Before their time

Challenges to Implementing the Prohibition Against Child Marriage in Sierra Leone

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Acknowledgments

This report was drafted by Ben Baker, Amanda Elbogen, and Stephanie Keene, student members of the Allard K. Lowenstein International Human Rights Clinic at Yale Law School. The project was supervised by Professor James Silk, Clinical Professor of Law at Yale Law School and Director of the Lowenstein Clinic, and Allison McKinney, who was then the Robert M. Cover – Allard K. Lowenstein Fellow in International Human Rights Law at Yale Law School.

The findings in this report are based on the Clinic team's research in Sierra Leone during March 2012. Research included interviews with government officials, customary leaders, customary law officers, representatives of international and local non-governmental organizations, local educators, religious leaders, and law enforcement officials. The Clinic team also interviewed individual Sierra Leonean citizens who have experienced child marriage firsthand or have been affected by the practice. Some interviewees consented to the use of their names and are cited in the report by name. However, to protect the anonymity and safety of other interviewees, the report refers to them only by generic titles. We owe our profound gratitude to all the people who offered their time and insights in these interviews.

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While the Clinic is grateful to all of the individuals and organizations who contributed to this report, the conclusions drawn and recommendations made here represent the independent analysis of the Clinic, based solely on its own research, including its interviews in Sierra Leone.

1. Summary: Implementing the Prohibition on Child Marriage in Sierra Leone

Every year throughout the world, the practice of child marriage prematurely eclipses the childhood of more than ten million girls.[1] Girls as young as ten years old are compelled to trade their education, their health, their playmates, and their aspirations for the weighty responsibilities of a wife and mother. Poverty, patriarchy, customs, religious beliefs, and war all contribute to the practice of child marriage worldwide, and the consequences are devastating. Because their bodies are not fully mature, young brides face a heightened risk of complications when they become pregnant. Birth complications can be fatal to young mothers and their babies. They can also lead to chronic health conditions that substantially undermine a baby's or young mother's prospects for a good life. While the strains of childbirth overburden the bodies of young brides, being forced into child marriage also contributes to the widespread neglect of young girls' minds. Child marriage disrupts and often ends girls' education, as they are seldom permitted to return to school after marriage. Young wives are especially vulnerable to emotional abuse and violence by their husbands, who are often significantly older than they are. In a number of tragic ways, child marriage robs girls of their rightful chance to develop into mature, healthy, and educated adults.

Child marriage impairs not only a girl's life and prospects, but the lives of her children as well. Children of young mothers are likely to be less educated and have poorer health and financial prospects than children born to adult mothers. As a result, child marriage cripples the advancement of entire generations, particularly in the developing world. In least-developed countries like Sierra Leone, where conditions of extreme poverty, inadequate healthcare and limited educational opportunities are widespread, child marriage is especially damaging.

This report examines the implementation of Sierra Leone's prohibition of child marriage,[2] defined as the marriage of a person less than 18 years old.[3] The report reviews the Sierra Leonean government's efforts to eliminate child marriage by passing and enforcing legislation, sensitizing and training customary law authorities and involving civil society organizations. The report analyzes obstacles to the eradication of child marriage in Sierra Leone and offers recommendations to government authorities, customary authorities and civil society for strengthening implementation efforts.

Sierra Leone prohibited child marriage by passing the Child Rights Act (CRA), which the government adopted in 2007 to fulfill its obligations under international law.[4] The CRA defines a child as "a person below the age of eighteen,"[5] and declares that "no person shall force a child to be … betrothed … or … married."[6] Nevertheless, the practice of child marriage persists. Child marriage is especially common in rural communities,[7] where many parents compel their daughters - as young as 11 years old - to marry men who are often significantly older.[8] The prevalence of child marriage varies by region and by ethnic group; child marriage rates are highest in the northern and eastern districts of Sierra Leone, lower in the south, and lowest in the capital, Freetown. [9] As of 2010, approximately 48% of girls in Sierra Leone were married before their eighteenth birthday, and 19% were married by the age of 15.[10] Traditionally, child marriages are customary unions arranged by the parents of the bride and groom.[11] The socioeconomic and health consequences of child marriage are dire.

Child marriage elevates school dropout rates for girls,[12] dramatically increases maternal and infant mortality rates,[13] and perpetuates the cycle of poverty in rural areas.[14]

The enactment of the Child Rights Act in 2007 was an important step toward ending the practice of child marriage in Sierra Leone. Despite the commendable first steps that the government of Sierra Leone has taken to eradicate child marriage, enforcement efforts have yet to significantly reduce the practice in rural areas. The socioeconomic and cultural dynamics that perpetuate child marriage persist: extreme levels of poverty, inadequate education, gender inequality, early pregnancy and the early initiation of girls into "secret societies" – traditional groups into which girls are initiated to mark their coming of age as women – all continue to contribute to child marriage practices. Female genital mutilation (FGM), which remains a controversial practice in Sierra Leone, is a central part of the initiation ceremony that makes girls eligible for marriage. When girls undergo the practice before they are 18, it contributes to the likelihood that they will be married early.

Sierra Leone is recovering from the devastating effects of its 11-year civil war (1991-2001). The war took thousands of lives, devastated the government, resulted in the departure of Sierra Leone's most educated citizens, and fractured the country's social fabric. Every level of the government faces a long list of urgent needs that it must attempt to address with extremely limited financial resources and human capital. These resource constraints affect Sierra Leone's battle to end child marriage. The formal legal system, drastically understaffed and underfunded, lacks a viable presence throughout much of rural Sierra Leone. Gaining access to the formal system is particularly difficult for girls in rural communities, who are under immense pressure to obey their parents and are often unaware of how formal law and the formal justice system work. Typically, rural Sierra Leoneans lack knowledge about the legal prohibition against child marriage. Acceptance of the practice is deeply entrenched in Sierra Leonean culture, and there has been insufficient sensitization of customary authorities on appropriate responses to child marriage disputes. All of these factors contribute to the tendency of both girls and adults not to notify formal legal authorities of violations of the child marriage prohibition. Even when girls do turn to the formal legal system to avoid – or to seek release from – child marriage, their young age makes navigating the formal justice system especially challenging.

In the face of these significant obstacles, the government's creation of the Family Support Unit (FSU) of the police in 2001[15] was a vital step in efforts to protect children from harmful practices like child marriage. Established by the CRA, the FSU consists of teams of police officers and social workers responsible for investigating and monitoring child-protection cases, including cases of child marriage. The FSU, despite inadequate funding, has trained its officers to handle police issues concerning families and children, and the Sierra Leone police force is taking steps to expand this training to all of its officers. Although the FSU is seldom notified of child marriage cases in rural Sierra Leone, the recent increase in rural Sierra Leoneans' willingness to notify the FSU of cases of rape indicates that in time, community responses to child marriage could also be changed.[16] Traditionally, many people have viewed rape as a shameful subject that families dealt with privately, but rape is increasingly viewed as a serious form of violence that should be immediately reported to the FSU.[17]

Bolstered efforts by the government, customary authorities, and civil society to end child marriage could similarly raise community members' appreciation of the seriousness of child marriage. Such increased understanding will make people more likely to report child marriage cases to appropriate authorities.

The deep cultural roots of child marriage practices make achieving the CRA's prohibition difficult without the support of customary authorities. Approximately 85% of Sierra Leoneans are under the jurisdiction of customary law,[18] which coexists alongside formal law. Because of the relative accessibility, familiarity and perceived legitimacy of unwritten customary law, many rural Sierra Leoneans view it as more relevant to their lives than formal law.[19] As a result, changing customary norms at a local level will be a critical component of Sierra Leone's effort to fulfill its obligation to eliminate child marriage.

The report concludes with a series of short- and long-term recommendations for a range of actors who are critical to the child marriage prohibition effort.

The following key recommendations for the government and civil society outline the most important steps towards ending child marriage in Sierra Leone:

- Legislation: Parliament should amend the Registration of Customary Marriage and Divorce Act to be consistent with the Child Rights Act's absolute prohibition of marriage before the age of 18. Parliament should amend the Child Rights Act to prohibit the practice of female genital mutilation for girls under 18.

- Customary Law: The government should work with paramount and other chiefs to pass bylaws prohibiting both child marriage and female genital mutilation for children under the age of 18. Customary bylaws should also require local officials to report child marriage cases to the Family Support Unit (FSU) of the police. The government should streamline the bylaw ratification process to facilitate enforcement of the child marriage prohibition.

- Support from Customary Leaders: Customary authorities should provide support to girls seeking to avoid marriage and should ensure that girls and women who were married before the age of 18 are permitted to leave their marriages without delay.

- Community and School-Based Protection Mechanisms: Working together, the government and civil society should strengthen community and school-based child protection and reporting mechanisms, including Child Welfare Committees, to provide safe ways for girls to report instances of child marriage and early initiation. Schools should take greater responsibility for reporting and preventing child marriage and early initiation. People working in Child Welfare Committees and other child-protection entities should receive training on the importance and process of reporting child marriage cases to the appropriate legal authorities. Such mechanisms should be linked to public legal institutions that can follow up on reports without causing reprisal. In villages without Child Welfare Committees, civil society groups should provide reporting mechanisms for girls who need help contacting the FSU. More generally, civil society groups should extend their operations into remote rural communities, where there are few social workers.

- Training, Recruitment, and Funding: The government should seek to train, recruit, and financially support Magistrate Judges, Local Court members, Customary Law Officers, FSU officers, State Counselors, Police Prosecutors, and teachers to enable them to better assist girls subjected to or threatened by child marriage. Training should address the Child Rights Act's prohibition of child marriage; the harmful effects of child marriage, gender-based violence, and discrimination against youth and women; and the referral process for child marriage cases. The government should provide the FSU and Magistrate Courts with the necessary staff, vehicles, and

supplies to meet the needs of rural communities, particularly where child marriage is most prevalent.

- Public Awareness and Sensitization: Public authorities and civil society should carry out awareness-raising campaigns – through, for example, the use of billboards, radio, and newspapers – about the harms of child marriage, early pregnancy, sex with minors, transactional sex, and sexual abuse in schools. This should include programs that seek to sensitize local officials, educators and the public about child marriage and its risks.

- Sensitization Approaches: All civil-society and government programs pertaining to child marriage should acknowledge local views about duties that parents and children have toward each other, emphasizing that children's rights do not diminish parents' rights to educate, discipline, and guide their children in a responsible manner.

- School Curriculum and Child Marriage: The government should incorporate education on the Child Rights Act's minimum age of marriage, sexual and reproductive health and rights, children's rights, and gender equality into the school curriculum, beginning in early grades. Sex education should be life-skills based, instruct young men and young women on how to obtain and safely use contraception, and provide them with the ability to negotiate safe sex or to choose abstinence. The government should translate the CRA into the languages spoken in rural areas and create illustrated, child-friendly versions to distribute in schools. Sexual education should include teaching about the harms of child marriage and early pregnancy.

- Barriers to Education: Teachers who engage in sexual relationships with students or who sexually harass their students should be prosecuted and penalized, so that all students feel safe while attending school. Schools should encourage and enable pregnant students to continue attending school during pregnancy and after they give birth. To enable young people to continue their secondary education, the government should begin to make plans and secure the resources to build additional secondary schools in those rural areas where students have to walk long distances to get to school.

To fulfill its international legal obligations to end child marriage, Sierra Leone must improve the implementation of the Child Rights Act's child marriage provisions. Unless formal and customary legal authorities and civil society work together to end child marriage, Sierra Leone's children will continue to fall victim to poverty, gender-based violence, insufficient education, and potentially life-threatening health risks.

II. Report Methodology

This report is a legal and institutional analysis authored by Yale Law School's Allard K. Lowenstein International Human Rights Clinic (hereinafter, "Clinic")[20] in collaboration with Plan, a child-centered community-development organization that has been working in Sierra Leone since 1976. After conducting extensive research on child marriage and the legal system in Sierra Leone, a team of three law students and one instructor from the Yale Clinic traveled to Sierra Leone during March 2012, to conduct interviews for this report. The Clinic team spent three days in Freetown and four days in the Bombali district, specifically in the city of Makeni, Mapaki village, and Mayawlaw village. The team conducted interviews with central government officials, formal justice sector authorities, NGO representatives, community leaders, and individuals whose lives have been affected by child marriage. The Clinic team interviewed a wide array of actors who approach the issue of child marriage from a variety of perspectives, including officials from the following central government offices in Freetown: the Office of the Chief of Staff of the President; the Ministry of Justice; the Ministry of Social Welfare, Gender and Children's Affairs; the Human Rights Commission of Sierra Leone; and the Anti-Corruption Commission.

Interviewees from the formal justice sector included a Magistrate Judge, a Customary Law Officer/State Counselor, and Family Support Unit police officers. Other interviewees included staff at UNICEF, thirteen child-oriented non-governmental organizations (NGOs), and three organizations working throughout the country to provide free legal services to low-income people. In Makeni, Mapaki, and Mayawlaw, the team interviewed a Paramount Chief, a Town Chief, Local Council members, a Local Court chairwoman, Local Court members, religious leaders, teachers, members of a School Management Board, social workers, Child Welfare Committee members, Chiefdom Welfare Committee members, Village Development Council members, wives who married before the age of 18, husbands who married under-age wives, and parents of child wives.

The Clinic team returned to Freetown on October 5, 2012, to present a draft of this report in a roundtable discussion with representatives from government, civil society, and customary tribal leadership. The roundtable discussion provided insightful feedback on the report and its recommendations. Insights from this discussion were incorporated into the final draft.

List of Abbreviations

ACRWC	African Charter on the Rights and Welfare of the Child
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRA	Child Rights Act
CRC	Convention on the Rights of the Child
FGM	Female genital mutilation
FSU	Family Support Unit
ICCPR	International Covenant on Civil and Political Right
ICESCR	International Covenant on Economic, Social and Cultural Rights
MoU	Memorandum of Understanding
NCC	National Commission for Children
NGO	Non-governmental organization
UDHR	Universal Declaration of Human Rights

III. Child Marriage in Sierra Leone: Causes and Consequences

A. Causes of Child Marriage in Sierra Leone

Child marriage is deeply rooted in many aspects of Sierra Leone's history and culture. Traditional gender roles, poverty, educational practices, early pregnancy, initiation rituals, attitudes about the roles and responsibilities of children generally and the influence of western culture are among the complex web of factors that contribute to the practice of child marriage in Sierra Leone and that impede efforts to eliminate it in rural communities.

1. Poverty

Poverty in Sierra Leone is severe and widespread, and was the cause of child marriage most often cited in interviews conducted for this report. Of Sierra Leone's 6.2 million people, 53% live below the poverty line of US$1.25 a day,[21] 59% are illiterate,[22] and more than 80% are unemployed.[23] Poor families struggle to provide for their children's most basic needs, and families have an immediate financial interest in seeing their daughters married, since families receive a bride price from grooms' families. Further, by promising their daughter's hand in marriage, parents can secure advance payments from the groom long before the marriage takes place.[24] Because the bride typically lives with the husband's family after marriage, the costs of feeding, clothing, and educating a teenage girl provide further financial incentive for parents to marry off their daughters early. Child marriage represents an opportunity for the bride's parents to reduce the family's costs and for the groom's family to recruit another set of hands to work on the farm or otherwise contribute to the family's livelihood.[25] Where girls lack the relevant skills and training to enter employment, or where income-generating alternatives are not available to girls, families are especially likely to view child marriage as a means to ease their economic burden.

Girls themselves are sometimes financially motivated to enter relationships that result in marriage before attaining majority. During the courtship process, girls often receive gifts, such as clothing or food, from their future husbands, and some girls see marriage as a chance to move into families with more economic security than their own.[26] In extreme cases, girls enter into transactional sexual relationships outside of the courtship context as a way of obtaining support for their education or for meeting other material needs.[27] When girls become pregnant, parents often force their daughter into marriage to restore her reputation and the family's honor.

The frequency with which interviewees cited poverty as a reason that parents send their young daughters into marriage reflects commonly held attitudes about a girl's proper path through life. Much of Sierra Leone's population views marriage, not education, as a girl's primary way to secure the means to meet her basic needs.

2. Barriers to Girls' Education

The prevalence of child marriage in Sierra Leone is closely tied to girls' low rate of attendance at school. Central-government and customary authorities interviewed for this report consistently affirmed that improving the education of girls in Sierra Leone is a national priority.[28] The Deputy of the Makeni City Council expressed this concern, stating that the city council seeks to address the large number of 14- and 15-year-old girls who are not in school.[29] One reason the education of young girls is so important is that Sierra Leonean girls who are not attending school are more likely to be married early.[30]

A recent ethnographic report observed that significant numbers of Sierra Leonean students drop out of school in their teens.[31] The 2010/2011 School Census Report shows that girls move on to secondary school at a lower rate than boys and that girls drop out of secondary school at a higher rate than boys. The ratio of girls to boys in Sierra Leone's schools, 0.95 in primary school, falls to 0.82 in junior secondary school and to 0.61 in senior secondary school. While boys and girls complete primary school at almost identical levels, completion rates for girls and boys in junior secondary and senior secondary schools diverge radically; the rates for girls are 41% for junior secondary school and only 17% for senior secondary school, compared to rates of 57% and 35% for boys.[32]

The reasons girls are discouraged from continuing in school are numerous and interrelated. One factor is a general lack of female teachers in schools, which deprives girls of positive role models.[33] Out of approximately 45 teachers at a school visited for this report, only one was female.[34] Across the country, the proportion of female teachers is 25% at the primary level, 14% at the junior secondary level, and 8% at the senior secondary level. Female students have few women role models who have realized their dreams through education, and, with high drop-out rates, school girls' already-undersized peer group rapidly diminishes from year to year. The presence of female teachers has been found to be associated with increased retention of girls in school.[35] Disproportionately low numbers of female teachers and students diminishes girls' hopes for achievement and their motivation to remain in school.

The cost of school attendance contributes to high drop-out rates, especially for girls. A survey conducted by Plan in its program areas asked children why they were no longer enrolled in school; around 33% of girls, compared to 6% of boys, responded that school costs were a major factor.[36] The government pays children's basic school fees for primary school, but parents are responsible for acquiring school uniforms and supplies for their children.[37] To encourage girls to continue their education, the government offers to pay for up to three years of junior secondary school fees for girls, but parents must pay these fees themselves and then seek reimbursement from the government, which can involve significant delay.[38]

Factors including cost, distance from school and safety concerns deter girls from attending school. Families facing difficult financial constraints often decide that the costs of sending their daughters to school are too high, particularly when those costs compete with the school fees of male siblings.[39] The overall costs of attending school are significant enough to deter families from supporting their daughters' education, thereby increasing the likelihood that girls will marry at an early age. In addition, many students must walk long distances to attend school. The time it takes to walk to school can deter attendance, as it detracts from students' ability to help the family with work. Families that rely on their daughter's labor at home lose out on the time and energy she spends walking to and attending school. Also, walking to and from school can expose children, especially girls, to significant risk of being mugged or sexually assaulted.[40] In one study, 24% of girls said that they often or always do not feel safe when walking home alone to or from school.[41] The perceived or actual risk of gender-based violence in and around school can create a barrier to girls attending school or completing their education.

