

SIERRA LEONE 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Sierra Leone is a constitutional republic with a directly elected president and a unicameral legislature. In March 2018 the opposition Sierra Leone People's Party (SLPP) presidential candidate, Julius Maada Bio, won the presidential elections. Bio defeated Samura Kamara of the All People's Congress (APC) party by a narrow margin. In January 2018 parliamentary elections, the APC won a plurality of the seats. Following a High Court ruling in May and by-elections, the SLPP maintained a majority with 59 seats, and the APC held 57 seats. Observers found these elections to be largely free and fair.

The Sierra Leone Police (SLP), which reports to the Ministry of Internal Affairs, is responsible for law enforcement and maintaining security within the country. The Republic of Sierra Leone Armed Forces (RSLAF) is responsible for external security but also has some domestic security responsibilities to assist police upon request in extraordinary circumstances. The RSLAF reports to the Ministry of Defense and National Security. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: harsh and life-threatening prison conditions; criminal libel laws; official corruption; trafficking in persons; criminalization of same-sex sexual conduct; and child labor.

The government took some steps to investigate, prosecute, and punish officials who committed abuses, but impunity persisted.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

In contrast to 2018, there were no reports that the government or its agents committed arbitrary or unlawful killings.

During the year there were no investigations into the 2018 shooting and killing of two persons in Kailahun District on the orders of the outgoing minister of local government, Maya Moiwo Kaikai.

In October authorities arrested two senior opposition APC officials, including the former mayor of Freetown, and charged them with murder in the June 2018 death of a journalist two months after he was severely beaten.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them. In contrast with previous years, when there were reports, including from nongovernmental organizations (NGOs), that police and other security personnel used excessive force to manage political protests, there were no such reports during the year.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and life threatening because of food shortages; gross overcrowding due to an inefficient justice system and lack of sufficient correctional facilities and personnel; physical abuse; lack of clean water; inadequate sanitary conditions; and lack of medical care.

Physical Conditions: The country's 20 prisons, designed to hold 2,055 inmates, held 4,559 as of August. The most severe example of overcrowding was in the Freetown Male Correctional Center, designed to hold 324 inmates, which held 2,089. Some prison cells measuring six feet by nine feet held nine or more inmates. The NGO Prison Watch (PW) and Sierra Leone Correctional Services (SLCS) reported that 13 prisons and detention centers were moderately overcrowded.

In most cases pretrial detainees were held with convicted prisoners. The attorney general reported that as of August, of the 4,559 persons held in prisons and detention centers, 1,941 had been convicted. The SLCS reported that one inmate jailed in 2007 had yet to appear in court.

SLCS authorities and human rights observers reported detention conditions remained below minimum international standards because of unhygienic conditions and insufficient medical attention. Conditions in police station holding

cells were poor, especially in small stations outside Freetown. Lack of adequate physical facilities created life-threatening conditions for detainees. Holding cells in some facilities were often dark, with little ventilation, and inmates slept on bare floors, using their own mattresses and clothes as bedding. The Human Rights Commission of Sierra Leone (HRCSL) and PW reported poor toilet facilities in some correctional centers. Inmates were often forced to use buckets as toilets.

Cells often lacked proper lighting, bedding, ventilation, and protection from mosquitoes. For security reasons authorities refused to allow inmates to sleep under mosquito nets, using chemical repellants instead. Most prisons did not have piped water, and some inmates lacked sufficient access to potable drinking water. In September observers reported that in some facilities to avoid overcrowding in the common areas, authorities confined inmates to their cells for long periods without opportunity for movement. An international donor funded the installation of running water, toilets, and septic tanks in the Makeni, Bo, and Kenema correctional centers.

Prison authorities issued bedding, including blankets, to inmates at the Freetown Female and Male Correctional Centers. Some mattresses were on the floor at the Male Correctional Center. Conditions in detention centers, including lighting and ventilation, were generally better for female inmates than for male inmates.

