
</tr>
<tr>
<td></td>
<td>Tendency to abhor sex</td>
</tr>
<tr>
<td><strong>The Family</strong></td>
<td>May lose pride &amp; respect in society</td>
</tr>
<tr>
<td></td>
<td>Stigma</td>
</tr>
<tr>
<td></td>
<td>Broken homes</td>
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<tr>
<td></td>
<td>Shame</td>
</tr>
<tr>
<td></td>
<td>Victimization</td>
</tr>
<tr>
<td></td>
<td>Culture of violence transferred to children</td>
</tr>
<tr>
<td></td>
<td>Family members feel humiliated</td>
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<tr>
<td></td>
<td>Sexual harassment</td>
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<tr>
<td></td>
<td>Person stigmatized within family</td>
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<tr>
<td></td>
<td>Poverty or loss of economic earnings to support the family</td>
</tr>
<tr>
<td><strong>The Community</strong></td>
<td>Underdevelopment</td>
</tr>
<tr>
<td></td>
<td>Exposes the community to increased prevalence of HIV/AIDS</td>
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<tr>
<td></td>
<td>Human rights abuses</td>
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<tr>
<td></td>
<td>Stigma</td>
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<tr>
<td></td>
<td>High rate of school drop outs</td>
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<tr>
<td></td>
<td>Embarrassment to the community’s name</td>
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<tr>
<td></td>
<td>Shame</td>
</tr>
<tr>
<td></td>
<td>Village conflicts</td>
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</tbody>
</table>
The Country

<p>| | |</p>
<table>
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<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Underdevelopment</td>
<td></td>
</tr>
<tr>
<td>Rise in Poverty</td>
<td></td>
</tr>
<tr>
<td>Sends a bad signal/image to the international community</td>
<td></td>
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<tr>
<td>Scares away investors</td>
<td></td>
</tr>
<tr>
<td>Unemployment</td>
<td></td>
</tr>
<tr>
<td>More spending on health</td>
<td></td>
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<tr>
<td>Bottom of UN human development index</td>
<td></td>
</tr>
<tr>
<td>No respect for women</td>
<td></td>
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<tr>
<td>Economic waste</td>
<td></td>
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<tr>
<td>Bad governance</td>
<td></td>
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<tr>
<td>Economic stagnation</td>
<td></td>
</tr>
<tr>
<td>Potential loss in human capacity</td>
<td></td>
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<tr>
<td>Low literacy rate for women</td>
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</tbody>
</table>

Addressing SGBV (Prevention & Response)

As we have learnt in the foregoing sections, SGBV is a complex social problem, a human rights violation, and a crime. The negative impact of SGBV, whether on individuals or the society as a whole, can be felt in the areas of health (physical or psychological), social and economic well-being and governance. Thus SGBV must be tackled as a matter of national urgency in the interest of protecting human security, preserving respect for civil rights, safeguarding public health and ensuring sustainable development.

Addressing SGBV requires a multi-faceted approach by a diverse spectrum of societal actors. Some approaches could be responsive/curative (e.g. providing redress in a Court of law, addressing medical needs and shelter), while others are preventive (raising public awareness and passing new legislation). UNDP addresses SGBV through a system-wide strategy of working both to prevent GBV and respond to it. This approach ensures that survivors’ interests are central and that all interventions are inclusive of men and boys as well as women and girls. The table below lists the relevant actors that can be involved in efforts to address SGBV and presents examples of some interventions and their preventive or responsive value:

<table>
<thead>
<tr>
<th>Relevant Actors</th>
<th>Strategies</th>
<th>Nature (Preventive/Responsive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Executive</td>
<td>Ratification of international instruments</td>
<td>Preventive</td>
</tr>
<tr>
<td></td>
<td>Policy development &amp; implementation</td>
<td>Preventive</td>
</tr>
<tr>
<td></td>
<td>Establishment/Approval of special initiatives on SGBV</td>
<td>Preventive &amp; Responsive</td>
</tr>
<tr>
<td>Justice Sector (Courts, lawyers associations, police)</td>
<td>User friendly police stations &amp; SGBV-aware Police Officers</td>
<td>Responsive</td>
</tr>
<tr>
<td></td>
<td>Separate Family/SGBV Courts</td>
<td>Responsive</td>
</tr>
<tr>
<td></td>
<td>Victim friendly Court procedures</td>
<td>Responsive</td>
</tr>
<tr>
<td></td>
<td>Legal Aid Services</td>
<td>Responsive</td>
</tr>
<tr>
<td></td>
<td>Enactment of international instruments</td>
<td>Preventive</td>
</tr>
<tr>
<td></td>
<td>Reform of national laws</td>
<td>Preventive</td>
</tr>
<tr>
<td>Health Sector</td>
<td>Referrals (counseling, orientation, Juridical)</td>
<td>Responsive</td>
</tr>
<tr>
<td></td>
<td>Specific protocols for treatment of SGBV victims</td>
<td>Responsive</td>
</tr>
<tr>
<td></td>
<td>Training of health workers</td>
<td>Responsive</td>
</tr>
<tr>
<td></td>
<td>Databases (detection, compilation, analysis)</td>
<td>Responsive</td>
</tr>
<tr>
<td></td>
<td>Engaging medical practitioner’s associations (gynecologists, general practitioners, nurses and doctors)</td>
<td>Responsive</td>
</tr>
</tbody>
</table>
### Relevant Actors

<table>
<thead>
<tr>
<th>Education Sector</th>
<th>Strategies</th>
<th>Nature (Preventive/Responsive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enforcing government commitments</td>
<td>Preventive</td>
<td></td>
</tr>
<tr>
<td>Coordinating all multi/inter-sectoral interventions</td>
<td>Preventive &amp; Responsive</td>
<td></td>
</tr>
<tr>
<td>Research, data collection, documentation</td>
<td>Preventive &amp; Responsive</td>
<td></td>
</tr>
<tr>
<td>Reporting on Government’s obligations</td>
<td>Responsive</td>
<td></td>
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<tr>
<td>Gender and other line Ministries</td>
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<td></td>
</tr>
<tr>
<td>Advocacy and use of Information, Education and Communication (including ICT)</td>
<td>Preventive &amp; Responsive</td>
<td></td>
</tr>
<tr>
<td>Men as partners in initiatives</td>
<td>Preventive &amp; Responsive</td>
<td></td>
</tr>
<tr>
<td>Training (Police, Health Workers)</td>
<td>Preventive &amp; Responsive</td>
<td></td>
</tr>
<tr>
<td>Research, data collection, documentation</td>
<td>Preventive &amp; Responsive</td>
<td></td>
</tr>
<tr>
<td>Care &amp; support services (crisis shelters) and appropriate referrals</td>
<td>Responsive</td>
<td></td>
</tr>
<tr>
<td>Monitoring government response</td>
<td>Responsive</td>
<td></td>
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<tr>
<td>NGOs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advocacy and use of Information, Education and Communication (including ICT)</td>
<td>Preventive &amp; Responsive</td>
<td></td>
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<tr>
<td>Fund raising</td>
<td>Preventive &amp; Responsive</td>
<td></td>
</tr>
<tr>
<td>Men as partners in initiatives</td>
<td>Preventive &amp; Responsive</td>
<td></td>
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<tr>
<td>Training (Police, Health Workers)</td>
<td>Preventive &amp; Responsive</td>
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<tr>
<td>Research, data collection, documentation</td>
<td>Preventive &amp; Responsive</td>
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<tr>
<td>Care &amp; support services (crisis shelters) and appropriate referrals</td>
<td>Responsive</td>
<td></td>
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<tr>
<td>Monitoring government response</td>
<td>Responsive</td>
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<tr>
<td>Media</td>
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<tr>
<td>Training of journalists</td>
<td>Preventive</td>
<td></td>
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<tr>
<td>Mass media awareness initiatives</td>
<td>Preventive</td>
<td></td>
</tr>
<tr>
<td>Monitoring government response</td>
<td>Responsive</td>
<td></td>
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<tr>
<td>Communities (members, associations, traditional institutions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awareness raising, peer to peer education, community mobilization</td>
<td>Preventive</td>
<td></td>
</tr>
<tr>
<td>Monitoring incidents and referrals</td>
<td>Responsive</td>
<td></td>
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<tr>
<td>ADR</td>
<td>Preventive</td>
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</tbody>
</table>

### SGBV in Sierra Leone

“Women and girls bear an unequal burden of violence and hardship in times of crisis. Rape and other forms of GBV have become institutionalised as tools of warfare, and cultures of violence in the domestic sphere continue long after conflicts have ceased.”

In Sierra Leone, increasing incidents of SGBV have generated much notoriety. While SGBV has existed historically in human society because of the complex gender relations explained above, the 11 year civil war in Sierra Leone served to escalate the trends and revealed even more heinous and terrifying dimensions. The Truth and Reconciliation Commission observed that women and girls were raped, killed, beaten, maimed and even forced to become sex slaves to rebels. There was a widespread impunity for these offences. Following the end of open hostilities, Humu Tavawallie, 14 went to school for an education, but was forced into sex with her teacher to pay for her exams. This is an all too common problem in Sierra Leone, and entrenched social attitudes make it difficult to tackle.

“When he asked, I couldn’t say no” says Humu. “When the practical [exams] came I didn’t have the money to pay. My teacher said I didn’t have to pay. He said he wanted to love me.”

Annabel Symington, 5 Feb. 2010, reported by Open Democracy.

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SGBV continues to occur at an alarming rate in Sierra Leone.

The most prevalent kinds of SGBV in Sierra Leone are domestic violence and sexual assault. According to statistics released by the International Rescue Committee (IRC)\(^{21}\) in 2009, the total number of clients accessing services at its three Rainbo Centres increased by 14%, from 1,235 in 2008, to 1,408 in 2009.

Rape (vaginal) continues to be the most frequently reported incident in the centres, accounting for 91% of cases. 175 (12%) of clients were pregnant as a result of the rape. The youngest client pregnant was 12 years old. The youngest client served at the centres in 2009 was one year old at the time of reporting. Anecdotal accounts in Sierra Leone also suggest a worrying trend of widespread sexual harassment of young girls in schools across the country. In spite of these statistics, there is still evidence of under-reporting of SGBV incidents, especially where violence is of a sexual nature. This can be attributed to:

- The stigma surrounding sexual abuse makes it difficult for survivors to talk about their experiences.
- Many victims and their families do not know their legal rights and so do not take action to enforce them.
- Families and communities may mistakenly consider that family loyalty takes precedence over any legal or social obligation to report SGBV incidents to the authorities for appropriate action. Such pressures are particularly common in cases in which the alleged perpetrator is the sole financial provider for the victim or their family.
- Formal redress mechanisms (the formal Courts) are complex, expensive and inaccessible.
- Rules of evidence and procedure require victims to narrate harrowing experiences and intimate details in public fora. A female victim of rape may therefore have good reason to fear that she will be humiliated or victimized again, either by insensitive, accusatory questions during the trial or by actual assault from the alleged perpetrator and their supporters.
- Legal authorities often do not take appropriate action and treat SGBV as a private/family matter.
- Myths and cultural perceptions about the position of women in religion and tradition may lead to women being challenged and rejected by family and community members when they report SGBV incidents. They may be pressured to retract statements given, and to drop cases.
- The belief that perpetrators can get away with their crimes discourages many victims from coming forward to make reports.

The Government of Sierra Leone has made some efforts with the support of development partners\(^{22}\) to stem and reduce incidents of SGBV and punish perpetrators. The passage of the three Gender Acts (the Devolution of Estates Act (2007), The Registration of Customary Marriages and Divorces Act (2007) and the Domestic Violence Act (2007)) in 2007 provided concrete legal pronouncements on the rights of women and children which could be drawn on to prevent SGBV and seek redress in the event of occurrence.

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\(^{21}\) IRC, January 2010; Rainbo Centre Program Update.

\(^{22}\) Such as UNDP, which has since 2007 been providing institutional capacity building support for the broad justice sector while assisting the judiciary in clearing case backlogs and in 2009 and sister UN Agencies like UNIFEM, UNFPA, UNICEF and UNIPSIL which have helped to boost awareness and enhance capacity of service providers on GBV. The UK Department for International Development’s Justice Sector Development Programme (JSDP) is also a key partner: it helped to develop a Justice Sector Reform Strategy and Investment Plan (JSRSIP) and established a Justice Sector Coordination Office (JSCO) under the Ministry of Justice and the Attorney General’s
In 2001 Family Support Units (FSUs) were established in 26 locations in the country under the Sierra Leone Police. These units have now been scaled up to 43 locations. Their mandate is to receive cases of SGBV, provide assistance to victims, investigate crimes and prepare a case for prosecution, as well as increase public awareness. NGOs and service providers have also contributed efforts in stemming the problem by raising awareness on the issues, advocating increased access to services for victims—or in some cases providing those services—and promoting attitudinal change about women’s status, women’s rights and gender power relations within the society.

Despite these efforts, conviction of offenders remains low and the increase in new incidents remains alarming. Statistics released by the FSU on offences against women and children indicate that, between its inception in 1999, and May 2009 23, 9,672 cases of domestic violence and 7,597 cases of sexual abuse were reported to the unit. It is possible that these numbers do not reflect the actual number of incidences of SGBV occurring, due to the culture of silence related to the factors identified above. Yet, even those cases which are reported rarely end in conviction. The FSU reports that within the period, there have been only 23 convictions for domestic violence, and 40 convictions for sexual abuse. In 2008 and 2009 there were no convictions recorded by the FSU for these offences.

Besides the social attitudes noted above, these low conviction rates can be attributed to several challenges which cut across almost all the layers of the justice system:

- Limited number of Courts (especially in rural areas) and qualified judges.
- Heavy case loads for judicial actors (police, prosecutors, judges and lawyers).
- Weak technical and logistical capacity of law enforcement agents to prosecute SGBV cases.
- Weak cooperation and coordination between the relevant actors (the police, prosecutors, judges, lawyers, prisons authorities, traditional Courts, health care providers and NGOs) that should promote access to justice for victims of SGBV.
- Community and family interference with cases compromises the justice process. In Sierra Leone, many cases are compromised during trial because families and communities place undue pressure on the victims and their families to withdraw the case or stop their cooperation with the prosecution.
- Requirements of evidence are either too difficult or impossible to meet, such as the requirement of corroboration in rape cases, requirement of a medical certificate.
- Lack of awareness of domestic gender laws and the rights they guarantee to women, especially in terms of seeking redress for SGBV incidents.
- Laws and policies relating to SGBV are either inconsistent or confusing, resulting in lack of clarity over laws and processes which apply to SGBV related crimes.
- Restrictive costs of medical support and low-capacity evidence gathering techniques for victims of rape often lead to loss of vital evidence for prosecution.
- Inadequate capacity and infrastructure for data collation and management leads to confusion as to the actual numbers of cases reported and the outcomes of trials on SGBV cases.
- Perceptions of impunity discourage reporting of incidents and the quest for legal redress.

The low rate of convictions promotes a widespread belief amongst ordinary citizens in Sierra Leone that perpetrators of SGBV can get away with their crimes (i.e. impunity). This sets off a

23. *Addressing GBV in SL*, status report of FSU-SL on GBV, 2009, handbill published with the support of UNFPA.
vicious cycle of recurring incidents, low reporting and further low conviction rates. It is hoped that this handbook will help the media understand better the pivotal role they can play in reducing impunity for SGBV offences and deter potential perpetrators by reporting SGBV cases with consistency and professionalism.
Understanding Sexual and Gender Based Violence (SGBV)

CHAPTER REVIEW:

**SGBV causes harm.** SGBV is an act(s) that causes harm to a person(s) as a result of the weak social position they occupy because of their sex. The violence may be physical, sexual, or psychological, and can occur in the family (e.g. home), community (e.g. work place) or work place.

**SGBV is a human rights violation.** Because it is an act or acts that cause harm, SGBV is also a human rights violation.

**Sex is determined before birth.** It is biological, fixed and cannot change (except by physical means).

**Gender is assigned by society and it is learned by the child.** Parents, relations, school teachers and neighbours tell the child who to be and what to do. Girls are taught to be silent and docile and to cook and clean. Boys are encouraged to be boisterous and opinionated and to do pursue mechanics or engineering.

**Negative social attitudes can change.** Attitudes about who men and women ‘are’ or ‘should be’ can change. In the USA and Western Europe, for example, society now provides opportunities for women to become world class political leaders, pioneering scientists, and captains of industry.

**Gender creates unequal power relations. . . . and vulnerability to SGBV.** Women tend to have lower status, and less power. Abuse of power is a major cause of SGBV.

**SGBV is a public health emergency.** Men can be victims of SGBV, but women and girls are at a much higher risk and suffer worse as a result. Female victims of SGBV often suffer forced and unwanted pregnancies, unsafe abortions and resulting deaths, as well as sexually transmitted infections and HIV. Those who have experienced SGBV can go onto lead productive, fulfilling lives. But they need a lot of understanding and support from professionals (e.g. police, psychotherapists and counsellors), their family and community to get to that point – support which is often lacking.

**The effects of SGBV ripple far and wide into society, ultimately constraining national development.** There is a common misconception that SGBV only affects the victim. It doesn’t. SGBV affects entire families, communities and constrains development.

**Incidence of SGBV is high, and increasing.** In 2009, 1,408 SGBV cases were reported to one organisation: a 14% increase from 2008. This number is likely to be the ‘tip of the iceberg’. Victims do not report cases due to factors such as: lack of knowledge concerning legal rights and the means of enforcing them; fear of social stigma; pressure from families and communities to let the matter go; legal authorities failing to take appropriate action (or a belief that they will not do so).
Sierra Leone’s response to SGBV is governed by many laws. This chapter explains the main principles and key SGBV related content of the relevant laws at the national, regional and international level.

National Laws

*The Constitution of Sierra Leone (1991) – Chapter III*

The Constitution of Sierra Leone is the most important and fundamental law responsible for the protection of human rights of all citizens of Sierra Leone. Within this framework, Chapter III of the Constitution provides for:

- Section 27: Non-discrimination under the law.
- Section 16: Protection of fundamental and other human rights and freedoms such as the right to life.
- Section 17: The right to personal liberty security of person.
- Section 19: The right to freedom from slavery, servitude, forced labour or human traffic.
- Section 20: The right to freedom from torture and other forms of cruel, inhuman and degrading treatment.

These constitutional provisions can serve as the basis for the government of Sierra Leone to protect and promote the rights of women and men—including the right of girls and boys to be free from SGBV.

It is important to note however that section 27 (4) (d & e) nullifies the constitutional aim of preventing discrimination and promoting equality of rights. These subsections state in summary that the provision of section 27 shall not apply to laws relating to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law; or in the case of members of a particular race or tribe or customary law. Consequently, laws that discriminate against women—especially customary laws—still apply, with the justification that the constitution itself openly allows such discrimination.

The negative potential of these sub-sections need to be brought to light in reporting on SGBV and used to examine the impact of customary laws on women.

*The Criminal Laws: Offences Against the Person Act (OAP`A) 1861, Prevention of Cruelty to Children Act. (PCCA) Cap 31 (1926)*

Sierra Leone’s criminal laws are contained in several different documents relating to offences against persons, children and property. Received common laws\(^\text{24}\) on these issues are also part of legal usage in Sierra Leone. For example, the offence of rape is derived from Common Law while section 48 of the Offences against the Person Act prescribes the punishment for rape as maximum of life imprisonment. Some specific offences under these criminal laws which constitute SGBV are examined in more detail in the table below. Note that with respect to the nature of sexual offences, possible defences and punishments, these laws are contradictory. There is need for consolidation of sexual offences in Sierra Leone under a single legislation. For this purpose, the Minister for Social Welfare Gender and Children’s Affairs (MSWGCA) is leading the call for enactment of a new Sexual Offences Act.

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\(^{24}\) i.e. laws in effect in England before 1880
In 2007, three new laws were passed by the Parliament of Sierra Leone touching on diverse issues affecting women and gender relations in Sierra Leonean society. These laws were immediately celebrated by women and women’s groups as having the potential to bring much needed succour to women and elevate their overall status in Sierra Leone.

**The Domestic Violence Act (2007)**

This law makes domestic violence an offence punishable by a fine of Le 5,000,000.00, a maximum sentence of two years imprisonment, or both. It empowers authorities to take action to prosecute offenders, requires the Police to offer shelter to abused victims, and—in extreme cases—allows the authority to bar offenders from their own homes.