Abuse by teachers and other students discourage girls from attending school. Teachers interviewed at one school in Bombali were not well informed about the CRA or the Code of Conduct for Teachers, which contains guidelines on how teachers should behave with their students and information about preventing sexual abuse. Since the end of the civil war, Sierra Leone has been rebuilding its educational system, but the

rush to set up schools has resulted in the employment of many teachers who lack basic training.[42] Sierra Leone's 2011 Education Sector Review estimated that 40% of primary school teachers are untrained.

In a Clinic interview with a group of teenagers who are part of a Plan Sierra Leone project called Girls Making Media, students discussed their experiences in Bombali schools.[43] They reported that they often saw teachers speaking inappropriately with students. They were also aware that teachers exploit their students by demanding sexual favors in return for good marks; some of the girls interviewed had experienced these demands themselves. Several of the students said they were aware of many instances of teachers having illicit relationships with their female students.[44] Several other sources corroborated that the practice of teachers soliciting "sex for grades,"[45] or "sexually transmitted grades,"[46] was common throughout the country. A 2010 study found that 9% of the girls surveyed had been coerced into sex in exchange for money or grades, 9% had been raped without the use or threat of a weapon, and another 8% had been raped with a weapon involved.[47]

The general lack of resources in the school system harms the learning outcomes of both male and female students. Poor school conditions, particularly an unsafe and unsupportive environment for girls, have a greater negative effect on girls and discourage their attendance.[48] Because some teachers have lower expectations of girls' intellectual abilities than they do for boys, they give boys more attention in the classroom. Some co-educational schools do not have separate toilets for girls and boys. Having to share toilet facilities with their male peers and teachers further dissuades girls, who already contend with being dramatically outnumbered and potential targets for sexual abuse, from attending school.[49]

The pervasive threat of sexual abuse and discrimination in schools hinders efforts to minimize child marriage. Because parents do not wait long to find a husband for a daughter who has dropped out of school, deterrents to girls' education in Sierra Leone contribute to child marriage.

3. Traditional Gender Roles and Customary Marriage Practices

The patriarchal nature of Sierra Leonean society creates pressure for girls to marry young. A woman is typically expected to fulfill the role of caretaker in her husband's household, while the man is expected to be the provider and head of household.[50] Parents tend to assume that their daughters will ultimately be caring for their husbands' homes as wives; they see little purpose in waiting until their daughters are 18 to send them to assume that role.[51]

The CRA's age-based prohibition of child marriage is a relatively new concept for many Sierra Leoneans.[52] Most ethnic groups have not adopted a minimum age of marriage. In general, the perception that a girl has attained adulthood is associated primarily with her physical development, rather than her age.[53] Typically, once a girl has visibly passed through puberty, she is considered to have attained full adulthood, making her a woman fit for marriage, even if she is only in her early teens.[54] A person's role in the community can also contribute to the community's determination of whether the person is a child or an adult. For example, school attendance sometimes serves as a marker of childhood, while taking on responsibilities at home can signal adulthood.[55] The age-based conception of adulthood found in the CRA and international agreements on children's rights is inconsistent with local cultural standards that associate womanhood with physical maturity. This difference constitutes a significant challenge to implementing the CRA's child marriage prohibition in rural communities.

Women's opportunities to participate in public life are constrained. The dependent role of women is reinforced

by customary norms preventing them from owning land and from seeking resolution of disputes, including requests for divorce, in the legal system.[56] Women in Northern Provinces of Sierra Leone are not allowed to become paramount chiefs.[57] The central government is attempting to increase women's political representation by establishing a 30% female quota for political positions,[58] but women continue to make up a small minority of political actors. In 2007, women held only 13% of the seats in the legislature and 15% of ministerial positions.[59] Most positions of influence in Sierra Leonean communities are still held almost exclusively by men, placing women in an unequal position in society.[60] This inequality contributes indirectly to women's subordinate role in marriage as well.

The primary decisions in customary marriages, which represent the large majority of marriages in Sierra Leone,[61] are made by the parents of the bride and groom. Authority in Sierra Leone is linked to age, as well as gender; the young are generally expected to respect the will of older family members, which further diminishes a girl's ability to refuse her marriage.[62] Typically, the groom is expected to offer some payment to the family of the bride.[63] If the offering is sufficient, the bride's parents will accept it and give their daughter to the groom's family.[64] In some cases, the man or his family make bride-price payments to the girl's parents before she is even born, establishing the man as the future husband of the child in the event it is a girl.[65] Traditionally, customary marriage has often required the knowledge and consent of a chief, but the girl's consent has not been required.[66] Both in the context of marriage and in society more generally, a young girl's wishes are typically subordinated to those of her parents and the men in her life, which virtually precludes her from resisting, much less preventing, her marriage as a child.

A lack of reporting of child marriages also hinders efforts to reduce the prevalence of the practice. Resisting child marriage often requires girls to defy their parents by reporting their situation to formal authorities, another community member, or a civil society organization. For most rural Sierra Leonean girls, this task is likely to be daunting.[67] The socioeconomic pressure on girls to marry early, the power of parents and community elders, and children's desire to avoid incriminating their parents all contribute to the widespread lack of reporting of child marriage.[68] Furthermore, the pervasive cultural acceptance of child marriage makes many adults who are aware of child marriages in their communities unlikely to report such instances to authorities.[69]

The practice of initiating girls into secret societies when they are young also contributes to the prevalence of child marriage in Sierra Leone. Initiation is a coming-of-age ceremony that marks the symbolic passage of girls[70] into womanhood.[71] The secret societies are hierarchical groups of women that historically have passed tribal knowledge and traditions on to the next generation and provided support for women in the community.[72] Traditionally, the initiation process has included instruction in the responsibilities of a wife, including housework, cooking, and child rearing. The initiation process also involves the controversial practice of female genital mutilation (FGM), which 91% of Sierra Leonean women aged 15 to 49 have undergone.[73] Civil society efforts to sensitize communities about the harms of FGM have contributed to an increase in the number of parents electing to initiate their daughters at earlier ages, before girls are aware of their right to reject the ceremony.[74]

Traditionally, a Sierra Leonean girl who has not yet undergone FGM is viewed as unmarriageable because she has not been recognized in the community as a woman.[75] Because FGM denotes readiness for marriage and motherhood, many Sierra Leonean civil-society representatives urge a prohibition against the practice on girls under the age of 18.[76] Such a prohibition would be consistent with

the CRA's child marriage prohibition. Initiation is not explicitly a marriage-preparation ceremony, but it signals that a girl is physically mature and ready for marriage, and parents often send their daughter to a husband soon after she is initiated.[77] A prospective husband sometimes pays the fee that the secret society charges for a girl's initiation. This payment, along with other bride-price payments to the girl's family, gives the man a claim to take the girl as his wife once she completes the process. Initiation and secret-society membership are significant status symbols in many Sierra Leonean communities.[78] Many men refuse to marry women who are not initiates, and women who are initiated are treated with more respect in the community.[79]

Once girls ceremonially achieve womanhood, they are expected to behave like mature, adult women. In part because going to school is not an activity typical of adult women, girls frequently do not return to school after completing their initiation.[80] An NGO worker in Freetown observed that there is a notable drop in female attendance in primary school around December, the most popular month for initiations.[81] The cost of initiation competes with the school costs of not only the initiate, but also her siblings. Initiation activities take girls out of school, and the price of initiation induces some parents to keep girls at home or have them marry, rather than continue paying for their education.[82] Because initiates are considered adults, participating in the initiation ritual can signal to girls that sexual activity is no longer forbidden, which can lead to early pregnancy,[83] and, in turn, child marriage. To the extent that initiation pushes girls out of school and into sexual relationships, early initiation contributes to the practice of child marriage.

There was a consensus among those interviewed for this report that the practice of initiation has changed dramatically over time.[84] In the past, girls were initiated in their mid- or late teens, and the process took far longer, possibly years, to complete.[85] Today girls are initiated several years earlier, sometimes in their pre-teens, and the process has been shortened dramatically, in some cases to a period of only two weeks. The women who administer initiations, called 'Soweis' in some regions, have lost some of the power and respect that they once possessed; in the eyes of many Sierra Leoneans, initiation has lost much of its prestige and much of its substantive content, particularly the training component.[86]

As the prevalence of early pregnancy has risen, parents have sought earlier initiation dates to avoid the potential shame of daughters becoming pregnant before they are recognized as women and married.[87] For some secret-society elders, the primary motivation to conduct initiations is the gifts of money or food that families give them.[88] These factors have made initiation more of a symbolic milestone on the path to marriage than an extended coming-of-age ritual.[89] Early initiation changes the way a community regards a young girl, changes the way the girl regards herself, and tends to compete with the girl's education, thereby increasing the likelihood that she will be married as a child.

Sierra Leonean culture also widely accepts polygamy, and within polygamous marriages, husbands tend to have an even more dominant role in the home.[90] Men with wealth or power, such as chiefs or village elders, often have multiple wives. As a result, parents frequently agree to have their daughters marry older men with multiple wives, leaving their daughters with little power or autonomy in their marriages.[91]

Because gender roles and age severely limit girls' ability to exercise their will, child marriage often occurs against a bride's wishes, and she is unlikely to report being married or pressed to marry against her will. Girls who have attained physical maturity and want to remain unmarried and in school are likely to be overruled by parents who, believing that there is little utility in girls obtaining an education, steer them into marriage.

4. Early Pregnancy

Early pregnancy is a growing concern in Sierra Leone and contributes to the prevalence of child marriage. Because of the social stigma associated with pregnancy out of wedlock, responsible men are expected to "answer for" these pregnancies by marrying the girls they have impregnated.[92] An unwed, pregnant daughter can represent such a source of shame that parents who suspect their daughter of being sexually active may make arrangements for her to marry in order to preclude the possibility of a pregnancy out of wedlock.[93] The Columbia Group Ethnographic Report on early pregnancy observed: "In many cases, the marriages were informal, hasty arrangements made because the girl was pregnant. Such marriages lacked the security and psychosocial supports that traditional arrangements had provided, and they left many girls at risk of abandonment and neglect."[94]

Several NGO workers and government officials interviewed for this report expressed the view that unions formed in an attempt to "cure" an unwed pregnancy often involve only token exchanges between families before the pregnant girl is transferred to the home of the father; as a result, such marriages tend to be perceived as less valid than traditional marriages.[95] These marriages, regardless of whether they entail the full range of customary marriage conventions, generate outcomes for girls that are as harmful as those of other forms of child marriage.

Pregnant girls who marry or live with men often drop out of school permanently.[96] In some chiefdoms, when a man impregnates a young girl, the chief holds him and, by extension, his family responsible for paying the mother's school fees when she is able to return to class.[97] However, even in communities that do not oppose teenage girls returning to school after they have given birth, once a girl is married, her husband may insist that she stay at home and fulfill her domestic obligations, especially once the baby's needs compete with the time and financial investment the mother's education requires.[98] Girls are often ashamed of their pregnancy and, if they return to school after giving birth,[99] suffer ridicule by their peers.[100] This, too, deters girls from returning to school after having children. Early pregnancy forms part of a harmful cycle in which child marriage contributes to low female school attendance and vice versa.

Even among those working to protect girls' rights, the issue of pregnant girls returning to school is controversial. The pressures that keep pregnant girls out of school, which include rules prohibiting them from taking the final exams necessary to proceed to the next level,[101] leave these girls with no means but marriage for supporting themselves. Most pregnant students have no alternatives, such as night schools or vocational schools, for continuing their education.[102] Schools have a responsibility to participate in efforts to discourage irresponsible sexual behavior. However, preventing girls who are willing and able to continue their education from going back to school denies them their chance to gain skills that would allow them to pursue work beyond that entailed in being a wife.

A lack of comprehensive sexual education for adolescents contributes to the problem of early pregnancy. Schools in Sierra Leone typically provide no education about the health risks of unprotected sex; how to prevent unwanted pregnancies; or girls' autonomy in deciding whether to consent to sexual activity. As a result, information that is critical to avoiding early pregnancy fails to reach many students.[103] Awareness about contraception is low in rural Sierra Leone, and in some communities, the topic of contraception is taboo.[104] While young Sierra Leoneans do not receive the kind of information on sexual health that is necessary to keep them safe, they are, according to sources interviewed for this report, exposed to hyper-sexualized Western media that encourages them

to have sex at a young age and that portrays early sexual activity as desirable and expected behavior.[105] Ignorance about sexual health makes girls less likely to avoid unprotected sex and leads to unwanted pregnancies that keep girls out of school and increase child marriage rates.

Many early pregnancies result from transactional sexual relationships involving school-age girls.[106] As discussed above, teachers also solicit sex from teenage girls, often offering higher marks in exchange for sexual favors or even threatening to fail a student if she turns down the teacher's advances.[107] The practice of "sex for grades" is prevalent throughout Sierra Leone,[108] and can form a barrier to girls being enrolled and remaining in school.

Outside of the school context, poverty drives girls to enter into sexual relationships with men who provide them with food, money, clothing, or some other material benefit in return for sex. These transactional relationships are often with men many years older than the girls, men who can afford to offer this sort of financial support. Interviewees suggested that some girls view sexual relationships as a means of securing benefits like school fees or clothing.[109] The problem is particularly dire in mining areas. Employees of foreign mining companies engage in sexual relations with young girls and then return to their home countries, leaving the girls, who may have become pregnant or given birth, without financial support.[110] Teenage girls' vulnerability to the sexual exploitation of men in positions of influence is a common cause of early pregnancy.[111]

Consensual relationships between peers also cause early pregnancy. According to interviewees, sex between classmates in secondary school is common and use of contraceptives is not.[112] The pregnancies that frequently result from these relationships can cause exceptional financial strain since often neither the girl nor her sexual partner is earning an income. Unless one of the families has the means and the will to support the young parents, their lives are difficult and the mother is unlikely to return to school. Teenage boys are often unprepared to be husbands, and they often deny responsibility for the pregnancy or neglect or abandon the mother and child.[113] The frequency with which school-aged peers engage in sexual relationships represents a challenge for reducing child marriage and improving educational outcomes for girls.

Early pregnancy, as a force pushing girls to be wives instead of students, is a threat to the development of Sierra Leone's youth. The social stigma that attaches to girls with unwed pregnancies makes many families view marriage as the immediate answer for pregnant, unmarried daughters or even sexually active daughters. The Ethnographic Report by the Columbia Group found that some mothers even send their daughters to the homes of men they intend to have their daughters marry. In these instances, a mother manipulates the situation, without revealing her intentions, to lead to her daughter having sexual relations with the man, hoping that she will become pregnant, thereby guaranteeing the marriage.[114] Even where an early pregnancy has resulted from sexual assault, the girl is sometimes expected to marry the man who impregnated her. Early pregnancies, whether due to consensual sex, transactional sex, or sexual assault, contribute to child marriages, to girls leaving school, and to the associated harms described in this report. Any effective response to the problem of child marriage in Sierra Leone will need to address early pregnancy.

B. Consequences of Child Marriage for Girls' Education, Health, and Economic Prospects

Parents are often unaware of the harmful effects of child marriage or do not view the effects as harmful.[115] Many parents feel that child marriage is in their daughters' best interest, yet girls who marry before the age of 18 are less likely to receive an education, more vulnerable to health risks, abuse, and neglect, and more likely to remain poor.

1. School Drop-Out Rates and Poverty

A girl's prospects for education after marriage are severely limited in Sierra Leone. Her lack of mobility, her domestic and childbearing responsibilities, and the prevailing social norm that marriage and education are incompatible, all make continuing in school difficult. When girls leave school, their lack of education often limits their employment opportunities and decreases their economic security.[116] Thus, parents who push their children toward child marriage - often motivated by concerns for economic security - contribute to cycles of poverty that cripple generations of families, as the children of child wives are more likely to be poor and uneducated.[117] In contrast, educated mothers are more likely to control their fertility rates and to have children with longer life spans and higher levels of education.[118] Continuing in school benefits not only the girls themselves, but their future families and their communities. Education is essential to the development of the skills necessary for girls to care for their families, positively shape their communities, and engage in the kinds of meaningful civic participation that will contribute to building a better Sierra Leone.[119]

2. Maternal Mortality and Health

Child marriage contributes significantly to Sierra Leone's high maternal mortality rate. Despite the introduction in 2010 of free health care for pregnant and lactating mothers, as well as children under five years of age,[120] Sierra Leone remains among the ten countries with the worst maternal mortality rates in the world.[121] One of every eight women in Sierra Leone dies of complications during pregnancy or childbirth.[122] Young girls, whose bodies are not yet fully prepared to give birth, are at especially high risk of dying during delivery, and pregnancy-related problems are the leading cause of death for girls between the ages of 15 and 19.[123] Girls who are not physically mature also suffer from high rates of birth complications such as obstetric fistula, a chronic and debilitating condition that requires surgical treatment.[124]

Child marriage heightens not only girls' risks during childbirth, but also other serious health risks, including HIV infection as a result of heightened sexual exposure and reduced ability to negotiate safer sex. For many child brides, particularly those in rural communities, a lack of access to, or the inadequacy of, health services can have devastating, life-long effects on the health of young mothers. Given these health risks and the lack of adequate maternal health care, child marriage is a dangerous undertaking for girls.[125]

3. Likelihood of Psychological Trauma, Domestic Violence, and Abandonment

For girls who are not yet fully mature emotionally, marriage is often a significant source of distress. Child marriage interferes with girls' ability to make the transition into adulthood in a healthy manner. It abruptly pulls them away from the safety of their parents' home and places them in a new environment where they may lack emotional support. Girls who are not prepared to deal with the responsibility of having a husband, bearing children, and being a mother often experience psychological trauma in their role as young wives that affect not only their own well-being, but also their ability to perform the duties of a mother.[126]

The significant age difference between girls and their husbands in many child marriages can create a power disparity that hinders girls' ability to negotiate sexual relations, contraception use, and decisions about having and \ rearing children.[127]

These challenges tend to be exacerbated when a young wife enters into a polygamous marriage. In a polygamous union, the culturally established authority of the man, often wealthy or powerful, and the diminished influence of the wife, who is one of several, contributes to young brides' lack of ability to make and implement personal and economic decisions.

