



## ECOWAS Court Declares Sierra Leone's Loitering Laws Discriminatory and Orders Repeal

**Freetown, 7 November 2024:** In a landmark judgment, the Economic Community of West African States (ECOWAS) Community Court of Justice has ruled in favour of AdvocAid in a case filed against the Republic of Sierra Leone. The case challenged Sierra Leone's discriminatory loitering laws, which AdvocAid argued unjustly target the poor and vulnerable and violate fundamental human rights.

The court found that Sierra Leone's loitering laws infringe on the rights to equality and non-discrimination, and freedom of movement, declaring that the enforcement of these laws disproportionately affects marginalised persons. Under current legislation, individuals can be arrested based solely on a subjective assessment by law enforcement officers that a person has failed to give a "satisfactory account" of themselves. This vague criterion has led to arbitrary detentions, primarily of low-income individuals, who are often unable to avoid these arrests due to their socio-economic circumstances.

In its submissions in this case, AdvocAid also brought to light egregious abuses suffered by women arrested under these laws. The case documented instances where women who could not afford bribes were subjected to sexual exploitation by police officers as a condition for release. In some cases, women were forced into non-consensual sexual acts, often without any form of protection, further exacerbating their vulnerability and trauma.

The ECOWAS Court's judgment affirms that Sierra Leone's loitering laws contravene the principles of equality before the law and the rights to non-discrimination and freedom of movement. In its ruling, the Court ordered the Government of Sierra Leone to take appropriate measure to amend or repeal its loitering laws, emphasising the need for legislation that upholds the rights of all citizens and protects against arbitrary arrests and abuse.

*"We are grateful to the ECOWAS Court for recognising the harm caused by Sierra Leone's discriminatory loitering laws," said Ms. Alison French, Executive Director, AdvocAid. "This judgment is a significant step toward protecting the human rights of vulnerable members of our society, particularly women, who have been subjected to abuse and exploitation due to these laws."*

AdvocAid and the Institute for Human Rights and Development in Africa (IHRDA), which provided legal support to AdvocAid in this case, also express their sincere gratitude to the **Campaign to Decriminalise Poverty and Status**, whose tremendous support and commitment have been instrumental in the success of this case. "The Campaign to Decriminalise Poverty and Status has been unwavering in its efforts to challenge laws that criminalise poverty, shining a spotlight on how these laws harm the most vulnerable," added IHRDA's Executive Director, Dr. Musa Kika. *"Their work has been crucial in advocating for systemic change and promoting the rights of the poor and marginalized in Sierra Leone and beyond."*

Eleanor Thompson, the legal counsel who represented AdvocAid in the case before the ECOWAS Court, added, *"The decision underscores the need for legal frameworks that protect—not criminalise—*

*people based on their socio-economic status or location. It is a victory for the dignity and rights of Sierra Leone's most marginalised citizens."*

**AdvocAid** and **IHRDA** call on the Government of Sierra Leone to respect the ECOWAS Court's ruling by urgently amending its loitering laws and addressing the rights violations highlighted in the case.

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## **About AdvocAid**

AdvocAid is a feminist organization led by women for women. We are the only human rights organization in Sierra Leone providing holistic access to justice and support post-incarceration, to women and girls who come into contact with the law. We operate across eight towns in Sierra Leone from established offices in Freetown, Makeni, Kenema. Our team of dedicated paralegals social workers and lawyers work with women in contact with the law, to ensure they are supported and represented throughout the justice system - from police stations to court to correctional centres - with legal empowerment and psycho-social / welfare support, as well as support once released from incarceration. We use all of the insights and lessons from these important short-term interventions, to inform our policy work, advocating for law reform that is focused on changing the system that disproportionately traps women and girls in poverty and brings them into contact with the justice system.

## **About IHRDA**

IHRDA is a Pan-African non-governmental organisation established in 1998 in The Gambia. IHRDA works to promote human rights and development in Africa and to improve the effectiveness of the African human rights system. IHRDA envisages an African continent where all have access to justice via national, African and international human rights mechanisms. IHRDA's work can be summarised in three words: defend, educate, and inform. IHRDA engages in legal advocacy through pro-bono strategic litigation and has extensive experience litigating before regional human rights mechanisms. It diversifies the scope of its efforts to ensure the effective implementation of decisions and recommendations. IHRDA also plays a lead role in skills development for State and non-State actors on the use of international legal instruments and mechanisms for the promotion and protection of human rights and development in Africa.