Under section 2(2) the definition of domestic violence reads thus:

‘For the purposes of subsection (1), domestic violence means any of the following acts or threat of any such act:

(a) Physical or sexual abuse;
(b) Economic abuse;
(c) Emotional, verbal or psychological abuse, including any conduct that makes another person feel constantly unhappy, humiliated, ridiculed, afraid or depressed or to feel inadequate or worthless;
(d) Harassment, including sexual harassment and intimidation;
(e) Conduct that in any way harms or may harm another person, including any omission that results in harm and either:
   (i) endangers the safety, health or wellbeing of another person;
   (ii) Undermines another person’s privacy, integrity or security; or
   (iii) Detracts or is likely to detract from another person’s dignity or worth as a human being.’

This definition now makes marital rape an offence under the laws of Sierra Leone.  

**Section 20** of the Act allows for domestic violence matters to be settled out of Court except in circumstances where violence is aggravated. The law considers domestic violence to be aggravated in cases in which at least one of the following conditions are met:

- The victim has suffered wounding or grievous bodily harm.
- A weapon has been used.
- The alleged perpetrator has failed to respond to previous warnings by the Court, police or other official body.
- There is evidence of premeditation.
- The Court considers the victim to be particularly vulnerable.

It is wrong for family or community members to urge or encourage the victim and the suspect to settle out of Court where there is evidence of aggravation because such settlement will be in direct contravention of the law.

Other significant provisions of the Act include the possibility that a friend of the victim and others can now report domestic violence (section 5). The victim can also bring civil proceedings under the law to seek a Protection Order (section 10).

25. See section 1 with 2 (2) (a) and section 3 (1) (a)
The Devolution of Estates Act (2007)

This law addresses legal issues relating to property inheritance. It therefore has the potential to impact positively on the socio-economic status of women in Sierra Leone. This law now allows women and children to have a share in the inheritance of a man’s property where he dies ‘intestate’ (without making a Will), rather than his parents and brothers alone as was the case under customary law. This Act provides that:

**Section 6**: When a person dies intestate, the spouse—if he/she is the only survivor to the deceased—will inherit the entire estate of the deceased.

**Section 7**: Male and female children also inherit properties equally when either of the parents dies intestate and the children are their only survivors.

**Section 8**: When a person dies intestate leaving spouse(s), child/children and parent(s), that person’s property will be divided in the following proportions: to his wife/wives (35%), children (35%), and parents (15%). The remaining 15% will be devolved in accordance with customary or Shari’a law.

Contravention of these rights can be dealt with as intermeddling with estate, which attracts a punishment of a maximum fine of Le 5,000,000.00, or a maximum sentence of 1 year imprisonment.

The law further entitles surviving spouses to remain in the family home where they lived with the deceased until they die; it is now a criminal offense punishable by a maximum fine of Le 5,000,000.00 or maximum 2 years imprisonment to eject them from the home (section 15 (2) & section 33(4)).

The law applies to all persons in Sierra Leone irrespective of their religion or ethnic origin (section 1 (1)). The law does not however apply to family, chieftaincy or community property held under customary laws (section 1 (3) & section 15(1)).

The Registration of Customary Marriages and Divorce Act (2009)

The 2009 law has come to replace the one enacted in 2007 with the exact same title. The law makes it obligatory to officially record and register all customary marriages and divorces with local councils (sections 1 & 12). The effect of this requirement for registration is that it provides proof of marriage to wives who previously had no legal remedy if their husband wished to invalidate the marriage. Another advance on customary marriages which the law makes is that it now allows women married under customary marriages to own property and to buy, sell or trade as they wish (section 18).

The law further seeks to put an end to early marriages by setting the age for customary marriage in Sierra Leone at 18 years (sections 2, 5 & 6) and requires the consent of both parties to the marriage. The law is however contradictory on forced marriages because it requires the consent of parents, guardians, a Magistrate or Local Government Chief Administrator to a customary marriage if any of the intended spouses is less than 18 years old (section 2 (2) & (3)). This part of the law should be repealed as it provides an excuse for the continuance of forced marriages of children which is not what the law intended.

Contravention of this law attracts the punishment of a fine not exceeding Le. 1,000,000.00 or a term of imprisonment not exceeding one year, or both.

The Child Rights Act (2007)

The Child Rights Act seeks to promote the rights of the child in accordance with the UN Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). A child is defined in section 2 of the law as ‘a person below the age of 18’.

Part III of the law provides for the rights of children in Sierra Leone, including:
Section 23: Rights to life and maximum survival and development.
Section 24: Right to name and nationality.
Section 25: Right to grow up with parents.
Section 27: Right to parental property.
Section 29: Right to social activity.
Section 31: Right to an opinion.

This law also makes special provisions for parental duty and responsibility (section 26), minimum age for recruitment into armed forces (section 28) disabled children (section 30), and protection from exploitative labour (section 32).

In relation to SGBV the following sections under Part III of the law are instructive:

Section 33 forcefully prohibits any torture or other cruel, inhuman or degrading treatment or punishment on children (including any cultural practice which dehumanises or is injurious to the physical and mental welfare of a child) and repeals the Corporal Punishment Act.
Section 34 prescribes the minimum age for marriage as 18 years and grants children under the age of 18 the right to refuse betrothal, dowry transactions or marriage.
Section 35 makes contravention of Part III (including under-age marriage) a crime punishable with a maximum fine of Le 30,000,000.00 or imprisonment for a maximum of 2 year term or both.
Section 46 further prohibits the customary practices of early marriage and child betrothal which is punishable with a maximum fine of Le500,000.00, or imprisonment for a maximum 1 year term, or both.

The law establishes an Independent National Commission for Children to oversee implementation of the CRC and ACRWC as well as Part III of the Child Rights Act. However, this Commission has not yet been set up. The law also establishes Village Child Welfare Committees (sections 47 & 48) and Chiefdom Child Welfare Committees (sections 49 & 50) in every village and chiefdom. The aim of these Committees is to advance enjoyment of the rights of the child at the village and Chiefdom levels (including prevention of domestic violence and all forms of gender based violence against children).

The MSWGCA has very broad oversight functions over implementation of this law. The Ministry is charged with making rules to regulate the conduct of proceedings and discharge of functions by child welfare committees (section 56). The FSUs are mandated to deal with alleged juvenile offenders, child victims of domestic violence and to monitor proven child abusers (section 57). District councils are obligated to protect the welfare and promote the rights of children within its area of authority and ensure that within the district, governmental agencies liaise with each other in matters concerning children (section 58).

There is a need to review the Registration of Customary Marriages and Divorces Act and harmonize it to sections 35, 46 and 141 of this law.

Contravention of Section 21 of this law can be used as an aggravating circumstance in rape, domestic violence or sexual harassment cases.

The law was enacted to provide a legal framework for the prevention, management and control of HIV and AIDS, for the treatment, counselling, support and care of persons infected with, affected by or at risk of HIV and AIDS infection. It urges the government (through its various Ministries,
Departments and Agencies) to assume responsibility for educating and providing information to all citizens on HIV and AIDS, safe practices and procedures, testing, screening and access to healthcare facilities within the country. It prescribes safe practices and procedure to enhance prevention of transmission and prohibits compulsory testing. The law also prohibits discriminatory policies in the work place and schools, restriction of movement on the basis of HIV status, and denial of burial rites.

Of vital importance in SGBV cases is section 21 which requires any person who is infected with or carrying the HIV virus and is aware of his/her status to:

(a) Take all reasonable measures and precautions to prevent the transmission of HIV to others and in the case of a pregnant woman, the foetus; and
(b) Inform, in advance, any sexual contact or person with whom needles are shared, of that fact.

Subsection (2) of section 21 prohibits any person who is infected with or carrying the HIV virus and is aware of his/her status from knowingly or recklessly placing another person (including an unborn child) at risk of becoming infected with HIV. Contravention of these sections is punishable with a maximum fine of Le 5,000,000.00 or a maximum term of 7 years imprisonment or both.

**Anti-human Trafficking Act 2005**

The Anti-human Trafficking Act of 2005 was enacted to respond to increasing incidents of human trafficking within and beyond Sierra Leone’s borders. Section 2 (2) of the Act defines the offence of trafficking in persons as follows:

A person engages in the trafficking in person if he undertakes the recruitment, transportation, transfer, harbouring, or receipt of person by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefit to achieve the consent of a person having control of another person for the purpose of exploitation.

Exploitation according to the Act includes:

- Keeping a person in a state of slavery.
- Subjecting a person to a practice that is similar to slavery.
- Compelling or causing a person to provide forced labour or service.
- Keeping a person in a state of slavery including sexual slavery.
- Exploitation of the prostitution of another.
- Engaging in any other form of commercial sexual exploitation including but not limited to pimping, pandering, procuring, profiting from prostitutes, maintaining a brothel, child pornography.
- Illicit removal of organ.
- Exploitation during armed conflict.

To further explain the above definition, the crime of human trafficking must involve three basic

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26. US Trafficking in Persons Report 2009: [http://www.state.gov/g/tip/rls/tiprpt/2009/123139.htm](http://www.state.gov/g/tip/rls/tiprpt/2009/123139.htm) indicates that Sierra Leone is a source, transit and destination country for women and children trafficked for forced labour and commercial sexual exploitation. The report noted that majority of the problem is internal trafficking while there is also transnational trafficking to Nigeria, Guinea, Cote D’Ivoire, Liberia, Guinea Bissau, the Gambia, North Africa, the Middle East and Europe.
The movement of human beings (i.e. the recruitment, transportation, transfer, receipt, harbouring of persons) either within Sierra Leone or from/to other countries. 

By any means (e.g. force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or giving and receiving payments to achieve the consent of a person having control over another person).

For the purpose of exploiting (slavery, forced labour, servitude, prostitution or sexual exploitation) the persons trafficked.

The penalty for an offence of trafficking in persons is a fine of Le 50,000,000.00 or a maximum term of imprisonment of 10 years or both (section 22).

Knowledge of this law is relevant to addressing SGBV because the United Nations Division on the Advancement of Women has defined human trafficking as a form of gender-based violence. Furthermore, global statistics show that a majority of victims of human trafficking are women and children. They suffer a lot of severe human rights abuses because of trafficking, and crimes may be perpetrated against them which also fall within the definition of SGBV.

The sub-section below will now present some more details on crimes under Sierra Leone laws that amount to SGBV.

**Elements of Crimes that Constitute SGBV in Sierra Leone**

*What is a crime?*

A crime is any action or omission prohibited by law as a public wrong and punishable by the State; for example to insult or assault another person or damage property of another person. Punishment for crimes includes a fine or imprisonment or both. Different crimes have different punishments.

While every crime is a violation of the law, not every violation of the law amounts to a crime. An example of the latter is breach of a contract, which is a civil wrong for which the wrong-doer pays damages to the other person/party affected.

*Elements of a crime*

As a general rule, all crimes have two elements:

- the *actus reus* or prohibited conduct; and
- the *mens rea* or criminal mind or guilty mind; this could be inferred from the acts or words of the suspect/accused.

Both these elements must be present before a suspect or accused can be criminally held liable for an alleged crime. However, different crimes have different prohibited conducts and criminal minds.

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28. Sometimes referred to as ‘criminal intent’.
# Elements of SGBV crimes in Sierra Leone and their punishments

<table>
<thead>
<tr>
<th>Crime &amp; Legal Provision</th>
<th>Prohibited Act</th>
<th>Guilty Mind</th>
<th>Possible Defences</th>
<th>Maximum Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unlawful Carnal Knowledge of a girl below 13 - Section 6, PCCA</td>
<td>• the victim/girl must be below 13 years of age; • carnal knowledge must occur i.e. penetration of the victim’s vagina by the penis of the suspect/accused</td>
<td>• proposing love to victim, • offering her money or food, • inviting her into his room or isolated place; or • grabbing her etc.</td>
<td>• Marriage to the victim is no longer a defence by virtue of the Domestic Violence Act, 2007. • Consent of the girl is no defence.</td>
<td>15 years imprisonment</td>
</tr>
<tr>
<td>Unlawful Carnal Knowledge of a girl above 13 but under 14 - Section 7, PCCA</td>
<td>Same as above but the victim/girl should be above 13 but below 14 years of age.</td>
<td>Same as above</td>
<td>Same as above</td>
<td>2 years imprisonment</td>
</tr>
<tr>
<td>Indecent Assault/ Sexual Assault; Attempted Unlawful Carnal Knowledge or Rape - Section 9, PCCA for girls; Common Law and section 52 OAPA for women above 14 years of age)</td>
<td>• carnal knowledge need not occur • touching the victim’s intimate parts • oral sex with the victim • Penetration of sexual organs with other parts of the body (e.g. fingers), or with objects</td>
<td>Same as above</td>
<td>Consent for women but for girls under 14 years consent is no defence</td>
<td>2 years imprisonment</td>
</tr>
<tr>
<td>Abduction of girl below 16 for immoral Purposes - Section 12, PCCA</td>
<td>• the victim/girl must be below 16 years of age • taken away against the will of the father, mother or any other person having legal custody on the girl • with the intention of having/procuring sexual intercourse with the victim by another person.</td>
<td>Same as above</td>
<td>Same as above</td>
<td>2 years imprisonment</td>
</tr>
<tr>
<td>Rape -The offence is created by common law but punished under Section 48 of the OAPA of 1861</td>
<td>• the victim must be above 14 years of age • sexual intercourse (slightest penetration of the vagina by the penis) • without the consent of the victim, that is by means of force, threat, fraud or trick • the suspect had the intent to have sexual intercourse without the victim’s consent.</td>
<td>• sexual intercourse with a woman while she is sleeping or after getting her drunk • sexual intercourse with a woman under false pretences (e.g. being a doctor/quack doctor and pretending to visit her) • forcing a sex worker to have sexual intercourse or refusing to pay her as agreed</td>
<td>Consent of the victim</td>
<td>Life imprisonment</td>
</tr>
</tbody>
</table>

**Note:**
- Marriage is no longer a defence by virtue of sections 1, 2 (2) (a) and section 3 (1) (a) of the Domestic Violence Act.
- Consent of a mentally disabled person is no defence.
<table>
<thead>
<tr>
<th>Crime &amp; Legal Provision</th>
<th>Prohibited Act</th>
<th>Guilty Mind</th>
<th>Possible Defences</th>
<th>Maximum Punishment</th>
</tr>
</thead>
</table>
| Marital Rape – Sections 1, 2 (2) (a) & 3 (2) (a) Domestic Violence Act | • parties must be married either civil, religious or customary marriage  
• sexual contact  
• without the consent of the victim | • using force or threat to secure sexual intercourse  
• not informing the partner about HIV positive status before sexual intercourse | Consent of the Victim | Fine of Le 5,000,000 or 2 years imprisonment |
| Sexual Harassment – Section 1 & 2 (2) (d) Domestic Violence Act | • repeated unwanted sexual contact/advances  
• repeatedly following, pursuing or accosting another person or  
• persistent unwelcome communication with another person  
• without the consent of the victim | • watching or loitering outside or near a building where the victim resides, works, stays, studies;  
• repeated telephone calls;  
• repeated sending of letters, mails, messages;  
• any other menacing conduct; | Consent of the victim | Same as for marital rape |
| Incest – Common Law | Carnal knowledge or sexual intercourse:  
• between a man and his mother, daughter, sister, half-sister or granddaughter; or  
• between a woman and her father, son, brother, half-brother or grandfather | knowledge of the relationship | ignorance of relationship | 7 years imprisonment |
| Wounding - Sections 18 & 20, OAPA | • breakage of the continuity of the skin evidence of which includes bleeding  
• Injury that results in visible disfigurement; broken or displaced limbs and bones  
• Injuries requiring lengthy treatments | • a repeated or planned attack  
• making prior threats to beat or wound the victim  
• striking the victim with an instrument,  
• procuring the instrument before hand | Self defence  
Insanity | • Section 18 = Life imprisonment;  
• Section 20 = 5 years imprisonment |
| Murder - A common law offence | • death of the victim as a result of the actions of the suspect or accused  
• death of victim must occur within one year and one day after the actions of the accused. | Acts that causes injury e.g. wounding, poisoning, pushing victim over a bridge or into a well etc; | Self defence  
Insanity | Death |
**Corroboration**

Corroboration is evidence from a source other than the victim confirming the allegation or story of the victim implicating the suspect or accused in material particular that he committed the offence. Corroborative evidence is required in all sexual offences otherwise the suspect or accused would be acquitted and discharged.

Corroborative evidence must emanate from another source other than the victim. It can include:

- Confession by suspect/accused.
- Being caught red-handed in the act by another person.
- The distressed condition of victim observed by another person just after the act (e.g. weeping victim, torn clothes - including pants, blood or sperm in the pants. Suspect seen running away from the crime scene by another person.
- The results of a medical examination.

*The story of the victim told to and repeated by another person to the police or Court is not corroborative evidence.*

**Regional Human Rights Instruments**

At the regional level, African states through the African Union (AU) have adopted several human rights instruments which contain adequate provisions for the promotion and protection of women and children’s rights. Elaborate enforcement mechanisms have also been created by the AU to promote and encourage states’ compliance with the obligations they have committed to by signing such instruments.

Sierra Leone is a member of the AU and has ratified several of these human rights instruments some of which apply to the rights of women and children and guarantee protection from SGBV. For example, Sierra Leone is signatory to the African Charter on Human and People’s Rights (ACHPR) and the African Charter on the Rights and Welfare of the Child (ACRWC). Sierra Leone has also signed but is yet to ratify the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (the Maputo Protocol). The Sierra Leone parliament often recognizes these instruments in enacting local legislation e.g. the preamble to the CRA 2007. However, not all their protective provisions are incorporated into local law.

**Not all regional and international laws have been incorporated into international law (‘domesticated’).**

However, judges and magistrates, may use the standards they set to inform their decisions. Informed parliamentarians may use their content to inform the content of other legislation.

**The African Charter on Human and People’s Rights**

The Banjul Charter was adopted to promote and protect human and people’s rights in Africa. The Charter has certain unique characteristics which distinguishes it from other international human rights instruments, they are:

- It protects individual rights but also recognizes peoples’ rights.
- It recognizes the right to development and declares that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights.

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29. Adopted by the OAU (which later became the AU in 2001) on 27 June 1981; Acceded by Sierra Leone on 24th January 1984 and came into force in October 1986.
It prescribes the duties which are implied on everyone in the enjoyment of rights and freedoms guaranteed under the Charter.

The Banjul Charter requires all state parties to recognize the rights, duties and freedoms enshrined in it and to adopt legislative or other measures to give effect to them (Article 1). The following articles are relevant to women’s rights and SGBV:

- Article 2 which guarantees that, 'every individual shall be entitled to enjoyment of the rights and freedoms ... without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status';
- Article 3 which guarantees equality and equal protection before the law;
- Article 4 on respect for life and integrity of the person;
- Article 5 on respect of dignity and prohibition of all forms of exploitation and degradation; particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment;
- Article 6 which guarantees the right to liberty and security of the person; and
- Article 7 which promotes the rights of access to justice.

While the Charter purports to promote the right to non-discrimination, it however uses the masculine pronoun (his/he) in describing individual rights.

The only article that makes specific reference to women is Article 18 which declares the duties of the state to protect the family as the natural unit and basis of society. Under this Article the Charter requires states to, ‘ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.’

The African Commission on Human and People’s Rights meets twice a year to review:

- Complaints from individuals and States.
- Reports from States on how they are implementing the Charter.

NGOs can also submit ‘shadow’ reports to provide additional information when a country is reporting. ‘Shadow’ reports often disclose information that the state report does not.

The Charter in Article 62 establishes an African Commission on Human and Peoples’ Rights (ACHPR) to promote human and peoples’ rights and ensure their protection in Africa. The ACHPR comprises 11 independent experts (serving in their personal capacity), elected by the African Union (AU) Assembly of Heads of State and Government from a list of candidates presented by States Parties to the Charter. They meet twice a year to review individual and inter-State human rights complaints, reports from States and to interpret the African Charter. States are required to submit a report to the ACHPR every two years on how they are implementing the Charter. NGOs can also submit shadow reports to provide additional information when a country is reporting. NGOs can be granted observer status to the ACHPR (over 400 NGOs are currently granted observer status to the ACHPR) and National Human Rights Institutions can apply for Affiliate Status.


The Maputo Protocol came into being as a result of concern by African governments that, ‘despite

30. Adopted in Maputo, Mozambique on 11th July 2003; entered into force in November 2005. Only 27 states have
the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practices.”

The protocol expanded on the provisions of Article 2 of the Banjul Charter (non-discrimination on the basis of sex) and Article 18(3) that covers the protection of the family and the elimination of discrimination against women and the protection of women’s rights. It defines **violence against women** as ‘All acts perpetrated against women that cause them physical, sexual, psychological and economic harm including the threat of such acts; imposition of arbitrary restrictions or the deprivations of fundamental freedoms in private or public life; in peace time and during armed conflict’. It further defines **harmful practices** as ‘All behaviour, attitudes and or practices that negatively affect the rights of women and girls, such as their right to life, health, dignity, education and physical integrity’.