Additionally, a wife in a polygamous arrangement is typically subordinate to any wives who were married before her, making her subject to the demands of more than one person in her family.[128] In many instances, husbands punish girls for their difficulties in coping with the responsibilities of marriage by subjecting them to domestic violence or emotional abuse or by abandoning them.[129]

Moreover, the informal cohabitation arrangements that pregnant girls are often compelled to enter lack the legitimacy, security, emotional support and legal protection of traditional customary marriages. Girls who participate in these unions are especially vulnerable to neglect, abuse, and abandonment.[130]

IV. Laws Relevant to the Prohibition of Child Marriage in Sierra Leone

Child marriage violates children's fundamental human rights and is inconsistent with Sierra Leone's obligations under international and domestic law. The following section provides a brief overview of Sierra Leone's legal system and an analysis of the relevant international human rights treaties and domestic legislation that require Sierra Leone to eradicate child marriage, both in law and in practice.

A. Sierra Leone's Dual Legal System

Sierra Leone's dualistic legal structure includes both a customary legal system – rooted in local tradition and centered around the authority of customary chiefs – and a formal legal system – derived from the British legal system and consisting of constitutional, statutory, and common law.[131]

Sierra Leone is divided into 13 districts and contains 149 chiefdoms.[132] Chiefdoms are led by Paramount Chiefs and are further subdivided into towns and villages, run by town and village chiefs, respectively. In some areas, section chiefs preside over small groups of villages.[133]

The customary legal system in Sierra Leone dates back hundreds of years, and the central political unit of this system is the chieftaincy. The Paramount Chief is the source of customary legal authority and the primary representative of the jurisdiction; as a result, "it is essentially impossible to do anything in a chiefdom without the knowledge and approval of the chief."[134]

Paramount Chiefs must belong to hereditary families known as "ruling houses" and are elected for life by the Chiefdom Councils.[135] A Chiefdom Council consists of the Paramount Chief, a Chief Speaker (the Paramount Chief's deputy), sub-chiefs, and elected tribal authorities. In addition to the Chiefdom Councils, there are Local Customary Law Courts ("Local Courts"), Chiefdom Police, Treasury Clerks, and Bailiffs that have governance functions in the provinces. Village elders, religious leaders, secret-society leaders, "big men" (powerful and influential men in the community), and youth leaders also play informal but important roles in local community governance.

Chiefdom Councils issue binding, unwritten bylaws (a form of customary law) that carry penalties in the form of fines.[139] The process by which bylaws are created involves the participation of many community leaders, and community members can propose measures to their Chiefdom Council for consideration.[140] If a Chiefdom Council agrees on a proposed bylaw, the Paramount Chief issues the bylaw as a "public notice" to be implemented throughout the chiefdom.[141] Although only the bylaws of Paramount Chiefs can be given legal status in the formal legal system through parliamentary ratification,[142] rural Sierra Leoneans view the bylaws of lesser chiefs to be binding as well.[143] Chiefdom Police are responsible for enforcing these bylaws, detecting crime, apprehending offenders, and delivering requests from the Local Courts.[144] In some villages, however, the Chiefdom Police are used only to deliver court documents.[145]

Chiefs and Local Courts usually resolve disputes through mediation as well as arbitration, with a goal of achieving a solution that preserves community harmony.[146] Local Court members lack legal training and generally do not record their decisions; many have little or no education, and some are illiterate.[147] These circumstances make Local Court rulings unpredictable.[148]

Although Local Courts are meant to operate as independent adjudicatory bodies, many chiefs exert influence over the Local Court members they appoint.[149] As one Customary Law Officer observed: "Sometimes the Local Court personnel have to dance to the whims and caprices of chiefs …. People have generally not been getting equal treatment in Local Court. They are treated by virtue of their connections with those in power."[150] Customary Law Officers have the authority to review Local Court decisions, refer appeals to the District Appeals Courts, and advise the presiding magistrate judges on the customary law relevant to the issue at hand.[151]

The formal legal system has sole jurisdiction in criminal cases involving crimes that carry prison sentences of at least six months or fines of at least 50,000 Leones (approximately U.S. $12).[152] Cases are arbitrated by magistrates and judges in formal courts and argued by lawyers trained in formal law schools.[153] The Magistrate Courts hear civil matters, business disputes, and minor criminal matters and refer cases involving more serious crimes to Sierra Leone's High Court. These courts are drastically overburdened, and cases are often adjourned many times before they are resolved; some are never resolved. Court clerks often accept bribes to speed cases along or to prevent cases from being heard.[154]

The formal system is "stacked against poor defendants," particularly in criminal matters.[155] Defendants are not entitled to lawyers unless they can afford one, and most cannot.[156] Few citizens understand their basic procedural rights. Although most proceedings in the formal system are conducted in English, only 10.2% of detainees participating in a 2009 survey stated that they spoke and understood English.[157] Arrested persons are frequently detained for unlawfully long periods of time before receiving a formal charge.[158]

Although customary chiefs were, historically, the arbitrators of disputes arising within Sierra Leonean communities,[159] now, under the Local Courts Act, chiefs may not "assume the role of local court chairmen by collecting fines, pronouncing judgments, presiding over hearings, [or] charging fees."[160] In practice, chiefs frequently charge fees, issue rulings, and levy fines during mediation proceedings.[161] These courts are often referred to as "kangaroo courts" and are illegal under the Local Courts Act.[162] The recently enacted Local Courts Act of 2011, which amends the Local Courts Act of 1963, places Local Courts under the authority of the formal justice system and requires the Chief Justice of the Supreme Court of Sierra Leone to appoint Local Court members.[163] However, the formal system's lack of capacity to oversee the Local Courts resulted in a decision by the Ministry of Justice to suspend the amended Local Courts Act's implementation until further preparation for it can be made.[164] Despite this formal suspension, one Magistrate Judge indicated that formal courts and Local Courts are now obligated to follow the 2011 Local Courts Act, not the 1963 Act.[165] Confusion continues among legal actors as to which Local Courts Act is in force.

In addition to Sierra Leone's customary and formal law, international law is relevant to implementation of the prohibition of child marriage. Sierra Leone has ratified international and regional human rights treaties that require the government to bring an end to the practice of child marriage. These international-law obligations have contributed to the deliberations of Sierra Leone's Parliament's that led to legislation prohibiting child marriage.

B. International Law

Key international and African treaties clearly prohibit the practice of child marriage. By ratifying these treaties, Sierra Leone committed itself to taking the measures, including legislation, necessary to prevent violations of the right to be free from child marriage.

1. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights

The Universal Declaration of Human Rights (UDHR) requires that "[m]arriage be entered into only with the free and full consent of the intending spouses."[166] The International Covenant on Civil and Political Right (ICCPR) includes nearly identical language. It stipulates, "No marriage shall be entered into without the free and full consent of the intending spouses."[167] Similarly, the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides, "Marriage must be entered into with the free consent of the intending spouses."[168] Sierra Leone has ratified both the ICCPR and the ICESCR and has, therefore, taken on a binding obligation to respect and protect the rights that the two treaties guarantee. Child marriage clearly violates these treaties, as a child is inherently unable to make a mature and informed decision about marriage and, therefore, is inherently unable to give her "free and full consent."

2. The Convention on the Elimination of Discrimination Against Women

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which Sierra Leone has also ratified, explicitly prohibits child marriage. Article 16 provides that "the betrothal and the marriage of a child shall have no legal effect"; it also establishes that all women have the right to freely marry and to decide the number and timing of their children without interference.[169] Moreover, the CEDAW calls on State Parties to require the official registration of all marriages.[170]

The UN Committee on the Elimination of Discrimination Against Women, the body established by the CEDAW to monitor compliance with its provisions, expressed its commitment to ending child marriage in a General Recommendation: "A woman's right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being.… [A] woman's right to choose when, if, and whom she will marry must be protected and enforced at law."[171] In 1994, the CEDAW Committee issued a nonbinding recommendation that countries adopt 18 years as the minimum age for marriage for both sexes.

3. The Convention on the Rights of the Child

After its devastating civil war that left vast numbers of children orphaned and displaced, Sierra Leone ratified the Convention on the Rights of the Child (CRC), which emphasizes four guiding principles: 1) the best interests of the child; 2) the right to life, survival and development; 3) non-discrimination and 4) the right of children to participate in decisions that affect them.[172]

Although the CRC does not specify a minimum age for marriage, the Committee on the Rights of the Child, the body created by the CRC to monitor compliance, has commented that the minimum age should be the same for boys and girls and should "closely reflect the recognition of the status of human beings under 18 years of age as rights holders, in accordance with their evolving capacity, age and maturity."[173] Furthermore, the practice of child marriage clearly violates the CRC's guiding principles: Because child marriage jeopardizes children's healthy and safe development, it is not in their best interests. Because girls who marry early generally do not have a say in the

decision to marry, child marriage also violates the principle that children should participate in decisions that affect them. Moreover, the CRC explicitly prohibits all traditional practices that jeopardize the health of children,[174] and child marriage, as this report shows, falls squarely in that category.

The CRC also prohibits state parties from recognizing or validating any marriage between persons who have not attained the age of 18 or the particular state's age of majority if it is lower; the age of majority is 18 in Sierra Leone. The CRC establishes the rights of children to protection from all forms of physical, mental, or sexual abuse,[175] economic exploitation,[176] separation from parents against their will,[177] and interference with their privacy.[178] It also guarantees children the rights to health,[179] education,[180] freedom of expression,[181] and freedom from discrimination.[182] Finally, the CRC requires states to ensure that children are registered immediately after birth.[183] Registering children at birth enables communities to correctly document the ages of children and to enforce a minimum age for marriage. Thus, although the CRC does not explicitly prohibit child marriage, its contents – particularly read in light of the UDHR, ICCPR, ICESCR, and CEDAW – provide "an urgent rationale to abolish child marriage."[184]

4. African (Banjul) Charter on Human and Peoples' Rights

The African Charter on Human and People's Rights requires States to "ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions."[185] It further provides that all individuals have the right to the "best attainable state of physical and mental health" and a right to education.[186] Child marriage jeopardizes girls' health, compromises their right to education, and, as discussed above, violates a host of international human rights conventions. Therefore, the persistence and prevalence of child marriage constitutes a violation of the African Charter on Human and Peoples' Rights.

5. The African Charter on the Rights and Welfare of the Child

Sierra Leone ratified the African Charter on the Rights and Welfare of the Child (ACRWC) following the domestic civil war that left its children traumatized and displaced. The ACRWC unequivocally prohibits child marriage and establishes 18 as the minimum age of consent to marriage. Article 21 states: "Child marriage and the betrothal of girls and boys shall be prohibited, and effective action including legislation shall be taken to specify the minimum age of marriage to be 18 years."[187]

The persistence of child marriage in Sierra Leone violates the government's obligations under the international and regional human rights treaties discussed above. In keeping with its obligations under international law, Sierra Leone has taken important steps toward abolishing child marriage through domestic legislation, particularly by passing the Child Rights Act of 2007. As discussed above, however, implementing the CRA's prohibition of child marriage has presented many challenges.

C. Domestic Law

1. The Child Rights Act

In 2007, the Sierra Leonean government enacted the Child Rights Act in order to comply with its international legal obligations under the CRC and the ACRWC.[188] The CRA establishes the age of 18 as a minimum for marriage, regardless of whether the marriage is carried out under formal, customary, or religious law.[189] Section 34(2) of the Act goes further, specifying 18 as the minimum age to be betrothed (promised for marriage) or to be the subject of a dowry transaction.[190] Section 34(2) prohibits forcing a child to be married, betrothed, or the subject of a dowry transaction.[191] Section 35 provides that any person found in violation of this provision has committed a criminal

offense and may be subjected to a fine of up to 30 million Leones[192] or a prison term of no more than two years or both.[193]

The CRA calls for the establishment of Family Support Units (FSUs) - teams of police officers and social workers that are required to investigate and monitor child-protection cases. It also calls for the creation of Child Welfare Committees, which are groups of community members appointed to hear disputes relating to child-protection issues and to monitor the implementation of children's rights at the village and chiefdom levels. The Act further mandates the establishment of a National Commission for Children (NCC) to monitor the implementation of the CRC and ACRWC and to advise the government on policies aimed at improving the welfare of children in Sierra Leone. It also requires the establishment of a Family Court to hear cases specifically related to child-protection issues.[194] Finally, the CRA requires the registration of all children at birth, as the current lack of birth registration complicates efforts to determine people's ages and to deduce whether an individual is a legal adult.[195] Although the Ministry of Social Welfare played a central role in the enactment of the Child Rights Act, many government officials and civil-society actors interviewed in Sierra Leone believe that the legislation came about as the result of international pressure and was not the product of an organic, domestic political movement. Some interviewees stated that the process included substantial participation by the domestic Sierra Leonean community,[196] but most government officials and NGO workers interviewed claimed that the Act was "pushed through" the Sierra Leonean legislature by the United Nations and international NGOs at the same time that nearly identical laws were passed by neighboring states' legislatures.[197] As a result, many Sierra Leoneans have criticized the CRA as a product of foreign interests that was hurried through the legislature and did not represent the independent will and efforts of domestic leaders. Government officials interviewed for this report confirmed that the central government is less inclined to enforce laws pushed through by external parties,[198] which could explain, at least in part, why enforcement of the Child Rights Act has been lacking.

2. The Registration of Customary Marriage and Divorce Act

The Registration of Customary Marriage and Divorce Act ("Customary Marriage Act"), enacted the same year as the Child Rights Act, directly contradicts the CRA's absolute prohibition of marriage before age 18. The Customary Marriage Act addresses customary marriage procedures and is applicable to the majority of marriages, which take place in rural areas under the authority of the customary legal system. Section 2 of the Customary Marriage Act provides that a customary marriage is valid only if both spouses are more than 18 years old and consent to the marriage.[199] However, the Act carves out an exception in Section 2, which provides:

> 2.2 Where, either of the prospective spouses … is less than eighteen years, it shall be necessary for the parents to give consent to the marriage and if the parents are dead or unable for any reason to give such consent, then the consent may be given by the guardians of the prospective spouse.[200]
>
> 2.3 If the consent of the parents or guardians cannot be obtained or is unreasonably withheld, a Magistrate or Local Government Chief Administrator of the locality in which the marriage is to take place may give his consent.

This provision - allowing parents, and in the absence of parental consent, local government officials, to consent to a child's marriage - creates a legal loophole that permits customary child marriages and expands the authority to consent to a child's marriage beyond the family, giving local officials the

power to override parental objections and authorize child marriages. The Customary Marriage Act contradicts the goal of Sierra Leone's international obligations and of the Child Rights Act to prevent marriages below the age of 18.

Several government officials and NGO workers interviewed for this report believed that the conflict between the CRA and the Customary Marriage Act is the result of an oversight – namely, that Parliament passed the two acts in rapid succession without careful consideration of how they relate to each other.[201] However, as others have pointed out, the Parliament had an opportunity to amend the problematic provision when it voted on the Customary Marriage Act in 2009 and did not do so.[202] The Law Reform Commission, which is the government body responsible for harmonizing conflicting laws, and the Rules of Court Committee, which has taken on a similar role, has yet to issue a report addressing the discrepancy between the two acts. NGOs and other members of Sierra Leonean civil society are reportedly engaged in an effort to lobby the government to amend the Registration Act and to address the inconsistency in the law, which muddles what was meant to be a clear message that child marriage is illegal under all circumstances, notwithstanding the desires of parents or other adults.

3. The Domestic Violence Act

The Domestic Violence Act, also passed in 2007, prohibits any person in a domestic relationship from engaging in physical or sexual abuse, economic abuse, emotional, verbal or psychological abuse, harassment, and all conduct that in any way harms or may harm another person.[203] Violations of the Domestic Violence Act carry a maximum fine of 5,000,000 Leones (approximately U.S. $1,155) and a maximum prison term of two years.

Although the Domestic Violence Act does not address child marriage specifically, perpetrators of child marriage can be held liable for domestic violence under the Act.[204] Lawyers and one magistrate judge interviewed for this report confirmed that child marriage is considered a form of domestic violence, subject to punishment under the Domestic Violence Act.[205]

4. The Sexual Offences Act

In 2012, Sierra Leone's Parliament passed the Sexual Offences Act, which establishes the age of sexual consent at 18, and raises penalties for perpetrators of sexual violence against children. This was a welcome change to the Prevention of Cruelty to Children Act that preceded it, which prohibited "unlawful carnal knowledge" of children under the age of 14, yet defined the child as anyone under 16 years of age.[206] The new Act thus harmonized the age of sexual consent with the age of consent to marriage in the Child Rights Act, eliminating this obstacle to its enforcement.

The Customary Marriage Act, which allows for child marriage (in customary marriages) provided there is parental consent, remains fundamentally incompatible with and an obstacle to the goals of the Child Rights Act, the Domestic Violence Act, and the new Sexual Offences Act. Amending the Customary Marriage Act is a necessary step towards clarifying the message that child marriage is illegal for all children under the age of 18 and towards eliminating the practice of child marriage in Sierra Leone.

Despite significant government and civil-society efforts to sensitize communities to the CRA, the practice of child marriage remains common in many rural communities. No government official, lawyer, or civil society member interviewed for this report was able to give an example of a prosecution, conviction, or penalty arising from a case of child marriage, with the exception of one case that was reportedly prosecuted in Freetown.[207]

V. Factors Affecting Implementation of the Child Marriage Prohibition

The lack of child marriage prosecution is, in part, a reflection of many Sierra Leonean communities' continuing acceptance of child marriage. As discussed in Section III, poverty, educational practices, traditional gender roles, initiation rituals, and early pregnancy are part of the complex web of factors that have contributed to the practice of child marriage in Sierra Leone. Many Sierra Leoneans view child marriage as a respectable cultural tradition that allows families to forge bonds with one another, avoid the stigma associated with unwed pregnancy for girls, and alleviate poverty by ensuring that girls are taken care of by their new husbands. All of these factors that have traditionally sustained the practice of child marriage also impede efforts to eliminate it in rural communities.

