

Mandates of the Working Group on the issue of discrimination against women in law and in practice; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences

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Excellency,

We have the honour to address you in our capacities as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 23/7, 24/6, 25/13, and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **a governmental policy banning “visibly” pregnant girls and young women to attend school and sit for exams.**

According to the information received:

Sierra Leone was one of the most affected countries by the Ebola crisis that broke out in March 2014, having major impacts on different aspects of people's life, including their economic life, freedom of movement, education and access to health care services. As the number of Ebola infected persons started to decline in February and March 2015, the Government decided to reopen schools and education cycles. It also confirmed its intention to conduct exams, including the BECE exam, which is essential for children to enter into higher learning institutions.

In March 2015, several high ranking official of the Ministry of Education, Science and Technology, made various media statements announcing that pregnant girls and young women would be banned from sitting exams and from going back to school. It was allegedly specified that this ban would especially apply to “visibly” pregnant girls.

On 2 April 2015, the Ministry of Education, Science and Technology published a statement outlining the Government's position on pregnant school girls. This statement formally indicated that girls who were pregnant would not be allowed to pursue their education during their pregnancy. The document stated that "such condition has the potential to negatively impact on their ability to concentrate and participate during lessons" as well as exposing pregnant girls "to ridicule by their colleagues". It further developed in implying that pregnancy at school "undermines the right ethical standards required in [the Sierra Leonean] educational institutions" and "compromises the quality of education".

The policy statement indicated that girls would be allowed to pursue their studies after giving birth according to the 1996 Policy on Education. The policy statement also mentioned that "visibly" pregnant girls who were to be banned from the school setting would be "provided skills and basic knowledge in parenting" as well as "training and basic knowledge in literacy and numeracy". To date, no detailed plan has been announced or implemented to ensure that concerned girls continue their education, nor plans for child-care or any other initiative to support the girls' return to school.

To justify this policy, several Government officials allegedly said that if girls did not respect the "clear instructions" not to touch issued during the Ebola epidemic to avoid body contact, they should not be allowed to attend school and sit exams, as a form of "punishment". The Ministry of Education, Science and Technology allegedly also justified its position by highlighting that the presence of pregnant girls in classrooms may increase the likelihood of other girls getting pregnant.

Since 2 April 2015 when the ban came into force, and in the absence of explicit instructions to implement this policy document, several "testing" methods have been reported. Many school girls allegedly had their breasts and stomachs touched in public by teachers and school officials in order to determine girls' pregnancy status. It is alleged that some girls have been compelled to take urine tests by the educational staff and that some girls, fearing to undergo these "testing" procedures, decided to strap their stomach and their breasts down to hide their pregnancy, putting their health at risk in order to be able to attend school and sit exams.

It is alleged that thousands of girls are affected by this policy. Indeed, even before the outbreak of Ebola, teenage pregnancy rates were already high. According to official statistics, in 2013 28% of girls between 15 and 19 years old already had a child or were pregnant¹. According to reports, the Ebola crisis indirectly contributed to a rise of sexual violence and unwanted and high risk pregnancy. As

¹ Government of Sierra Leone, *Let girls be girls, not mothers! National strategy for the reduction of teenage pregnancy in Sierra Leone (2013-2015)* (National strategy for the reduction of teenage pregnancy in Sierra Leone), <http://hivhealthclearinghouse.unesco.org/library/documents/let-girls-be-girls-not-mothers-national-strategy-reduction-teenage-pregnancy-2013> (accessed 9 December 2015)

a consequence and due to the limited access to post-rape health care and emergency contraception which is expensive and difficult to obtain in Sierra Leone, it is reported that teenage pregnancy cases have increased during the Ebola epidemic.

While we do not wish to prejudge the accuracy of these allegations, we wish to express serious concern regarding the ban of pregnant, whether or not visibly, girls and young women to attend school and sit exams, which seems based on misguided, discriminatory and stigmatising attitudes, beliefs and stereotypes. Deep concern is further expressed at this policy implemented by the Ministry of Education, Science and Technology, as it perpetuates gender inequality and violates young women and girls' rights to education, economic opportunities, enjoyment of the highest attainable standard of physical and mental health, including reproductive health, privacy, and to physical and psychological integrity and dignity. Finally, we wish to express serious concern at the "testing" methods used that may amount to humiliating and degrading treatments.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

Since it is our responsibility under the mandates entrusted to us by the Human Rights Council to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information about the current status of this governmental policy and how it is compatible with the Sierra Leone's Constitution provision requiring the Government to direct its policy towards ensuring that there are equal rights and adequate educational opportunities for all citizens at all levels.
3. Please provide information on measures taken by your Government to implement the 2004 Truth and Reconciliation Commission's recommendations regarding the need for a National Strategy for the Reduction of Teenage Pregnancy.
4. Please provide information on measures taken by your Government in the aftermath of the Ebola epidemic, to reduce teenage pregnancies, which are often exacerbated by the prevalence of sexual violence including exploitative and abusive relationships, and the lack of access to sexual and reproductive healthcare information, goods and services.
5. Please provide information about the measures taken by your Government to ensure access to health care by girls and young women at all stages of their life-cycle including, but not exclusively, during and after pregnancies.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Eleonora Zielinska
Chairperson-Rapporteur of the Working Group on the issue of discrimination against
women in law and in practice

