



## Press Release:

### Court Case Filed Against Sierra Leone to Overturn Discriminatory Loitering Laws

4 May 2022

AdvocAid has filed a case at the Economic Community of West African States (ECOWAS) Community Court of Justice in Abuja, Nigeria, against the Government of Sierra Leone, seeking to overturn the country's discriminatory loitering laws. The Institute for Human Rights and Development in Africa (IHRDA) and Sierra Leonean lawyer, Eleanor Thompson, are legal representatives of the Plaintiff.

Loitering is a petty offence that is defined in the Public Order Act of 1964 and the Summary Conviction Offences Ordinance of 1906. For example, section 7 of the Public Order Act provides that *"Any person loitering in or about any stable house or building, or under any piazza, or in the open air, and not having any visible means of subsistence, and not giving a good account of himself, shall be deemed an idle and disorderly person, and shall, on conviction thereof, be liable to imprisonment for any period, not exceeding one month"*.

In the case filed on 21 April 2022, the Plaintiff alleges that these laws and their application unfairly target the poor and most vulnerable members of society and subject them to criminal sanctions for potential, rather than actual, harmful acts. Loitering laws are enforced in a discriminatory manner and frequently result in arbitrary and unlawful arrests targeting the poor and marginalized groups in society, particularly those who work in the informal economy. Simply the act of being in a place and not giving a "good account of himself/herself" or "satisfactory account of himself/herself" (as subjectively judged by a police officer) provides a basis for an arrest.

The case also alleges that in many cases of women who do not have money when arrested, the police officers demand for sexual intercourse before the women can be released. In some instances, police officers forcefully have sex with these women against their will, and in many cases without using any protection. Those women who do not give the police their demands are charged to court, while those that can satisfy the demands are released without charge.

The case alleges that these laws violate various provisions under the African Charter on Human and People's Rights to which Sierra Leone is a party, such as the right to equality and non-discrimination and the right to freedom of movement.

*"Loitering laws in Sierra Leone are largely unfair to the poor and underprivileged in our societies. ... This case is about justice for the common people in Sierra Leone"*, AdvocAid Legal Manager, Juliet Mamawa Kaikai, remarked following the filing of the case.

The Plaintiff requests the Court to order Sierra Leone to repeal its loitering laws and to conduct human rights training for law enforcement officers, among others.

#### **For Further Information:**

[AdvocAid](#) is a civil society organisation in Sierra Leone that has provided access to justice for girls and women in contact with the law for over 15 years.

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[IHRDA](#) is a pan-African non-governmental organisation working to promote awareness of human rights in Africa and improve the effectiveness of the African Human Rights system.

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To learn more about the application of petty offences in Sierra Leone, check out the [resources](#) produced by AdvocAid and CARL.

The [Campaign to Decriminalise Petty Offences](#) has more information and resources from across the Continent.