Furthermore, many people in the country remain unaware of the CRA's child marriage prohibition. Even for those familiar with the prohibition, discomfort with the concept of children's rights is a cultural barrier to implementing formal law, such as the CRA, that requires changing traditional practices. Rights-based programs to sensitize people on the harms of child marriage have met resistance from those parts of Sierra Leonean society that view children's rights as threatening the authority of parents, which is a significant part of traditional culture.[208] Interviewees criticized this notion of children's rights, and the Child Rights Act itself, as a foreign (Western) idea that does not fit with crucial aspects of Sierra Leonean culture.[209]

Parents who think that children's rights prevent them from doing what they believe is best for their children are unlikely to be receptive to programs designed to educate them about the CRA. Organizations engaged in sensitization about children's rights have tended not to frame the discussion in terms of the harms that violations cause or to acknowledge the duty-based family structure that is deeply part of Sierra Leonean culture.[210] The exclusive reliance on the language of rights and the failure to discuss duties that parents owe their children and that children owe their parents diminishes the probability that people in rural communities will be receptive to advocacy messages about stopping child marriage.

In addition, when girls overcome these cultural and socio-economic dynamics to resist child marriage, their access to the formal justice system, as well as their ability to navigate the system successfully, is often limited. The Family Support Unit struggles under significant capacity constraints that limit its ability to assist rural communities struggling with child welfare issues. Furthermore, due to their lack of training and awareness about child marriage, its harms and its legal prohibition, customary law authorities often fail to properly and fairly address child marriage cases and to refer these cases to formal authorities.[211] Consequently, instances of child marriage in rural communities have been vastly underreported since the passage of the CRA in 2007.

A. obstacles to Enforcement in the Formal System

Implementing formal law is challenging in rural areas, where the majority of the population views the traditional, customary legal system as the primary source of legal authority in their lives. According to surveys taken by the World Bank's Institutional Reform and Capacity Building Project (IRCBP), rural populations trust customary leadership more than they trust the formal government. Rural people are

more likely to turn to customary chiefs and local (customary) courts to arbitrate conflicts than they are to turn to formal government bodies such as police units and magistrate courts.[212]

Due, in part, to the primacy of customary law over formal law, there is a tremendous gap between the formally required process for responding to child marriage cases and the actual response. Formal law requires government agencies to handle child marriage cases by using the "Referral Pathway." The Referral Pathway, laid out in the National Referral Protocol for Victims of Sexual and Gender Based Violence, defines the responsibility of various government agencies and service providers to immediately refer all cases of sexual or gender-based violence against children, including child marriage cases, to the Family Support Unit (FSU), the District Health Management Team, or the Peripheral Health Units, depending on the severity of the case and whether medical treatment is needed.[213] The FSU is to interview the victim and, when it is warranted, begin investigating the case for possible prosecution of the alleged perpetrator.[214]

However, the Referral Pathway has rarely been followed precisely. Most child marriage cases go unreported and never reach the FSU, as girls face pressure to refrain from reporting child marriages and other abuses. Instead, they are reported to customary leaders, NGOs, local school management committees or child welfare committees. While these should be referred to the Magistrate Courts to adjudicate, almost all cases are mediated outside of the courts. When such cases are reported, the FSU often mediates the disputes instead of investigating them as child marriage cases.

None of the officials interviewed for this report were aware of any cases, other than one reportedly brought in Freetown, that had been referred to the formal court system. According to one Magistrate Judge, as of March 2012, no plaintiff or prosecutor had used the courts to hold a perpetrator liable for violating the Child Rights Act's prohibition of child marriage. No parent or husband had ever been fined or imprisoned for a violation of the Child Rights Act.[215] Not a single case involving child marriage has come before the Magistrate Court that hears all matters, including all criminal, civil, and juvenile cases appealed from the Local Courts, in Sierra Leone's Northern Province.[216]

This section examines three primary causes for the under-utilization of formal legal avenues to prevent child marriage in rural areas:

- the lack of education and awareness about the formal legal system and laws prohibiting child marriage;
- the dire lack of resources that diminishes the capability of formal legal structures to carry out their enforcement duties; and
- the lack of political will to treat child marriage as a priority worthy of the resources needed to implement the measures put into place to end it.

1. Lack of Education and Awareness About Child-Protection Laws

The low rate of reported violations results, in part, from a lack of awareness of the law. The failure to report child marriages remains a crucial obstacle to enforcing the CRA and to reducing child marriage. Young girls lack educational opportunities generally and, more specifically, are not aware of their rights. As a result, they do not know where to turn when their rights are violated; neither do others in the community who might be in a position to help them.[217]

In many rural schools, rights education is not part of the school curriculum.[218] As noted above, a group of local teachers interviewed were not familiar with the CRA and, therefore, did not educate their students on its contents.[219] In addition, the government has not adequately informed people in rural areas of their right to gain access to formal courts. As a result, they are largely unaware that the Magistrate

Courts are available to resolve marital disputes and child marriage cases.[220] This lack of awareness about the judiciary's role in adjudicating marriage cases results in the courts not being utilized by those who most need access to justice.

Education and sensitization programs are important but are not themselves sufficient to end the practice of child marriage. As many NGO workers in Sierra Leone have noted, efforts to educate rural populations about laws protecting children have not brought increased enforcement.[221] Instead, sensitization efforts have led to significant resistance from rural communities over the use of children's rights discourse, which has complicated efforts to enforce formal child marriage laws in rural communities.[222] Children's rights education may have also fueled the more recent phenomenon of girls being initiated at increasingly younger ages (reportedly, 11 to 13), discussed above.[223] Without increased policing, law enforcement, and access to formal courts in rural areas, rights education and community engagement about the harms of child marriage have not been effective in deterring the practice.

2. Lack of Funding for Police Force and Family Support Units

The government institutions responsible for working to prevent and redress child marriage – such as the Sierra Leone Police Force and, within it, the FSU – are so severely under-funded that their capacity is extremely limited. A national study showed that police are not present in 90% of Sierra Leone's communities.[224] Moreover, victims and families of victims rarely report child marriage disputes: Several police units have stated they have never received a report of a child marriage case, although they do receive other reports of violence against children.[225]

The mandate of the FSU is to investigate and respond to all cases involving child abuse, including sexual assault, trafficking, and child marriage. Although the FSU's mandate also includes a proactive role in educating communities about child protection laws,[226] the unit's role, in practice, has been almost completely reactive, responding to reports of abuse.[227] When a child marriage case is brought to the FSU office, the "Referral Pathway" requires FSU officers to report the case to the Magistrate Court for prosecution. However, the FSUs have generally taken a mediation approach, intervening with a family to stop a marriage from taking place or, if the marriage has been stopped, to help the girl return to her family. In mediation, the FSU officers counsel the relevant parties, informing them of the prohibition against child marriage in the Child Rights Act and the potential penalties for violating the Act. This tendency to mediate rather than refer to the formal courts may reflect awareness of the formal courts' lack of capacity. The CRA's heavy criminal penalties may also be driving parties to pursue mediation to settle disputes outside the courts.

Although the establishment of the FSU is a step in the right direction and has improved the prospects for victims of child marriage to obtain justice, the FSU suffers from a dire lack of resources that renders many of the FSUs unable to perform essential functions. FSUs receive no funds from the government to supplement their child protection activities; these are funded either by NGOs or the private parties seeking the FSU's services, if they can afford it.[228] As a result, the number and quality of FSUs in the provinces is insufficient. There are 43 FSUs in the entire country.[229] In the Bombali district, which spans 3,083 square miles, there are only two FSUs. Girls may have to walk more than five hours to reach one - a reality that deters victims from reporting abuse in the first place. There are some mobile FSUs, with officers traveling to villages, but experts have estimated that FSUs reach only 10% of child-protection cases in the country.[230]

If victims manage to reach an FSU, they still face considerable challenges before

they gain access to help. FSU offices lack basic supplies, such as vehicles and even writing supplies. Officers often ask a person seeking assistance to first purchase the pen and paper necessary to take her statement.[231] If a case requires an FSU officer to visit a community, the officer often asks the victim to provide the transportation.[232] As those coming to the FSUs for help are generally impoverished and vulnerable, these demands can create insurmountable barriers to their access to justice.

FSU officers receive training in child protection law. Nevertheless, some choose not to enforce the Child Rights Act, as they do not view child marriage as a problem.[233] Police officers in units other than FSUs have even less training on child-protection issues and are also frequently unwilling to enforce the law by stopping a child marriage.[234] The director of the national FSU Program has suggested that all police units will soon receive training similar to the FSU's to prepare them for sensitive child-abuse cases.

The effectiveness of the FSUs reportedly increased once they began to exercise – or began threatening to exercise – their power to detain uncooperative perpetrators who refuse to participate in the mediation process.[235] Yet the threat of detention can also dissuade a girl from reporting her case to the FSU for fear of being disowned by her parents or bringing shame to her family by sending her parents or prospective spouse to jail. As the FSU Director described it, "to report to the FSU is like reporting your parents."[236] This problem is exacerbated by the location of many FSU offices within larger police stations, where there is little privacy or confidentiality for victims. When cases are reported, parents often are quick to accept the mediated solution in order to avoid the court system and protect the family name. Finally, people in rural areas remain more likely to go to the local chief with a dispute than they are to utilize the FSUs, as customary law is considered more legitimate than formal law, customary authorities are geographically closer to individuals than formal authorities, and the customary system is the most familiar forum for many rural Sierra Leoneans.[237]

3. Limited Access to Formal Courts

Limited access to formal courts is an important factor contributing to the popular reluctance to bring cases through the formal judiciary system. If cases were to start reaching formal courts, moreover, these courts' limitations would likely constrain their effectiveness. The capacity constraints and other limitations endemic to the formal system thus add to the difficulty of implementing the Child Rights Act. In addition, the other institutions called for in the CRA – among them, a Family Court, which was to be the court of first instance for adjudicating child marriage cases, and the National Commission for Children, which was to be responsible for overseeing implementation of the prohibition on child marriage[238] – have not been created in the five years since the CRA was passed.

The primary challenge facing the judiciary is the dramatic lack of resources and staff. Currently, there is only one Magistrate Judge sitting on the Magistrate Court for the entire Northern Province. The Magistrate Court handles civil, criminal, and juvenile matters – essentially any legal dispute that might arise in the region – and hears hundreds of cases per week. It also serves as the District Court of Appeals and, in this capacity, can review the decisions of the Local Courts. If a dispute involving child marriage originated in the customary system's Local Courts, it would reach the formal system on appeal to the District Court of Appeals. These cases are referred by Customary Law Officers, who review Local Court decisions and refer cases to the District Court of Appeals, where the judge hears the case with the assistance of legal advice from customary-law specialists.[239] If the dispute was initially brought to the police or FSU, it would then be referred to the Magistrate Court, bypassing the customary system.

Of the thousands of cases that the Northern Province Magistrate Judge has encountered, not a single case involving child marriage has ever come before him. This can be attributed to a number of possible factors, including: 1) the lack of education in rural areas about the Magistrate Court's availability to resolve marital disputes; 2) lack of awareness of the Child Rights Act's prohibition against child marriage; 3) family pressures to settle marital disputes outside the court, using alternative dispute resolution mechanisms, or not to report marital disputes at all; 4) physical barriers to access, including the need to travel long distances to appear in court; and 5) procedural barriers to access, including the need for proof of age and marriage.

The requirement of proof of age and marriage tends to make the FSU unwilling to refer cases to court in the absence of such proof. Because many parents do not register their children at birth (around 78% of births are registered),[240] and few people register their customary marriages, the need for evidence proving age at the time of marriage serves as a substantial barrier to resolving cases through the formal court system.

The distance of courts from most rural people, which is a significant obstacle to access to justice, is a result of the underfunding and understaffing of Magistrate Courts. Although magistrate courts are supposed to cover only one district, the lack of available judges means that magistrate courts must cover multiple districts, resulting in a far heavier caseload and increased challenges to access for those who must travel long distances. This problem is exacerbated by the fact that (as mentioned above) the Family Court, prescribed by the CRA to hear these cases, was never established. Judges are relatively scarce in Sierra Leone and have a high turnover rate due to modest public-sector salaries and competitive private-sphere salaries.

Finally, due to the lack of resources afforded to public service workers, cases may take months to reach the courts and, once in the courts, may move at a very slow pace. The low salaries paid to public legal officials contributes to corruption, further hindering access to justice.[241]

4. Lack of Funding for the Ministry of Social Welfare and Child Welfare Committees

The Ministry of Social Welfare is among the central government's most underfunded and understaffed ministries. It relies on NGOs to provide the resources necessary to implement the child-protection programs required by the Child Rights Act.[242] As a result, a national study showed, social workers are not present in at least 90% of Sierra Leonean communities. Moreover, the Ministry's minimal budget creates a challenge for CRA implementation. Although the CRA calls for the establishment of a Child Welfare Committee in each village to handle local disputes involving child-protection issues, the Ministry of Social Welfare decided in late 2010, due to financial and operational-capacity shortages, not to include village-level Child Welfare Committees as part of the implementation process.

5. Insufficient Political Will

Although the CRA is a significant step in Sierra Leone's effort to end child marriage, the government has not allocated the funds necessary to implement its prohibition against child marriage. The government operates with considerable financial constraints at every level. Nevertheless, the lack of funding for the institutions described above has allowed the CRA's prohibition of child marriage to go unenforced. Even with its limited resources, the Sierra Leonean government must make child marriage a priority and commit to work toward ending the practice by securing and allocating the resources necessary to do so.

B. The Role of the Customary Legal System in Efforts to End Child Marriage

The customary legal system in Sierra Leone is more familiar, accessible, culturally relevant, and influential in most people's lives than the formal legal system, especially in rural areas. Customary bylaws prohibiting child marriage have been passed and enforced, reportedly with modest success in a number of chiefdoms,[243] and many customary and central-government authorities interviewed for this report suggested that such bylaws are an integral part of the movement to implement the Child Rights Act.[244] However, despite the customary system's strengths, its underlying traditional mores create barriers to justice for young people, particularly girls, in rural communities. Justice has been particularly difficult to obtain for women and girls in the context of domestic disputes.[245]

General weaknesses within the customary legal system have likely hindered customary authorities' ability to mediate and adjudicate child marriage disputes in a manner that respects the rights of children who are being pressured into marriage.[246] Customary authorities often discriminate against women and young people to a greater extent than do formal authorities[247] and often settle child marriage disputes in a manner that is not in the best interests of children and girls.[248]

The issue of child marriage also presents difficult jurisdictional questions. The institution created by the CRA to adjudicate child marriage cases, the Family Court, has not yet been established.[249] Although customary bylaws offer a means to enshrine the norm against child marriage in local customary law, ambiguities and tensions in the relationship between formal and customary law make it unclear which authorities, if any, have the power to enforce such bylaws and what methods of enforcement may be used. Nevertheless, customary officials and institutions often operate outside the boundaries of their formal jurisdiction—largely due to the necessity created by the dearth of formal legal infrastructure—and it is likely that customary authorities will continue addressing marital disputes regardless of technical jurisdictional boundaries.

The situation of jurisdictional ambiguity that has hampered efforts to enforce the law prohibiting child marriage could be improved by the government taking steps to clarify responsibility and authority for handling child marriage cases at a local level. Further efforts to sensitize customary officials and encourage those who are likely to mediate marriage disputes to uphold the child marriage prohibition could also improve enforcement efforts. The issuance of bylaws outlawing child marriage, combined with customary authorities speaking out against the practice when mediating child marriage disputes, is critical to prohibition efforts. As customary authorities become more sensitized to the harms of child marriage, customary authorities' mediation should support, but not replace, the involvement of the FSU in child marriage cases.

1. Legitimacy of the Customary Legal System in Rural Sierra Leone

In rural areas, where child marriage generally occurs, customary authorities are often considerably more accessible and familiar to people than the formal justice system. As discussed above, formal legal structures may seem foreign, expensive, and difficult to understand for both adults and children, whereas most adults are familiar with customary bylaws, chiefs' customary courts (or "kangaroo courts"), and the Local Court system. While formal law enforcement officers may be many miles from a rural village, customary authorities usually live in the communities they serve, and most people know the customary leaders in their community by name.[251]

Consequently, many rural Sierra Leoneans favor the customary system over the formal legal system, which, as described above, is often inaccessible, expensive, unfamiliar, and limited in its practical capacity to assist people in rural communities.

People identify culturally with customary norms and are more likely to feel compelled to abide by them than by formal law. Furthermore, because chiefs and Local Courts are far more equally distributed throughout rural communities than are formal law enforcement officers, customary bylaws are often enforced more regularly than formal laws. "People are afraid of small-small law, more so than formal law, because formal law doesn't always have punishments," said one Local Court member. "The Child Rights Act can say not to initiate girls, but there's no punishment. The small-small law gives a punishment."[252] Violations of bylaws can result in fines, imprisonment of up to six months, or both.[253] Thus, the support of customary authorities, with their strength in enforcing customary norms, is crucial in the effort to eradicate child marriage.[254]

2. Discrimination Against Women in Customary Adjudication

While most Sierra Leoneans respect customary law, it often provides unequal justice to various categories of people. In particular, customary law tends to discriminate against women and young people,[255] decreasing the likelihood that customary arbitration will afford justice to young women seeking to resist child marriage. Where strong norms against child marriage do not exist, customary authorities biased in favor of older community members and men are likely to be predisposed to settle cases in a way that does not give priority to the needs of girls.[256] A representative from Plan Sierra Leone stated:

> To simplify, a girl who doesn't want to get married in rural areas often needs the backing of an NGO or a support group if she wants to stay in school without getting married. FSU is often difficult to access, so she can't go to them directly. Running away obviously involves dropping out of school. ….[A]ppealing to their family members will likely lead to marriage, and appeals to the chief almost always end up resulting in marriage as well.[257]

Local Courts have the legal authority to levy fines and imprison individuals for short periods of time, but they have typically arbitrated cases with the aim of finding a compromise that preserves peaceful relationships within the community.[258] As one Local Court member explained, "We don't punish people; we always talk to resolve the matter with negotiation."[259] This tendency toward mediation and compromise reflects a larger cultural preference for restorative justice and a desire to avoid direct conflict.[260] However, unless this preference for restorative justice is paired with a strong determination that child marriage is an unacceptable outcome of dispute resolution, customary authorities' efforts to maintain community tranquility may directly contradict their obligation to protect children from child marriage.

Customary decisions that are biased in favor of men are especially common in marital disputes, which have often been settled in a way that ensures that a husband does not "'lose face,' even where he is openly wrong."[261] Although such biases also exist in the formal system, they are more pronounced within the customary legal system.[262] Research for this report indicated a need to further sensitize Local Courts about equal treatment in domestic disputes. In one interview, Local Court members revealed that if a woman has been beaten by her husband and desires a divorce, she must wait six months for the Local Court to take action, even though the court has the power to grant her an immediate divorce.