Articles 4, 5, and 6 of the Maputo Protocol are key to addressing SGBV in Sierra Leone.

Article 4 relates to the rights to life, integrity and security of the person requires states parties to prohibit all forms of exploitation, cruel, inhuman or degrading punishment and treatment. Article 4.2 in summary requires states Parties to take appropriate and effective measures (including legislative, administrative and budgetary) to:

- **Prohibit, prevent, punish and eradicate** all forms of violence against women whether they occur in private or public including unwanted or forced sex and trafficking in women; **protect those women most at risk** and provide **rehabilitation and reparation** of women victims.
- Identify the causes and consequences of violence against women and take appropriate measures to prevent them.
- Actively promote peace education in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women.
- Prohibit all medical or scientific experiments on women without their informed consent.
- Not carry out death sentences on pregnant or nursing women.

It is interesting to note that Article 5 calls on states parties to prohibit and condemn all forms of harmful practices which are contrary to recognised international standards and to take all necessary legislative and other measures to eliminate such practices, including:

- Creation of public awareness regarding harmful practices.
- Prohibition, of all forms of female genital mutilation (FGM).
- Provision of necessary support to victims of harmful practices.
- Protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.

Article 6 requires states parties to ensure that women and men enjoy equal rights and are regarded as equal partners in marriage and enact appropriate national legislative measures to guarantee amongst other things that:

International law recognises that attitudes and behaviour can be harmful.

According to the Maputo Protocol, harmful practices include behaviour and attitudes that negatively affect the rights of women and girls.

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31. Preamble to the Maputo Protocol.
no marriage shall take place without the free and full consent of both parties; and
the minimum age of marriage for women shall be 18 years.

International law considers that states should...

- Prohibit, prevent punish and eradicate all forms of violence against women, whether they occur in private or public.
- Provide rehabilitation to victims.
- Eradicate cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women.

Other relevant rights protected in the Maputo Protocol include:

- Article 7: Rights in separation, divorce and annulment of marriage.
- Article 8: Access to justice and equal protection before the law.
- Article 9: Right to participation in the political and decision-making.
- Article 11: Protection of women in armed conflicts.
- Article 14: Health and reproductive rights.
- Article 20: Widows' rights.
- Article 21: Right to inheritance.
- Article 22: Special protections for elderly women.
- Article 23: Special protections for women with disabilities.
- Article 24: Special protections for women in distress.

Article 26 requires states parties to report on their implementation of this Protocol within their reporting obligations to the ACHPR established under Article 62 of the Banjul Charter. Under Article 27, the authority to interpret matters relating to application or implementation of the Maputo Protocol rests with the African Court on Human and Peoples' Rights.

The African Charter on the Rights and Welfare of the Child (ACRWC)

The ACRWC defines a "child" as a human being below the age of 18 years. It was adopted based on the concern of African governments that,

The situation of most African children, remains critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger, and on account of the child's physical and mental immaturity he/she needs special safeguards and care, ... recognizing that the child occupies a unique and privileged position in African society.

The ACRWC entitles all African children to enjoy the rights to a name and nationality; survival and development; freedom of expression; association; peaceful assembly; thought, religion, and conscience; protection of privacy; education; leisure, recreation and cultural activities; health; pro-

33. Preamble to the ACRWC.
34. Irrespective of the child's or his/her parents' or legal guardians' race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status.
tection of the family; parental care and protection. The ACRWC also safeguards the child from all forms of economic exploitation and against work that is hazardous, interferes with the child's education, or compromises his or her health or physical, social, mental, spiritual, and moral development. The following ACRWC are of most relevance to SGBV:

- **Article 16**: Provides protection against all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse.

- **Article 21**: Prohibits harmful cultural and social practices especially those prejudicial to the health or life of the child and those discriminatory to the child on the grounds of sex or other status.

- **Article 21 (2)**: Prohibits child marriages and betrothals. Sets the minimum age of marriage at 18 years.

- **Articles 27, 28 and 29**: Strongly proscribe any form of sexual exploitation of children, illegal drug use and the abduction, sale of, or traffic of children for any purpose including begging.

State parties to the ACRWC are required to take all necessary measures—especially legislative and administrative—to promote and protect the rights and welfare of the African child as provided in the ACRWC.

Article 32 of the ACRWC established an African Committee of Experts on the Rights and Welfare of the Child (‘Committee of Experts’). This committee was eventually formed in July 2001. Its mandate is to promote and protect the rights established by the ACRWC. In so doing, the Committee is empowered to receive and examine state reports on the measures they have adopted to implement the provisions of the ACRWC as well as the progress achieved regarding how the rights are being protected. The Committee has 11 members, each of which is elected by the Assembly of Heads of State and Government of the African Union to serve in their personal capacity. It meets twice each year, usually in May and November in Addis Ababa, Ethiopia.

The Sierra Leone Child Rights Act 2007 draws on the principles and intent of the ACRWC.

**International Human Rights Instruments**

At the international level because Sierra Leone is a member of the United Nations (UN) it has adopted certain declarations and signed, ratified or acceded to a good number of the body of international treaties which uphold human rights and freedoms of all people—including the right of women to be free from discrimination on the basis of sex and the right to be free from violence.

By signing, ratifying or acceding to these treaties the Government of Sierra Leone recognizes the human rights principles they promote, commits to abide by reporting requirements of these treaties, and promises to take action at the national level to uphold the human rights of all its citizens (male and female).

**Universal Declaration of Human Rights (1948)**

The Universal Declaration of Human Rights (the Declaration) is the foundational human rights document of the UN, setting out common human rights standards for all state members. Article 1 provides that ‘All human beings are born free and equal in dignity and rights ...’ This opening article affirms the equality of men and women, boys and girls, and provides the basis for all other human rights provisions of the Declaration. Thus Article 2 goes on to declare that, ‘Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, prop-

35. See the glossary of this handbook for definition of these terms.
Other relevant provisions in the Declaration relate to:

- Article 3: The right to life, liberty and security of person.
- Article 4: The right to freedom from slavery or servitude.
- Article 5: The right to freedom from torture or to cruel, inhuman or degrading treatment or punishment.
- Article 7: The right to freedom from non-discrimination.
- Article 16: The right to marry and found a family by men and women of full age and consent, including the right to enjoy equal rights in marriage and dissolution.
- Articles 8 and 10: Rights to access to justice and fair hearing for all persons if any of the rights provided for in the Declaration are violated.

Because the Declaration is not binding per se, other negotiations within the UN have led to the adoption of treaties and conventions which are binding on states parties that acknowledge them through signature, ratification or accession. For example, the International Covenant on Civil and Political Rights which was adopted in December 1966. Some of these important international instruments are listed here with the dates they came into force and some significant articles that provide for the specific rights, which are violated in the context of SGBV. They are:

- The International Covenant on Civil and Political Rights (ICCPR) (1966): specifically Articles 1, 2, 3, 6, 7, 8, 9, 12, 14, 16, 18, 19, 23, 24, 25 and 26.
- The International Covenant on Economic Social and Cultural Rights (ICESC) (1966): specifically Articles 1, 2, 3, 6, 7, 10, 12, 13, 14 and 15.
- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) (1984): specifically Articles 1, 3, 13, and 14.

The UN has also recognized that certain groups of people (e.g. women, children, the disabled etc.) have certain special needs or vulnerabilities which require the adoption of specific instruments to promote and protect their rights. In this vein we will examine a few of such specific instruments on the rights of women and SGBV in the following sections.

36. Acceded by Sierra Leone on 23rd August 1996.
37. Acceded by Sierra Leone on 23rd August 1996.
38. Ratified by Sierra Leone on 18th June 1990.
40. Ratified by Sierra Leone on 2nd August 1967.
The UN Convention on Elimination of all forms of Discrimination Against Women (CEDAW) (1979)\(^{41}\)

CEDAW is often called the ‘International Bill of Rights for Women’ because it is the first UN treaty to specifically and comprehensively address the inequalities faced by women all over the world as a major human rights concern. The history of the adoption of CEDAW is founded on the establishment of the United Nations Commission on the Status of Women (CSW) in 1946 to monitor the situation of women and to promote women's rights. The work of the CSW over the years in highlighting areas of discrimination against women globally led to the adoption of CEDAW.

In adopting CEDAW member states of the UN noted with concern that in spite of the UDHR proclaiming that all human beings are born free and equal in dignity and rights; and other Covenants affirming the principle of non-discrimination based on sex, ‘extensive discrimination against women continues to exist’.\(^{42}\)

Article 1 of CEDAW defines **discrimination against women** as:

> any distinction, exclusion or restriction made on the basis of sex [[which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms]] in the political, economic, social, cultural, civil or any other field.

Under Article 2 states parties to CEDAW condemn and undertake to eliminate all forms of discrimination against women—as a matter of urgency—through several sets of measures including constitutional review, adopting new legislation and sanctions, and other administrative measures. While Article 3 requires states parties to take such measures in the political, social, economic and cultural fields to ensure the full development and advancement of women and that women enjoy their human rights and fundamental freedoms on a basis of equality with men. **Article 4** recognizes the importance of *temporary special measures* to advance equality between men and women and requires states parties to take such special measures where necessary.

**Reversing discrimination: Desperate times call for desperate measures. . .**

‘Temporary special measures’ are also known as ‘positive discrimination’ or ‘affirmative action’. An example of such a measure would be an employment policy that demands that, where two persons (a woman and a man) are equally qualified for a job, the woman would be selected. Such policies aim to reverse systemic discrimination against women and make it easier for women to enter government and business positions from which they have been historically excluded.

Of relevance to SGBV is Article 6 of CEDAW which requires states parties to suppress all forms of traffic in women and exploitation of prostitution of women. Other important aspects of women’s rights outlined in CEDAW are:

- **Article 7**: Right to vote and be voted for and to participate in NGOs, public and political life.
- **Article 10**: Right to equal access to quality education.
- **Article 11**: Right to equal employment opportunities and fair pay.
- **Article 12**: Right to proper nutrition and healthcare including reproductive rights.

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\(^{41}\) Entered into force on September 3\(^{rd}\) 1981 and has 186 ratifications and 98 signatures to date. Sierra Leone ratified it in 1988.

\(^{42}\) CEDAW preamble.
• Article 13: Right to family benefits, economic rights, including access to bank loans and right to participate in cultural activities and sports.

• Article 14: Recognition of rural women and extension of the relevant protections to them.

• Article 15: (Equality with men before the law, especially equality in civil matters including contracts and property ownership.

• Article 15.4: Right to freedom of movement and residence.

• Article 16: The same rights as men on entering into marriage and during marriage – including decisions on family planning.

Articles 17 to 30 of CEDAW establish and proclaim the mandate of the Committee on the Elimination of Discrimination against Women (CEDAW Committee) which is responsible for monitoring implementation of the Convention by member states. The Committee was first constituted in 1982 and is composed of 23 experts on women’s issues from around the world. States parties to CEDAW submit national reports every four years to the Committee on measures they have adopted to implement the Convention and improve the situation of women in their countries. During the Committee’s annual sessions it considers reports submitted by governments and discusses its observations and recommendations with the Government representatives.

While CEDAW does not mention SGBV or VAW specifically, the rights it provides to women and the principles of non-discrimination it requires states parties to promote and protect—e.g. in areas of marriage, sexual and reproductive health, culture and political participation—can, if properly implemented, serve to reduce (or even eliminate) the gender inequalities between women and men that fuel SGBV. In addition, the work of the CEDAW Committee has steadily increased international focus on rising incidences of violence against women. For example:

• In 1982 the CEDAW Committee adopted General Recommendation 19 requiring all national reports before it to thenceforth include statistical data on the incidence of violence against women and state measures taken to protect women including provision of services for victims;

• The 1989 session discussed the high incidence of violence against women and requested more information from all countries on the problem; and

• In 1992 the CEDAW Committee ruled that violence against women constitutes discrimination, and is therefore a violation of women’s human rights.

The CEDAW Committee also makes general recommendations on issues of women’s rights and wellbeing that it considers States parties need to increase focus and action to address.

**UN Declaration on the Elimination of Violence Against Women (1993)**

The UN Declaration on Violence Against Women (VAW) was adopted by UN General Assembly Resolution 48/104 of 20 December 1993 in recognition of—amongst other things—the fact that ‘violence against women constitutes a violation of rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women’. 44

Article 1 of the Declaration provides the first globally accepted definition of VAW to include physical, sexual and psychological harm while Article 2 recognizes that VAW includes but is not limited to violence occurring in the family, community and state.

In adopting the Declaration, the UN General Assembly noted in the preamble to the document

43. Sierra Leone submitted its first and only report (comprising the 1st to 5th reports) to the Committee in 2006.
44. Preamble to the Declaration.
that effective implementation of CEDAW would contribute to the elimination of VAW and the present declaration would strengthen and complement that process. In that vein, the declaration at Article 3 restates the entitlement of all women to equal enjoyment and protection of all human rights while Article 4 requires all state members of the UN to condemn VAW and refrain from invoking any custom, tradition or religious consideration to avoid the obligations required of them to eliminate the problem. Such obligations include:

- Ratify or accede to CEDAW without reservations.
- Refrain from perpetrating VAW.
- Prevent, investigate and punish all acts of VAW by public or private persons.
- Develop sanctions against VAW and provide victims access to justice mechanisms.
- Develop national plans of action on addressing VAW.
- Provide specialised assistance and services for victims and their children.
- Budget resources to address the problem.
- Train law enforcement agents on the needs of women.
- Research, data and statistical management.
- Include information on measures to address VAW in international reporting obligations.
- Enhance and facilitate the work of local NGOs on VAW.

**Article 5** requires the UN and her specialized agencies to take several actions to contribute to implementation of the Declaration.

**United Nations Security Council Resolutions (UNSCR) 1325 & 1820**

The United Nations Security Council (UNSC) is the UN entity charged with "primary responsibility for the maintenance of international peace and security". It is made up of 15 member states of the UN. Like the UN General Assembly, the UNSC can adopt resolutions on important issues through a vote of the 15 member states. Unlike treaties or conventions, UNSC Resolutions are not law; rather they serve as calls for action on matters which the UNSC determines can threaten world peace or security.

UNSCR 1325 and 1820 have both been instrumental in placing SGBV on the agenda of the UN Security Council. Both resolutions were passed specifically to call attention to the extreme negative effects of conflicts on women and girls.

- **UNSCR 1325**: Comprises of 18 articles which relate to the impact of war on women, and women's contributions to conflict resolution and sustainable peace. The Resolution calls for inclusion of women and gender perspectives at all levels in decision-making, peacekeeping operations and peace-building measures, including through training and development of relevant guidelines. Of most relevance is paragraph 11 which emphasizes the responsibility of all states to put an end to impunity and to prosecute those responsible for genocide and war crimes, including crimes relating to sexual violence against women and girls. It stresses the need to exclude these crimes, where feasible, from amnesty provi-

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45. There are 15 members of the Security Council, consisting of 5 permanent members (China, France, Russia, United Kingdom, and United States) and 10 elected non-permanent members from regional groups with two-year terms.
46. Passed unanimously on 31 October 2000 by Resolution (S/RES/1325).
47. Adopted in June 2008 by Resolution (S/RES/1820).
sions. Paragraph 12 calls on all parties to armed conflicts to respect the civilian and humanitar-ian character of refugee camps and settlements and to take into account the particular needs of women and girls in their design, in a way that helps prevent sexual violence.

- **UNSCR 1820**: Complements UNSCR 1325. Recognizes that sexual violence is used as a tactic of war and can threaten world peace and security. It therefore demands an immediate and complete end to all acts of sexual violence against civilians during conflict while further requiring parties to armed conflict to take appropriate measures to protect women and girls from sexual violence. Paragraph 4 declares rape and other forms of sexual violence a war crime, a crime against humanity and an act that forms part of genocide. It therefore requires governments to exclude sexual violence crimes from amnesty provisions in conflict resolution. It further calls on governments to prosecute all perpetrators and give women and girls equal access to justice. Paragraph 12 urges all governments to strengthen judicial and healthcare systems and services for survivors.

The UN Secretary General reports annually to the UN General Assembly on how State parties have been implementing the recommendations in both Resolutions. To develop this report, the Secretary General receives inputs from UN sources including country teams and peace-keeping operations.

**Applicability of International Human Rights Instruments in Sierra Leone**

Practical application of these international human rights instruments—especially treaties in Sierra Leone—is limited by the provision of Section 40 of the Constitution which stipulates that all treaties executed by the President which ‘Relate to any matter within the legislative competence of Parliament, or which in any way alters the law of Sierra Leone or imposes any charge on, or authorises any expenditure out of, the Consolidated Fund or any other fund of Sierra Leone ... shall be subject to ratification by Parliament:

- by an enactment of Parliament; or
- by a resolution supported by the votes of not less than one-half of the Members of Parliament.

This provision means that international treaties do not have automatic effect in Sierra Leone: before they apply here, they must be again passed into law through an enactment or by a resolution of Parliament. This is called the principle of **domestication**. Sierra Leone is yet to fully domesticate any of the treaties it has ratified. It is important to note however that judges could still be ‘persuaded’ by the human rights principles in these treaties in making judicial pronouncements regardless of the domestication status of the treaty in question. By so doing they are exhibiting ‘**judicial activism**’ a character many judges all over the world—including Africa—have used to promote and uphold human and women’s rights.
The Legal Framework for Addressing SGBV in Sierra Leone

CHAPTER REVIEW:

A crime is an act or an omission that is prohibited by law as a public wrong and punishable by the state.

Two elements must be present before a suspect or accused can be criminally held liable for a crime:

- **Actus rea** or ‘prohibited conduct’: The person must have done something that is prohibited by law.
- **Mens rea** or ‘guilty mind’: The person must have known that the conduct was prohibited by law.

All sexual offences require corroborative evidence: Corroboration is evidence from another source other than the victim confirming the allegation or story of the victim.

Corroborative evidence includes: a confession by the suspect/accused; an eye-witness account of the suspect being caught in the act, running away from the scene of the crime, or of the distressed condition of the victim just after the act (e.g. weeping victim, torn clothes). The story of the victim simply told to and repeated by another person is not corroborative evidence.

NATIONAL LAWS

The Constitution of Sierra Leone (1991): Reporting on SGBV should highlight how the Constitution contains one section (section 27 (4) (d & e) that states that the provisions that secure the equal human rights of women and men do not apply to those laws relating to marriage, divorce, inheritance or other ‘interests of personal law’, customary laws, to members of a particular tribe or customary law. So if a woman is raped and the Chief requires her to marry the perpetrator, or if her husband dies and she will be left homeless and destitute because by custom she cannot inherit the home she lived in with him; the Constitution of Sierra Leone will not help her. This particular section actually permits the application of laws which are discriminatory and that deny women’s human rights.

The Offences Against the Person Act (1861) (section 48) prescribes the punishment for rape as a maximum of Life Imprisonment. The various offences that constitute SGBV appear in numerous different laws. They are summarised in a table on page XX. The table confirms a message that the Minister of Social Welfare, Gender and Children’s Affairs is sending: laws pertaining to sexual offences are diffused and contradictory and should therefore be consolidated under a single legislation.

‘The three Gender Acts’— the Domestic Violence Act, Devolution of Estates Act, Registration of Customary Marriages and Divorces Act (all 2009)—and the Child Rights Act (2007) have transformed legal protection for women and girl children in Sierra Leone:

- **The Domestic Violence Act** (2007) makes domestic violence an offence punishable by a fine of Le 5,000,000 or a maximum sentence of 2 years imprisonment or both. It also requires the police to offer shelter to victims, and even to bar offenders from their own homes. The Act allows less severe (i.e. not ‘aggravated’) cases of SGBV to be settled out of court.
REGIONAL LAWS

The African Charter on Human and People’s Rights (The ‘Banjul Charter’) promotes and protects human and people’s rights in Africa. It guarantees equality and equal protection under the law and promotes the rights of access to justice.

The Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (The ‘Maputo Protocol’) came into being as a result of concern by African governments that notwithstanding the ratification of many human rights instruments, SGBV is still rampant in Africa. It requires States that are party to the document to take appropriate and effective legislative, administrative and budgetary measures to prohibit, prevent, punish and eradicate SGBV. Sierra Leone has not yet ratified this Protocol (i.e. it is not legally binding in Sierra Leone), but media reports can still refer to its provisions, as it is nevertheless an authoritative human rights instrument. The media can also encourage ratification.

INTERNATIONAL LAWS

Universal Declaration of Human Rights (1948) is the foundational human rights document of the UN, setting out common human rights standards for all state members. The first article affirms the equality of men and women, boys and girls. The second article declares that every human being, without distinction of any kind (e.g. colour and sex) is entitled to all the rights set out in the Declaration.