As of August prison authorities reported 40 deaths in prisons and detention facilities due to malaria, respiratory infections, skin infections, hypertension, and typhoid fever. The PW confirmed the causes of death as reported by the SLCS and made a determination that most deaths were directly related to prison conditions, such as overcrowding and poor hygienic conditions. The SLCS reported the government provided adequate medications for inmates, despite the absence of vital medical equipment in most correctional centers. In cases of medical emergencies, prison authorities transferred inmates to the nearest government hospitals. Officials referred female inmates to local hospitals for special care, and government hospitals complied with the requests.

Prison authorities and the HRCSL reported there was no discrimination against inmates with disabilities. The PW reported it had no information regarding abuse of inmates with disabilities.

The PW reported a shortage of prison staff, which resulted in a lack of security that endangered inmates' safety. The SLCS in Bo reported that in March inmate violence led to the death of one inmate. As of September all 13 inmates who

allegedly participated in the killing were standing trial at the High Court in Bo.

As of September the PW reported that no prison or detention center facility held male and female inmates together.

The PW reported 15 juveniles in Kenema Correctional Center and one at the Freetown Maximum Correctional Center, all ages 14 to 17. Nonetheless, it was often difficult to confirm the ages of inmates due to the pervasive lack of official documentation, which resulted in some juveniles being treated as adults.

Authorities sent most offenders younger than 18 to “approved schools” or reformatory institutions. According to the SLCS, although authorities made some effort to avoid detaining juveniles with adults, they frequently detained minors with adults in police cells while waiting to transfer them to juvenile facilities in Freetown.

In juvenile facilities detainees did not have adequate access to food, water, and education and were sometimes unable to attend court hearings due to lack of transportation.

According to SLCS authorities, several prisons held infants, most of whom were born in prison and initially kept there with their mothers. As of September there were eight infants in correctional centers across the country. Once such children were weaned, authorities released them to family members or to the Ministry of Social Welfare, Gender, and Children’s Affairs, which placed them in foster care. SLCS authorities in Freetown, Bo, and Kenema provided government-funded child-care centers for children of inmates.

Administration: There was no prison ombudsman, but senior prison officials were available to respond to complaints. Inmates reportedly refrained from filing complaints directly with prison authorities because they believed such actions would spur retaliation by judicial authorities.

Authorities permitted regular family visits and provided a telephone for inmates to communicate with their relatives. The SLCS has visibly painted on murals the hours of inmate visitation and communicated that visits are free of charge.

Prison rights advocacy groups reported that authorities generally investigated credible allegations of mistreatment of inmates.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. International monitors had unrestricted access to the detention centers and police holding cells. The HRCSL and PW monitored prisons on a monthly basis. The SLCS also freely allowed other NGOs such as Humanist Watch to monitor prison conditions on a regular basis.

Improvements: Over the past two years, the SLCS has improved its facilities, policies, and practices in an effort to align with international standards for the treatment of inmates. For example, eight of the country's 20 correctional facilities have been renovated with new roofs, running water, toilets, modern sanitation including septic tanks, and improved lighting. In Mafanta two new cell blocks with the capacity to hold 300 inmates were opened in May. In Waterloo a newly refurbished facility was opened in September with the capacity to hold at least 150 inmates. New SLCS security policies, such as key control, were complemented by expanded inmate programs, including access to information, increased visitation hours, and expanded services such as educational and vocational training opportunities.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but human rights groups such as Amnesty International and the HRCSL indicated that police occasionally arrested and detained persons arbitrarily, including members of an opposition party. The government allows both the SLP and chiefdom police to hold suspects in police detention cells without charge or explanation for up to three days for suspected misdemeanors and up to 10 days for suspected felonies. The NGO Campaign for Human Rights and Development International (CHRDI) reported cases of illegal detentions at several police stations and a correctional center. Chiefs sometimes subjected both adults and children to arbitrary detention and imprisoned them unlawfully in their homes or "chiefdom jails."