> To get a divorce today, you can go to the Local Court. Any woman can get a divorce today. Normally, when a divorce is asked for, they try and

> give [the parties] a few months to resolve the matter …. After that, if you want to leave, you must pay a fee of 25,000 Leones to get a divorce. This fee is a way of encouraging the woman to fix the problems [in her marriage]. If a woman is getting hit by her husband, the girl's parents can try and resolve the problem. If they can't resolve it, they refer the matter to the Local Courts. The court has six months to fix this issue. If they can't resolve the matter and the situation is still violent, the woman is free to leave and she does not have to pay a fine.[263]

While the lack of judicial capacity often results in long delays within the formal legal system, the lenient and unnecessarily delayed response to domestic violence that this Local Court member described fails to recognize the serious nature of this crime. However, just as Local Court members have learned that serious forms of violence such as rape must be referred immediately to the police,[264] Local Court members' perceptions of child marriage can also change. NGOs interviewed for this report said that further sensitization and training could enable Local Court members to better identify all forms of gender-based and domestic violence – including child marriage – as serious and urgent offences rather than culturally acceptable practices.[265]

Informal dispute-mediation practices for conflicts among families have tended to rely on and reinforce harmful customary norms that result in child marriages.[266] Studies indicate that in cases of child-welfare and domestic disputes, many "negotiations between families focus more on family image and harmony than on the best interests of the child."[267] As one Village Development Committee member commented, "people just mediate [child marriage conflicts]. The law is not doing anything."[268] Customary biases against women and girls in the context of dispute resolution, as well as the acceptability of child marriage in many communities, are significant obstacles to girls' ability to bring their cases before customary officials. If, to protect the family name or avoid conflict, parents prevent their children from reporting child marriage violations to customary authorities, neither the customary nor formal system will be able to assist them.

3. Failure of Customary Chiefs to Legislate and Enforce Bans on Child Marriage

Chiefs have not been consistently or adequately provided with information that could encourage them to pass bylaws prohibiting child marriage; that includes information on the harmful consequences of child marriage and on the contents of the Child Rights Act.[269] Not all paramount chiefs and sub-chiefs have received the same level of sensitization about child-welfare issues and the CRA,[270] and for remote areas of Sierra Leone, such as Kabala and other northern districts, formal-law norms on child marriage tend to be particularly alien.[271]

Among chiefs who have received sensitization training, not all embrace the concept of children's rights.[272] One central-government official described chiefs' resistance to children's-rights and gender-rights sensitization:

> When it came to gendered practices, there was a lot of resistance [from chiefs]. The chiefs felt that gender and child-rights language made men and parents look evil. If you sensitize a woman and then they start challenging their husbands, [chiefs thought] that might create problems.[273]

Such resistance from chiefs can be particularly detrimental to child marriage prevention efforts, as people tend not to abide by norms that their chiefs do not respect. Although some chiefs have taken progressive stances on child marriage, many do not support the CRA's prohibition against child marriage[274] and some have under-age wives themselves.[275]

The absence of bylaws prohibiting child marriage reflects not only chiefs' lack of knowledge about the CRA and about the harmful effects of child marriage, but also their unwillingness to alter a longstanding and politically sensitive tradition. A representative of Defense for Children International observed, "Chiefs are traditional leaders subject to elections, and they are careful in passing bylaws. They won't pass something that is not in their best interest."[276] A Paramount Chief who has passed bylaws against child marriage commented that both the size of a chiefdom and the way in which a chief acquired his chieftaincy can influence his ability to pass and enforce bylaws against child marriage.

> Some chiefdoms are large in size, so it is harder for them to eradicate child marriage. Some chiefs have problems because the people fight to remove them. Sometimes, because of the way they got their chieftaincy [either through a challenge or through an election], there are people who are the chiefs' enemies, so there is resistance to bylaws against things like child marriage.[277]

Without additional sensitization efforts to convince community members and their leaders of the multiple harms that child marriage perpetuates, chiefs remain unlikely to pass bylaws prohibiting the practice.

5. The Ambiguous Role of Chiefs and Local Courts in Enforcing the Prohibition Against Child Marriage

Historically, as discussed above, chiefs have functioned as the primary adjudicators in their communities.[278] Although the Local Courts Act bars chiefs from holding adjudicatory hearings, levying fines, and charging adjudication fees, chiefs have continued to do so, as gaining access to lawful venues such as Magistrate Courts is difficult for rural people.[279] In a recent survey of rural Sierra Leoneans, 60% of respondents indicated that they brought their disputes before a chief or village elder in the first instance, while 26% said they brought them to the police, and only 2% said they brought them before a Magistrate Court.[280] Thus, although adjudication by chiefs violates national law, it remains the most frequently used and familiar means for dispute resolution. Chiefs may lawfully mediate matters that are brought before them, but their lack of legal authority to assess penalties for customary-law violations, including violations of law prohibiting child marriage, has limited their ability to combat child marriage.[281]

Although Local Courts adjudicate child marriage cases,[282] their jurisdiction over such disputes is unsettled. According to the 1963 and 2011 Local Courts Acts, Local Courts may "hear and determine all criminal cases where the maximum punishment which may be imposed does not exceed a fine of 50 pounds or imprisonment for a period of 6 months or both such fine and such imprisonment."[283] The Child Rights Act provides that child marriage violations are subject to criminal penalties greater than the maximum penalty that Local Courts may assess under the Local Courts Act.[284] The level of penalty prescribed by the CRA thus divests the Local Courts of authority to hear or determine child marriage cases, even though child marriage is a customary practice.[285] Local Courts are prohibited from assessing fines or jail time for child marriage violations and are required to refer these cases directly to a Magistrate Court. However, as no child marriage dispute has ever reached the trial phase in a formal law court outside of Freetown, no court has had the opportunity to interpret the jurisdiction of Local Courts over child marriage disputes.[286] Although Local Courts do not have authority to levy the fines or sentences that the CRA prescribes for child marriage violations, the Registration of Customary Marriage and Divorce Act does permit Local Courts to "declare a customary marriage invalid on the ground that either of the spouses is a minor,"[287] and they may be able to issue a civil injunction to prevent a child from marrying.

Local Court members often adjudicate cases, including child marriage cases, which are outside of their jurisdiction.[288] Their willingness to adjudicate child marriage cases might be a product of genuine confusion about their jurisdiction as well as their awareness of a clear, practical need for Local Courts to informally "expand" their jurisdiction in communities where access to formal adjudicatory bodies is limited.[289] As Local Courts often adjudicate marital disputes,[290] adjudicating child marriage cases would be appropriate, notwithstanding jurisdictional limits on penalties. The practical limitations of the formal adjudicatory system create a need that Local Courts can help fill.

Several customary law and formal law officials interviewed for this report stated that Local Courts are an appropriate first venue for child marriage disputes to be heard.[291] Under the Child Rights Act, Family Courts would be the appropriate first venue for child-welfare cases, but these courts do not yet exist in Sierra Leone.[292] While Magistrate Courts could be an appropriate first-instance court for child marriage disputes, they are often far from rural villages, are expensive for people to utilize, struggle with overwhelming caseloads,[293] and hear domestic disputes on only one day each week.[294] All of these factors make Local Courts, as a practical matter, a crucial forum for providing formally recognized, accessible child marriage dispute resolution, with a critical role to play in eradicating the practice.

6. Customary Bylaws That Prohibit Child Marriage Show Promise as a Means to Achieving the Child Rights Act's Goals

Bylaws prohibiting child marriage could play a significant role in preventing the practice, even if the jurisdiction of customary authorities to levy fines or penalties is limited. Customary authorities can invoke customary bylaws prohibiting child marriage during mediations. Local Courts could issue civil remedies (such as a divorce or an order blocking the marriage of an under-age girl) on the basis of such bylaws. Local Courts and chiefs are often the first forums to hear child marriage cases.[295] Although Local Courts lack jurisdiction to levy criminal penalties for child marriage violations,[296] Local Court members often levy fines against individuals who violate customary bylaws, including existing bylaws that already prohibit child marriage.[297]

Child marriage disputes are likely to come to chiefs. They have the authority to rely on customary child marriage bylaws when informally mediating such disputes, provided that they do not hold official hearings, levy fines, or collect adjudication fees.[298] The potential for Local Courts and chiefs to support the prohibition on child marriage locally does not detract from their legal obligation to notify an FSU immediately when child-welfare cases come before them. However, Local Courts and chiefs are often the only accessible authorities able to resolve disputes in rural settings, and people are likely to go to them to resolve child marriage disputes, regardless of formal limits on their jurisdiction. To play an effective role in resolving child-marriage disputes and in achieving the Child Rights Act's mandate to end child marriage, customary authorities' capacity to address these disputes needs to be strengthened.

The customary system's accessibility, legitimacy, cultural relevance, and familiarity to most rural people make this system a potential tool for eradicating child marriage in rural communities. However, many of these strengths have yet to be fully realized. Problems such as Local Courts' lack of legal training, the age and gender biases held by some customary authorities, and instances of politically motivated rulings, have hindered the customary system's ability to play a more vital role in promoting justice for girls throughout Sierra Leone.

Because rural people are often more familiar with and pay greater attention to customary bylaws than to formal laws, chiefs' issuance – and, in some instances, enforcement – of bylaws

prohibiting child marriage and child initiation has had local impact.[299] By passing bylaws against child marriage and informing parents that child marriage is against both formal and customary law, chiefs can play an important role in transforming social norms and assisting girls who would otherwise be forced into marriage.[300]

Many central-government, civil-society, NGO, and customary-law actors interviewed for this report stated that the issuance of bylaws prohibiting child marriage is an effective strategy for eliminating child marriage.[301] The legitimacy and cultural salience of the customary system gives local communities a sense of ownership over child marriage bylaws that can increase people's willingness to refrain from engaging in the practice of child marriage. Bylaws prohibiting child marriage further the aims of the Child Rights Act by providing a familiar and enforceable form of customary prohibition that rural Sierra Leoneans are generally inclined to follow.

Several NGO officials, customary authorities, and Local Council members interviewed for this report referred to bylaws on early pregnancy. These bylaws require a boy who impregnates a teenage girl to "sit at home" with the girl during her pregnancy, pay a substantial fine to the chief, financially support the girl during her pregnancy, and pay for the girl's school for one year.[302] The requirement that boys leave school is controversial both because it interferes with their right to education and because a boy who is not in school may be more likely to father another child. Nevertheless, these bylaws have potential to deter early pregnancy, are motivated by principles of gender equity, and signal that communities take the problems of early pregnancy and child marriage seriously.

As a matter of formal Sierra Leonean national law, customary bylaws are not binding or enforceable unless they have been codified by a Local Council at the municipal level and by Parliament.[303] Although the ratification process has begun for some customary bylaws, no bylaws have actually been codified by the central government or by Local Councils.[304] Two government officials interviewed for this report indicated that Parliament generally has shown little interest in codifying bylaws,[305] and a Ministry of Justice official stated that codification of bylaws would "go against the notion of customary law" as an unwritten body of law that changes over time.[306] Despite this view and Parliament's reluctance to codify bylaws, the codification of bylaws has the potential value of linking customary and formal law, providing consistency between the two systems' norms prohibiting child marriage.

Furthermore, while the legitimacy of bylaws derives primarily from the participative, local process through which they are initially created, codifying child marriage bylaws would bolster their legitimacy and reinforce the CRA's norm prohibiting child marriage. Once local, customary law prohibits child marriage, people will be more likely to respect formal-law provisions that prohibit the practice.

As bylaws prohibiting child marriage gain support within rural communities, the CRA will likely become easier to enforce. Codifying customary bylaws as formal legal provisions can contribute to making the CRA appear more accessible to rural citizens who currently perceive formal law to be foreign, unenforceable, or simply inapplicable to their lives. Establishing consistency between customary and formal child-welfare laws will further efforts to eliminate child marriage in Sierra Leone.[307]

Local Councils can codify customary bylaws. Even if customary bylaws prohibiting child marriage are not codified by Parliament, the endorsement of bylaws at a local level can increase the legitimacy of both the bylaws themselves and formal law. To be effective, efforts to prevent child

marriage need the formal and customary law systems to reinforce each other. Formally codifying customary bylaws would bolster the legitimacy of child marriage prohibitions while creating valuable synergies between the formal and customary systems.

7. The Memorandum of Understanding Between the National Council of Paramount Chiefs, the FSU, and the Ministry of Social Welfare Creates a Positive Commitment to Respond to Child Marriage Cases

On April 15, 2011, the National Council of Paramount Chiefs, the FSU, and the Ministry of Social Welfare signed a Memorandum of Understanding (MoU) requiring Paramount Chiefs to report child-welfare cases to the nearest FSU office within a 24- or 72-hour period, depending on the office's proximity to the incident. The MoU also requires Paramount Chiefs to appoint Child Welfare Committees or Child Welfare Focal Points (a person responsible for fulfilling the central tasks of a Child Welfare Committee, where a committee does not exist)[308] at the village or section level and at the chiefdom level. It also requires Paramount Chiefs to issue bylaws establishing punishments for people who fail to report child-abuse cases to the appropriate authorities.[309]

The MoU reflects customary authorities' willingness to work with formal authorities in ending all forms of child abuse, including child marriage. Since the passage of the Child Rights Act in 2007, the reluctance of many chiefs to bring cases before the FSU has been an obstacle to implementation,[310] but the MoU suggests that this reluctance may be diminishing.

Several people interviewed for this report likened the current struggle to encourage customary authorities to notify the FSU about child marriage cases to the earlier struggle to encourage customary authorities to notify the police about rape cases.[311]

Prior to sensitization efforts by NGOs about the seriousness of sexual assault and rape, many customary authorities attempted to adjudicate cases involving rape; today the prevailing practice is to report these cases to the police.[312] This precedent suggests that with further sensitization efforts, the practice of reporting child marriages to the FSU can become commonplace as well. FSU involvement has a strong deterrent effect on parents' decisions to compel their children to marry early. By fulfilling their promises under the MoU, including the promise to report child marriages to the FSU, Paramount Chiefs would make a significant contribution to Sierra Leone's efforts to eliminate child marriage.

VI. Conclusion and Recommendations

For Sierra Leone to fulfill its international legal obligations, implementation of the Child Rights Act's prohibition of child marriage must be improved. Unless formal and customary legal authorities and civil society work together to end child marriage, Sierra Leone's children will continue to fall victim to poverty, gender-based violence, insufficient education, and life-threatening health risks.

Recommendations for the Government of Sierra Leone

For the Executive Branch

Immediate action

- Amend the Memorandum of Understanding (MoU) between the FSU, the Ministry of Social Welfare, and the National Council of Paramount Chiefs to explicitly state that child marriage falls within the scope of "child welfare" issues that the MoU is intended to affect.

Medium-term action

- Launch a public-awareness campaign on the harms of child marriage, sexual abuse in schools, early pregnancy, and transactional sex. Enlist civil-society groups and local religious leaders in these efforts.
- Increase funding for Family Support Unit (FSU) offices and provide them with critical resources such as basic supplies and vehicles, as well as the resources to hire additional social workers to mediate child marriage cases brought to them. To combat corruption, increase monitoring and support of FSU officers and increase their salaries. Target support to rural communities where child marriage is most prevalent.
- Increase efforts to ensure universal birth and marriage registration, and establish additional registration locations. Make birth records accessible to law enforcement authorities.
- Enforce the 2012 Sexual Offences Act that confirms the age of sexual consent at 18 and holds perpetrators accountable for sexual violence against children.
- Create family courts throughout Sierra Leone, as the Child Rights Act authorizes, to specialize in child-protection and domestic-violence cases.

For Parliament

Immediate action

- Make the issue of child marriage a national priority, including by amending the Registration of Customary Marriage and Divorce Act to be consistent with the Child Rights Act's absolute prohibition of marriage before the age of 18.

Medium-term action

- Codify and endorse customary bylaws that prohibit marriage below the age of 18.
- Amend the Child Rights Act to prohibit the practice of female genital mutilation (FGM) for children under 18.

For the Family Support Unit (FSU) of the Police

Immediate action

- Intervene in cases of threatened or actual child marriage. If mediation fails, refer the cases to the formal courts and notify social workers as well as enlisting the help of qualified

civil-society organizations to provide children with support and protection.

- Conduct follow-up investigations to ensure that girls remain protected.

Medium-term action

- Create more positions within FSU offices, and allow officers to remain in the unit for longer than two years. The sensitive nature of the issues that the FSU addresses should exempt its officers from regular unit rotations within the police force.

For the Ministry of Justice

- Take measures to address the shortage of judicial officials by recruiting more customary law officers, state counselors, and magistrate judges to fill the many existing vacancies.
- Recruit, train, and support judges, police officers, public prosecutors, customary chiefs, customary law officers, and teachers to identify and prevent child marriage or take appropriate action when child marriage occurs. Programs should:
    - clarify Local Court jurisdiction in child marriage cases;
    - emphasize the importance of enforcing record-keeping procedures in courts;
    - combat discrimination against youth and women that diminishes girls' access to justice;
    - train customary law officers to refer child marriage cases to the formal court system, and;
    - encourage customary chiefs to pass bylaws prohibiting child marriage.

For the Ministry of Education

Immediate action

- Increase efforts to make schools safe for girls.
    - Train teachers about the issues of child marriage and early pregnancy and about the Teachers' Code of Conduct, and ensure that teachers respect the rights and best interests of students. Revise the Teachers' Code of Conduct to ensure that it fully addresses gender-based violence, including sexual violence.
    - Educate teachers, administrators, and students to identify and report teachers who have abused students.
    - Increase efforts to hire and retain female teachers.
    - Ensure that all schools have separate toilet facilities for boys and girls.
    - Appoint school counselors who will be available to students to discuss such topics as sexual abuse, relationships, domestic violence, and child marriage.
    - Establish and strengthen school and community protection networks to provide safe spaces for girls to report instances of gender-based violence and child marriage. Ensure that authorities follow up effectively on reports and that girls do not suffer reprisal.
- Ensure that schools allow and encourage girls who become pregnant to continue to attend school and take exams as long as they are practically able and to return to school after giving birth.

Medium-term action

- Ensure that junior secondary school enrollment is free of charge. Eliminate the current policy that requires parents to first pay for their children's junior secondary school and then apply for reimbursement from the Ministry.
- Modify the school curriculum to incorporate comprehensive education on sexual and reproductive health, children's rights, and gender equality:
    - Translate the Child Rights Act into the local languages spoken in rural areas, or illustrated versions, and create child-friendly versions in each language for distribution in schools.
    - Provide instruction to young women and men on how to obtain and safely use contraception and how to negotiate safe sex or choose abstinence.
- Promote critical-thinking skills and active citizenship, and teach girls skills that can enhance their future access to employment.

