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Harmful Practices affecting Girls in West Africa: Perspectives from Ghana, Liberia and Sierra Leone

DCI-Ghana, DCI-Liberia and DCI-Sierra Leone: Brief presentations

Defence for Children International - Ghana Section (DCI-Ghana) promotes and protects the rights of children through training, education, monitoring and the provision of socio-legal aid for abused children. DCI-Ghana's thematic focus includes Juvenile Justice, Child Labour, Child Trafficking, Streetism and Child Participation, using the socio-legal aid, capacity building, advocacy and networking approaches.

Defence for Children International - Liberia Section (DCI-Liberia) promotes and protects the rights of children and serves as watchdog on the Government to keep the promise. DCI-Liberia is active in efforts to promote the rights of girls, for example, campaigns led by national and local civil society actors aimed at influencing policies and practices to protect and empower girls. DCI-Liberia also works together with Government to strengthen the enforcement of existing laws and policies that protect children's and girls' rights, and is a strong advocate and lobbyist for the passing of the Children's Act into law and its implementation.

Defence for Children International - Sierra Leone Section (DCI-Sierra Leone) works to ensure prevention of violations against children, and the provision of psychosocial and legal services to children in conflict with the law, child victims of violations/abuses, as well as children and youths at risk of coming in conflict or contact with the law (e.g. street children, girl sex workers and out-of-school children). The current programmatic focus of DCI-Sierra Leone includes Child Justice, Violence Against Children, Education and Child Participation.

Introduction

Girls across West Africa are subjected to harmful practices. In Sierra Leone, 90% of girls aged 15-45 have undergone female genital mutilation/cutting, 62% marry before age 18 and 27% marry before 15 years of age, according to UNICEF surveys. The lack of sustainable source of livelihood for poor households is a major cause of teenage pregnancy and child marriage, in the poorest households and remote communities. In Ghana, the prevalence rate of female genital mutilation/cutting is around 15%. In the upper east region where FGM/C is very common, 36% of the female population have undergone the procedure. The national

estimates of women who have performed the procedure are between 9-12%. In western Liberia, for example, the practice of female genital mutilation/cutting and other harmful traditional practices is widespread across all four counties: Montserrado, Bomi, Lofa and Grand Cape Mount. In Lofa, a survey found a teenage pregnancy rate of 68% among girls aged 15-19. In Grand Cape Mount, members of the Sande society were carrying out FGM. In Montserrado, many girls are vulnerable to hawking, domestic work and sexual exploitation, whereas many boys are exposed to exploitative work on plantations and in mines. Bomi faces a high disparity between boys and girls in post primary education. Only a small number of girls successfully make the transition from primary to secondary education.

This paper aims to give perspectives based on our work as grassroots child rights NGOs in Ghana, Liberia and Sierra Leone. It particularly aims to give recommendations on practical measures to implement the obligations in relation to the elimination of harmful practices affecting girls, under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the United Nations Convention on the Rights of the Child (UNCRC), and the African Charter on the Rights and Welfare of the Child (ACRWC). Article 24, paragraph 3, of the UNCRC, for example, explicitly provides that: “States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.”

Sierra Leone

Recent Sierra Leonean legislation – including the three Gender Acts and the Child Rights Act, which were all passed in 2007 – sets the minimum age of marriage at 18 years, but is silent about female genital mutilation/cutting. In rural areas, sexual abuse and pregnancy of girls are often used as means of marriage rather than a call for action. In most cases, when men impregnate girls, they are asked to marry them in order to address the issue of ‘bastard children’ which is against the religions and traditions of the people; and they less consider the effect of the action on girls. Many girls were not registered at birth and as such, they can hardly be protected by the laws that prohibit early marriage.

FGM/C has become a major political issue in the country and ironically, instead of politicians endeavouring to ban FGM/C, they are using it to gain popularity. Some politicians often provide financial support to families and communities for mass initiation of girls into the FGM/C secret society in order to gain popularity during elections. The wide practice of FGM/C in Sierra Leone is becoming a growing international concern. Many recommendations put forward by the UN and countries that reviewed Sierra Leone’s Universal Periodic Review report, in Geneva in 2010, were related to the total banning of the practice of FGM/C. Similarly, one of the recommendations of the 2008 Concluding Observations of the UNCRC Committee on the Government of Sierra Leone UNCRC report was the abolition of FGM/C. It is hoped that future government actions to implement the UPR recommendations shall include the abolition of the practice of FGM/C in Sierra Leone.