Arrest Procedures and Treatment of Detainees

The law requires warrants for searches and arrests of persons taken into custody on criminal grounds, but arrests without warrants were common. The CHRDI and Citizens' Advocacy Network reported most arrests were made without warrants and that the SLP rarely followed proper arrest procedures.

The law requires authorities to inform detainees of the reason for their arrest within 24 hours and charge them in court within 72 hours for suspected misdemeanors or

within 10 days for suspected felonies. Detainees, however, were not always informed promptly of charges brought against them. According to NGOs and inmates, authorities routinely brought remanded inmates to court on a weekly basis to be remanded again to circumvent the legal restrictions.

Despite having been trained on how to apply bail regulations codified in 2018, the judiciary applied the system inconsistently and sometimes demanded excessive bond fees.

Detainees have the right to access family members and to consult with an attorney in a timely manner. Lawyers generally were allowed unrestricted access to detainees, but according to the director of public prosecution and the office of the Legal Aid Board, an estimated 60 percent of inmates received legal representation, although the Center for Accountability and Rule of Law reported 25 percent of accused persons receive legal representation. Only defendants in the military justice system had automatic access to attorneys, whose fees the Ministry of Defense paid. Although there were 15 state counsels (attorneys), the majority worked in the capital and were often overburdened, poorly paid, and available only for more serious criminal cases.

With the exception of the Regional Police Division in Kenema, police cells generally lack holding areas for juveniles, and as a result, authorities often handcuffed them to windows in police stations.

Arbitrary Arrest: There were reports of individuals held for questioning for longer than permissible under law.

In August police arrested several prominent opposition APC members on allegations of rioting during an election campaign. They were held longer than the maximum 72 hours without charge but were eventually released on bail.

On August 24, the SLP arrested one voter and one credentialed party agent inside a polling center during an election, later releasing them without charge. In September the SLP reportedly arrested three APC members during a parliamentary by-election in Falaba.

Pretrial Detention: Lengthy pretrial detention remained a problem. As of September, 46 percent of the 4,652 persons held in prisons and detention centers had been convicted, 26 percent were on remand, and 28 percent were on trial. The SLCS attributed the high percentage of pretrial detainees to a severe shortage of

legal professionals. Pretrial and remand detainees spent an average of three to five years in pretrial detention before courts examined their cases or filed formal charges. In extreme cases the wait could be as long as 12 years.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but independent observers alleged the judiciary was not always independent and often acted under the influence of the government and a network of traditional secret societies, particularly in corruption-related cases.

In addition to the formal court system, local chieftaincy courts administer customary law with lay judges, primarily in rural areas. Appeals from these lower courts are heard by the superior courts. Paramount chiefs in villages maintained their own police and courts to enforce customary local law. Chieftaincy police and courts exercised authority to arrest, try, and incarcerate individuals. Traditional trials were generally fair, but there was credible evidence that corruption influenced many cases. Paramount chiefs acting as judges routinely accepted bribes and favored wealthier defendants. In response the government sent 36 paralegals to rural areas to provide access to justice and training for chieftain officials.

The limited number of judicial magistrates and lawyers, along with high court fees, restricted access to justice for most citizens.

The military justice system has a different appeals process. For summary hearings the defendant may appeal for the redress of a complaint, which proceeds to the next senior ranking officer, while the civilian Supreme Court hears appeals in a court-martial. According to civil society members and government interlocutors, corruption is prevalent in the redress system.

Authorities at all levels of government generally respected court orders.

Trial Procedures

The law provides for the right to a fair trial for all defendants, but this right was not always enforced.

Defendants enjoy the right to a timely trial, but the lack of judicial officers and facilities regularly resulted in long trial delays. Some cases reportedly were

adjourned 40 to 60 times. Trials are public, but NGOs reported that due to corruption they were not always fair. Defendants generally enjoyed a presumption of innocence. While defendants have the right to be present and to consult with an attorney in a timely manner, many were not afforded access to counsel. Although the law provides for attorneys at public expense if defendants are not able to afford their own attorneys, these attorneys were overburdened with cases, and often defendants who could not afford to pay for an attorney had no access to legal aid prior to trial.