The UN Convention on Elimination of all forms of Discrimination Against Women (CEDAW) (1979) is often referred to as the ‘International Bill of Rights for Women’ because it is the first UN treaty to specifically and comprehensively address the inequalities faced by women globally as a human rights concern. It affirms the principle of non-discrimination and urges States that are party to the document to take urgent action, in political, social, economic and cultural fields, to eliminate all forms of discrimination against women, including constitutional review. Article 4 recognises the importance of ‘temporary special measures’ (also called ‘positive discrimination’ or ‘affirmative action’) to advance equality between men and women, and requires state parties to take such measures where necessary. Sierra Leone has ratified the CEDAW: it is therefore legally binding in Sierra Leone.

The ‘Committee for the Elimination of Discrimination Against Women’ (CEDAW Committee) Articles 17 to 30 of the CEDAW (above) establish and proclaim the mandate of the CEDAW Committee, which is responsible for monitoring implementation of CEDAW by member states. States parties to CEDAW submit national reports to the Committee every four years on measures they have adopted to implement the Convention and improve the situation of women in their countries. Sierra Leone ratified the CEDAW in 1988 but since then has submitted just one report to the Committee (in 2006). Whilst the report it submitted at that time covered the 1988-2006 period, the media should encourage the government to report more regularly.
UN Declaration on the Elimination of Violence Against Women (1993) recognises that violence against women is a violation of their rights and freedoms and prevents or impairs their enjoyment of those rights and freedoms. It notes that the effective implementation of the CEDAW would contribute to the end of violence against women. It requires all state members of the UN to condemn violence against women and to refrain from invoking any custom, tradition, or religious consideration to avoid their obligations to eliminate the problem. This includes the obligation to prevent, investigate and punish all acts of violence against women, to provide victims with access to justice mechanisms, and to provide specialised assistance and services for victims and their families.

United Nations Security Council Resolutions (UNSCR) 1325 and 1820

These resolutions were passed to call attention to the extreme negative effects of conflicts on women and girls.

**UNSCR 1325**: Emphasises the responsibility of states to put an end to impunity and to prosecute those responsible for war crimes, including crimes relating to sexual violence against women and girls.

**UNSCR 1820**: Recognises that sexual violence is used as a tactic of war and can threaten world peace and security. Declares rape and other forms of sexual violence as a war crime, a crime against humanity, and an act that forms part of genocide. It therefore requires governments to exclude sexual violence crimes from amnesty provisions in conflict resolution. UNSCR 1820 calls on governments to prosecute all perpetrators and to give women and girls equal access to justice. It also urges all governments to strengthen judicial and healthcare systems and services for survivors.

**NOTE**: Section 40 of the Constitution requires that all international treaties do not have automatic effect in Sierra Leone. They are only applicable in Sierra Leone when they have again passed into law through an enactment or by a resolution of parliament. This is called the principle of domestication. Sierra Leone has yet to fully domesticate any of the treaties it has ratified. However, judges can still be ‘persuaded’ by the human rights principles in these treaties in making their decisions. By doing so they are exhibiting judicial activism: a key mechanism used globally to promote and
In previous chapters, we have explored the meaning of SGBV and how it manifests itself. We have also gained some insights into how SGBV affects its victims and society at large. The need to bring perpetrators of SGBV to justice is now no longer in contention. However, the process by which justice is delivered is usually a long and tortuous one and there are numerous potential obstacles that could prevent SGBV incidents getting to Court. It is therefore important that media coverage of SGBV incidents commence even before the matter is laid before a judge or magistrate.

The Lead or Tip-Off

As Journalists, there are numerous ways by which we receive leads or tip-offs about a story. These sources are generally the same when it comes to SGBV incidents, although there are a few other sources we can tap into. Some of these are as follows:

- The journalist is a direct witness
- Other witnesses
- Rumours
- Police sources
- Human Rights or Civil Society Organisations
- The victim
- Parents or relatives of the victim
- Informal gatherings, including gatherings of journalists
- Hospital sources
- Social welfare officials

Making the decision to investigate or report the story

While it is true that any incident of SGBV deserves to be treated seriously, and as journalists we should not allow it to go unnoticed or unpunished, as with any other incident or tip-off, the fact that we hear about an SGBV incident does not immediately qualify that incident to be the subject of a news story. A journalist has to undertake a process to decide whether to investigate or report a story. The first step in this process is to determine to what extent an SGBV incident that has come to our attention is newsworthy. Considering the following questions can help us to decide:

1. Is the incident a recent event? Remember that news is current. What was the gravity of the incident? More brutal incidents and those in which the victim is more seriously injured are likely to be more newsworthy. Remember that the consequences of SGBV are so grave that any victim can be regarded as seriously injured. How old is the victim and the alleged offender? Incidents which involve more vulnerable persons (i.e. very young or old) are likely to be more newsworthy.

2. Does the alleged offender have a history of SGBV offences? The conviction of a person who has been implicated in a number of cases is likely to be more newsworthy, but remember that reporting on any previous criminal convictions before the trial could influence the jury and result in contempt of Court.

The answers to these questions will help the journalist (and indeed the news team) determine whether the incident that has come to their attention is newsworthy or not.
Having made the decision on the newsworthiness of an incident, the next step is to perform a check on the credibility of the source of information. There are standard procedures which professional journalists go through to test the credibility of sources, and these should also be applied to reported incidents of SGBV. These procedures are some of the basic procedures used to cross-check stories prior to publication. They would include:

- Perform a background check on the informant (if source of information is an individual) to find out: whether he/she has any ulterior motive; whether he/she usually gives accurate information.
- Ask the informant relevant questions to be able to determine whether he/she was an eye witness, heard about the incident from the victim or a relation of the victim, or only heard a rumour.

If the informant’s story doesn’t add up or their background is questionable, the journalist may consider dropping the story altogether or looking for another more credible.

**Did the Incident Occur in Fact? Conducting Your Investigation**

After determining that the source of information is credible and the reported incident is newsworthy, the investigation of the story for publication can commence. This is a very important step the journalist needs to take before proceeding to develop a story from an incident. The objective must be to uncover the truth and present it to the public so that, among other things, justice will be served. Here the journalist will have to deploy some investigative techniques such as:

- Visit the scene of the incident.
- Interview possible witnesses to the incident (e.g. neighbours, friends).
- Interview the alleged victim(s) or their family member(s).
- Interview the alleged perpetrator(s).
- Interview social or health workers, NGOs and community leaders.
- Take pictures or live video shots of the scene.
- Compare the story of your source with the story of other witnesses interviewed.

**When conducting investigations**, remember:

- The victim had a very frightening experience and is likely to feel vulnerable.
- When interviewing the victim, be sympathetic.
- The trial has not started, and any suspect is innocent until proven guilty.

**When writing your story**, remember:

- Do not share information that could cause the victim more pain.
- Try to put yourself in the shoes of the victim: With which kind of article would you be most comfortable? Which details would you want to keep private?
- **BE VERY CAREFUL** not to create the impression that an individual is guilty if the courts have not declared him as such.

During the investigation it is essential that journalists be aware that in the first place, no one is on trial yet and they are neither judge nor jury. Care must be taken not to either cause the victim more pain, or crucify an innocent person. We must always remember that SGBV is usually an emotive subject and has serious implications for the victim, anyone accused of perpetrating it, the
families of both victim and accused, as well as the community as a whole. Accuracy and sensitivity is therefore very important, not only while writing the story, but also while conducting the investigation. Care must also be taken not to jeopardise the police investigation if there is one ongoing, or prejudice a possible future trial.

In order to get an accurate and balanced story, it will usually be necessary to interview both victim and alleged offender. SGBV incidents are usually reported to the chief (in rural settings), the police, the hospital/doctor, NGOs/CBOs and social workers. It is therefore usually necessary to talk to people like these if they are present in the community where the incident took place. Of these different categories of people, NGOs/CBOs and social workers are usually the most willing to give information to the media. The chief, the doctor/hospital and the police are likely to be more reluctant to do so, and there are good reasons for this which as a journalist, you need to be aware of.

Relating to the Victim

As we have stated earlier, the facts of an incident as related directly by the victim is crucial in establishing your story. However, there will be instances where the victim may not be available for an interview, either because he/she is a minor and cannot express himself/herself well, or he/she is too traumatised to talk to the press. In such a situation, someone who saw the victim soon after the incident and heard about it from him/her would need to be interviewed. Remember, never interview a child victim or suspect without his/her parent or guardian being present. Doing so will render the journalist open to accusations of taking advantage of the child. Please refer to Chapter 7 for more details on interviewing the victim.

Relating to the Police

As with all crimes, the role of the police in SGBV incidents is to conduct an impartial investigation, determine whether indeed a crime has been committed, identify the suspect(s) and take the matter to Court or pass it on to the Director of Public Prosecution (DPP)’s office for further action. In Sierra Leone, investigation of SGBV is now handled by the Family Support Unit of the Sierra Leone Police (SLP). This is where you will need to go to find information on any reported SGBV incident if it is under police investigation. The police will, however not release information about a matter under investigation to the media if the investigating officer believes releasing the information will prejudice the investigation. The police have rather strict rules about procedure for releasing information to the press and although some of these rules may be considered outdated, the police officer is bound by them. See Chapter 4 for more information on police procedures.

Despite these rules, however, it is possible to get basic information about a matter under investigation and most police officers will be willing to divulge such information if you adopt the right approach. But what is the right approach? For journalists trying to get useful information from the police, the right approach can be summarised as follows:

1. Establish a cordial relationship as partners.
2. Request assistance, do not demand information.

Unfortunately, some journalists approach the police in an arrogant manner, demanding information from them as a matter of right. When this happens, almost invariably, the police officer will adopt an officious posture and may even refuse to speak to the journalist, referring him/her to “higher authorities”. If, however, the right approach is adopted, it is usually possible to get a lot of information, including “off the record” information from police officers that can provide useful leads.

Relating to Chiefs

The chief in a rural community is the traditional ruler of that community and therefore the custodian of the customs and traditions of the people. He/she is also usually regarded as the arbiter of justice, and so when offenses are committed, the chief is the one to whom complaints are taken and the one relied upon to dispense justice. The chief, however, can only dispense traditional justice. In the event that the victim is a child (which is often the case) such a decision would also contravene formal laws such as the Child Rights Act, which prohibit the marriage of children.
In many cases this is not in line with the criminal justice system, does not conform with human rights principles, and more often than not further victimises or traumatises the victim. For example, the alleged rapist may be required to marry the victim if she is unmarried because he has defiled her. This requirement may seem right in the eyes of the chief and the community as it preserves local customs, community cohesion and the moral virtue of the victim. But for the victim, it is yet another violation; not least of her right to choice in marriage.

As journalists, we need to be aware of the role of the chief in the community. We also need to be conscious of the fact that the chief dispenses justice using the customs and traditions of the people and may be unaware of the dictates of the modern justice system. Care should therefore be exercised to ensure you do not adopt a condemnatory attitude in dealing with chiefs who have dispensed justice based on traditional law. Your approach should be respectful and you should basically try to elicit information from the chief and elders on what was reported to them and what has happened since the matter was reported to them. Remember, your job is to report, not to judge. However, in writing your story you must highlight the variance of the decision of a chief with the provisions of the law.

Relating to medical practitioners

For forms of SGBV such as rape, the results of a medical examination carried out soon after an offence is alleged to have been committed, is critically important: it determines whether an accused person will be convicted or not. The result of such an examination could serve as corroborative evidence for a sexual offence case. These examinations are usually carried out by qualified medical practitioners, and so they are an important part of any story dealing with SGBV. Journalists investigating such incidents will invariably find that at some point they need the views of a medical practitioner.

Note however that medical practitioners are bound by a code of ethics that prescribes patient - doctor confidentiality. Consequently, doctors are not at liberty to reveal the health/medical status of a patient to a third party without that patient’s express permission. This situation is similar to your doctor requesting a laboratory (“lab test”) test for you. You will realise that in such instances, the lab result is usually put in a sealed envelope addressed to the doctor. It is not simply handed to you.

Medical practitioners who perform examinations on SGBV victims are usually acutely aware that they may be required to give evidence in Court and that their professional competence is going to come under scrutiny. As a result, it is natural for them to be wary of doing anything that will call into question their professional competence. Journalists should therefore not expect medical practitioners to give information to them about the condition of a victim they have examined.

Having said this, it must also be stated that—as with all other categories of potential informants—it is possible to get useful information from medical practitioners if the right approach is adopted. However, the type of information a medical practitioner can divulge to a third party without violating the patient – doctor privilege is quite limited. For example, you should not expect to get answers to questions like “Did you see signs of physical assault on the victim?” or “Can you confirm whether Miss A was raped?” Questions like the following, however, can be asked with a reasonable chance of getting answers:

1. Was Miss A referred to you for examination by the police?
2. Has a medical examination been conducted?
3. Have you sent the report of your findings to the police?

Even though answers to questions like these may not give any clear indication whether indeed someone has been raped, they will certainly give some depth to a story. The reporter can then include in his/her story something like the following:

Dr.….. attached to the Rainbo Centre in Kissy confirmed that Miss. A was referred to him for examination by the police. Dr.…. has concluded the medical examination and sent his report back to the police. He however declined to comment on the physical state of the victim and whether indeed he saw signs that she had been raped.

**Protecting identity of victim & alleged perpetrator**

The importance of protecting the identity of SGBV victims—particularly if the individual is a minor—is generally quite well known. What is less well known is the importance of protecting the identity of an alleged perpetrator. This is because Sierra Leonean law provides that even where an individual has been charged with an offence and has been arraigned before a magistrate or judge, he/she is presumed innocent until proven guilty.

This is a cardinal principle of justice, and so as journalists we must be very careful not to create the impression that an individual is guilty if the Courts have not declared him as such. This means that we must use the right terminologies at all times (see chapter 4 for more information). This of course poses major problems for journalists because it is very difficult to write a story in which victim and alleged perpetrator are unnamed and still achieve a significant level of public interest. It is however not impossible. For example:

Reports reaching this press indicate that an alleged rape took place on ... at a village close to Masiaka. The victim, who is a 15 year old girl alleges that a 47 year old man who happens to be a friend of her father asked her to enter his room because he wanted to give her a message for her father, but when she entered the room he grabbed her, stuffed a cloth into her mouth so she could not shout... When interviewed, the man denied the allegation and insists he did not touch the girl. He claims the girl's mother is trying to punish him because he had told her husband that she was having an affair with another man. The matter is currently being investigated by the police.

In conclusion, it must be stressed that journalists should be very professional in the way SGBV incidents are reported, particularly while the incident is under investigation. This is necessary to ensure no one gets hurt unnecessarily, bearing in mind that the victim of SGBV would already have been severely traumatized and the media should not add to the trauma – nor jeopardise the justice process. People accused of perpetrating SGBV also need to be protected until the facts have been properly established and the matter charged to Court because it is possible that the individual could have been wrongly accused, or the accusation is malicious.
Reporting SGBV Prior to Charges Being Preferred

CHAPTER REVIEW:
Media reporting of SGBV incidents commences even before the matter is laid before a judge or magistrate.

3 Steps to deciding on a Story:
1. Is the source credible?
2. Is it newsworthy?
3. Did the incident occur in fact?

The objective of the report must be to uncover the truth and present it to the public.

To uncover the truth, journalists must conduct investigations.

Investigation and reporting before trial must be handled very carefully. If it is not, the journalist risks influencing the jury, jeopardising the case, and being held in ‘contempt of court’ (see the next chapter for more information). To avoid becoming embroiled in court proceedings him or herself, the journalist must:

- Be careful.
- Be accurate.
- Be objective.

Check credibility of sources of information about an incident:

- Perform a background check on the informant to find out whether s/he has any ulterior motive (e.g. a dispute with the alleged perpetrator) or usually gives accurate information.
- Ask the informant relevant questions to be able to determine whether s/he was an eye witness, heard about the incident from the victim or a relation of the victim, or only heard a rumour.

Consult with NGOs/CBOs and social workers: They are usually the most willing to give information to the media.

A journalist’s job is to report, not to judge. However, in writing your story you must highlight the variance of the decision of a chief or magistrate with the provisions of the law.

While the incident is under investigation by police, remember:

- Protect the identity of the victim. Do not name the victim, or give any clue as to their identity at all.
- Protect the identity of the alleged perpetrator: Even where an individual has been charged with a crime, s/he is innocent until proven guilty (by a court of law).
- It’s not for the media to determine guilt or innocence: a journalist is not a judge or jury.
- SGBV is a traumatic experience. Being subjected to inconsiderate and unsympathetic interviews, reading insensitive stories in the papers—or having your family and neighbours read and discuss them—adds to the victim’s distress.
- There are two sides to every story: Aim to interview both the victim and the perpetrator. If you choose to interview the victim, do so with great sensitivity.
- Be polite and respectful: You are more likely to obtain information if you request it courteously and acknowledge that sources are not always able to share information in case it will prejudice the investigation, or compromise the victim’s right to privacy.
Effective court reporting requires at least a basic understanding of the judicial process and the way the various sectors involved in the process operate.

It is no secret that many media houses in Sierra Leone regard Court reporting as the beat of the cub-reporter or the beginner. Little wonder, then, that the quality of Court reporting in the media in Sierra Leone is often inadequate. Even the most seasoned reporters are challenged to accurately communicate what are often complex Court and legal procedures. Effective Court reporting requires at least a basic understanding of the judicial process and the way the various sectors involved in the process operate. The purpose of this chapter is to provide reporters with a basic understanding of the legal system and tips on effective Court reporting.

**Police Investigations**

**Why?** Police conduct investigations to discover whether and by whom a crime has been committed.

**When?** They do so when they detect or suspect that a crime is about to be committed or has been committed.

**How?** Police conduct investigations by receiving reports from members of the public, interviewing witnesses and suspects, searching premises and seizing objects that are suspected to have been either used in committing a crime or are the subject of a crime.

**What?** Police attempt to gather evidence which implicates a person of having committed the crime. This evidence enables the police to positively accuse someone who they have ‘suspected’ of having committed a crime: the ‘suspect’. They can therefore charge the case to Court for prosecution. When a suspect is charged, he/she is positively accused of having committed the crime and is henceforth known as “the accused”.

**Police investigations: the process**

1. Police conduct investigations to discover whether and by whom a crime has been committed.  
   - Police may have an idea about who may have committed the crime. This person is called the “SUSPECT”.

2. Police gather evidence that implicates a person. Police charge the case to court and the person  
   - The person is now called the “ACCUSED”.

3. The evidence the police have collected is committed to the prosecutor for trial.  
   - If the person is found guilty, he is called the “PERPETRATOR”.

The Road to Justice
Why investigate and prosecute?

Investigation and eventual prosecution of offenders is meant to maintain law and order as the punishment of those found guilty would serve as a deterrent to the offenders from offending again and would-be offenders to refrain from such acts.

**Duties of the Police**

By Section 4 of The Police Act No. 7 of 1964 the Sierra Leone Police has the following general duties:

- Detect and prevent crime;
- Arrest/apprehend suspects/offenders;
- Preserve law and order;
- Protect life and property; and
- Duly enforce all laws and regulations.

**Authority to Question and Arrest**

In the course of investigating an alleged crime, the Police have authority under Rule 1 of The Judges Rules, 1964 (Home Office Circular No. 31/1964) to question (and sometimes to arrest and question):

- Any person,
- From whom the Police believe they may be able to obtain useful information.

For example: a dead body is found in the morning on Mr. A’s veranda. Mr. A may not have anything to do with the dead body but the body is somehow on his veranda. The Police can lawfully question him or arrest and question him. In such situations, the Police usually say that Mr. A is, ‘helping the Police with the investigations’.

**Point to Note:** It is important for reporters to know that anyone who is arrested and questioned by the Police is only a suspect or a person from whom any useful information may be obtained. Such a person is not yet accused of the crime!

**Reasonable Grounds for Suspicion**

By Rule II of the Judges Rules, 1964, the Police needs evidence or useful information to provide reasonable grounds to suspect anybody of having committed an alleged crime. For example: if Mr. A had a previous palaver with the person whose dead body is found in his veranda, this would suggest a motive for Mr. A to kill that person and he could therefore be properly suspected, arrested and questioned.

**Administering the Caution and Obtaining a Statement**

When evidence of reasonable grounds is available, the Police will then caution the suspect in the following terms before arresting him/her:

“You are not obliged to say anything unless you wish to do so but whatever you say may be put into writing and given in evidence.”
After this caution, a statement will be obtained from the suspect known as the *Voluntary Cautioned Statement (VCS)*. It is so called because it is the suspect’s human right to agree or refuse to say anything. The VCS is essentially the suspect’s side of the story; which may be a flat out denial.