For Magistrate Courts

- Ensure that penalties levied against the parents or spouse of a child wife for violating the prohibition on child marriage reflect the specific circumstances of each case.
    - In determining appropriate penalties, especially whether imprisonment is justified, consider such relevant factors as the age of the girl, the occurrence of sexual or other physical abuse, and the degree of coercion involved.
    - Apply severe penalties such as imprisonment in the most egregious cases, as provided for in the Child Rights Act.
- In all child-welfare cases, issue written decisions that state which laws were violated.

Recommendations for Customary Law Authorities, Religious Leaders and Local Government

For Chiefs and Paramount Chiefs

Immediate action

- Speak out about the harms of child marriage, clearly state that child marriage is illegal, and strive to dissuade parents from forcing their children to marry.
- Mediate child marriage disputes in accordance with the Child Rights Act's prohibition of child marriage, always acting to protect the needs, best interests, and rights of children, including girl children, who are typically most vulnerable. Refrain from discriminating against individuals on the basis of their age or sex.
- Decline to officiate or approve any marriage involving persons under the age of 18 and set a positive example by refraining from marrying girls under the age of 18.
- Permit women or girls who wed before the age of 18 to leave their marriages — which are null and void under formal law — immediately when they seek to do so.

Medium-term action

- Educate communities about the importance of reporting child marriage violations. Encourage girls to report to a Child Welfare Focal Point or Child Welfare Committee member if they are being compelled to marry.
- Fulfill the obligations under the Memorandum of Understanding between the FSU, the Ministry of Social Welfare, and the National

Council of Paramount Chiefs, by:

  - reporting all child-welfare cases to the FSU within 24 hours;
  - appointing Child Welfare Committees or Child Welfare Focal Points at the village level or section and chiefdom level; and
  - issuing bylaws that penalize people who fail to report child abuse to the Paramount Chief within 24 hours.
- Strengthen Child Welfare Committees and increase community support for them, including by appointing committee members who are respected leaders within villages and sub-sections and involving community members in the formation of Child Welfare Committees.
- Work with Chiefdom Councils to pass customary bylaws prohibiting both initiation rites and marriage for girls below the age of 18.
- Encourage Local Councils to codify as municipal law all bylaws that prohibit child marriage.

For Local Courts

Immediate action

- Record all decisions concerning child welfare.
- Act in accordance with the Child Rights Act by enforcing its prohibition on child marriages.
  - Ensure that girls and women who seek to leave marriages that were performed when they were under-age are released from their unions immediately.
  - Cooperate with customary and religious leaders to prevent impending child marriages.
  - Report child marriage cases to the FSU.

Medium-term action

- Collaborate with the Ministry of Justice to institute a training program for Court employees on the Child Rights Act.
- Guard independence from chiefs' influence and refrain from discriminating against women or young people.

Recommendations for Civil Society

Immediate action

- Continue and enhance efforts to educate communities about the rights and duties of children, the Child Rights Act, and the harms of child marriage, including maternal mortality, early withdrawal from school, and poverty. Sensitization programs should respect local views regarding the duties that parents and children have toward each other, emphasizing that children's rights do not detract from parents' rights to educate, discipline, and guide their children in a responsible manner.
- Continue and enhance efforts to educate youth, especially in rural areas, about the risks of unprotected sex and early sexual activity, the harms associated with early pregnancy, how to obtain and use contraceptives, and the ability to negotiate safe sex or to choose abstinence. Comprehensive sexual and reproductive health and rights education is especially important for students in their teenage years. There is presently no sexual or reproductive health education at any level in the national curriculum.
- Coordinate the extensive and diverse efforts of domestic and international organizations working throughout Sierra Leone to reduce child marriage. Concerted initiatives by broad coalitions of groups concerned about child marriage will increase the effectiveness and efficiency of current programs.

- Increase efforts to support teacher training about child marriage, early pregnancy, and gender-based violence, about the Teachers' Code of Conduct, and about the importance of identifying and reporting teachers who have abused students. Hold the Government accountable for implementing such training programs.
- Support government action to implement universal birth registration as a means to protect children from violations of their rights and engage in efforts to increase the proportion of families that register their births.
- Urge and assist the government to provide legal training and sensitization programs to Local Court members, to clarify issues of jurisdiction in child-welfare cases, to eliminate discrimination against young people and women that hinders girls' access to justice, and to emphasize the importance of enforcing record-keeping procedures.
- Work with the government to ensure that the Child Rights Act is translated into local languages and that an illustrated child-friendly version is created for distribution in schools.

Medium-term action

- Implement community-wide, integrated preventive programs, working with communities to challenge the harmful beliefs, customs, and unequal power relations that give rise to social acceptance of child marriage. Programs should include a focus on working with men, boys, community leaders, government officials, and the broader community, as well as with girls themselves.
- Strengthen school and community-based child-protection and reporting mechanisms to provide safe spaces for girls to report child marriage and early-initiation concerns. Such mechanisms should include channels for contacting formal government authorities so that cases can be effectively referred to the FSU.
- Work to provide support mechanisms, such as safe houses or relocation programs, for girls who flee from child marriages and whose families will not support them.
- Conduct statistical studies on the prevalence of child marriage and the context in which it occurs.

Notes

[1] Plan U.K., *Breaking Vows: Early and Forced Marriage and Girls' Education*, p. 14 (2011), *available* at http://www.plan-uk.org/resources/documents/Breaking-Vows-Early-and-Forced-Marriage-and-Girls-Education/ [hereinafter *Breaking Vows*]. Note: Although the term "early and forced marriage" is often used to describe this practice, this report will use the term "child marriage." Because children cannot legally consent to marriage, all child marriage is, by its nature, both early and forced.

[2] The Child Rights Act (2007) § 34-35, Sierra Leone Gazette Supplement Vol. CXXXVIII, No. 43 § 34 [hereinafter *Child Rights Act*].

[3] Article 21(2) of the African Charter on the Rights and Welfare of the Child, which Sierra Leone has ratified, defines "child marriage" as marriage under the age of 18. African Charter on the Rights and Welfare of the Child, Art. 21(2), Nov. 29, 1999, O.A.U. Doc. CAB/LEG/24.9/49 (1990), *available* at http://www.unhcr.org/refworld/docid/3ae6b38c18.html.

[4] The Child Rights Act was ratified by Sierra Leone to fulfill its international obligations under the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. *See* The Child Rights Act, preamble.

[5] Child Rights Act, §34.

[6] Child Rights Act, §34(2).

[7] The African Child Policy Forum and Plan Waro, Assessment of State and Traditional Legal Frameworks Related to Child Rights and Associated Public Perceptions: Sierra Leone, p. 30 (Dec. 2010) [hereinafter Legal Frameworks Related to Child Rights].

[8] *Legal Frameworks Related to Child Rights*, at p. 30. Although child marriage can affect both girls and boys, it is predominantly girls who marry before the age of 18. In Sierra Leone, the most common way for a boy to become involved in child marriage is when parents force their children to marry after a school-aged boy impregnates a young girl. The Columbia Group for Children in Adversity, *An Ethnographic Study of Community-Based Child Protection Mechanisms and their Linkage with the National Child Protection System of Sierra Leone*, p. 13 (July 2011), *available* at http://www.savethechildren.org.uk/sites/default/files/docs/Ethnographic_Phase_Report_Final_7-25-11_1.pdf [hereinafter *Ethnographic Study*]; and Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012.

[9] Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012.

[10] *At a Glance: Sierra Leone*, *available at* unicef.org/infobycountry/sierraleone_statistics.html (last visited on May 27, 2012).

[11] Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012.

[12] Breaking Vows at 14; World Vision, *Before She's Ready: 15 Places Girls Marry by 15*, p. 21 (2008), available at http://www.worldvision.org/resources.nsf/main/early-marriage.pdf/$file/early-marriage.pdf [hereinafter *Before She's Ready*]; and International Planned Parenthood Federation and the Forum on Marriage and the Rights of Women and Girls, *Ending Child Marriage: A Guide for Global Policy Action*, p. 14 (Sept. 2006), *available* at http://www.unfpa.org/webdav/site/global/shared/documents/publications/2006/endchildmarriage.pdf [hereinafter *Ending Child Marriage*].

[13] *Breaking Vows*, at pp. 3 and 10; *Ending Child Marriage*, at pp. 11-13; and *Before She's Ready*, at pp. 18-19.

[14] *Ending Child Marriage*, at pp. 15-16; and *Before She's Ready*, at pp. 24-25.

[15] *See*: *Family Support Unit Training Manual*, September 2008, *available* at http://www.britishcouncil.org/fsu_training_manual.pdf p5

[16] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012.

[17] Ibid.

[18] African Human Security Initiative, *Sierra Leone: A Country Review of Crime and Criminal Justice*, 2008, Monograph 160, p. 75 (May 2009), *available* at http://www.africanreview.org/docs/sierraleone/mono160.PDF [hereinafter *Sierra Leone Country Review*].

[19] Lowenstein Clinic Interview with Aisha Bangura, Deputy Supervisor, Family Support Unit of the Sierra Leone Police, Freetown, March 13, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with husband of a child bride, Mayawlaw, March 16, 2012; Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012.

[20] Law school clinics are courses that students take for credit toward their law degrees. Under the supervision of clinical professors who are attorneys, clinic students carry out various forms of legal work for clients who meet certain criteria.

[21] UNICEF, *At a Glance: Sierra Leone*, *available* at Unicef.org/infobycountry/sierraleone_statistics.html (last visited on May 27, 2012).

[22] Ibid.

[23] Ethnographic Study, at p. 24.

[24] Lowenstein Clinic Interview with members of a School Management Board, Makeni, March 15, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012.

[25] Lowenstein Clinic Interview with members of a School Management Board, Makeni, March 15, 2012.

[26] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012.

[27] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Plan Sierra Leone, *'Give Us a Chance,' National Study on School-Related Gender-Based Violence in Sierra Leone*, p. 31 (2010), *available at* http://www.ibiswestafrica.com/images/pdfs/gender/srgbv%20research%20sierra%20leone%202010.pdf.

[28] Lowenstein Clinic Interview with Abdul Rahman-Sowa, Director of Operations to the Chief of Staff, National Government of Sierra Leone, Freetown, March 19, 2012.

[29] Lowenstein Clinic Interview with Isaley Fojanah, Deputy of Makeni City Council, Makeni, March 15, 2012.

[30] UNICEF, *A Glimpse into the World of Teenage Pregnancy in Sierra Leone*, p. 27 (June 2010) [hereinafter *Teenage Pregnancy in Sierra Leone*]; *Breaking Vows*, at p. 14; and *Before She's Ready*, at p. 21.

[31] Ethnographic Study, at p. 58.

[32] Sierra Leone School Census Report, 2010/2011.

[33] Sierra Leone School Census Report, 2010/2011.

[34] Lowenstein Clinic Interview with husband of a child bride, Mayawlaw, March 16, 2012.

[35] Chronic Poverty Research Centre, *Stemming Girls Chronic Poverty*, p. 4 (2010), *available at* http://www.chronicpoverty.org/uploads/publication_files/Introduction.pdf

[36] Plan UK, Girls' Access to and Completion of Lower Secondary Education in Sierra Leone (2011).

[37] Lowenstein Clinic Interview with members of a School Management Board, Makeni, March 15, 2012.

[38] Lowenstein Clinic Interview with Secondary School Teachers, Makeni, March 15, 2012.

[39] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012, Plan Sierra Leone, '*Give Us a Chance,' National Study on School-Related Gender-Based Violence in Sierra Leone*, p. 31 (2010), *available at* http://www.ibiswestafrica.com/images/pdfs/gender/srgbv%20research%20sierra%20leone%202010.pdf.

[40] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; and Lowenstein Clinic Interview with Secondary School Teachers, Makeni, March 15, 2012.

[41] Plan Sierra Leone, *'Give Us a Chance,' National Study on School-Related Gender-Based Violence in Sierra Leone*, p. 31 (2010), *available at* http://www.ibiswestafrica.com/images/pdfs/gender/srgbv%20research%20sierra%20leone%202010.pdf.

[42] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[43] Lowenstein Clinic Interview with Project *Girls Making Media*, Plan Sierra Leone. (*Girls Making Media* Project works with girls in marginalized areas of several West-African countries on public media projects, such as speaking forums and radio shows, aimed at eliminating gender discrimination and poor reporting on girls' issues in West Africa).

[44] Ibid.

[45] Lowenstein Clinic Interview with Maud Fortuyn, Chief Child Protection Specialist, Chuwarakha Sriram, Child Protection Specialist, and Rosina Mahoi, Child Protection Specialist, UNICEF, Freetown, March 12, 201; and *Ethnographic Study*, at p. 57.

[46] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[47] Plan Sierra Leone, *'Give Us a Chance,' National Study on School-Related Gender-Based Violence in Sierra Leone*, p. 31 (2010), *available at* http://www.ibiswestafrica.com/images/pdfs/gender/srgbv%20research%20sierra%20leone%202010.pdf.

[48] Sierra Leone Education Sector Report, 2011.

[49] Lowenstein Clinic Interview with Isaley Fojanah, Deputy of Makeni City Council, Makeni, March 15, 2012.

[50] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; and Lowenstein Clinic Interview with Village Development Council, Mayawlaw, March 16, 2012

[51] Lowenstein Clinic Interview with Maud Fortuyn, Chief Child Protection Specialist, Chuwarakha Sriram, Child Protection Specialist, and Rosina Mahoi, Child Protection Specialist, UNICEF, Freetown, March 12, 2012; and Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012.

[52] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[53] Lowenstein Clinic Interview with Maud Fortuyn, Chief Child Protection Specialist, Chuwarakha Sriram, Child Protection Specialist, and Rosina Mahoi, Child Protection Specialist, UNICEF, Freetown, March 12, 2012; and Lowenstein Clinic Interview with Abdul Kemokai, Executive Director, Defense for Children International, Freetown, March 13, 2012.

[54] Ethnographic Study, at p. 53.

[55] Ethnographic Study, at pp. 10-12.

[56] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; and Lowenstein Clinic Interview with husband of a child bride, Mayawlaw, March 16, 2012.

[57] Lowenstein Clinic Interview with Doug Sun, Political Officer, and Jean Benedict, Country Program Manager, USAID, Freetown March 19, 2012. In some chiefdoms in the south of the country, women are permitted to be paramount chiefs.

[58] Lowenstein Clinic Interview with Fancess Alfhali, Executive Secretary, Gloria Bayoh, Women and Children's Rights, Fabundeh Ansumana, Human Rights Officer, and Mohamed Tiamiae Fofanali, Senior Human Rights Officer, Human Rights Commission, Freetown, March 13, 2012.

[59] Voice of America, *Sierra Leone Women Fight for More Representation*, p.1 (2007), *available at* http://www.voanews.com/content/a-13-2007-12-27-voa45-66702042/559253.html.

[60] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012.

[61] Sierra Leone recognizes civil marriages, Christian marriages, Islamic marriages, and traditional or customary marriages. Most marriages are traditional or customary marriages, and couples that have Christian or Islamic marriage ceremonies often will have already been married traditionally.

[62] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; and Lowenstein Clinic Interview with Village Development Council, Mayawlaw, March 16, 2012.

[63] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; and *Ethnographic Study*, at p. 54.

[64] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; and Lowenstein Clinic Interview with Project *Girls Making Media*, Plan Sierra Leone.

[65] Ibid.

[66] Lowenstein Clinic Interview with Village Development Council, Mayawlaw, March 16, 2012, ("as long as a girl is grown up, she can be married and there is no way for her to resist"); Lowenstein Clinic Interview with

Secondary School Teachers, Makeni, March 15, 2012; and Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[67] Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; and Lowenstein Clinic Interview with Aisha Bangura, Deputy Supervisor, Family Support Unit of the Sierra Leone Police, Freetown, March 13, 2012.

[68] Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Christiana Davies-Cole, Project Coordinator and Assistant Treasurer, LAWYERS, Freetown, March 19, 2012; and Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012.

[69] Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012.

[70] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; and *Ethnographic Study*, at p.56.

[71] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[72] Oxford University Press, *Secret Societies in Western Africa*, *available at* http://www.oup.com/us/companion.websites/9780195189766/student_resources/Supp_chap_mats/Chapt07/Secret_Soc_West_Africa/?view=usa.

[73] UNICEF, *State of the World's Children*, 2012, *available at* http://www.unicef.org/sowc2012/pdfs/SOWC-2012-TABLE-9-CHILD-PROTECTION.pdf

[74] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012.

[75] *Ethnographic Study*, at p.57; and Lowenstein Clinic Interview with local NGOs in Freetown, October 4, 2012.

[76] Lowenstein Clinic Meeting with Government Officials and Civil Society Members, Freetown, October 5, 2012.

[77] Stephen Gaojia, Minister of Social Welfare, Gender, and Children's Affairs, National Government of Sierra Leone, Freetown, March 19, 2012.

[78] The research for this report focused on the women's society in the Temne regions, called the *Bundu* society, but the practice is common across regions and cultures within Sierra Leone.

[79] Lowenstein Clinic Interview with members of a School Management Board, Makeni, March 15, 2012; Lowenstein Clinic Interview with Stephen Gaojia, Minister of Social Welfare, Gender, and Children's Affairs, National Government of Sierra Leone, Freetown, March 19, 2012.

[80] Ethnographic Study, at p. 56.

[81] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[82] Ethnographic Study, at p. 61.

[83] Ibid., at p. 56.

[84] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with Local Court Member, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Fancess Alfhali, Executive Secretary, Gloria Bayoh, Women and Children's Rights, Fabundeh Ansumana, Human Rights Officer, and Mohamed Tiamiae Fofanali, Senior Human Rights Officer, Human Rights Commission, Freetown, March 13, 2012; and Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012.

[85] Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012.

[86] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[87] Ibid.

[88] Ibid.

[89] Lowenstein Clinic Interview with Fancess Alfhali, Executive Secretary, Gloria Bayoh, Women and Children's Rights, Fabundeh Ansumana, Human Rights Officer, and Mohamed Tiamiae Fofanali, Senior Human Rights Officer, Human Rights Commission, Freetown, March 13, 2012.

[90] Ethnographic Study, at p. 6.

[91] Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012.

[92] Lowenstein Clinic Interview with Isaley Fojanah, Deputy of Makeni City Council, Makeni, March 15, 2012.

[93] Lowenstein Clinic Interview with Abdul Kemokai, Executive Director, Defense for Children International, Freetown, March 13, 2012.

[94] Ethnographic Study, at p. 54.

[95] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; and Lowenstein Clinic Interview with William Bangura, Principal Social Development Officer, Ministry of Social Welfare, Gender, and Children's Affairs, National Government of Sierra Leone, Makeni, March 15, 2012.

[96] Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012.

[97] Lowenstein Clinic Interview with husband of a child bride, Mayawlaw, March 16, 2012.