Dainius Puras
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health

Juan E. Méndez
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Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences

Annex

Reference to international human rights law

In connection with the above concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), which Sierra Leone ratified on 23 August 1996. The ICCPR underlines that the State shall respect and ensure the rights of all individuals, without any distinction of any kind, including of sex (art.2), to be free from inhuman and degrading treatment or punishment (art.7), and the right to one's privacy and family (art.17). The abovementioned alleged facts also indicate a violation of the right to the highest attainable standard of health of young women and girls (art.12), their right to education (art.13) as well as their right to work (art.6) as set forth in the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded by Sierra Leone also on 23 August 1996.

We would like also to refer your Excellency's Government to General Comment 14 of the Committee on Economic, Social and Cultural Rights, which indicates that States shall respect the right to health by, inter alia, abstaining from imposing discriminatory practices relating to women's health status and needs as well as by refraining from limiting access to contraceptives and other means of maintaining sexual and reproductive health (GC 14, Para.34). In addition, with the aim to eliminate discrimination against women, General Comment 14 refers to the need to develop and implement policies to provide women with access to high quality and affordable sexual and reproductive services (GC 14, Para.21), further indicating that "the provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child" may be understood as requiring measures to improve child and maternal health, sexual and reproductive health services, including access to family planning, pre- and post-natal care, emergency obstetric services and access to information, as well as to resources necessary to act on that information (GC 14, Para.14)

The ban of pregnant girls from attending schools and sitting exams undermines a number of rights and principles guaranteed under the Convention on the Elimination of all forms of discrimination against women (CEDAW), ratified by Sierra Leone on 11 November 1988. The Convention condemns all forms of discrimination against women and girls (art.2), requires the modification of social and cultural patterns of conduct in order to eliminate discrimination against women and girls (art.5), guarantees their right to equal access in the field of education, including access to specific educational information needed to ensure women's health and well-being such as information and advice on family planning (art.10), as well as their right to access health care services and goods without discrimination (art.12).

In its General Recommendation n°28 on "women and health", the Committee on the Elimination of all forms of discrimination against women specified that States parties should ensure girl adolescents' access to sexual and reproductive health education that would also respect their right to privacy and confidentiality.

In its thematic report A/HRC/26/39, the Working Group on discrimination against women in law and in practice recommended States to adopt good practices to combat non-attendance by girls at school by making provision for pregnant girls and school-age mother (para.116).

We would like also to refer your Excellency's Government to the Convention on the Rights of the Child (CRC), ratified by Sierra Leone on 18 June 1990, which guarantees girls' rights to non-discrimination (art.2), their right to education (art.28), right to be free from inhuman and degrading treatment (art.37 (a)), privacy and physical integrity (art.16).

The Committee on the Rights of the Child, in paragraph 31 of its General Comment n°4 (2003) on "Adolescent health and development in the context of the CRC", has specified that "adolescent girls should have access to information on the harm that [...] early pregnancy can cause". It also urges States "to develop policies that will allow adolescent mothers to continue their education". In its General Comment n°15 on "the right of the child to the enjoyment of the highest attainable standard of health", the Committee stated that "discrimination based on adolescent pregnancy, such as expulsion from schools, should be prohibited, and opportunities for continuous education should be ensured" (para.56).

We would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Sierra Leone ratified on 25 April 2001. In the context of health-related abuses, the Special Rapporteur on torture has stated that "the focus on the prohibition of torture strengthens the call for accountability and strikes a proper balance between individual freedom and dignity and public health concerns" (A/HRC/22/53 para.83), Degrading physical searches, forced pregnancy testing and expulsion from school falls within the ill treatment rubric, as the intentional punishment of girls for becoming pregnant should be understood as a form of discrimination and causes irreparable harm on the girls' physical, psychological health and well-being.

We would like to bring to Your Excellency's attention Article 1 of the United Nations Declaration on the Elimination of Violence against Women which provides that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Expelling pregnant girls and pregnant young women from the education system is a practice that existed before the Ebola crisis. In 2004, the Truth and Reconciliation Commission (TCR) in Sierra Leone considered this practice as "discriminatory and archaic" in an imperative recommendation. In the view of the TRC such recommendations fall strictly within the peremptory obligation as stated in the Truth and Reconciliation Act 2000. The Government is required to implement these

recommendations "faithfully and timeously". As a result, the Government of Sierra Leone issued a National Strategy for the Reduction of Teenage Pregnancy in 2013. Due to the outbreak of Ebola, the implementation of this strategy was delayed.