The civil society in Sierra Leone has a crucial role to play. To fulfil this role however, it should be aware and understand the obligations under CEDAW, UNCRC and ACRWC, and the recommendations of the UPR Report 2010 and the UNCRC Concluding Observations 2008. And, civil society should use them to engage government on their action to address early and forced marriage and FGM/C. Some few CSOs are currently implementing exclusive FGM/C campaigns, but it is difficult to ascertain the impact of their campaigns as the practice is still widespread. Campaigns that have focused on the exclusion of children from FGM/C and finding alternative economic programmes for women that perform FGM/C have not yielded much dividend. And thus UNICEF and the UN in general are now calling for the total ban of FGM/C. CSOs need to review their anti FGM/C campaigns and reinstate programmes that will change the mind set and practices of people particularly at the local level. CSOs should promote programmes like girl child education and household socio-economic empowerment, in order to prevent or limit the tendency for girls to be forced to undergo FGM/C or early marriage.

Recommendations:

- Any spontaneous legislative ban of the practice of FGM/C in Sierra Leone now may be premature and counterproductive because of its deep political, traditional and cultural sentiments. Hence government should start piloting non-justiceable policies that prohibit FGM/C and focus more on prevention rather than punitive responses.
- Government should be bold enough to ban the practice of politicians openly funding mass FGM/C initiations.
- Government should increase investment in girl child education, and intensify the campaign at local level involving community leaders, CSOs, CBOs, teachers, religious leaders and women's groups.
- CSOs should further explore initiatives that can lead to the prevention of early and forced marriage and FGM/C through continuing dialogue with the community.
- CSOs should endeavour to constantly engage members of the community in open dialogue sessions concerning harmful traditional practices affecting women and girls, in order to educate them towards a sustainable positive change.
- Women and girls should be given the opportunity to take part in decision making at the local level so that they will be in position to resist harmful traditional practices.

Ghana

The 1992 Constitution of Ghana prohibits Female Genital Mutilation/Cutting (Art. 26 section 2). Cabinet in 2005 approved a bill to strengthen the law on criminal offences to protect victims of FGM/C (Amendment Act 484, 1994). The 1960 Criminal Code of Ghana, last amended in 2003, states that forcing a person to marry against their will is illegal (Ghana 12 Jan. 1961, Sec. 109) and the 1998 Children's Act of Ghana stipulates that forced child marriage is also illegal (30 Dec. 1998, Sec. 14 and 15). The 1998 Children's Act, the 2007

Domestic Violence Act, the 2005 Human Trafficking Act (Act 694) and the 2003 Juvenile Justice Act (Act 563) provide a legal framework and are all part of measures to address the issue of harmful traditional practices. The Department of Social Welfare, the Ministry of Women and Children's Affairs, the Commission on Human Rights and Administrative Justice, the Domestic Violence and Victim Support Unit (DOVVSU), and the Multi-Sectoral Committee on Child Protection are useful administrative structures that address harmful practices affecting girls.

The civil society in Ghana collectively and individually acts to promote and protect the right of girls to protection from harmful practices. The Ghana NGO Coalition on the Rights of the Child (GNCRC) advocates with the government to protect the rights of children and girls in particular from harmful practices. GNCRC for instance mobilizes society groups to participate and contribute to the preparation of reports on the rights of children in Ghana to the UN Committee on the Rights of the Child. The NGO International Needs works on the liberation of girls from the Trokosi, a practice whereby a girl is used as atonement to a shrine for alleged sin committed by a family member and placed in servitude under the priest of the atoned shrine. DCI-Ghana operates a socio-legal protection centre for abused children, including girl and boy victims of harmful practices, and advocates for rigorous protection of children. Other civil society groups equally play their part through education and sensitization platforms including girl child education.

Recommendations:

- Strengthen and coordinate sustainable programmes to address streetism and its attendant problem of harmful practices affecting girls.
- Strengthen effective implementation of all legislation on harmful practices affecting girls.
- Increase support and collaboration with the civil society organizations on addressing harmful practices affecting girls.
- Increase budgetary allocation for child protection issues including harmful practices affecting girls.
- Strengthen systematic data collection and analysis on harmful practices affecting children for policy analysis and development.