**Point to Note:** A reporter would be wrong to make any concluding report or comment of the guilt of the person/suspect so arrested and questioned but refuses to make a statement. At this stage, Mr. A in the example is not a perpetrator but a suspect.

**Charging a Matter to Court**

*After investigations a decision has to be reached whether or not to charge the suspect to Court. In minor, simple and straight forward matters, the decision to so charge is taken by the Police i.e. the Crime Officer (or FSU Line Manager in SGBV cases) who heads the Police investigations. In complex and serious matters, the file is forwarded to the Law Officer’s Department for the decision to charge or not to charge.*

The decision to charge is based on whether or not there is reasonable evidence against the suspect. It should not be based on the status of the suspect, ‘instructions from above’, pressure from the suspect and his/her family or the will of the victim.

Some SGBV cases can be lawfully settled out of Court. Where this is not possible, cases are charged to Court.

The document on which the suspect is formally charged is known as the *Information or Charge Sheet* in Magistrate Courts and *Indictment* in the High Court. This information is then forwarded by the police to the Prosecutor. The Prosecutor—who can be either a Police or State Counsel—will in turn file same in the Registry of the appropriate Court and the matter would then be assigned to a particular Magistrate or Judge for trial.

**The Nature and Hierarchy of the Courts in Sierra Leone**

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48. Section 20 of the Domestic Violence Act, 2007

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**What is a Court?**

A Court is an institution of government established by law for the administration of justice by Judges or Magistrates. Administration of justice includes the interpretation and application of particular rules of law to particular cases within the Court’s jurisdiction. The word ‘Court’ can also refer to the physical structure in which a trial is held and is usually called a ‘Court building’.

The rules of court also cover conduct, including dress code for the officials, and behaviour of the visitors, including media practitioners.

The Court is a very formal place, in which matters are dealt with on the basis of rigid rules of procedure and evidence on the matters dealt with. For example, certain pieces of evidence are admitted or rejected based on rules of relevance or hearsay.

At the Magistrate Courts, the lawyers and the Magistrates dress in black: a black coat, dark trousers and a dark tie for men; and black skirts and coat for women. In the Superior Courts (i.e. High Court, Court of Appeal and Supreme Court), all lawyers and judges add a white bib and collar, a wig and a black gown to their dress. If a lawyer is not in a wig and gown in a Superior Court, he is considered to be “naked” and can only be heard with the leave (i.e. permission) of the Court (i.e. the Presiding Judge).

### Hierarchy and Functions of the Courts

For the purposes of this handbook, there are four Courts in ascending order of hierarchy namely:

- The Magistrate Courts;
- The High Court;
- The Court of Appeal; and
- The Supreme Court.

#### The Magistrate Courts

The Magistrate Court is a Court of Record established by Section 4 of The Courts Act No. 31 of 1965.

Magistrate Courts are subordinate to any of the Superior Courts of Justice. They operate in judicial districts created by Sections 3, 4, 5 and 8 of The Courts Act. The judicial districts include:

- the Headquarter Judicial District;
- the Judicial District of Freetown; and
- twelve administrative districts in the three Provinces (North, South and East) of Sierra Leone.

Magistrate Courts can serve two main functions: Investigating Courts and Trial Courts.

#### The Magistrate Court as an Investigating Court

(Section 6 (2) and (3) of the Courts Act, 1965 and Section 108 of the Criminal Procedure Act No. 32 of 1965)

As investigating courts, Magistrate Courts conduct what is known as Preliminary Investigations (PI). This is a judicial investigation where witnesses and accused give evidence on oath and
such evidence is taken down by the presiding Magistrate.

At the end of the PI, the Court does one of two things:

- If there is sufficient evidence against the accused: commits the accused to stand trial in the High Court; or
- If there is not sufficient evidence against the accused: discharges the accused and unconditionally releases him/her.

**Point to Note:** Discharge of an accused after a PI is **not a bar** to future prosecution. This means the Police can re-arrest and charge such a person to court if they gather sufficient **new evidence** to bring him/her to trial for the same alleged crime.

**Sufficient evidence** is evidence which, if not contradicted, would raise a probable presumption of the guilt of the accused.

Matters for which a PI is needed are serious matters known as **felonies**. Felonies attract serious punishments such as life imprisonment or sentences of above five years imprisonment. Among SGBV cases, felonies include offences such as rape, unlawful carnal knowledge, causing grievous bodily harm with intent, wounding, murder etc. which we have examined at Chapter 3.

**The Magistrate Court as a Trial Court**

As Trial Courts, Magistrate Courts hear and determine minor offences for which the sentence is not above five years. For SGBV, such minor offences would include assault occasioning actual bodily harm and some domestic violence offences such as emotional or verbal abuse, sexual harassment and intimidation etc. In a trial, a Magistrate (or two Justices of the Peace) sits alone.

If at the end of the trial the prosecution leads evidence to prove the guilt of the accused beyond reasonable doubt, the accused is found guilty, convicted and sentenced. The convict (now a perpetrator) has right of appeal to the High Court; from there to the Court of Appeal, and from there to the Supreme Court.

**Points to Note:**

- For both PI and Trial proceedings, the accused person(s) is **innocent until proven or has pleaded guilty**. This is a fundamental human right of all accused persons charged with any offence be it SGBV or murder or treason. This right is guaranteed by **section 23 (4) of The 1991 Constitution of Sierra Leone**.
- An accused person(s) in a PI or standing trial can only be properly called the perpetrator if found or pleaded guilty to the charge(s).

The PI or trial at the Magistrate Court may be held “in camera”—in which members of the public, including media practitioners, are not permitted to witness the hearing—or in public. This is allowed by Section 109 of The Criminal Procedure Act, 1965.

**The High Court**

The High Court is a Court of Record established under Section 120 (4) and 131 of The 1991 Constitution and Section 14 of The Courts Act, 1965.
It is composed of the Chief Justice, and not less than nine High Court Judges. Most of the Judges sit in Freetown with one each sitting in each of the provincial headquarter towns of Bo, Kenema and Makeni. The Bo High Court circuits to Moyamba, the Kenema High Court circuits to Kono and the Makeni High Court circuits to Port Loko.

The High Court sitting is duly constituted by either one Judge or by a Judge and jury. When a capital offence—such as murder, treason and robbery with violence or aggravation—is to be tried, a Judge must sit with a jury (i.e. 12 jurors).

The High Court is both a Trial Court and an Appellate Court.

The High Court as Trial Court

As a Trial Court, the High Court tries criminal matters, including SGBV cases. It has unlimited original and supervisory jurisdiction and can impose any sentence including the death sentence (see Section 18 of The Courts Act, 1965 and Section 132 of The 1991 Constitution). Such matters are either committed to it after a PI by a Magistrate Court or brought to it directly through what is known as “136 Procedure.” 49 This refers to Section 136 of The Criminal Procedure Act, 1965 under which such procedure is undertaken.

The hearings of the High Court may be either public or in camera. This is allowed under section 120 (6) and (7) of the 1991 Constitution. A High Court Judge can sit with or without a jury, however in the trial of all capital offences50 the High Court Judge must sit with a twelve-man jury.

Before an accused can be lawfully convicted of any offence, the Prosecution must show evidence to convince the Court of his/her guilt “beyond reasonable doubt”. This is known as the “standard of proof”: its degree or weight “need not reach certainty, but it must carry a high degree of probability that the accused committed the crime charged”,51 i.e. it does not mean beyond a shadow of a doubt. If there is reasonable doubt in the evidence that the accused committed the alleged crime, then the Prosecution has failed and the accused must be given the benefit of the doubt and should be acquitted and discharged. In such a case, the Prosecution has a right of appeal but only on points of law.

Point to Note: It is only at the stage when the accused is found guilty and convicted that he/she can properly be described as the perpetrator.

The High Court as an Appellate Court

The High Court hears and determines appeals from the decisions of Magistrate Courts. It can either uphold or reverse (quash) the decision of a Magistrate Court.

The Court of Appeal

This is a Court of Record created by Section 120 (4) and 128 of The 1991 Constitution and Section 30 of The Courts Act, 1965.

It consists of the Chief Justice and not less than seven Justices of the Court of Appeal. It only sits in Freetown. A sitting of the Court of Appeal is duly constituted by any three Justices. The most

49. 136 Procedure includes an application to the High Court by way of Notice of Motion applying for the consent of a Judge in writing for the preferment of a charge(s) against the suspect(s) to the High Court without a PI in a Magistrate Court. The Notice of Motion should be supported by an affidavit explaining the reasons for avoiding a PI. Normally it is to have speedy trials in matters of public interest that such procedure is undertaken. As a matter of law, it is undertaken by the Law Officer’s Department.
50. Capital offences are those offences that carry the death penalty. They include murder, treason and robbery with aggravation or violence.
senior Justice shall preside. As an Appellate Court, it can properly uphold or reverse a judgment of the High Court.

**The Supreme Court**

This is a Court of Record established under Sections 120 (4) and 121 of the 1991 Constitution.

It consists of the Chief Justice and not less than four other Justices of the Supreme Court. A sitting of the Supreme Court is duly constituted by at least three Justices. The Chief Justice presides. In the absence of the Chief Justice, the most senior of the Justices presides. As an Appellate Court, it can uphold or reverse a judgment of the Court of Appeal.

In its original jurisdiction, the Supreme Court hears and determines Constitutional matters. For example: the case filed in 2008 by the Sierra Leone Association of Journalists (SLAJ) on the libel laws in The Public Order Act, 1965 vis-à-vis The Constitutional provision of freedom of the Press.

**Freedom of Information**

The protection of freedom of expression and the press is a fundamental human right provided for by Section 25 of The 1991 Constitution.

The law provides that every person (not just media practitioners) shall not be hindered in his enjoyment of his freedom of expression. This freedom includes:

- Freedom to hold opinions;
- Freedom to receive and impart ideas and information without interference;
- Freedom from interference with correspondence;
- Freedom to own, establish and operate any medium for the dissemination;
- Freedom of information, ideas and opinions; and
- Academic freedom in institutions of learning.

**Limitations to Freedom of Expression**

Like all human rights and freedoms the world over, freedom of expression is not absolute. It has lawful limitations in Sierra Leone (see 24(2) of the 1991 Constitution) which include:

- No person or body or institution shall own, establish or operate a television or wireless broadcasting station without the authority of the President of Sierra Leone.
- Hindrance or interference reasonably required in the interest of defence, public safety, public order, public morality or public health.
- For protecting the reputations, rights and freedoms of other persons (e.g. defamation of another person) preventing information received in confidence (e.g. information received between doctor and patient, solicitor and client).
- Maintaining the authority and independence of the Courts.
- Regulating the telephony, telegraphy, telecommunications, posts, wireless broadcasting, television, public exhibitions or public entertainments.
- Restrictions on public officers or members of a defence force.

**Maintaining the Authority and Independence of the Courts**

Reporters covering Court proceedings must take note of an important limitation: to receive and report information about Court proceedings for the purpose of “maintaining the authority and independence of the Courts.” Reporting which undermines the authority and independence of the Courts could lead to a charge of defamation\(^\text{52}\) against the offending journalist.

\(^\text{52}\) Defamation: the false or unjustified injury of the good reputation of another. Also referred to as ‘libel’, ‘slander’, or ‘calumny’ (http://dictionary.reference.com).
However, Section 30 (b) of The Public Order Act, No. 46 of 1965 provides in relation to defamation that “fair report, for the information of the public, of any proceedings of any Court” will not attract any criminal liability. Fair reporting is reporting what exactly happened in Court without making, directly or indirectly, any comments or conclusions on the merit of the case and the character of the parties, their witnesses and the Court officials.

Golden Rule 1 of court reporting
“JOURNALISTS SHOULD REPORT - NOT CREATE - NEWS”

Sub Judice and Contempt of Court

Sub Judice is a Latin phrase which literally translates as “under the judge”; a judge here includes a Magistrate. It means that a matter has been submitted to a judge or Court and is awaiting decision. Any report on the matter which is not a fair report will attract the criminal liability for the crime of Contempt.

Breach of the Sub Judice Rule which results in the crime of contempt are of three kinds:

- **Reports that scandalize the Court** might include reports (or libels) on the integrity of the Court. For example, a report which states or suggests that the Judge or Magistrate has taken sides in the matter because he/she has been bribed or the party whose side he/she has taken is his/her relation or tribesman; or (worse) a report which abuses or insults the judge in relation to his/her conduct in the matter.

- **Reports that are abusive of the parties in the matter** include anything which tends to excite prejudice against the parties or their litigation while the matter is pending. For example, threats on or abuse of a party, his witnesses or Solicitor/Counsel.

- **Reports that prejudice mankind or the public against persons before the matter is heard and determined.** Such reports include comments, opinions, and conclusions on the merit of the matter or comments with the consequence (not necessarily the intention) to prejudge the matter or issue or to influence the Court and amounts to interfering with the due process of the administration of justice or undermining the authority of the Courts.

Purpose of the Sub Judice Rule

The Rules of Sub Judice and contempt are meant to, “keep the streams of justice clear and pure, that parties may proceed with safety both to themselves and their characters.” This quotation or principle was enunciated by Lord Hardwick and then quoted with approval by Bairamain, C.J. in the matter of Regina vs. Shekpendeh, Ex Part Attorney-General (1957 – 60) (ALR S.L. 213).

The brief facts of the above case is that there was, in the High Court, a matter brought under the Legal Practitioners (Disciplinary Committee) Act Cap 118 of The Laws of Sierra Leone, 1960 in which one A.B. Kamara (alias Bai Bai Kamara) was a party. A.B. Kamara and others, at Naimbana Street were invited by a Police constable to go to the Police station but A.B. Kamara quickly rushed into a nearby taxi and ordered the driver of the taxi to drive him quickly away, thereby escaping immediate arrest. Whilst the matter was in Court, the Shekpendeh Newspaper, on 2 December 1958 wrote a report of the proceeding including carrying banner headlines such as “Commotion at Naimbana Street” and “Bai Bai Kamara Caught Red-Handed”. The report that followed these headlines reads thus:

There was an awful lot of commotion on Sunday night at Naimbana Street, Freetown. The commotion was caused by an encounter in which A.B. Kamara (alias Bai Bai Kamara) was caught red-handed. Bai Bai Kamara was confused. It is understood that in defiance of the Police constable who had asked Bai Bai and others present to go to the Police station, Bai Bai Kamara quickly rushed into a taxi and ordered the driver of the taxi to drive him quickly away thereby escaping immediate arrest.
In the 4th December, 1958 edition of the paper was the following headline, “Bai Bai Caught Red–Handed ... And what is The Latest”. Then the story followed thus:

Since Monday last, when news spread all over Freetown about the encounter on Sunday night in which Bai Bai Kamara was caught re-handed, members of the public have been asking questions. The public have been anxious to know what actions have been taken to arrest Bai Bai Kamara and the taxi driver who also defied the authority of the Police. Up to now, the fourth day after the whole episode, the full facts of which been made known to the Police authorities responsible, no arrest had been made ... and in the meantime, associates of Bai Bai Kamara have been boasting that ‘nothing would come out of the whole thing’.

The Court held that both articles were abusing the party and prejudicing mankind against him while he had a case in Court and that it did not help to argue that those articles did not refer to the disciplinary motion but to something else (and outside the Court) because, according to the Court, “To constitute a contempt, adverse comment on a party need not refer to the sub-matter of the proceedings. It is sufficient if it is clear that the comment tends to prejudice the trial of the action.”

The Court was of the view that the newspaper was wrong.

Consequences of Reporting in Breach of Sub Judice

The consequences of unfair reporting such as would amount to a breach of the Sub Judice Rules are as follows:

- Parties are put in fear of public hatred/dislike.
- Parties are harassed into abandoning their case.
- The minds of the witnesses are affected by public disrespect caused by the press.
- Potential litigants are deterred from bringing their cases to Court through fear that they may be attacked by a newspaper.
- All the above results in the undue interference into the administration of justice.

For the newspaper in the above cited case to say that A.B. Kamara was caught red-handed but ran away and action was being taken for his arrest meant that they concluded he had committed a crime and such reports might harass a litigant into giving up his case through fear of public dislike.

Correcting an Unfair Report (or Purging Contempt)

An unfair report that could amount to Contempt of Court can only be corrected through the following ways:

- Unqualified apology by the reporter before the Court if summoned.
- Unqualified retraction of the report complained of because by so doing, the reporter is publicly acknowledging his/her mistakes and making amends for them.
- The retraction should be done with the same weight or degree as the offending report (i.e. same page, bold captions etc.). Journalists particularly of the print media usually place apologies and retractions in some small corner of the middle or back page as against the bold front page placing of offending report. This is wrong!
Do’s and Don’ts of Court Reporting

1. Be fair and restrained i.e. report exactly what happened and how it happened.
2. Do not publish rumours or hearsay and hide under “impeccable sources”.
3. Do not use statements or terms that would amount to conclusions of guilt of the accused e.g. the term “perpetrator” should be avoided until the outcome of the matter because the accused/suspect is presumed innocent until proven guilty by the Court; note:
   - Before conviction: refer to parties to a criminal matter as “complainant” and “accused/suspect”.
   - Before conviction: refer to the charge/offence as “alleged offence of rape” or “alleged charge of sexual harassment”.
   - After conviction, the convict can now properly be referred to as “perpetrator” or “convict”.

Practical Examples of Good and Bad Court Reporting

During the Media Consultative workshop held on the 11th and 12th February 2010, a live moot Court session was presented by the resource team before journalists. Participants were asked to observe the proceedings during the session and work overnight to develop a story with a headline based on their observations. The sample indictment and selection of reports and headlines developed by the participants with comments on their quality are presented below:

IN THE HIGH COURT OF SIERRA LEONE
HOLDEN AT FREETOWN
THE STATE

VS

STEPHEN DOUGLAS

Dated the 8th Day of February, 2010

At the Criminal Session of the High Court holden at Freetown on the 25th day of January 2010, the court is informed by the State Counsel on behalf of the State that Stephen Douglas is charged with the following offence:

STATEMENT OF OFFENCE:
RAPE CONTRARY TO LAW

PARTICULARS OF OFFENCE
STEPHEN DOUGLAS on the 1st day of February, 2010 at Freetown in Western Area of Sierra Leone had carnal knowledge of Veronica Koroma without her consent.

State Counsel

Presiding Judge:  Plea:  Verdict:  Sentence
<table>
<thead>
<tr>
<th>Sample Headlines</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A FAMOUS BUSINESSMAN ALLEGED OF RAPING HIS WORKER</strong></td>
<td>√ The headline emphasises that the rape is still an allegation.</td>
</tr>
<tr>
<td></td>
<td>√ It presents the social status of the accused and the relationship between the accused and the victim.</td>
</tr>
<tr>
<td></td>
<td>x The victim is invisible; the headline does not say whether the victim is male or female.</td>
</tr>
<tr>
<td><strong>AN ALLEGED RAPE VICTIM WEEPS IN COURT</strong></td>
<td>√ The headline presents the happenings on the day of the hearing while still emphasizing on the offence as an allegation.</td>
</tr>
<tr>
<td></td>
<td>√ It presents the effect of the alleged act on the victim through portraying her tears.</td>
</tr>
<tr>
<td></td>
<td>x The victim is invisible.</td>
</tr>
<tr>
<td><strong>M&amp;E MANAGER IN RAPE SCANDAL</strong></td>
<td>x The headline is sensational; it presents the story in a scandalous manner to attract readers rather than seeking to present a pertinent issue.</td>
</tr>
<tr>
<td><strong>ONE STEPHEN DOGLAS ACCUSED OF RAPE</strong></td>
<td>x Wrong spelling of the name of the accused even though the draft indictment was shared.</td>
</tr>
<tr>
<td></td>
<td>x No indication as to who the accused is as there might be many persons bearing that name.</td>
</tr>
<tr>
<td></td>
<td>x The victim is invisible.</td>
</tr>
<tr>
<td><strong>ALLEGED RAPIST APPEARS BEFORE MAGISTRATE EUNICE NJOVANA OF COURT 1, FREETOWN</strong></td>
<td>x Wrong information about the name of the Judge and her rank.</td>
</tr>
<tr>
<td></td>
<td>x Wrong information about the Court (High Court and not Magistrate Court).</td>
</tr>
<tr>
<td></td>
<td>x Both the victim and the alleged perpetrator are invisible.</td>
</tr>
</tbody>
</table>

53. Comments with the √ sign indicate good reporting while those with the X sign indicate bad reporting.
## Some good news stories

Stephen Douglas Proprietor of M&E Enterprises at No. one Signal Hill Rd has been charged for rape contrary to law. Mr. Douglas is alleged to have raped a twenty five (25) year old woman working for him, which allegation he pleaded not guilty when he appeared before Justice Victoria Nwogu at the Freetown High Court No. 1.

