

**His Excellency President Julius Maada Bio**

President of Sierra Leone  
State House  
Freetown  
Republic of Sierra Leone

March 2020

Your excellency President Maada Bio,

I am writing to you regarding the ECOWAS Court of Justice (the Court) judgement concerning the situation of pregnant girls in Sierra Leone and their right to education (Judgment No ECW/CCJ/ JUD/ 37/19).

The judgement was read out on 12 December 2019 in Abuja, Nigeria, in response to the application made by the NGOs Women against Violence and Exploitation in Society (WAVES) and Children Welfare Society Sierra Leone (CWA-SL). Amnesty International submitted an *amicus curiae* brief (AFR 51/0600/2019) to the Court, which presented evidence based on Amnesty International's research on the human rights risks and violations experienced by pregnant girls who are unable to attend mainstream schools in Sierra Leone, as well as the relevant regional and international human rights law for the Court to consider.

The Court clearly found that the 2015 Sierra Leone Ministerial Order banning pregnant girls from attending school and taking exams is discriminatory and should "be revoked with immediate effect". The Court stated that the ban is a breach of Sierra Leone's commitments under its own laws as well as regional and international laws including the African Charter on Human and Peoples Rights and the UN Convention on the Rights of the Child.

The Court noted that "it is the responsibility of the State to ensure that both male and females are afforded equal opportunities to education without distinction". The Court also considered separating pregnant girls to be stigmatizing and said it "could be seen as a form of punishment for being pregnant".

The Court instructed the government of Sierra Leone to develop strategies and campaigns to address the negative societal attitudes towards pregnant girls attending school. It also highlighted the need to integrate sexual and reproductive health education into the school curricula as well as to increase family planning to support efforts to address the high rates of teenage pregnancies.

All these recommendations, amongst others, have already been made by Amnesty International in its 2015 report *Shamed and Blamed: Pregnant Girls' Rights at Risk in Sierra Leone* (AFR 51/2695/2015). National organizations have also expressed similar demands.

Following the judgment by the ECOWAS Court of Justice, and given Sierra Leone's regional and international human rights obligations, I urge you to

- (i) immediately revoke the ban on pregnant girls attending mainstream schools - a policy that clearly violates the rights of pregnant girls in Sierra Leone, and
- (ii) take all the necessary measures to ensure the full enforcement of this judgment.

Yours sincerely,

Embassy of the Federal Republic of Germany  
**S.E. Herrn Horst Gruner**  
Middle Hill Station, Wilberforce, 3, P. O. Box 728  
Freetown  
Sierra Leone

März 2020

Sehr geehrter Herr Botschafter,

Ich schreibe Ihnen bezüglich des Urteils des Gerichtshofs der Westafrikanischen Wirtschaftsgemeinschaft ECOWAS zum Recht auf Bildung für schwangere Mädchen in Sierra Leone (Urteil Nr. ECW/CCJ/ JUD/ 37/19).

Die NGOs Women against Violence and Exploitation in Society (WAVES) und Children Welfare Society Sierra Leone (CWA – SL) hatten gegen das Verbot für schwangere Mädchen, die Schule zu besuchen und Prüfungen abzulegen geklagt, welches von den Behörden in Sierra Leone 2015 verhängt wurde. Am 12. Dezember 2019 wurde das Urteil in Abuja, Nigeria, verkündet. Amnesty International hatte die Klage mit einem Amicus-Curiae-Schreiben unterstützt (AFR 51/0600/2019). Darin legte Amnesty International die Ergebnisse eigener Untersuchungen dar, die belegen, dass die Menschenrechte dieser Mädchen verletzt werden oder in Gefahr sind, und erläuterte, welche regionalen und internationalen Menschenrechtsbestimmungen Anwendung finden.

Das Gericht bestätigte eindeutig, dass das Verbot diskriminierend ist und „unverzüglich aufgehoben werden“ sollte. Das Gericht führte aus, dass das Verbot gegen die Verpflichtungen verstößt, die das Land mit seiner nationalen sowie entsprechend der regionalen und internationalen Gesetzgebung eingegangen ist – einschließlich der Afrikanischen Charta der Menschenrechte und Rechte der Völker und dem Übereinkommen über die Rechte des Kindes.

Das Gericht stellte fest, dass es in der Verantwortung des Staates liege „sicherzustellen, dass sowohl Jungen als auch Mädchen ohne Unterscheidung gleiche Chancen auf Bildung erhalten“. Zudem sieht es das Gericht als stigmatisierend an, schwangere Mädchen von den anderen Kindern zu trennen und sagte dies könne als „eine Art der Bestrafung für die Schwangerschaft“ gesehen werden.

Das Gericht wies die Regierung von Sierra Leone an, Strategien und Kampagnen zu entwickeln, um der negativen gesellschaftlichen Haltung gegenüber dem Schulbesuch schwangerer Mädchen entgegenzuwirken. Zudem wies es darauf hin, dass Aufklärung zu sexueller und reproduktiver Gesundheit im Lehrplan verankert und die Möglichkeiten zur Familienplanung verbessert werden müssen, um gegen die hohe Zahl von Teenagerschwangerschaften vorzugehen.

Diese und weitere Empfehlungen hatte Amnesty International bereits 2015 im Bericht *Shamed and Blamed: Pregnant Girls' Rights at Risk in Sierra Leone* (AFR 51/2695/2015) gemacht. Verschiedene nationale Organisationen brachten ähnliche Forderungen vor.

Wir bitten die Bundesrepublik Deutschland höflich, die Regierung von Sierra Leone aufzufordern, unverzüglich die notwendigen Maßnahmen zu ergreifen, um dem Urteil nachzukommen und allem voran das diskriminierende Verbot aufzuheben.

Wir danken Ihnen im Voraus für Ihre Unterstützung.

Mit freundlichen Grüßen

The Embassy of The Republic of Sierra Leone  
**H.E. Ambassador Dr. M'Baimba Lamin Baryoh**  
Herwarthstrasse 4  
12207 Berlin

March 2020

Your excellency Dr. M'Baimba Lamin Baryoh,

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