Liberia

The Government of Liberia has formed a National Gender Based Violence (GBV) Task Force, as well as a GBV Secretariat within the Ministry of Gender and Development. Advocacy and lobbying by civil society organizations led to the passing of the Rape Bill and the Inheritance Bill into Law, and the crafting of the Girl Education Policy and the National Gender Policy. CSOs are now lobbying for the passing of the Children's Act into law. In 2008, Liberia developed its Poverty Reduction Strategy Paper and enacted reforms putting it on track for

the Heavily Indebted Poor Countries Initiative (HIPC) Completion Point in 2010. Major donors, including USAID and the World Bank, concentrate on establishing a stable democracy, changing the culture of impunity, systematic corruption and poor governance, closing gaps in access to quality education and health care, expanding economic opportunity through agricultural enterprise and natural resources management, and helping to rebuild essential infrastructure and sources of renewable energy. UNICEF and UNIFEM are important partners at the UN level. Save the Children is supporting primary education through its Rewrite the Future program but is not focusing on post-primary or vocational training for girls.

The National Child Protection Network includes 36 governmental agencies, international organizations and non-governmental organizations. Protection, education and participation are very important for the fulfillment of the rights of (adolescent) girls in Liberia. As mentioned above, problems include high teenage pregnancy rates, FGM/C, exploitation of girls including hawking, domestic work and sexual exploitation, high disparity between girls and boys in post primary education, low transition rates of girls from primary to secondary education.

The role that the civil society in Liberia plays to empower women and girls, promote change in perceptions on harmful practices, and effect socio-economic and policy change is important. Civil society adds value to already existing government programs, including the National GBV Action Program, the Liberia Educational Trust Program for Girls, the National Youth Policy and the National Gender Policy, which promote the rights of children, girls and women, particularly in the areas of protection against violence and access to education. The relationship between the state and civil society in Liberia is cordial. Each complements the work of the other. Through its advocacy and watchdog role, civil society keeps the Government on its toes in the running of affairs by State. There is no limitation on the freedom that civil society exercises in carrying out its activities. National NGOs and human rights organizations form an integral part of the civil society in Liberia.

ANPPCAN, DCI-Liberia, FAWE, the Association of Female Lawyers of Liberia (AFFEL), the Women NGO Secretariat (WONGOSOL) and the Women Peace Network (WIPNET) are among the leading civil society organizations that are making great efforts in advocating for laws, policies and practices favorable to women and girls in Liberia. However, many CSOs are struggling with problems like lack of capacity (human resource, logistics, finance), lack of institutional framework, weak organizational structure, donor driven programmes, poor coordination and lack of long term strategic plans.

According to the Minister of Gender and Development, an adolescent girl living in Liberia:

- Has probably not been to primary school (the net primary school enrolment for girls stands at only 39%);

- Is unlikely to go on to secondary school (just 14% of girls of secondary school age are enrolled in secondary education);
- Is at high risk of being illiterate (24% of adolescent girls and young women aged 15-24 in the country);
- Has a high risk of suffering rape (the most frequently reported crime, with girls aged 10-14 the most frequent victims of rape);
- Probably has limited knowledge of HIV and AIDS (only 21% of adolescent girls and young women aged 15-24 have comprehensive knowledge of HIV and AIDS);
- Has a high probability of either being married or in union (40% of women aged 20-24 in Liberia were married before age 18);
- Faces the strong likelihood of being pregnant (the adolescent birth rate for girls aged 15-19 stands at 221 per 1,000 – the second highest rate in the world).

Some of the underlying causes of these disturbing facts and figures are:

- A school environment that is not friendly or safe for girls;
- Low expectations from families and community due to the traditionally held belief that boys are superior;
- Poverty;
- Lack of awareness of education laws, policies or GBV plan of action;
- Low self esteem; and
- Harmful traditional practices such as FGM and early marriage.¹

Recommendations:

- Government should develop an integrated social protection system for the fulfillment of the rights of women and children in Liberia.
- CSOs should be empowered to conduct projects and capacity building efforts at local level to promote the rights of girls and women.
- Government should strengthen the enforcement of laws and policies that protect girls and young women, also at local level.
- CSOs should increase advocacy and lobbying for the passage of the Children's Act into law and its implementation.
- Government should support alternative income generating activities for women's livelihood, such as soap making, tailoring, baking, and agriculture, as an alternative to performing FGM/C.
- Government should provide scholarship for girls' enrollment in schools.

¹ <http://www.unicef.org/sowc09/docsSOWC09-Panel-3.7-EN.pdf>.