[98] Lowenstein Clinic Interview with Abdul Kemokai, Executive Director, Defense for Children International, Freetown, March 13, 2012.

[99] Lowenstein Clinic Interview with a child bride, Mayawlaw, March 16, 2012.

[100] Lowenstein Clinic Interview with a child bride, Mayawlaw, March 16, 2012.

[101] Lowenstein Clinic Meeting with Government Officials and Civil Society Members, Freetown, October 5, 2012.

[102] Lowenstein Clinic Meeting with Government Officials and Civil Society Members, Freetown, October 5, 2012.

[103] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[104] Lowenstein Clinic Interview with Maud Fortuyn, Chief Child Protection Specialist, Chuwarakha Sriram, Child Protection Specialist, and Rosina Mahoi, Child Protection Specialist, UNICEF, Freetown, March 12, 2012.

[105] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[106] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Plan Sierra Leone, *'Give Us a Chance,' National Study on School-Related Gender-Based Violence in Sierra Leone*, p. 14 (2010), *available at* http://www.ibiswestafrica.com/images/pdfs/gender/srgbv%20research%20sierra%20leone%202010.pdf.

[107] Lowenstein Clinic Interview with Project *Girls Making Media*, Plan Sierra Leone.

[108] Plan Sierra Leone, *'Give Us a Chance,' National Study on School-Related Gender-Based Violence in Sierra Leone*, p. 31 (2010), *available at* http://www.ibiswestafrica.com/images/pdfs/gender/srgbv%20research%20sierra%20leone%202010.pdf

[109] Lowenstein Clinic Interview with Village Development Council, Mayawlaw, March 16, 2012; and Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[110] Lowenstein Clinic Meeting with Government Officials and Civil Society Members, Freetown, October 5, 2012.

[111] Plan Sierra Leone, *'Give Us a Chance,' National Study on School-Related Gender-Based Violence in Sierra Leone*, p. 55 (2010), *available at* http://www.ibiswestafrica.com/images/pdfs/gender/srgbv%20research%20sierra%20leone%202010.pdf; and Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012.

[112] Lowenstein Clinic Interview with Project Girls Making Media, Plan Sierra Leone; and Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012.

[113] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012.

[114] Ethnographic Report, at p.57.

[115] Lowenstein Clinic Interview, NGO in Freetown, March 12, 2012; Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; and Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012.

[116] *Ending Child Marriage*, at pp. 15-16; *Before She's Ready*, at pp. 24-25; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; and *Teenage Pregnancy in Sierra Leone*, at pp. 27-29.

[117] *Ethnographic Study*; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; and Teenage Pregnancy in Sierra Leone, at pp. 27-29.

[118] Ending Child Marriage, at p. 14.

[119] Rihani, May (2006) Keeping the Promise: 5 Benefits of Girls' Secondary Education, World Bank, Washington D.C (006).

[120] Kyle O'Donoghue, Free, *Universal Healthcare Rolls Out for Mothers and Children in Sierra Leone*, UNICEF, July 28, 2010, *available at* http://www.unicef.org/infobycountry/sierraleone_55298.html.

[121] International Human Development Indicators, Maternal Morality Rates, UNDP, *available at* http://hdrstats.undp.org/en/indicators/89006.html, (last visited on June 8, 2012).

[122] Amnesty International, *Out of Reach: The Cost of Maternal Health in Sierra Leone*, p. 1 (2009), *available at* http://www.amnestyusa.org/sites/default/files/pdfs/outofreach.pdf.

[123] Amnesty International, *Out of Reach: The Cost of Maternal Health in Sierra Leone*, p. 1 (2009), *available at* http://www.amnestyusa.org/sites/default/files/pdfs/outofreach.pdf, ("The earlier a girl becomes pregnant, the greater the risk to her health and life and that of the baby").

[124] Ibid., at p.10.

[125] Ibid.

[126] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with Secondary School Teachers, Makeni, March 15, 2012; *Before She's Ready*, at p. 21; and *Breaking Vows*, at p. 9.

[127] *Ending Child Marriage*, at p. 11; and *Before She's Ready,* at p. 18,

[128] *Ethnographic Study*, at pp. 15 and 63.

[129] *Breaking Vows*, at p. 10; *Before She's Ready*, at pp. 21-23 and 25-26; Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Plan Sierra Leone, Grace Hammond, Child Protection & Rights of Child Advisor, Plan Sierra Leone, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012.

[130] Ethnographic Study, at p. 11.

[131] *See* Alaina Varvaloucas, Simeon Koroma, Momo Turay, & Bilal Siddiqi, *Improving the Justice Sector: Law and Institution-Building in Sierra Leone*, in Economic Challenges and Policy Issues in Early 21st century Sierra Leone, International Growth Centre (Omotunde E. G. Johnson, ed.) 493, 496 (2012); M. Kane, J. Olaka-Onyango, and A. Tejan-Cole, *Reassessing Customary Law Systems as a Vehicle for Providing Equitable Access to Justice for the Poor*, Arusha Conference: New Frontiers of Social Policy, Dec 12-15 2005. P. Dale & R. Manning, *Access to Justice in Sierra Leone: A Review of the Literature*. World Bank Justice for the Poor Research Report 2007, *available at* www.siteresources.worldbank.org; and Ryann Manning, *The Landscape of Local Authority in Sierra Leone*, World Bank Justice and Development Working Paper Series, Vol. 1. Issue 1, 2009.

[132] Varvaloucas et. al, at p. 497.

[133] Ibid.

[134] Landscape of Local Authority, at p. 5.

[135] Ibid; Paul Jackson, *Reshuffling an Old Deck of Cards?: The Politics of Local Government Reform in Sierra Leone*, African Affairs, Vol. 106 Issue 422, p. 98 (2006).

[136] Paul Jackson, *Reshuffling an Old Deck of Cards?: The Politics of Local Government Reform in Sierra Leone*, African Affairs, Vol. 106 Issue 422, p. 98 (2006).

[137] Ibid.

[138] Landscape of Local Authority, at p. 7.

[139] Sierra Leone Country Review, at p.108.

[140] Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; and Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012.

[141] Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012.

[142] Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; and Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012.

[143] Landscape of Local Authority, at p. 6.

[144] Sierra Leone Country Review, at p.108.

[145] Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; and Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012.

[146] *Reassessing Customary Law*, at p. 26; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; and Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012.

[147] *Landscape of Local Authority*, at p. 5; *Reassessing Customary Law*, at p. 12; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; and Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012.

[148] *Reassessing Customary Law*, at p. 13; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012; and Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012.

[149] *Landscape of Local Authority*, at pp. 4-6; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; and Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012.

[150] Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; and Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012.

[151] *Landscape of Local Authority*, at p. 5; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; and Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012.

[152] Ibid., at pp. 497-98; Clare Castillejo, *Building Accountable Justice in Sierra Leone*, Fundacion par alas Relaciones Internacionales y el Dialogo Exterior, p. 2 (2007).

[153] Varvaloucas et. al, at p. 497.

[154] Ibid., at pp. 506-07.

[155] Ibid., at p. 508.

[156] Ibid.

[157] Centre for the Study of African Economies (CSAE) 2009a. Survey of Police Detainees. Unpublished dataset; Varvaloucas et. al, at p. 507.

[158] Centre for the Study of African Economies (CSAE) 2010 survey (CSAE 2010b).

[159] Vivek Maru, Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide, Yale Journal of International Law, Vol.31 Issue 427, pp. 448-49 (2006), *available at* http://www.yale.edu/yjil/PDFs/vol_31/Maru.pdf.

[160] Chi Mgbako and Kristina Scurry Baehr, *Engaging Legal Dualism: Paralegal Organizations and Customary Law in Sierra Leone and Liberia*, in The Future of African Customary Law, p. 172 (Jeanmarie Fenrich, Paolo Galizzi, and Tracy E. Higgins eds.,) New York: Cambridge University Press, (2011) [hereinafter *Engaging Legal Dualism*]. See Local Courts Act of 1963, § 40 and Local Courts Act of 2011, § 44.

[161] *Engaging Legal Dualism*, at p.172; Vivek Maru, Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide, Yale Journal of International Law, Vol.31 Issue 427, p. 449 (2006); and *Landscape of Local Authority*, at p. 6.

[162] *Sierra Leone Country Review*, at pp. 75 and 108; Lowenstein Clinic Interview with Maud Fortuyn, Chief Child Protection Specialist, Chuwarakha Sriram, Child Protection Specialist, and Rosina Mahoi, Child Protection Specialist, UNICEF, Freetown, March 12, 2012; Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; and Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[163] Local Courts Act of 2011

[164] Lowenstein Clinic Interview with Olayinka Creighton-Randall, Coordinator, Joint Coordinating Office of the Sierra Leonean Ministry of Justice, Freetown, March 19, 2012; Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; and Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012.

[165] Lowenstein Clinic Telephone Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, May 23, 2012.

[166] Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III), art. 16(b) (Dec. 10, 1948). A non-binding agreement passed by the U.N. General Assembly, the Universal Declaration of Human Rights is considered to express an international consensus on its substantive rights provisions.

[167] International Covenant on Civil and Political Rights (ICCPR), G.A. Res. 2200A (XXI), art. 23(3) (Dec. 16, 1966).

[168] International Covenant on Economic, Social, and Cultural Rights, G.A. Res. 2200A (XXII), art. 10. (Dec. 16, 1966).

[169] Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), § 16, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

[170] CEDAW, § 16(2).

[171] General Recommendations of the CEDAW Committee, published by FWLD (Publication No. 77) General Recommendation No. 21 (para. 16), p. 20.

[172] The Convention on the Rights of the Child, §§ 3, 6, 12.

[173] CRC Committee, General Comment No. 4: adolescent health and development in the context of the Convention on the rights of the Child, 2003, UN document CRC/GC/2003/4, paragraph 9.

[174] The Convention on the Rights of the Child, § 24.

[175] The Convention on the Rights of the Child, § 19, 34.

[176] The Convention on the Rights of the Child, § 32.

[177] The Convention on the Rights of the Child, § 9.

[178] The Convention on the Rights of the Child, § 16.

[179] The Convention on the Rights of the Child, § 24.

[180] The Convention on the Rights of the Child, § 28.

[181] The Convention on the Rights of the Child, §§ 12, 13.

[182] The Convention on the Rights of the Child, § 2.

[183] The Convention on the Rights of the Child, § 7(1).

[184] UNICEF, Child Marriage and the Law; Goonesekere, Savitri & De Silva-de Alwis, Rangita (2005). Women's and Children's Rights in a Human Rights Based Approach to Development. Working Paper. Division of Policy and Planning. UNICEF.

[185] Ibid., § 18. Sierra Leone has signed but not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, commonly referred to as the Maputo Protocol.

[186] African Charter on Human and People's Rights, June 27, 1981, O.A.U. Doc. CAB/ LEG/67/4/REV.5, reprinted in 21 I.L.M. 58 (1982), §§ 16, 17.

[187] African Charter on Human and People's Rights, June 27, 1981, O.A.U. Doc. CAB/ LEG/67/4/REV.5, reprinted in 21 I.L.M. 58 (1982), §§ 21(2) [hereinafter African Charter].

[188] The Child Rights Act, Sep 3 2007, ("Being an Act to provide for the promotion of the rights of the child compatible with the Convention on the Rights of the Child . . . . and the African Charter on the Rights and Welfare of the Child").

[189] Child Rights Act, § 34(1).

[190] Child Rights Act, § 34(2).

[191] Child Rights Act, § 34(2).

[192] Approximately $6,850.00 (July 2, 2012).

[193] Child Rights Act, § 35.

[194] Many of these institutions called for by the CRA—including the Family Court, the National Commission for Children, and, to a large extent, the Child Welfare Committees—have not been created in the five years since the CRA was passed.

[195] Child Rights Act § 26(4).

[196] *See*, e.g., Lowenstein Clinic Interview with Maud Fortuyn, Chief Child Protection Specialist, Chuwarakha Sriram, Child Protection Specialist, and Rosina Mahoi, Child Protection Specialist, UNICEF, Freetown, March 12, 2012.

[197] Lowenstein Clinic Interview with Abdul Kemokai, Executive Director, Defense for Children International, Freetown, March 13, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; and Lowenstein Clinic Interview with Olayinka Creighton-Randall, Coordinator, Joint Coordinating Office of the Sierra Leonean Ministry of Justice, Freetown, March 19, 2012.

[198] Lowenstein Clinic Interview with Olayinka Creighton-Randall, Coordinator, Joint Coordinating Office of the Sierra Leonean Ministry of Justice, Freetown, March 19, 2012.

[199] Registration Act, § 1. The Registration Act also requires that such marriages accord with "the customary law applicable to any of the spouses." Ibid.

[200] Registration Act, § 2(2). The Registration Act goes on to provide: "If the consent of the parents or guardians cannot be obtained or is unreasonably withheld, a Magistrate or Local Government Chief Administrator of the locality in which the marriage is to take place may give his consent." Registration Act, § 2(3).

[201] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[202] This was the result of a technicality: President Ahmad Kabbah signed the Registration Act of 2007 on the last day of his Presidency, and, apparently, erred by signing it at an hour of the day that exceeded his official residential term. For that reason, the law had to be signed by President Ernest Koroma in 2009 to make it official law.

[203] Domestic Violence Act, § 2(a)-(e).

[204] Lowenstein Clinic Interview with Magistrate Judge A. Roland Kamara, March 16, 2012.

[205] Lowenstein Clinic Interview with LAWYERS, March 19, 2012; Lowenstein Clinic Interview with Magistrate Judge A. Roland Kamara, March 16, 2012.

[206] Prevention of Cruelty to Children Act, Chap. 31, §§ 2, 6-7, 31.

[207] The only child marriage trial known to the interviewees of this report took place in Freetown. Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012; and Lowenstein Clinic Interview with Aisha Bangura, Deputy Supervisor, Family Support Unit of the Sierra Leone Police, Freetown, March 13, 2012.

[208] Lowenstein Clinic Interview with Fancess Alfhali, Executive Secretary, Gloria Bayoh, Women and Children's Rights, Fabundeh Ansumana, Human Rights Officer, and Mohamed Tiamiae Fofanali, Senior Human Rights Officer, Human Rights Commission, Freetown, March 13, 2012.

[209] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; and Lowenstein Clinic Interview with Secondary School Teachers, Makeni, March 15, 2012.

[210] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[211] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; and Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012

[212] *See* Institutional Reform and Capacity Building Project (IRCBP) Evaluations Unit, *Report on the IRCBP 2007 National Public Services Survey: Public Services, Governance, Dispute Resolution and Social Dynamics*, p. 35 (May 2008); and Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012.

[213] Guy Thompstone & Vimala Crispin, Mapping and Analysis of the Child Protection System in Sierra Leone, UNICEF p.69 (Apr. 2010).

[214] Ibid.

[215] *But see* Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012 (in which Mr. Koroma described a child wife who successfully had her marriage annulled in court, although the court did not invoke the Child Rights Act in doing so).

[216] Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012.

[217] Lowenstein Clinic Interview with William Bangura, Principal Social Development Officer, Ministry of Social Welfare, Gender, and Children's Affairs, National Government of Sierra Leone, Makeni, March 15, 2012; Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; Interview with Angel Bangura, Headmaster, Primary School, Sorie Fofana, Teacher, Secondary School, Abdul Conteh, Head of School Management Committee, and Michael Kalokoh, Primary School Teacher, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Town Chief, Mayawlaw, March 16, 2012; Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; and Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[218] Lowenstein Clinic Interview with William Bangura, Principal Social Development Officer, Ministry of Social Welfare, Gender, and Children's Affairs, National Government of Sierra Leone, Makeni, March 15, 2012.

[219] Interview with Secondary School Teachers, Makeni, March 15, 2012.

[220] Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012.

[221] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; and Lowenstein Clinic Interview with Abdul Kemokai, Executive Director, Defense for Children International, Freetown, March 13, 2012.

[222] Lowenstein Clinic Interview with Fancess Alfhali, Executive Secretary, Gloria Bayoh, Women and Children's Rights, Fabundeh Ansumana, Human Rights Officer, and Mohamed Tiamiae Fofanali, Senior Human Rights Officer, Human Rights Commission,

Freetown, March 13, 2012; and Lowenstein Interview with Angel Bangura, Headmaster, Primary School, Sorie Fofana, Teacher, Secondary School, Abdul Conteh, Head of School Management Committee, and Michael Kalokoh, Primary School Teacher, Mapaki, March 15, 2012.

[223] Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[224] *See* Ethnographic Study.

[225] *See* Legal Frameworks Related to Child Rights.

[226] The Family Support Unit Training Manual, Sierra Leone Police & Ministry of Social Welfare, Gender and Children's Affairs (Sep. 2008).

[227] Lowenstein Clinic Interview with Aisha Bangura, Deputy Supervisor, Family Support Unit of the Sierra Leone Police, Freetown, March 13, 2012.

[228] Ibid. As a police unit, an FSU office receives the same budget as other police units, without supplementary funds for its programs and initiatives.

[229] Ibid.

[230] Lowenstein Clinic Interview with Maud Fortuyn, Chief Child Protection Specialist, Chuwarakha Sriram, Child Protection Specialist, and Rosina Mahoi, Child Protection Specialist, UNICEF, Freetown, March 12, 2012.

[231] Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012.

[232] Ibid.

[233] Lowenstein Clinic Interview with Fancess Alfhali, Executive Secretary, Gloria Bayoh, Women and Children's Rights, Fabundeh Ansumana, Human Rights Officer, and Mohamed Tiamiae Fofanali, Senior Human Rights Officer, Human Rights Commission, Freetown, March 13, 2012.

[234] Ibid.

[235] Lowenstein Clinic Interview with Aisha Bangura, Deputy Supervisor, Family Support Unit of the Sierra Leone Police, Freetown, March 13, 2012.

[236] Ibid.

[237] See Part IV.A above.

[238] Child Rights Act, §§ 4, 78.

[239] *Landscape of Local Authority,* at p. 5; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; and Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012.

[240] UNICEF, Childinfo: Monitoring the Situation of Children and Women, Percentage of children under five who were registered at the moment of the survey, January 2013, http://www.childinfo.org/birth_registration_tables.php

[241] Lowenstein Clinic Telephone Interview with Joseph Kamara, Anti-Corruption Commissioner, National Government of Sierra Leone, March 28, 2012.

[242] Plan Sierra Leone is one of the NGOs that provide the Ministry with financial support.

[243] Bylaws prohibiting child marriage exist in some chiefdoms throughout the country, including Tikonko chiefdom, sections of Mongere chiefdom, and the Paki-Masabong chiefdom. Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012. It is difficult to determine how successful these are, since there are no studies. Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; and Lowenstein Clinic Interview with William Bangura, Principal Social Development Officer, Ministry of Social Welfare, Gender, and Children's Affairs, National Government of Sierra Leone, Makeni, March 15, 2012.

