



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

Freetown, 7 November 2024: In a landmark judgement, 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 targets the poor and vulnerable and violates fundamental human rights.

The Court ruled that Sierra Leone's loitering laws violate rights to equality, non-discrimination, and freedom of movement, disproportionately impacting marginalised individuals. Under the **Public Order Act of 1964** and the **Summary Conviction Offences Ordinance of 1906**, individuals can be arrested based on subjective police assessments, often resulting in arbitrary detentions of low-income individuals. AdvocAid also highlighted egregious abuses faced by women, who reported being coerced into non-consensual sex by officers if they couldn't pay bribes. The Court's judgement ordered Sierra Leone to amend or repeal these laws, emphasising the need for legislation that protects all citizens from arbitrary arrests and abuse.

This ruling sets a crucial legal precedent across Africa, urging countries to review and reform colonial-era laws that perpetuate inequality and criminalise poverty. The ECOWAS Court's decision sends a clear message that laws targeting society's most vulnerable must be updated to protect human rights.

"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 judgement 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 marginalised in Sierra Leone and beyond."*

AdvocAid and IHRDA also thank **Amnesty International**, **Consortium for Street Children**, and the **Southern Africa Litigation Centre**, who served as amicus curiae. Their contributions and expertise reinforced the case's significance, stressing the importance of protecting the rights of marginalised individuals.

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 organisation led by women for women. We are the only human rights organisation 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.