The principal witness, who is also the victim, was led in evidence on the matter by State Counsel Sesay. The victim could not end her testimony as she wept bitterly. This event prompted the prosecution lawyer to ask for an adjournment but insisted the accused should not be granted bail because of the magnitude of the offence. The accused lawyer Walter Neba pleaded that his client be granted bail as the offence is an allegation which is to be proved by a third party.

After a protracted debate on the matter, Judge Victoria granted bail to the accused person, Mr. Douglas in the tune of Le10,000,000.

Businessman, Stephen Douglas appeared before Justice Victoria Nwogu of the Freetown High Court on February 10th, 2010 on allegation of rape against a former junior female staff.

According to Prosecution Witness 1 (PW1), she went to work on that day when she was ordered by the accused who was her superior at the time to type some reports. After typing the reports, she alleged she was called by the accused to present the reports in his office for review. During the process, the victim further alleged she was sexually assaulted by the accused who tore her underwear and forcefully had an intercourse with her in the office.

The prosecution Counsel Monfred M. Sesay said according to his evidence his client had suffered a traumatic experience which needs speedy and tough action to stop impunity. The Defence Counsel, Walter Neba requested for bail based on the argument it was still a mere allegation and the offence was bailable. Justice Victoria Nwogu granted bail to the accused and the matter was adjourned to Thursday Feb. 11.

## Comments

- **√** Good sense of neutrality in the story; facts presented as they occurred in Court.
- **√** No attempt to prejudice the public against the accused as he is referred to by name.
- **√** Good listening skills from the writer who was capable of identifying the main components of the Court setting: Judge, prosecution, Defence Counsel, PW.
- **√** Age of the victim mentioned though the identity is kept secret as required by law.
- **√** It presents the effect of the alleged act on the victim through portraying her tears.
<table>
<thead>
<tr>
<th>Some bad news stories</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>A famous businessman who was also the admin assistant of M&amp;E Enterprise, Mr. Douglas was in High Court of Victoria Nwogu yesterday to answer an allegation of rape made against him by his worker, Victoria Koroma.</td>
<td>X The story creates facts that were not presented in Court e.g. PC 254 Kabba.</td>
</tr>
<tr>
<td>According to Police P.C. 254 Kabba, on the 3rd January, 2010 at M&amp;E Ent. 38 Kissi RD Freetown, the accused asked her worker to report to his office. P.C said the accused asked the worker to stand by him and after a while, the accused started touching the breasts of her worker and later held her.</td>
<td>X The victim is identified even though with a wrong name.</td>
</tr>
<tr>
<td>P.C continued that the accused tore the pants of her worker by force and had sex with her. The accused has been granted bail while the case was adjourned to the 5th January, 2010.</td>
<td>X The story is fraught with spelling/grammar errors and inaccuracies of facts; it was probably not edited by the writer.</td>
</tr>
<tr>
<td>Magistrate Victoria Nwogu of Magistrate Court No. 1 in Freetown is looking into the case of an alleged carnal knowledge between an employer Stephen Douglas and his employee Victoria Koroma both of the M&amp;E Enterprises. According to police prosecutor Sgt. Lamin Mansaray of the Eastern Police Station Freetown, the complainant, Victoria Koroma of 38 Kissi Rd Freetown made a statement to him on Thursday 4th February, 2010 that her employer, Steven Douglas sexually assaulted her in his office during her normal performance of duty. The complainant according to the police recorded statement reported that the accused forced her to sex against her wish.</td>
<td>X Wrong offence reported in the story.</td>
</tr>
<tr>
<td>The accused Steven Douglas pleaded not guilty of the offence; but the prosecuting lawyer M.S. Sesay argued that his bail should be seized because of the nature of the alleged committed contrary to the employment laws of Sierra Leone.</td>
<td>X Language unprofessional and unfit for public consumption at certain points.</td>
</tr>
<tr>
<td>Defendant’s lawyer, Walter Neba however countered the application of seizure of bail arguing that the case was still an allegation since only the complainant’s side of the story was heard. Magistrate Victoria Ngugu granted the accused bail on shortee of Ten Million. The matter was adjourned to Thursday 11th February, 2010.</td>
<td>X The victim is identified even though with a wrong name.</td>
</tr>
<tr>
<td></td>
<td>X Wrong name of Judge and rank.</td>
</tr>
<tr>
<td></td>
<td>X The story creates facts that were not presented in Court e.g. Sgt Lamin Mansaray; employment laws of Sierra Leone.</td>
</tr>
<tr>
<td></td>
<td>X Mistakes and wrong names in the story: work probably not edited by writer.</td>
</tr>
</tbody>
</table>
Sources of Information in a Trial

Obtaining information about a trial

Demanding information as of right pursuant to Section 25 of the 1991 Constitution might lead to arguments, confrontations, and the journalist being sent away without the information he/she sought in the first place.

By contrast, the journalist who makes polite requests for information will endear him/herself to the officer of the Court and may get much more information than what he/she requested. Experience shows that good conduct to public officers (including those of the judiciary) has enabled journalists to access sometimes classified or secret official information.

“The Lord’s Prayer Strategy” is usually effective. The Lord’s Prayer, which Jesus Christ taught his followers, has become the key prayer for all Christians. The first half of the said Lord’s Prayer acknowledges and praises the fatherhood and might of God and towards the end a request is made for the provision of the daily bread and forgiveness of sins. Praising God first before requesting for food and forgiveness from him, it is believed, works the magic for Christians. The ‘acknowledge-praise-request’ approach would surely work the magic for journalists to have easy access to Court information.

Main Sources of Information about a Trial

There are five main sources of information:

- the Live Proceedings;
- the Registry;
- the Bench;
- the Bar; and
- the parties (i.e. victim/suspect or accused) and witnesses.

The Live Proceedings

This refers to the trial proceedings as it takes place live in the Court room with the Magistrate or Judge presiding and evidence being led or given by the parties, and their respective witnesses and recorded by the presiding Magistrate or Judge.

This is the best source of information as the reporter or journalist gets information first hand from either the Complainant or the Accused and their respective witnesses; the legal arguments by Counsel on both sides and the rulings or judgments of the presiding Magistrate or Judge.

As a matter of law, all Court proceedings are held in public, except where such public hearing may tend to undermine fair trial, then it may be held in camera (i.e. in the Chambers - Magistrate or Judge’s Office) or some members of the public may be asked to leave the Court.

Points to Note:

- Reporters may use small tape recorders in Court but avoid making noise.
- Some Court rooms now have special places in the court hall reserved for journalists.
- Any disruption of the proceedings by any visitor including journalists amounts to the crime of contempt.

To access information from live proceedings the reporter must do the following:

• Arrive and sit in Court before the Magistrate or Judge arrives; by law (Order 61 Rule 2 of The High Court Rules, 2007) the Court sittings start at 9:00 a.m.
• If the reporter arrives after the Court has started sitting, he/she should enter the Court and sit quietly without disrupting the proceedings.
• Take down notes.

**The Registry**
The Registry is the place or office where all the official records of the Court, including case files and exhibits are kept. The Registry is headed by a Registrar with support staff, including bailiffs, messengers, interpreters, Police orderlies, etc.

By Rule 15 of The High Court (Amendment) Rules, C.I. No. 9 of 2005 it costs **Le2,500.00 per folio** to get a copy of all records, proceedings, Judges’ notes, affidavits or other writings. This means that it is required by law that to obtain a copy of any document from the Registry, one has to pay.

The Registry as a source of information is also very reliable and complementary of the oral evidence or information one would have got from the Live Proceedings. Such Registry information confirms or corrects particular information items such as the charge/offence, the law etc.

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**Point to Note:** with a polite request and ‘The Lord’s Prayer Strategy’, a journalist may be able to get information from the Court registry **free**.

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**The Bench**
Judges or Magistrates are collectively referred to as *the Bench* as distinguished from practicing lawyers who are collectively known as *the Bar*.

Journalists/reporters can meet judges in Chambers before or after the proceedings and request for certain information.

A Magistrate or Judge is supposed to hold the balance between the two parties and is therefore supposed to be neutral. Information given by a judge or magistrate is therefore likely to be objective and reliable. As such, the view of the Magistrate or Judge will strengthen the information the journalist has already obtained.

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**Points to Note:**
- Journalists should **request (not demand)** audience with a Magistrate or Judge.
- It is advised journalists request to see a Magistrate or Judge **in the morning before the proceedings** when he or she is fresh and not after the proceedings when he/she is tired.

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**The Bar**
The Bar refers collectively to all practicing lawyers. They include:

- Lawyers for the prosecution;
- Lawyers for the defence; and
- *Amicus curiae* (Latin for “friend of the Court”). This is a non-party to the matter who volunteers or is invited by the Court (i.e. the Magistrate or Judge) to submit his/her views on the issues before the Court for determination

Defence and prosecution lawyers can be expected to give information reflecting their own sides of
the case. It is not therefore objective and reliable.

**Points to Note:**
- Amicus Curiae are a more reliable source of information as they are a non-party or non-representative of a party.
- Not all cases have Amicus Curiae.

**Victim/Suspect or Accused/Witness(es)**
“The parties” are the people who were involved in the actual incidents that led to the Court case: the complainant and the accused. Information can be obtained from them in 2 ways:

- In Court as they give evidence on oath; or
- Outside the Court either before or after the proceedings.

**Point to Note:**
Evidence or information on oath in Court is more reliable as the party/witness is subjected to cross-examination to test whether or not he/she is speaking the truth. Willful or negligent telling of lies amounts to the crime of perjury.

**Golden Rule 3 of court reporting:**
“Never disclose the identity of juveniles/child victims and/or child suspects or child accused to avoid stigmatization by the public”

**Conduct of Visitors (including Journalists) in Court**
This heading is concerned with three issues:

- Time of arrival and departure;
- Dress; and
- Behaviour.

**Time of Arrival and Departure**
The Court starts work at 9:00 a.m. every day except on Sundays and public holidays. There is no fixed time by law for the end of a day’s work. It is determined by the Court officials particularly the Bench based on the nature of the work at hand.

As we have learnt earlier, the Court is a formal setting with rigid rules of procedure. Visitors (including journalists) are strongly advised to arrive and sit before the proceedings start with the arrival of the Magistrate or Judge. A visitor arriving after the proceedings have started should enter very quietly and either sit in the audience or the place reserved for journalists.

A journalist can leave the Court anytime but again must do so quietly and unnoticed. Some Magistrates and Judges take exception to visitors entering and leaving their Court as they wish.

**Dress**
Court officials are required to dress in a strictly formal manner: black or dark coat and tie for men and skirt and coat for women. Visitors, including journalists, are also expected to be decently dressed. Women are required to cover or tie their hair.

Avoid dressing shabbily and looking unkempt.
Behaviour
Disruptive conduct is not allowed in Court. Talking, noise from recording tools, cracking shoes on the floor, or noisily moving in and out of the Court should be avoided at all costs because any form of disruption by a visitor amounts to contempt which can be dealt with summarily - there and then.

It is strongly advised that journalists should avoid drawing the attention of the Court (particularly the Magistrate or Judge) to him or her. A journalist is a mere visitor to the Court and does not have audience in any proceedings before the Court. He/she is not a party to the case but an observer. This means a journalist is not allowed to talk during the proceedings in Court.

Challenges with Accessing Information from the Courts
There are some challenges in the way of journalists to have access or easy access to information in Court. These include:

- Too formal Court environment with rigid rules of conduct.
- Fear of committing contempt may dissuade journalists to go to Court frequently.
- Some reporters are not motivated by their media houses to follow up proceedings by the provision of equipment, transportation, lunch etc.
- Frequent adjournments of the matter(s) may cause a reporter to lose track of and eventually interest in the case.

A passionate, determined and committed professional journalist can surmount all these challenges to put forward a good story on SGBV.
CHAPTER REVIEW:

Know the law. Effective court reporting requires at least a basic understanding of the judicial process and the way the various sectors involved in the process operate.

After conducting investigations, police make a decision to charge the case to court based on whether there is reasonable evidence against the suspect. The status of the victim (e.g. she is a young girl), pressure from the suspect’s family, or “instructions from above” are not relevant considerations.

Magistrates’ Courts hear and determine minor cases for which the maximum sentence is not above five years. They also ‘investigate’ cases which attract sentences of above five years’ imprisonment, known as ‘felonies’. Rape and unlawful carnal knowledge are both felonies.

Felonies undergo ‘Preliminary Investigations’ in the Magistrates’ Court before being committed to the High Court for Trial. The purpose of Preliminary Investigations (PI) is to hear all the evidence against the accused and to establish whether there it is sufficient to warrant a proper trial in the High Court.

For both Preliminary Investigation (PI) and Trial proceedings, the accused person is innocent until proven or has pleaded guilty. An accused person in a PI can only properly be called the perpetrator if found guilty or has pleaded guilty to the charge. Court reporting terminology:

- **Suspect**: A person suspected of having committed a crime.
- **Accused**: A person positively accused of having committed a crime after police have found evidence that implicates the person.
- **Perpetrator**: A person convicted (found guilty) of a crime in a court of law.

Before an accused can be lawfully convicted of any offence, the Prosecution must show evidence to convince the Court of his/her guilt “beyond reasonable doubt”. This is known as the “standard of proof”. Note that it does not mean that the evidence against a person must convince beyond a shadow of a doubt: its degree or weight need not reach certainty, but it must carry a high degree of probability that the accused committed the crime charged.

If there is a reasonable doubt in the evidence that the accused committed the alleged crime, then the Prosecution has failed and the accused must be given the benefit of the doubt and should be acquitted and discharged.

The High Court is a ‘Trial Court’ and an Appellate Court. This means that cases are tried here, and that the Court can hear and determine appeals from decisions of a Magistrate or High Court. As an Appellate Court, the High Court can either uphold or reverse (quash) the judgement of a Magistrate Court or High Court.

Be careful: While the case is being tried, reporters must take care to receive and report information about Court proceedings for the purpose of “maintaining the authority and independence of the Courts.” Reporting which undermines the authority and independence of the Courts could lead to a charge of defamation against the offending journalist.
Be fair: While the case is being tried, reporting which is fair will not attract any criminal liability. Fair reporting reports exactly what happened in Court without making, directly or indirectly, any comments of conclusions on the merit of the cases, and the character of the parties, their witnesses and the Court officials.

Consequences of unfair reporting constitute undue interference in the administration of justice, and include:

- Parties are put in fear of public hatred/dislike.
- Parties are harassed into abandoning their case.
- The minds of witnesses are affected by public disrespect caused by the press.
- Potential litigants are deterred from bringing their cases to Court through fear that they may be attacked by a newspaper.

Be patient! Journalists desperate to comment on the case—in addition to reporting the facts—must wait until the verdict has been delivered. At this point, the ‘sub judice’ restrictions that apply when the case is being tried apply no longer.
Valuable lessons can be learnt and experiences shared at every stage of the process from when information was received about an SGBV incident to the criminal trial and life after the verdict. Yet at some point the story has to end and the victim be allowed to move on with his/her life.

From preceding chapters we have learnt what constitutes Sexual and Gender Based Violence (SGBV), the laws in place to address it locally, regionally and internationally, and how we should go about reporting on it prior to the trial and when the case is in Court.

In this chapter we will look at possible story lines and ideas for maintaining public interest on SGBV issues in general, and in a particular case after a verdict has been delivered.

When an SGBV related incident occurs one of two things could happen: the parties may decide to settle out of Court or they could decide to prosecute. Note that under Sierra Leonean laws, not all SGBV incidents can be settled out of Court. Where the act involved is clearly a crime or a domestic violence incident in which there are aggravating circumstances, the matter must be charged to Court. It is common in Sierra Leone for relations and neighbours of the victim to encourage out of Court settlement for matters which are clearly criminal and should go through trial. This is unlawful and strongly discouraged. For the purpose of this handbook we will assume that in each incident the law enforcement authorities or the parties involved continue with prosecution.

For most journalists, coverage of SGBV incidents and cases remain attractive and rewarding until the verdict is delivered. Consider this hypothetical case: when a 60 year old man rapes an eight year old girl the story is news worthy, so we go at it full blast with blazing headlines “60 year old man rapes 8 year old girl”. Then we follow the case to the family support unit (FSU) where the decision on whether to charge the matter to Court or not is made. When the case comes up in Court we get to hear of all the ‘gory’ pornographic details: how the alleged perpetrator grabs the struggling girl and stuffs her mouth with a piece of cloth, wrestles her on to the bed, tears away her underwear, then breathing heavily like a He-goat in heat, he mounts the struggling girl and penetrates her. All these tend to make up a juicy story and so retain news appeal for the reporter. SGBV stories however tend to lose their news appeal after the first headlines, during the trial and more so after the verdict, a challenge for change driven journalism is how to sustain the story and continue to engage the public beyond the verdict.

Remember, we are only concerned here with SGBV incidents that have actually made it through the judicial process and the case has been prosecuted in Court. All the evidence has been presented, with both prosecution and defense stating their case. Now it is left with the Judge or Jury to deliver the verdict.

If it is a case where trial is done by jury then the Judge briefly recounts the relevant facts for the benefit of the jury (the “summing up”) and asks them to retire and decide. If it is a trial by Judge alone then the judge retires to write his verdict.

56. See glossary.
57. Adjourns the case and takes some time, between a few hours and a few days.
So we are at the point now when the verdict is to be delivered. The question that any journalist or news editor would be asking at this point is, ‘Why should the verdict and what happens after that be worth my time … and space on my media?’ We hope the following sub-sections will answer this question sufficiently and motivate a sustained reporting on SGBV as long as is reasonable and valuable after the verdict to drive the message of change and help build a culture of justice.

The judgement

For our purposes as journalists, the judgment in a criminal matter could be divided into three phases. There is first the verdict, then the plea in mitigation and finally the sentence.

1. The verdict is delivered by the judge or the jury (if there is one) whose duty is basically to settle disputes and determine guilt. If there is a jury, the judge would have guided them, in his summing up, on what should be considered, based on legal principles, when deciding the guilt or innocence of the accused. The jury would have spent some time discussing the case in a secluded place in order to decide whether, on the weight of the evidence, the majority of jurors believe the accused is innocent or guilty. If there is no jury, then the judge would, on his own, have gone through a similar process. Whether with jury or judge alone, the process usually ends with the pronouncement of guilty or not guilty.

2. The plea in mitigation is made after a guilty pronouncement by the judge and it takes the form of the accused or his/her lawyer (if he/she has one) pleading with the judge for a lenient sentence. This phase usually sees the defense lawyer giving reasons why the judge should be lenient with the accused. This is when you hear the lawyers most often telling the judge that he or she should “temper justice with mercy”. The lawyer would talk about the good character of the convict. If he/she has not had a previous conviction, this is highlighted. The family status of the convict is also highlighted, usually presenting his family situation as precarious. For example, the lawyer may say that the man is the bread winner of the family which includes four children and his being sent down for a long jail term will affect the lives of those children. Judges usually take the plea into account when imposing sentences.

3. The final phase of the judgement is the sentence, which is essentially a jail term, a fine, or both. It could also be a death sentence for offences such as murder. The sentence is imposed based on the provisions of the law under which the accused person has been tried, and even though the judge can exercise some discretion in deciding the specific sentence, the law prescribes a range and he has to keep within it.

If the judge finds the accused not guilty, then he/she is acquitted. Sometimes the three phases described above will happen on the same day. In other cases the judge will adjourn after the verdict has been delivered and pass his or her sentence on another day. If the judge delivers the verdict and passes the sentence on the same day, then that is an opportunity for one big story. If on the other hand he/she decides to pass the sentence at a later date then it is an opportunity for first one story on the judgment and another story on the plea in mitigation and the sentence. It could even be possible to have three stories, one on each of the three phases.

Always request a written copy of the judgement to ensure accuracy of reporting!

If the case has been tried by a judge alone, the judgement is usually a summary in the judge’s view of what transpired in Court - that is the evidence produced, how he/she sees it and his/her opinion on the truthfulness of the evidence, the technical nature of how the case was presented and finally what is referred to in Court language as the ruling.

The verdict is the stage which needs a lot of concentration from the journalist. Sometimes the language is so technical that journalists find it very difficult to understand what is being said. Some even tend to fall asleep in Court while listening. Therefore, in order to ensure that the judgement is reported accurately, it may be necessary for the journalist to approach the Court...
Finding the Stories in the Verdict
The steps the judge goes through in reaching the verdict have been outlined above. Now, how do we apply them practically as journalists to produce stories that will capture public interest?