[244] Lowenstein Clinic Interview with Isaley Fojanah, Makeni City Council Deputy, Alex

A. Kapotho Kamara, Makeni City Council Member and Development and Planning Committee Chairperson, and Moses Zway, Makeni City Council member and Education Committee Chairperson, Makeni, March 15, 2012; Lowenstein Clinic Interview with William Bangura, Principal Social Development Officer, Ministry of Social Welfare, Gender, and Children's Affairs, National Government of Sierra Leone, Makeni, March 15, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012.

[245] Minneh Kane, J. Oloka-Onyango, and Abdul Tejan-Cole, *Reassessing Customary Law Systems as a Vehicle for Providing Equitable Access to Justice for the Poor*, Arusha Conference, "New Frontiers of Social Policy," p. 14(Dec. 12-15, 2005), *available at* http://siteresources.worldbank.org/INTRANETSOCIALDEVELOPMENT/Resources/Kane.rev.pdf [hereinafter *Reassessing Customary Law*].

[246] Bombali NGO round table, Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; and Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012.

[247] *Reassessing Customary Law Systems*, at p. 13; *Sierra Leone Country Review*, at pp. 77-78 and108; *Engaging Legal Dualism*, at pp.181-82; Pamela Dale, *Barriers to Justice in Sierra Leone, Justice for the Poor*, Vol. 1 Issue 4, p. 3 (Sept. 2007), *available at* http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2008/05/15/000333037_20080515030353/Rendered/PDF/436840BRI0J4P01Box0327368B01PUBLIC1.pdf; Ryann Elizabeth Manning, *Challenging Generations: Youths and Elders in Rural and Peri-Urban Sierra Leone*, Justice & Development Working Paper Series, Vol. 1 Issue 2, p. 21 (2009), *available at* http://wwwwds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2009/06/29/000333037_20090629012302/Rendered/PDF/490750WP0REVIS10Box338942B01PUBLIC1.pdfl; and *Legal Frameworks Related to Child Rights*, at pp. 22-23.

[248] Plan Sierra Leone, *Plan CP Thematic Review*, p. 22 (Jan 2012); *Legal Frameworks Related to Child Rights*, at pp. 35-36;Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012;Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; and Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[249] Lowenstein Clinic Interview with Maud Fortuyn, Chief Child Protection Specialist, Chuwarakha Sriram, Child Protection Specialist, and Rosina Mahoi, Child Protection Specialist, UNICEF, Freetown, March 12, 2012; Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012; and Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012.

[251] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012;Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012, Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; *Reassessing Customary Law*, at p. 9; and *Engaging Legal Dualism*, at p.172.

[252] Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012. Similar sentiments were expressed in the following interviews: Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[253] Local Courts Act of 1963, § 13; and Local Courts Act of 2011, § 15.

[254] *Engaging Legal Dualism*, at p.172; Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012;Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Secondary School Teachers, Makeni, March 15, 2012; and Lowenstein Clinic Interview with Community Pastor, Mapaki, March 15, 2012.

[255] Reassessing Customary Law, at p. 13; Legal Frameworks Related to Child Rights, at p. 23; and Landscape of Local Authority, at p. 5.

[256] *Sierra Leone Country Review*, at p. 81; *Reassessing Customary Law*, at p. 13; Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; and Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[257] Lowenstein Clinic Interview with Plan Sierra Leone, Freetown, March 12, 2012.

[258] Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Village Development Council, Mayawlaw, March 16, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; and *Engaging Legal Dualism*, at p.172.

[259] Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012. A Local Court chairwoman also confirmed this tendency to move toward restorative justice rather than punitive justice, saying "We bring peace to the parties [of a dispute], bring families together, and counsel them. We need peace." Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012.

[260] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012, (noting that people tend to settle disputes themselves and that town chiefs are not in favor of sending cases to formal court); and Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012, (discussing the preference of some parents to settle domestic cases themselves, and to avoid the shame of a public confrontation, such as a court case).

[261] Reassessing Customary Law, at p. 14.

[262] Customary law in some communities permits husbands to use "reasonable" levels of physical force against their wives, and sexual violence such as rape may be punished by fines that are so light that they have no deterrent effect. *Legal Frameworks Related to Child Rights*, at p.35.

[263] Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012.

[264] Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; and Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012.

[265] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[266] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; and Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012.

[267] Ethnographic Study, at p. 94; and Reassessing Customary Law, at p. 13.

[268] Lowenstein Clinic Interview with Village Development Council, Mayawlaw, March 16, 2012.

[269] Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012;

Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; and Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012.

[270] Lowenstein Clinic Interview with William Bangura, Principal Social Development Officer, Ministry of Social Welfare, Gender, and Children's Affairs, National Government of Sierra Leone, Makeni, March 15, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; (where one NGO recalled visiting a village where the paramount chief did not know about the Child Rights Act); and Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012.

[271] Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012.

[272] Lowenstein Clinic Interview with Fancess Alfhali, Executive Secretary, Gloria Bayoh, Women and Children's Rights, Fabundeh Ansumana, Human Rights Officer, and Mohamed Tiamiae Fofanali, Senior Human Rights Officer, Human Rights Commission, Freetown, March 13, 2012; Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; Lowenstein Clinic Interview with Maud Fortuyn, Chief Child Protection Specialist, Chuwarakha Sriram, Child Protection Specialist, and Rosina Mahoi, Child Protection Specialist, UNICEF, Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with Christiana Davies-Cole, Project Coordinator and Assistant Treasurer, LAWYERS, Freetown, March 19, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Village Development Council, Mayawlaw, March 16, 2012; and Lowenstein Clinic Interview with Town Chief, Mayawlaw, March 16, 2012.

[73] Lowenstein Clinic Interview with Fancess Alfhali, Executive Secretary, Gloria Bayoh, Women and Children's Rights, Fabundeh Ansumana, Human Rights Officer, and Mohamed Tiamiae Fofanali, Senior Human Rights Officer, Human Rights Commission, Freetown, March 13, 2012.

[274] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; and Lowenstein Clinic Interview with Christiana Davies-Cole, Project Coordinator and Assistant Treasurer, LAWYERS, Freetown, March 19, 2012.

[275] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012.

[276] Lowenstein Clinic Interview with Abdul Kemokai, Executive Director, Defense for Children International, Freetown, March 13, 2012. Similar sentiments were expressed during the following interviews: Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with Pastor, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012, (commenting that "the position of the paramount chief is the same everywhere. But the respect that each paramount chief has from his people is different").

[277] Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012.

[278] Vivek Maru, Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide, Yale Journal of International Law, Vol.31 Issue 427, pp. 448-49 (2006).

[279] *Sierra Leone Country Review*, at pp. 75 and 108; Lowenstein Clinic Interview with Maud Fortuyn, Chief Child Protection Specialist, Chuwarakha Sriram, Child Protection Specialist, and Rosina Mahoi, Child Protection Specialist, UNICEF, Freetown, March 12, 2012; Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; and Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[280] Institutional Reform and Capacity Building Project (IRCBP) Evaluations Unit, *Report on the IRCBP 2007 National Public Services Survey: Public Services, Governance, Dispute Resolution and Social Dynamics*, p. 35 (May 2008).

[281] A study of the customary legal system asserts that the ban on chief adjudication causes formal authorities to invoke the "acceptability of the [chief's] courts, when it suits them," and to reject chief's decisions "when it does not suit them. This [ban] also poses difficulties for chiefs who are always reminded of the illegality of their adjudication, even where fair and just, by disputants they have ruled against." *Reassessing Customary Law*, at p. 12.

[282] Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with Town Chief, Mayawlaw, March 16, 2012.

[283] Local Courts Act of 1963, § 13(C); and Local Courts Act of 2011, § 15.

[284] The Child Rights Act, § 35.

[285] Lowenstein Clinic Telephone and Email Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, May 23, 2012; Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012; and Lowenstein Clinic Email Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, July 25, 2012. This interpretation was also supported by a Local Court chairwoman, who indicated that she was not qualified to hear child marriage cases. Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012.

[286] Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012; and Lowenstein Clinic Interview with Aisha Bangura, Deputy Supervisor, Family Support Unit of the Sierra Leone Police, Freetown, March 13, 2012.

[287] Registration of Customary Marriage and Divorce Act, § 5(1).

[288] *Legal Frameworks Related to Child Rights*, at p. 23; *Landscape of Local Authority*, at p. 5; Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012.

[289] The practical need for Local Court members to informally "expand" their jurisdiction in light of the inaccessibility and minimal capacity of formal adjudicatory systems was highlighted by several interviewees. Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012, (stating that either a Magistrate Court or Local Court would be an appropriate forum to hear a child marriage dispute in the first instance); and Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012, (who, by suggesting that chiefs pass child marriage bylaws that resemble and support the provisions of the Child Rights Act, implicitly contemplated customary law enforcement of the child marriage prohibition).

[290] Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Chief Speaker, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with Town Chief, Mayawlaw, March 16, 2012.

[291] Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Town Chief, Mayawlaw, March 16, 2012; Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; and Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012. One Customary Law Officer also suggested that child marriage bylaws

that support the CRA should be passed and enforced by customary authorities. Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012.

[292] The Child Rights Act § 76; Lowenstein Clinic Interview with Olayinka Creighton-Randall, Coordinator, Joint Coordinating Office of the Sierra Leonean Ministry of Justice, Freetown, March 19, 2012; Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; and Lowenstein Clinic Interview with Christiana Davies-Cole, Project Coordinator and Assistant Treasurer, LAWYERS, Freetown, March 19, 2012.

[293] Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Telephone Interview with Joseph Kamara, Anti-Corruption Commissioner, National Government of Sierra Leone, March 28, 2012 (noting that there are currently only four trained magistrates who are able to preside over Family Courts in Sierra Leone); and Plan Sierra Leone, *Plan CP Thematic Review*, p. 13 (Jan 2012).

[294] Lowenstein Clinic Interview with Christiana Davies-Cole, Project Coordinator and Assistant Treasurer, LAWYERS, Freetown, March 19, 2012.

[295] Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012, (recalling that he has referred two cases of child marriage to the Local Court, which had the authority to fine the adults involved, because they were violating the community's child marriage bylaw); Lowenstein Clinic Interview with Chief Speaker, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with Town Chief, Mayawlaw, March 16, 2012.

[296] As later sections of this report explain, the Local Courts Act denies Local Courts jurisdiction to hear criminal cases concerning child marriage. *See* Section 13 of the Local Courts Act of 1963, and section 15 of the Local Courts Act of 2011. Section 5(1) of the Registration of Customary Marriage and Divorce Act does, however, permit Local Courts to dissolve marriages that are formed when at least one spouse is under the age of 18. Registration of Customary Marriage and Divorce Act § 5(1). Moreover, chiefs are not permitted to levy fines, hold official hearings, or to charge adjudication fees at any time (See Section 40, Local Courts Act). Chiefs may lawfully refer to bylaws when informally resolving a dispute surrounding child marriage, provided that they also notify the FSU within a twenty-four hour period. *See* Memorandum of Understanding Between Paramount Chiefs, The Family Support Unit of Sierra Leone Police and Child Welfare, April 12, 2011.

[297] Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012, (referring to two child marriage cases that he referred to the Local Courts); Lowenstein Clinic Interview with Chief Speaker, Mapaki, March 15, 2012, (stating that the Local Court fines individuals who commit child marriage violations under the chiefdom's bylaws); Lowenstein Clinic Interview with Town Chief, Mayawlaw, March 16, 2012, (stating that if a child marriage case came before him, he would send the case to the Local Court and contact the FSU and MSWGCA); and Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012 (indicating that she sometimes hears child marriage cases herself).

[298] *Engaging Legal Dualism*, at p.172; Vivek Maru, Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide, Yale Journal of International Law, Vol.31 Issue 427, pp. 448-49 (2006); Local Courts Act of 1963, § 40; and Local Courts Act of 2011, § 44.

[299] Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012, (confirming that such bylaws exist in areas including Tikonko, Mongere, the Paki-Masbaong chiefdoms).

[300] Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Secondary School Teachers, Makeni, March 15, 2012; and Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[301] Lowenstein Clinic Interview with Stephen Gaojia, Minister of Social Welfare, Gender, and Children's Affairs, National Government of Sierra Leone, Freetown, March 19, 2012; Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; Lowenstein Clinic Interview with William Bangura, Principal Social Development Officer, Ministry of Social Welfare, Gender, and Children's Affairs, National Government of Sierra Leone, Makeni, March 15, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Maud Fortuyn, Chief Child Protection Specialist, Chuwarakha Sriram, Child Protection Specialist, and Rosina Mahoi, Child Protection Specialist, UNICEF, Freetown, March 12, 2012; Lowenstein Clinic Interview with Isaley Fojanah, Makeni City Council Deputy, Alex A. Kapotho Kamara, Makeni City Council Member and Development and Planning Committee Chairperson, and Moses Zway, Makeni City Council member and Education Committee Chairperson, Makeni, March 15, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Chief Speaker, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Chieftain Welfare Council Clerk, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Chief Speaker, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with Village Development Council, Mayawlaw, March 16, 2012.

[302] Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Isaley Fojanah, Makeni City Council Deputy, Makeni, March 15, 2012; Lowenstein Clinic Interview with Maud Fortuyn, Chief Child Protection Specialist, Chuwarakha Sriram, Child Protection Specialist, and Rosina Mahoi, Child Protection Specialist, UNICEF, Freetown, March 12, 2012; Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; Lowenstein Clinic Interview with Konima Bobor-Kamara, Gender Advisor, Grace Hammond, Child Protection & Rights of Child Advisor, and Miriam Murray, Program Support Manager, Plan Sierra Leone, Freetown, March 12, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with Imam, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Chief Speaker, Mapaki, March 15, 2012; Lowenstein Clinic Interview with William Bangura, Principal Social Development Officer, Ministry of Social Welfare, Gender, and Children's Affairs, National Government of Sierra Leone, Makeni, March 15, 2012; Lowenstein Clinic Interview with A. Roland Kamara, Magistrate Judge, National Government of Sierra Leone, Makeni, March 16, 2012; and *Legal Frameworks Related to Child Rights*, at p. 27.

[303] Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; and Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012.

[304] Lowenstein Clinic Interview with Simeon Koroma, Founding Director, Timap for Justice, Freetown, March 13, 2012; Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with William Bangura, Principal Social Development Officer, Ministry of Social Welfare, Gender, and Children's Affairs, National Government of Sierra Leone, Makeni, March 15, 2012; and Lowenstein Clinic Interview with Isaley Fojanah, Makeni City Council Deputy, Alex A. Kapotho Kamara, Makeni City Council Member and Development and Planning Committee Chairperson, and Moses Zway, Makeni City Council member and Education Committee Chairperson, Makeni, March 15, 2012.

[305] Lowenstein Clinic Interview with Yusuf Koroma, Acting Customary Law Officer and State Counselor, National Government of Sierra Leone, Makeni, March 16, 2012; and Lowenstein Clinic Interview with Isaley Fojanah, Makeni City Council Deputy, Makeni, March 15, 2012.

[306] Lowenstein Clinic Interview with Olayinka Creighton-Randall, Coordinator, Joint Coordinating Office of the Sierra Leonean Ministry of Justice, Freetown, March 19, 2012.

[307] Parliament could also use codification as a way to signal the kinds of child marriage bylaws that it believes are particularly fair and effective.

[308] Memorandum of Understanding Between Paramount Chiefs, The Family Support Unit of Sierra Leone Police and Child Welfare, p. 4 April 12, 2011.

[309] Memorandum of Understanding Between Paramount Chiefs, The Family Support Unit of Sierra Leone Police and Child Welfare, pp. 4-5, April 12, 2011.

[310] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; and Lowenstein Clinic Interview with Aisha Bangura, Deputy Supervisor, Family Support Unit of the Sierra Leone Police, Freetown, March 13, 2012.

[311] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with Aisha Bangura, Deputy Supervisor, Family Support Unit of the Sierra Leone Police, Freetown, March 13, 2012; and Lowenstein Clinic Interview with Fancess Alfhali, Executive Secretary, Gloria Bayoh, Women and Children's Rights, Fabundeh Ansumana, Human Rights Officer, and Mohamed Tiamiae Fofanali, Senior Human Rights Officer, Human Rights Commission, Freetown, March 13, 2012.

[312] Lowenstein Clinic Interview with local NGOs in Makeni, March 14, 2012; Lowenstein Clinic Interview with local NGOs in Freetown, March 12, 2012; Lowenstein Clinic Interview with Aisha Bangura, Deputy Supervisor, Family Support Unit of the Sierra Leone Police, Freetown, March 13, 2012; Lowenstein Clinic Interview with Paramount Chief, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Fancess Alfhali, Executive Secretary, Gloria Bayoh, Women and Children's Rights, Fabundeh Ansumana, Human Rights Officer, and Mohamed Tiamiae Fofanali, Senior Human Rights Officer, Human Rights Commission, Freetown, March 13, 2012; Lowenstein Clinic Interview with Local Court Chairperson, Makeni, March 17, 2012; Lowenstein Clinic Interview with Local Court member, Mapaki, March 15, 2012; Lowenstein Clinic Interview with Town Chief, Mayawlaw, March 16, 2012; and Lowenstein Clinic Interview with Chief Speaker, Mapaki, March 15, 2012.

About Allard K. Lowenstein International Human Rights Clinic Yale Law School

The Allard K. Lowenstein International Human Rights Clinic is a Yale Law School course that has three main goals: to provide students with the opportunity to gain practical experience, under faculty supervision, that reflects the range of activities in which lawyers engage to promote respect for human rights; to help students build the basic knowledge and skills necessary to be effective human rights lawyers and advocates; and to contribute to efforts to protect human rights through valuable, high-quality assistance to appropriate organizations and individual clients.

Through work on projects and classroom discussion, the Clinic encourages students to examine and develop sensitivity to critical issues affecting the promotion of human rights and to integrate the theory and practice of human rights law. The Clinic gives students an overview of basic human rights principles and their application and provides training in human rights research and writing and other advocacy skills.

Recent Lowenstein Clinic work has included involvement in human rights litigation in U.S. courts; preparing amicus curiae briefs on international and comparative law for national and international courts, tribunals and commissions; advocacy before international and regional human rights bodies; and investigating and drafting reports on human rights situations.

About Plan

Plan is a global children's charity. We work with children and young people in the world's poorest countries to help them build a better future. A future you would want for all children, your family and friends. For over 75 years we've been taking action and standing up for every child's right to fulfil their potential by:

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- working with communities to prepare for and survive disasters
- inspiring children to take a lead in decisions that affect their lives
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