



ECOWAS Court Ruling: Radio and TV Engagement with Sierra Leone Broadcasting Corporation (SLBC).



Today, the 11th November 2024, AdvocAid's Legal Manager, Juliet Mamawa Kaikai (left), Eleanor Thompson (far left), the lawyer who argued AdvocAid's case at the ECOWAS Court, and Zainab Abu Kamara joined SLBC to discuss the landmark ruling declaring Sierra Leone's

loitering laws discriminatory. The session delved into the journey leading up to this case, the profound impact of the ruling, and its enforceability.

Juliet Mamawa Kaikai provided background on the case, explaining how AdvocAid began investigating the issue after hearing reports from marginalised women about frequent harassment, arbitrary arrests, and even sexual exploitation by law enforcement.

Eleanor Thompson outlined how loitering laws in Sierra Leone contravene human rights principles, particularly the right to equality, non-discrimination, and freedom of movement. She explained that these colonial-era laws disproportionately affect marginalised communities and often lead to arbitrary arrests based on vague criteria.

Thompson also detailed the arguments presented to the ECOWAS Court, which AdvocAid believed strongly justified the need for these laws to be amended or repealed. AdvocAid argued that loitering laws are often applied subjectively, enabling discrimination against low-income individuals and marginalised groups, particularly women in the informal economy. The laws violate human rights by allowing arrests based solely on police officers' assessments that a person has not given a "satisfactory account" of themselves—a criterion the Court found to be discriminatory. The Court agreed that these laws effectively criminalise poverty and ordered the Government of Sierra Leone to take appropriate measures to repeal, amend or modify its loitering laws, reinforcing the urgent need for reform.

Zainab Abu Kamara shared her personal experiences as a victim of these discriminatory laws, describing the negative impact they had on her life and the injustices she faced. Her story underscored the urgency of reform and highlighted the human cost of laws that criminalise poverty and discrimination.

Both speakers described the case as a landmark victory, not only for Sierra Leone but for the entire region, as it challenges colonial-era laws that criminalise poverty. They noted that the judgment sets a critical legal precedent, affirming that laws across Africa must protect, rather than punish, the most vulnerable.

Addressing enforceability, Kaikai and Thompson acknowledged challenges with enforcing ECOWAS Court rulings but expressed optimism. They emphasised AdvocAid's commitment to holding the government accountable and ensuring the judgment leads to meaningful reform. Through ongoing engagement with both executive and legislative arms of government, they hope this decision will inspire broader changes across the continent, ultimately leading to laws that uphold human rights and equality.