First we have to bear in mind that the judge is like a lecturer delivering an academic paper. Therefore the paper invariably begins with laying out the basic principles. For example the Judge would begin by saying that the burden of proof rests with the prosecution to prove its case beyond reasonable doubt. He or she would continue to say that if there is reasonable doubt then the case must be resolved in favour of the accused.

While reviewing the judge’s verdict (or summing up in jury trials), there are certain questions we need to be able to answer, in order to produce accurate and interesting stories.

What did the judge say about how the crime took place?
While delivering the verdict or in summing up, the judge will usually talk specifically about the case and the victim’s testimony. For example, in a rape case involving a juvenile victim, the judge recounts that the victim said she was asked by the accused to go and fetch water for him and when she brought the water she stood at the door and announced herself, and the accused called her to bring the water into the bedroom, after which he closed the door and grabbed her, stuffing a rag into her mouth. The judge would then go on to examine what other witnesses said, for example, a neighbor who saw the girl come out with ruffled clothes, or the testimony of the doctor who examined the girl and stated in his testimony or report to the Court that signs of forced penetration and bruises were seen on the girl’s private parts.

Sometimes, at this point, the judge would reveal his or her opinion about the truthfulness of the statements made by the witnesses. Journalists must be on the lookout for these “opinion statements” because they can provide a good headline which could attract readers to your story. For example, we could have a headline like “Judge Says Witness Lied”. In other cases the judge would reserve his/her opinion on this until the end. Journalist should therefore be alert enough to capture the judge’s opinion on the credibility of witnesses’ testimony whenever it is expressed.

What did the judge have to say about the defense?
After reviewing the prosecution’s case, the judge then examines the defense put up by the accused or his lawyers. For example, the accused might say that the girl walked into the room unannounced wearing a very provocative and revealing short skirt and proceeded to lie on the bed inviting the accused to make love to her. Witnesses may have testified for the defense who stated that the girl was 18 years old and not 15, someone may have said the girl is usually seen with men in compromising positions, etc.

Did the judge believe the defense witnesses?
Invariably the judge at this point expresses his opinion about the witnesses. For example, he
could say "I have watched the demeanour of the accused during this trial and he comes across as a very untruthful person." This is a very damning statement which can be used as a ‘punch-line’ to open your story and so attract readers to the read the rest of the story – drawing them like a magnet.

Opinion statements of this kind could give the journalist an indication of the likely verdict. If the opinion statement starts going against the accused like the example above you can almost be sure there will be a conviction and the pronouncement of – “guilty”. The opinion statement also signifies that the end of the verdict is near; journalists must be doubly alert to catch the final statements.

**What are the reasons given by the judge for convicting or acquitting the accused?**

The reasons given by the judge for convicting or acquitting are very important as readers would want to know where the accused went wrong or what exactly got him into trouble. These reasons alone can make your article interesting. It can even stand on its own as a single story. This end part is actually the most important part of the verdict.

If the accused is found not guilty, he or she is discharged or freed and the case ends. If however the accused is found guilty then there has to be a sentencing. In most cases the judge then breaks off and asks “do you have anything to say before sentence”. Having been found guilty the only thing the accused can do now is to beg for mercy. This is called the *plea in mitigation*.

**The Sentence**

As we’ve learnt earlier, the sentence is essentially the jail term or fine. But even in the sentence, there could be a story, or we could at least get our headline. We would however need to know beforehand what are the minimum and maximum sentences prescribed by law for the particular crime or offence.

Knowing what the law prescribes enables us to comment on the sentence imposed by the judge. For example, if the maximum jail term is 6 years and the judge gives 2 years, we can say in our story that the judge was a bit lenient. If on the other hand, he/she imposes a 6 years maximum penalty then we can say with authority that the judge was very hard on the perpetrator. But also considering the facts of the case, for example the extent of brutality on the victim, the long term negative effect of the act of violence on her life e.g. loss of limb or sight, psychological trauma, loss of economic potential etc., we could also comment that the perpetrator got his just deserts.

In listening to the judgement, it is also useful to pay attention to whether any accompanying statements are made by the Judge when passing sentence? For example, did the judge say anything about setting an example or the jail term acting as a deterrent for other would be offenders, or did he/she say he/she wants to send a message to would be offenders? This could form a very good headline.

Following the sentencing it is usually useful to get a reaction from someone. For example, you can ask prosecution lawyers if they feel that the jail term imposed is strong enough to act as a deterrent? “Leading questions” are usually effective in eliciting interesting responses, and you may need to practice asking leading questions. These are questions which want to bring out a specific response from the person answering the question. For example, “Do you think that the judge was very harsh on the convicted man?”

After the verdict the restrictions of “sub judice” no longer apply. Journalists are now free to comment on the case, in addition to reporting the facts.

Reactions can be sought from the victim also. One might want to ask whether he/she is satisfied with the verdict or whether he/she would have preferred a much stiffer sentence.
As far as the Court is concerned, the matter comes to an end at this point, except if one of the parties decides to appeal, in which event, the case would proceed to a higher Court.\(^5\) If this happens, there will be more scope for reporting the story as it proceeds in Court. If, there is no appeal, then your story can now move to how the victim is coping with life after the incident and the verdict.

**Life after the verdict for the victim**

Journalists often lose interest in a criminal matter long before it gets to the end. Following up on such a story, to the extent that we report on the victim’s experiences after a verdict has been delivered, is almost unheard of in Sierra Leone. There is no doubt, however, that if the media is going to make a difference in the fight to reduce SGBV, then there is need to provide insights for the public beyond just the case in Court.

Oftentimes, life after the verdict for the victim is very difficult, and in a case where violence is of a sexual nature the victim would face major challenges. The first challenge that victims face is having to deal with stigma in the community. There are, however, many other challenges which can be categorized into two, namely: physical and social.

**Physical Challenges**

These are challenges that occur directly to or within the person of the victim as a result of the act of SGBV he/she endured. Physical challenges include the following:

- Coping with physical damage done to her body; and
- Dealing with the emotional trauma.

In the case of rape victims, there will be additional challenges, for example:

- Possibility of STD infections, including HIV/AIDS;
- Possibility of unwanted pregnancy; and
- Impact of damage done to sexual organs etc.

As journalists, we could investigate these issues to determine whether the victim has been affected by any of them, and to what extent.

**Social Challenges and Family Life**

As has been pointed out earlier, victims of SGBV usually come under immense pressure from family members and the community, causing many of them not to pursue the matter through the Courts. Consequently, those who decide to go through the Court process face the possibility of being shunned or ostracized by family and society. The situation could even be worse for victims where the case collapses in Court or the accused is found not guilty and walks free. Whether it is a case of domestic violence or rape, the possibility of the victim encountering major problems with family and community is almost always present. The challenges the victim faces includes factors such as stigma and loss of social status, being ostracized by family, being abandoned by husband, etc.

As journalists covering the story, we need to ask questions such as:

- How does he/she deal with the stigma in the community?
- What is his/her psychological state?
- Will this affect his/her future sexual/romantic relationships?
- Is there counseling available for the victim? Is it free?
- How is he/she responding to counseling? Is the counseling very professional?

\(^5\) See chapter 4 section 4.2.2 on hierarchy of courts in Sierra Leone.
We could use the information gained from examining the physical and social challenges to develop a story. Such a story will aim to use the experiences of one or several victims and the challenges they continue to undergo to educate society about the negative effects of SGBV and encourage empathy and action to address it.

**Contact between the Accused/Perpetrator and the Victim after the Trial**

If the alleged perpetrator of the crime was either acquitted, or has served his term and is out of prison, there are other issues we can explore. For example:

- Is the victim safe following the alleged perpetrator's acquittal?
- Does the justice system make any provision for her security?

An interview can also be sought with the perpetrator to check whether there is sign of any remorse or an intention to seek revenge.

In conclusion, effective reporting of SGBV cases is crucial for raising the level of public awareness of the debilitating impact of SGBV on victims and society at large, and stimulating action to curb it. However, journalists must at all times ask themselves whether the story best serves the interests of the victim and/or the society at large. Care must be taken to ensure that the rights of the victim are not overlooked in the interests of generating public interest through a dramatic story: *the victim must be treated as an end in her/himself, not as a means.*

Although there could be valuable lessons learnt and experiences shared at every stage of the process from when information was received about an SGBV incident to the criminal trial and life after the verdict, yet at some point the story has to end and the victim be allowed to move on with his/her life. At what stage this should happen, depends on the reporter's own discretion and reading of the situation. One must however judge the effects of one’s story on the victim. If the impact is negative, then the story serves no useful purpose and must be discontinued.
CHAPTER REVIEW:

SGBV crimes cannot lawfully be settled out of court. When an SGBV related incident occurs, the parties may decide to prosecute, or settle out of court. Note that under Sierra Leonean law, only certain, more minor, SGBV cases can be settled out of court. Where the act is clearly a crime or a domestic violence incident in which there are aggravating circumstances, the matter must be charged to court—regardless of the preferences of relations or neighbours of the victim.

Look out for opinion statements. At the end of the hearing, when ‘summing up’ the evidence put before the court, the judge sometimes reveals his opinion about the truthfulness of statements made by witnesses or make other interesting ‘opinion statements’ that can provide a good headline.

Note the reasons given by the judge for convicting or acquitting the accused. These reasons help to make an article interesting to readers.

Know the law. Knowing the minimum and maximum sentences prescribed by law for a particular crime of offence enables a journalist to comment on the severity or leniency of the sentence imposed by a judge.

Note the reasons given by the judge when sentencing. Sometimes judges make accompanying statements when passing sentence. These can make a great headline for your article.

Get reactions to the sentence. Ask prosecution lawyers if they feel the jail term imposed is strong enough to act as a deterrent. Ask others who have been observing the case if they feel that the judge was harsh on the convicted man. Ask the victim if s/he is satisfied with the verdict.

The impact of SGBV doesn’t end when the case does. After the verdict is delivered and the case becomes part of the Court’s history, the matter remains very much ‘current’ for the victim. S/he must cope with the damage done to her body, the emotional trauma, and any rejection or stigma from her community, or threats to reprisals from the family of the perpetrator. Journalists could—with compassion for the victim and care not to aggravate his or her suffering—investigate these issues to educate the public as to the ‘extra legal’ effects of SGBV.
No discussion about reporting, journalism or the legal system should avoid mention of ethics and responsibilities.

What Is Ethics?
The first thing we need to ask is what do we mean when we say ethics?

Let’s start by examining what ethics is not. Ethics are not feelings, religious views, legal opinions or laws, or what society will accept. They are well-based standards of right and wrong that prescribe what people ought to do, usually in terms of rights, obligations, benefits to society, fairness or specific virtues. These well-based standards are those that are reasonably imposed on members of any society, such as refraining from rape, murder, theft, etc. Ethical standards include honesty, compassion, responsibility, loyalty, etc.

As journalists, editors, broadcasters, presenters and news gatherers, we must strive to uphold these well-based standards. Every day we face situations where decisions must be made, such as, “should we publish the name of a rape victim? Is it important to describe the explicit details of a murder scene? Is it wise to print rumours or unfounded accusations?”

Yes we can do these things… but should we? Perhaps the most obvious case of “can” but possibly “shouldn’t” in the news media is not reporting the names and addresses of rape victims, sexual assault victims, violence, etc. Journalists must make “reasoned decisions” about what information to report.

There are a number of ways to consider how and why we decide what we decide, what we report, and what we write. Let’s look at four possible ways of deciding.

1. **Utilitarian approach**: This is an ethical action that does the greatest good to the greatest number of people. Using this standard, we must examine the potential for harm and the potential for good. What will happen when or if we broadcast details of accounts or names of people involved? Note that the utilitarian approach does not allow for the violation of the rights of anyone. For example, consider a journalist who is wondering whether to broadcast certain details or names that make a story more dramatic and engaging. He thinks that if he includes this information in his reporting, he will generate massive public interest and engagement on SGBV issues. However, he also believes that publishing this information might violate the rights of the parties to the case. He might think that applying the utilitarian approach gives him a green light; after all, just two people are likely to be harmed by the story, while the public engagement generated by the story could lead to a change in attitudes on SGBV issues that transform the lives of thousands of women. But he would be wrong: the utilitarian test is fully explained as ‘the greatest good for the greatest number, consistent with the rights of all’. It means that no one’s basic human rights should be violated by anything that is broadcast or written about them.

2. **Fairness or Justice**: These are ethical actions that treat all humans equally. Introspection is an important part of journalism and it’s important to ask yourself if you’re being fair to the people involved. Put yourself in their shoes. Have you examined all aspects of the possible implications of your reporting? Are you being fair to all sides of the issue?

3. **Common Good approach**: These are ethical actions that acknowledge we’re all in
this together. We are a series of interlocking beings that respect everyone. This also acknowledges that the welfare of all is paramount. It’s important to examine the “big picture”. Who’s going to benefit from the broadcast? Is this good for our country or community?

How do we decide — reasonably — what to report and write about? Ethical decision-making requires forethought, insight, introspection, context and “big picture thinking”. Fundamentally, we can decide what to report and what to follow up on according to our conscience.

Ethics and Responsibilities

No discussion about reporting, journalism or the legal system should avoid mention of ethics and responsibilities. As reporters and members of the media we should hold ourselves to a higher standard of moral and ethical behaviour than almost everyone in our society. The public counts on us to be truthful and to be fair. Reporters are in a position of authority and therefore must exercise caution and a very high level of ethical decision-making. And, we must put these ethical principles to practice — everyday.

The International Federation of Journalists has prepared a Declaration of Principles that will help you to adopt the right ethical approach to your work. This international declaration, reproduced below, is proclaimed as a standard of professional conduct for journalists engaged in gathering, transmitting, disseminating and commenting on news and information and in describing events.

1. Respect for truth and for the right of the public to truth is the first duty of the journalist.

2. In pursuance of this duty, the journalist shall at all times defend the principles of freedom in the honest collection and publication of news, and of the right to fair comment and criticism.

3. The journalist shall report only in accordance with facts of which he/she knows the origin. The journalist shall not suppress essential information or falsify documents.

4. The journalist shall only use fair methods to obtain news, photographs and documents.

5. The journalist shall do the utmost to rectify any published information, which is found to be harmfully inaccurate.

6. The journalist shall observe professional secrecy regarding the source of information obtained in confidence.

7. The journalist shall be alert to the danger of discrimination being furthered by media, and shall do the utmost to avoid facilitating such discriminations based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national and social origins.

8. The journalist shall regard as grave professional offenses the following: plagiarism; malicious misinterpretation; calumny; libel; slander; unfounded accusations; acceptance of a bribe in any form in consideration of either publication or suppression.

9. Journalists worthy of the name shall deem it their duty to observe faithfully the principles stated above. Within the general law of each country the journalist shall recognise in matters of professional matters the jurisdiction of colleagues only, to the exclusion of any kind of interference by governments or others.

These are the general ethical principles all journalists are expected to abide by and even though they are not specific to reporting SGBV cases, they are applicable to SGBV cases, since they are universal.
Our Guiding Principles

The Independent Media Commission (IMC) – Media Code of Practice. The Independent Media Commission (IMC) in Sierra Leone is the body charged with the responsibility of regulating the media in the country. In its Code of Practice for the media, the IMC makes a number of very specific references to SGBV reporting and reporting on the Courts which are highlighted below. As media professionals we will all do well to ensure we own a copy of the IMC Code of Practice and follow the guidelines and “rules of professionalism” dictated in it.

**Privacy**

Everyone is entitled to respect for his or her private and family life, home, health and correspondence. A publication will be expected to justify intrusions into any individual’s private life without consent.

The use of photography to take pictures of people in private places without their consent is prohibited.

**Intrusion into grief or shock**

In cases involving grief or shock, enquiries must be carried out and approaches made with sympathy and discretion. Publication must be handled sensitively at such times, but this should not be interpreted as restricting the right to report judicial proceedings.

**Children**

Journalists must not interview or photograph children under the age of 18 on a subject involving the children’s welfare, in the absence of or without the consent of a parent or guardian.

Pupils must not be interviewed or photographed while at school without the permission of the school authorities.

Children in sex and criminal cases: The press must not, even where the law does not prohibit it, identify children under the age of 18, who are involved in cases concerning sexual or criminal offences whether as victims, witnesses or perpetrators.

1. In any press report of a case involving a sexual offence of a child:
2. the child must not be identified;
3. the adult may be identified;
4. the word “incest’ must not be used where a child victim might be identified; and
5. care must be taken that nothing in the report implies the relationship between the accused and the child.

**Indecency and pornographic materials**

Indecency and pornographic materials are strictly prohibited as they are mainly for titillation and add no value to the news.

**Victims of Sexual Assault**

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification, and by law, they are free to do so.

**Protecting Children: Principles and Guidelines for Ethical Reporting on Children and Young People Under 18 Years Old**

Children and young people have all the rights that adults have, including others that acknowledge the unique vulnerability of youth. Particularly important for reporting on children and young people is their right to be protected from harm. Reporting must acknowledge and be limited by this

59. This information is supplemented by UNICEF and the UN Convention on the Rights of the child.
restriction. The restriction is meant to support the best intentions of ethical reporters – serving the public's interest for truth without compromising the rights of children.

In some instances the act of reporting on children places them or other children at risk of retribution or stigmatization, particularly when sexual or other forms of violence against the child is involved. When in doubt, the reporter must err on the side of caution and the right of the child to be protected from harm.

**Principles**

In order to ensure that the rights of children are protected, journalists need to adhere strictly to the following general principles:

1. The dignity and rights of every child are to be respected in all circumstances.
2. In interviewing and reporting on children, special attention is to be paid to each child's right to privacy and confidentiality, to have their opinions heard, to participate in decisions affecting them and to be protected from harm and retribution, including the potential of harm and retribution.
3. The best interests of each child are to be protected over any other consideration, including advocacy for children's issues and the promotion of child rights.
4. When trying to determine the best interests of a child, the child's right to have their views taken into account are to be given due weight in accordance with their age and maturity.
5. Those closest to the child's situation and best able to assess it are to be consulted about the political, social and cultural ramifications of any reportage.
6. Do not publish a story or an image that might put the child, siblings or peers at risk even when identities are changed, obscured or not used.

**Guidelines for Interviewing Children**

Interviews are a major source of information for journalists. However, special care needs to be taken in interviewing children. The following are guidelines to be noted:

1. Do no harm to any child; avoid questions, attitudes or comments that are judgmental or insensitive to cultural values, that place a child in danger or expose a child to humiliation, or that reactivate a child's pain and grief from traumatic events.
2. Do not discriminate in choosing children to interview because of sex, race, age, religion, status, educational background or physical abilities.
3. No staging: Do not ask children to tell a story or take an action that is not part of their own history.
4. Ensure that the child and guardian know they are talking with a reporter. Explain the purpose of the interview and its intended use.
5. Obtain permission from the child and her/his guardian for all interviews, videotaping and, when possible, documentary photographs. When possible and appropriate, this permission should be in writing. Permission must be obtained in circumstances that ensure the child and guardian are not coerced in any way and understand they are part of a story that might be disseminated locally and globally. This is usually ensured only if the permission is obtained in the child's language and if the decision is made in consultation with an adult the child trusts.
6. Pay attention to where and how the child is interviewed. Limit the number of interviewers and photographers. Try to make certain that children are comfortable and able to tell their story without outside pressure, including pressure from the interviewer. In film, video and
radio interviews, consider what the choice of visual or audio background might imply about
the child and her or his life and story.

7. Ensure that the child will not be endangered or adversely affected by showing their home,
community or general whereabouts.

**Guidelines for Reporting on Children**

Whether it is through interviews or other sources we collect information for our story, if it involves
a child either as victim or perpetrator, particularly of SGBV, care should be taken to ensure that
the story causes no further harm to the child. Consequently, the following guidelines should be
observed in reporting about children:

1. Do not further stigmatize any child; avoid categorizations or descriptions that expose chil-
dren to negative reprisals – including additional physical or psychological harm, or to life-
long abuse, discrimination or rejection by their local communities.

2. Always provide an accurate context for the child's story or image.

3. Always change the name and obscure the visual identity of any child who is identified as: A
victim of sexual abuse or exploitation, A perpetrator of physical or sexual abuse, HIV
positive, living with AIDS or has died from AIDS, unless the child, a parent or a guardian
gives fully informed consent, Charged or convicted of a crime.

4. In certain circumstances of risk or potential risk of harm or retribution, change the name
and obscure the visual identity of any child who is identified as: a current or former child
combatant: an asylum seeker, a refugee or an internally displaced person.

5. In certain cases, using a child's identity – name and/or recognizable image – is in the
child's best interests. However, when a child's identity is used, they must still be protected
against harm and supported through any stigmatization or reprisals. Some examples of
these special cases are: When a child initiates contact with the reporter, wanting to exer-
cise their right to freedom of expression and to have their opinion heard. When a child is
part of a sustained programme of activism or social mobilization and wants to be so identi-
fied. When a child is engaged in a psychosocial programme and is claiming their name
and identity as a part of their healthy development.

