

## **INTRODUCTION**

Sierra Leone operates under a bifurcated legal structure which incorporates both elements of traditional or customary law<sup>1</sup> and a formalized system based on English common law. Currently, 85% of Sierra Leoneans fall under the jurisdiction of customary law. For many outside actors, there is a lack of clarity about how and why Sierra Leoneans decide where to pursue cases. Regardless of where Sierra Leoneans pursue justice, recent studies<sup>2</sup> have found barriers to access and problems with equity, transparency and consistency of rulings that may serve to further marginalize underserved populations, with special emphasis on the aged.

The barriers to access to justice impact all Sierra Leoneans, though to varying degrees. While not universally true, the literature suggests that some individual characteristics of community members are also associated with greater inaccess. These characteristics include, though not necessarily exclusively: gender, age, urban migration, and ethnicity.

## **AGE STATISTICS**

The world's population is getting older due to increasing life expectancy and declining fertility and mortality due to improvements in health, technology and socio-economic conditions. In Sierra Leone, however, the ageing process evolved within poorer socio-economic conditions.

The 2015 Population and Housing Census<sup>3</sup> estimates Sierra Leone's population to be 7,092,113, of which 49.2 per cent are males and 50.8 per cent females. Sierra Leone has a young population. About 53 per cent of the total population is within the age bracket of 0–19 years. However, about 3.5 per cent (246,284) of the total population is aged 65 and over, of which 47.4 per cent and 52.6 per cent are males and females respectively. About 72.8 per cent and 27.2 per cent of the elderly population live in rural and urban areas respectively. Approximately 8 out of every 10 of the elderly population did not have any form of education. Of those who did not attend school

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<sup>1</sup> Traditional and customary systems include both the officially-recognized local customary courts, unofficial but widely-used chief's courts, religious leaders, professional organizations, secret societies, family groups, and others.

<sup>2</sup> Keen, D. (2005). Conflict and collusion in Sierra Leone. New York: Palgrave.

<sup>3</sup>

[https://www.statistics.sl/images/StatisticsSL/Documents/Census/2015/sl\\_2015\\_phc\\_thematic\\_report\\_on\\_elderly\\_population.pdf](https://www.statistics.sl/images/StatisticsSL/Documents/Census/2015/sl_2015_phc_thematic_report_on_elderly_population.pdf)

## **EMPLOYMENT OPPORTUNITIES AVAILABLE FOR THE AGED**

Sierra Leonean society is hierarchical, with clear divisions in power and authority between youth and elders, and this divide has contributed to both small- and large-scale conflict in the country. In general, both youth and adults perceive a lack of employment opportunities in their communities, especially for paid and formal jobs. Many link this to the overall lack of economic opportunities in the country, i.e. limited access to capital, poor markets for goods and services, poor roads, and poor supply of energy.

Most of the elderly population is poor and not educated and the majority of them are engaged in subsistence agriculture and petty trading, for which there is no specified retirement age. The economic activity status of the elderly is fairly high as almost 6 out of every 10 persons are economically active. Elderly males are economically more active than their female counterparts. Economic activity by place of residence reveals that of the elderly people living in rural settings, about two thirds are economically active compared their urban counterparts.

## **EXPERIENCING JUSTICE FOR THE AGED IN SIERRA LEONE**

With its commitment to “ensuring equal access to justice for all”, Goal 16 recognizes that effective development requires the capacity to resolve disputes equitably – in areas that deeply affect people’s everyday lives, such as health, housing, employment and the environment.

Sierra Leoneans face huge constraints in accessing justice in the formal sector in Sierra Leone. Documents reveal that police still have difficulties pursuing crimes: including low numbers of recruited staff and the inability to pursue perpetrators as they either lack vehicles, the money to buy fuel if vehicles are available, or monies to pay for public transport to undertake investigations.

Elder abuse is not a common scene in Sierra Leone, but the neglect in terms of service provision for this group is a recipe for their exposure danger – where in most cases they are expected to fend for themselves, even when not able-bodied.

There seems to be a finite number of law schools offering elder law, although the number may increase slightly from time to time. Although there are a number of specialty courts in existence (family court, domestic violence court, drug court to name a few), there does not seem to be much momentum for the establishment of an elder court division.

Elder law in Sierra Leone is a work in progress, driven by the increasing population of vulnerable groups including the aged on the streets. Sierra Leone passed the Legal Aid Act in May 2012, thus establishing the Sierra Leone Legal Aid Board (LAB). The Board provides legal assistance to the poor and vulnerable in society. This group is prone to being disadvantaged in accessing justice because they cannot afford a lawyer. Adult applicants are

subject to a 'Means Test' to determine qualification for legal aid. To pass the 'Means Test', the applicant's income should not exceed the minimum wage of SLL500,000 (\$67).