6. Confirm the accuracy of what the child has to say, either with other children or an adult,
preferably with both.

7. When in doubt about whether a child is at risk, report on the general situation for children
rather than on an individual child, no matter how newsworthy the story.

**Sources:** The Convention on the Rights of the Child; Child Rights and the Media: Guidelines for Journalists,
International Federation of Journalists; Media and Children in Need of Special Protection (internal docu-
ment), UNICEF’s Division of Communication; and Second International Consultation on HIV/AIDS and Hu-
man Rights, United Nations Secretary-General.
CHAPTER REVIEW:

Journalists must strive to uphold well-based standards of right and wrong. The following considerations can help us to determine how we uphold our responsibility to report ethically:

- **The need to do the greatest good for the greatest number, consistent with the rights of all.** Publishing names and dramatic details might increase readership, but if it would harm the victim by making the intimate details of his/her experience common knowledge, journalists should publish more limited accounts.
- **Fairness or justice.** Put yourself in the shoes of all the people discussed in your report. Are you being fair to them? How would you feel if you read the same thing about yourself?
- **Common good.** Think about the big picture. Does this report benefit the community? Does it support the positive development of the country?

**DO**

- At all times, pursue the truth.
- Defend the principles of freedom in the honest collection and publication of news, and of the right to fair comment and criticism.
- Only report in accordance with facts of which you know the origin.
- Only use fair methods to obtain news, photographs and documents.
- Observe professional secrecy regarding the source of information obtained in confidence.
- If information published turns out to be harmfully inaccurate, do your utmost to rectify it.
- Beware of the fact that the media can perpetuate discrimination, and do your utmost to avoid facilitating discrimination based on race, sex, age, language, religion, national origin, political or other opinions.
- Respect every person’s right to respect for his or her private and family life.
- Enquire into cases involving grief or shock with great sympathy and discretion.

**DO NOT**

- Suppress essential information or falsify documents.
- Copy material produced elsewhere without acknowledging the source.
- Maliciously interpret information.
- Communicate false information with the intention of harming a person.
- Interview a child (a person under the age of 18 years) without their parent’s consent.
- Identify a child who is involved in cases concerning sexual or criminal offences whether as victims, witnesses or perpetrators.
- Use the word “incest” on a report where a child victim might be identified.
- Use any language at all which may imply a relationship between the accused and the child.
- Identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification, AND, by, law, you are free to do so.
- Take pictures of people in private places without their consent.
2. Archbold: Magistrate Courts Criminal Practice, 2005
17. IRC Sierra Leone, *Rainbo Centre Programme Update,* January 2010
Armed Conflict on Women and Women’s Role in Peace-building’; (New York: United Nations Development Fund for Women, 2002
29. Sierra Leone Truth and Reconciliation Commission, Report of the Sierra Leone Truth and Reconciliation
31. The National Gender Strategic Plan; available at the MSWGCA office.
32. The Sierra Leone National Action Plan on UNSCRs 1325 & 1820 – SiNAP; available at the MSWGCA office

Laws and Human Rights Norms

3. The Constitution of Sierra Leone, Act No. 6 of 1991
5. The Domestic Violence Act of Sierra Leone, 2007
6. The High Court (Amendment) Rules, Constitutional Instrument No. 9 of 2005
7. The High Court Rules, Constitutional Instrument No. 25 of 2007
8. The Holy Bible New International Version, 1984
13. The Public Order Act No. 46 of 1965
14. The UN Convention on Elimination of all forms of Discrimination against Women (CEDAW), 197
15. The UN Declaration on Violence against Women, 1993
16. The Universal Declaration on Human Rights
17. United Nations Security Council Resolutions (UNSCR) 1325 & 1820

More notes on Sources

- For the full text of Sierra Leonean Laws visit http://www.sierra-leone.org/laws.html
- For the full text of AU Charters and Protocols visit http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm
- For the full texts of the UN Human Rights Treaties and the UDHR visit http://www2.ohchr.org/english/law
# Glossary of Terms

The words in **bold** text below are used in their legal context.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abortion</td>
<td>Termination of a pregnancy by the removal or expulsion from the uterus of the foetus or embryo, resulting in or caused by its death.</td>
</tr>
<tr>
<td>Access to justice</td>
<td>Means and mechanisms put in place in a State to ensure redress is provided to people whose rights are violated or undermined.</td>
</tr>
<tr>
<td>Accession</td>
<td>The formal acceptance of an international agreement, treaty or convention when the said instrument has already been ratified.</td>
</tr>
<tr>
<td>Accused</td>
<td>A person charged with a crime in the course of a public prosecution.</td>
</tr>
<tr>
<td>Adjournment - sine die</td>
<td>Indefinite postponement of the proceedings of a matter.</td>
</tr>
<tr>
<td>Adjournment</td>
<td>Postponement of the hearing of a matter to another day.</td>
</tr>
<tr>
<td>Adoption</td>
<td>Legal act of permanently placing a child with a parent or parents other than the birth or biological mother or father.</td>
</tr>
<tr>
<td>Affirmative Action</td>
<td>A policy or programme that seeks to redress past discrimination through active measures to ensure equal opportunities.</td>
</tr>
<tr>
<td>Arraignment</td>
<td>Putting/reading the charge(s) to the accused or defendant and he/she is required to take his/her plea.</td>
</tr>
<tr>
<td>Bar</td>
<td>Lawyers collectively.</td>
</tr>
<tr>
<td>Bench</td>
<td>Magistrates and Judges collectively.</td>
</tr>
<tr>
<td>Chambers</td>
<td>Office of a Judge or Magistrate or lawyer.</td>
</tr>
<tr>
<td>Charter</td>
<td>Grant of authority or rights stating that the granter formally recognizes the prerogatives of the recipient to exercise the rights specified.</td>
</tr>
<tr>
<td>Complainant</td>
<td>The victim of a crime.</td>
</tr>
<tr>
<td>Contraceptive</td>
<td>Devices, medications used or followed in order to deliberately prevent or reduce the likelihood of pregnancy or child birth.</td>
</tr>
<tr>
<td>Convention</td>
<td>An international agreement reached between parties dealing with a specific subject or matter.</td>
</tr>
<tr>
<td>Convict</td>
<td>Person found guilty by a Court of an offence and sentence passed against him.</td>
</tr>
<tr>
<td>Counsel</td>
<td>Lawyer in Court representing a party in a case.</td>
</tr>
<tr>
<td>Court of Record</td>
<td>A Court whose proceedings and decisions are retained on permanent records.</td>
</tr>
<tr>
<td>Customary law</td>
<td>Pattern, way of behaviour established by the customs of the people that can be objectively verified within a particular social setting.</td>
</tr>
<tr>
<td>Customary marriage</td>
<td>A marriage contracted by both parties according to the beliefs of either or both of the parties.</td>
</tr>
<tr>
<td>Glossary of Terms</td>
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</tr>
<tr>
<td><strong>Customary practices</strong></td>
<td>Practices that are based on traditions, customs and beliefs of a social setting rather than written law or agreement.</td>
</tr>
<tr>
<td><strong>Declaration</strong></td>
<td>Such as the Universal Declaration of Human Rights proclaim the ideals of nations aspiring to respect the human rights of people of all nations.</td>
</tr>
<tr>
<td><strong>Defendant</strong></td>
<td>A person charged with a crime in a Magistrate Court and in the course of a private prosecution.</td>
</tr>
<tr>
<td><strong>Defilement</strong></td>
<td>Practice that consists in abusing someone in a manner to disgrace or lower the status of the abused person.</td>
</tr>
<tr>
<td><strong>Discrimination</strong></td>
<td>Any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres.</td>
</tr>
<tr>
<td><strong>Domestic relationship</strong></td>
<td>Includes couples or similar relationship even where the parties are not married, family members or people in a close relationship, persons sharing the same residence or living together in a private care institution.</td>
</tr>
<tr>
<td><strong>Domestic Violence</strong></td>
<td>Any abusive, violent, coercive, forceful, psychological or threatening act or word inflicted by one member of a family or household on another.</td>
</tr>
<tr>
<td><strong>Domestication</strong></td>
<td>Process of incorporating an international agreement or convention into the national legal order.</td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
<td>Something, an information, a substance or material objects admissible as testimony in Court.</td>
</tr>
<tr>
<td><strong>Felony</strong></td>
<td>A serious offences e.g. rape, unlawful carnal knowledge, wounding, murder, treason etc.</td>
</tr>
<tr>
<td><strong>Female Genital Mutilation</strong></td>
<td>A practice that consists in the removal of the female genitalia or some form of cutting of the female genital organs.</td>
</tr>
<tr>
<td><strong>Female infanticide</strong></td>
<td>Killing of newborn female infants.</td>
</tr>
<tr>
<td><strong>Harmful Traditional Practices</strong></td>
<td>All behaviours, attitudes or practices that are injurious or cause serious harm on those who are subjected to them.</td>
</tr>
<tr>
<td><strong>Hazardous work</strong></td>
<td>Work whose performance exposes the person performing it to great risk to themselves.</td>
</tr>
<tr>
<td><strong>Human rights</strong></td>
<td>Basic entitlement of somebody as a result of his/her human existence, e.g. right to life, right to freedom of movement, right to freedom from torture etc.</td>
</tr>
<tr>
<td><strong>Incest</strong></td>
<td>Sexual intercourse between persons too closely related to be married i.e. linked by blood or affinity.</td>
</tr>
<tr>
<td><strong>Indictment</strong></td>
<td>A formal instrument or charge sheet charging person with a crime to be prosecuted before the High Court.</td>
</tr>
<tr>
<td><strong>Infanticide</strong></td>
<td>The practice or act of killing newborn infants.</td>
</tr>
<tr>
<td><strong>Information</strong></td>
<td>A formal instrument or charge sheet charging a person with a crime to be prosecuted before a Magistrate Court.</td>
</tr>
<tr>
<td><strong>Instrument</strong></td>
<td>A legal document evidencing a transaction or agreement between parties.</td>
</tr>
<tr>
<td><strong>Juvenile</strong></td>
<td>Any person above 14 years but below 17 years according to the Sierra Leone Children and Young Persons Act, CAP.44.</td>
</tr>
<tr>
<td><strong>Jury</strong></td>
<td>A group of people selected and sworn to sit in a trial and reach a verdict on the basis of the evidence presented to them.</td>
</tr>
<tr>
<td><strong>Leave</strong></td>
<td>Permission</td>
</tr>
<tr>
<td><strong>Misdemeanour</strong></td>
<td>Minor offences e.g. assault, abusive language etc.</td>
</tr>
<tr>
<td><strong>Nolle Prosequi</strong></td>
<td>Latin phrase meaning “to be unwilling to pursue”; it is the formal abandonment of a criminal charge by the prosecuting authority.</td>
</tr>
</tbody>
</table>

60. Definition provided by the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perpetrator</td>
<td>A person who has been convicted by a Court of law of an offence.</td>
</tr>
<tr>
<td>Plea</td>
<td>The response of the accused or defendant to the charge(s) put to him/her in Court. It is either an admission (i.e. a guilty plea) or a denial (i.e. not guilty plea). Sometimes, the accused or defendant may refuse to say anything. In such a situation he/she is deemed to deny the charge(s) and consequently, a “not guilty” plea is entered on his/her behalf. <em>In a Preliminary Investigation in a Magistrate Court, an accused or defendant is not required to take his/her plea.</em></td>
</tr>
<tr>
<td>Plea bargain</td>
<td>A negotiation agreement between the prosecution and defence in which the prosecution grants some concessions in exchange for the accused or defendant’s plea of guilty to a charge(s). Concessions include dropping other charge(s), agreeing to lesser sentence or discharge and/or use the accused or defendant as prosecution witness.</td>
</tr>
<tr>
<td>Popular culture</td>
<td>Current trends, what people are talking about.</td>
</tr>
<tr>
<td>Private prosecution</td>
<td>Prosecution at the instance of individuals.</td>
</tr>
<tr>
<td>Prosecution</td>
<td>The institution and the conduct of legal proceedings against a person on behalf of the State.</td>
</tr>
<tr>
<td>Protocol</td>
<td>An addition to an original agreement that is complementary to the said agreement, e.g. <em>The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa</em> is an addition to the Afri-</td>
</tr>
<tr>
<td>Public prosecution</td>
<td>Prosecution at the instance of the police or Attorney General and Minister of Justice representing the state.</td>
</tr>
<tr>
<td>Rape</td>
<td>Sexual intercourse with a person against his/her will or consent.</td>
</tr>
<tr>
<td>Ratification</td>
<td>The declaration by which a nation formally accepts, with or without reservations the content of a treaty, convention or agreement.</td>
</tr>
<tr>
<td>Resolution</td>
<td>Official expression of an opinion will or views on matters of public policy by lawmakers, e.g. Resolution condemning the use of illegal drugs.</td>
</tr>
<tr>
<td>Sexual abuse</td>
<td>Any type of sexual activity inflicted on a person by the use of threats or coercion.</td>
</tr>
<tr>
<td>Sexual assault</td>
<td>Conduct of a sexual or indecent nature toward another person that is accompanied by actual or threatened physical force or that induces fear,</td>
</tr>
<tr>
<td>Sexual exploitation</td>
<td>Exploitation of a sexual nature, e.g. forced prostitution.</td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>The making of unwanted and offensive sexual advances or of sexual offensive remarks or acts, especially by one person in authority or supervisory position or when acquiescence to such behaviour is a condition of</td>
</tr>
<tr>
<td>Signature</td>
<td>A mark, sign, or characteristic made by an individual or representative of an entity duly mandated on an instrument or document to signify knowl-</td>
</tr>
<tr>
<td>Slavery</td>
<td>Relationship in which one person exercises any or all of the powers of ownership over another i.e. one person has absolute power over the life</td>
</tr>
<tr>
<td>Solicitor</td>
<td>Lawyer in Chambers advising client.</td>
</tr>
<tr>
<td>Stand down</td>
<td>Postponement of the hearing of a matter to some other time of the same day.</td>
</tr>
<tr>
<td>Sterilization</td>
<td>Any of various surgical procedures intended to eliminate the capacity to reproduce in humans or animals.</td>
</tr>
<tr>
<td>Glossary of Terms</td>
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<tr>
<td><strong>Stigma</strong></td>
<td>A distinctive mark of social disgrace, e.g. the stigma of having been raped; the stigma of having been in prison.</td>
</tr>
<tr>
<td><strong>Survivor</strong></td>
<td>A person who remains alive and carries on despite hardship or trauma of a sad experience, e.g. the survivor of rape, of sexual abuse.</td>
</tr>
<tr>
<td><strong>Torture</strong></td>
<td>Infliction of severe physical pain as a means of punishment or coercion.</td>
</tr>
<tr>
<td><strong>Trauma</strong></td>
<td>A psychological or emotional injury caused by a deeply disturbing experience, e.g. an act of sexual abuse which causes serious distress to the victim.</td>
</tr>
<tr>
<td><strong>Treaty</strong></td>
<td>An agreement by nations to abide by certain restrictions on their conduct and to uphold certain freedoms and basic needs for citizens.</td>
</tr>
<tr>
<td><strong>Trial</strong></td>
<td>Examination of evidence and applicable by a competent tribunal to determine the issue of specified charges or claims.</td>
</tr>
<tr>
<td><strong>Unlawful carnal knowledge</strong></td>
<td>Illegal sexual intercourse with a female victim under 13 years with or without the consent of the victim.</td>
</tr>
<tr>
<td><strong>Victim</strong></td>
<td>A person who has suffered an offence.</td>
</tr>
<tr>
<td><strong>Victimization</strong></td>
<td>Adversity resulting from being made a victim; an act that exploits or victimizes someone.</td>
</tr>
</tbody>
</table>
Dr. Julius Spencer is the Managing Director of Premier Media Consultancy Ltd., Sierra Leone’s leading media production, public relations and event Management Company which also owns a radio station and a newspaper. His vast knowledge and experience goes beyond the world of journalism to include the performing arts, culture and public relations. Dr. Spencer has taught in secondary schools in Sierra Leone and Nigeria as well as lectured in universities in these two countries, rising to the position of Acting Head of the English Department at Fourah Bay College in Sierra Leone. Dr. Spencer has published widely on issues of art, culture and journalism; he has held several consultancies with the UN and international organisations. As a theatre director Dr. Spencer has more than 40 stage plays to his credit, and his work is acclaimed in Sierra Leone, Iran, Greece, Nigeria, the UK and the USA. As a media practitioner, he had numerous radio and TV programmes as well as movies to his credit. Dr. Spencer also served as Minister of Information, Communication, Tourism and Culture and Minister of Information and Broadcasting in Sierra Leone between 1998 and 2001 and is credited with pioneering the liberalisation of the media landscape in the country. Dr. Spencer holds a Bachelor of Arts in Education from the University of Sierra Leone, and a Masters and PhD from the University of Ibadan.

Kevin Xander Lewis is the CEO of Awoko Newspaper in Sierra Leone. An accomplished news reporter and correspondent of over 25 years experience Mr. Lewis started his career in the media as a cub reporter with the Chronicle Newspaper in 1986. Since then his experience has traversed both local and international media institutions such as Voice of America, Radio Deutsche Welle, Radio France and UN-IRIN in Freetown. Mr. Lewis has a Bachelor of Arts in Education degree in Geography/Literature from Njala University.

Monfred Momoh Sesay is currently the State Counsel and Customary Law Officer for the Southern Province of Sierra Leone. Prior to this he was the State Counsel and Customary Law Officer for all the three Provinces of Sierra Leone. In this role Mr. Sesay has more than any other single individual made remarkable contributions to the development and standardization of customary law practice and procedures in Sierra Leone. In a professional career spanning over 30 years Mr. Sesay has also been a teacher of English language and an Examinations Board Supervisor thus helping to shape the academic future of Sierra Leone’s youth. He has served as Legal Adviser on several Sierra Leonian Government delegations to the UN and international trade negotiations and has researched and written extensively on domestic violence, women’s rights, customary law and war crimes in Sierra Leone. He is a much sought after newspaper columnist, public speaker, trainer and research consultant.

Paul Turay is the Rule of Law Officer, Freetown, with the UNDP Access to Justice Project. He has 8 years of experience in governance, human rights and civil society programming in the UN and NGO sector. He has experience in building and coordinating partnerships between government bodies and civil society.

Stephen Douglas is an award-winning, Canadian journalist, photographer and author. He’s written about and photographed the famous and not-so-famous… from the victory podium to the war zone… and sometimes just around the corner in his neighborhood in Toronto, Canada. For almost twenty-five years, Stephen has devoted his attention to enlivening debate and increasing attention on domestic and world events. Stephen has authored six non-fiction books, countless feature articles and provided photographs to most of Canada’s national magazines. He has edited magazines, newsletters and books. In addition, Stephen continues to create imaginative and revealing reportage documentaries throughout Canada and abroad. Stephen is also an accomplished professor and public speaker. His travels and media expertise has served as educational fodder for thousands of learners from adults to young children. He is currently the Acting Country Director for JHR – Journalists for Human Rights, based in Freetown, Sierra Leone.
Victoria Nwogu is the Programme Specialist on Sexual and Gender Based Violence and Project Manager of the UNDP Access to Justice Project. She has worked with the ILO and UNIFEM in Nigeria, Sierra Leone and Liberia prior to joining the Project. A lawyer and diplomat by training, Victoria has 10 years work experience in programming for non-profit organizations on human rights, with a special focus on human trafficking and migration, gender equality and women’s empowerment, disability rights and development. She has spent much of her professional life working on numerous initiatives to enhance the economic, social and legal status of Nigerian women and children. Victoria has contributed to research on diverse human rights issues within the human rights community in Nigeria and abroad on gender and migration, human trafficking and women’s rights generally. She has notable experience of developing handbooks and working documents for government and civil society actors on human rights, some examples include: ‘A Handbook on Access to Justice for Victims of Human Trafficking for Law Enforcement and Service Providers in Nigeria’, co-edited with the Nigerian Agency for the Prohibition of Traffic in Persons and other Related Matters (NAPTIP), the Global Alliance against Traffic in Women (GAATW) and UNIFEM, 2009; ‘Gender and Elections: A Voter Education Manual for Women’, UNIFEM, 2007; ‘Nigerian Anti – Trafficking Laws; A Guide for the Public and Policy Makers’, Global Rights, Nigeria with support from the Mac Arthur Foundation, 2004; ‘The Rome Statute of the ICC; A Guide for the Public and Policy Makers’ (co-authored) Global Rights, Nigeria for the Nigerian Coalition on the International Criminal Court (NCICC), 2004.