Defendants were not always informed promptly and in detail of the charges against them and did not always have access to free assistance from an interpreter as necessary from the moment charged through all appeals. Defendants generally had adequate time to prepare their defenses, although they generally did not have adequate facilities to do so. Defendants may confront or question witnesses against them, and present witnesses and evidence on their own behalf. Police officers, many of whom had little or no formal legal training, prosecuted a majority of cases on the magistrate level. Defendants have the right not to be compelled to testify or confess guilt. Although the law provides defendants with the right to appeal, delays in the appeals process were excessive, sometimes lasting more than two years. The law extends these rights to all defendants.

In October parliament passed into law the Anticorruption Amendment Act, which strengthened protection for witnesses and whistleblowers in cases of corruption.

Traditional justice systems continued to supplement the central government judiciary, especially in rural areas, in cases involving family law, inheritance, and land tenure. The customary law guiding these courts was not codified, however, and decisions in similar cases were inconsistent. Paramount chiefs have authority over civil matters, such as land disputes, and referred criminal cases to police for investigation and prosecution. Local chieftains at times exceeded their mandates and administered harsh punishments.

Laws on gender equality were inconsistently enforced, and many traditional courts continued to ignore the rights of women regarding family law and inheritance. Juveniles were afforded few rights in the traditional justice system.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Both the central government judiciary and customary law courts handled civil complaints. Corruption influenced some cases and judgments, and awards were inconsistent. Individuals and organizations may seek civil remedies for human rights abuses through regular access to domestic courts. Individuals may also seek redress from regional bodies, such as the Economic Community of West African States (ECOWAS) Court of Justice.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights, but there were exceptions.

Freedom of Expression: Government officials used criminal slander provisions of the law to impede witness testimony in court cases, including anticorruption matters, and to target persons making statements that the government considered to be against the national interest. While there is no hate speech law, at times authorities used hate speech as a legal justification for restricting freedom of speech.

The HRCSL and Amnesty International reported no arrests or detentions in relation to freedom of expression.

Press and Media, Including Online Media: Most registered newspapers were independent, although several were associated with political parties. Newspapers openly and routinely criticized the government and its officials as well as opposition parties. While independent broadcast media generally operated without restriction, there were exceptions. International media could operate freely but were required to register with the Ministry of Information and Communications and the government-funded Independent Media Commission to obtain a license. Acting beyond its mandate, the National Telecommunications Commission of

Sierra Leone instructed all community radio stations to register as commercial stations, which requires the payment of a license fee. According to a media rights NGO, the fee requirement would force many stations, particularly in rural areas, to shut down.

Violence and Harassment: There were reports authorities used violence and harassment against journalists. In September presidential bodyguards physically assaulted two female journalists reporting on a sporting event at the national stadium, where President Bio was in attendance. The presidential guards reportedly threatened to shoot the journalists, and one of them was hospitalized. In October an investigative committee composed of civil society, media, and government officials recommended the removal of one presidential guard from the force, and the government complied. In October two opposition party members, including a former mayor of Freetown, were arrested and charged with the 2018 murder of journalist Ibrahim Samura (see also section 1.a.).

Libel/Slander Laws: The law punishes defamatory and seditious libel with imprisonment of up to three years. In September the cabinet voted to repeal the criminal libel law, but as of November, parliament had not approved the repeal. According to the Sierra Leone Association of Journalists, during the year at least eight journalists were arrested under criminal libel law on allegations of defamation and libel.

In January police arrested and detained for two days the editor of *Nightwatch* newspaper, Emmanuel Thorli, for defamatory libel and released him on bail. Police investigators reportedly pressured the journalist to disclose the source of an article about the issuance of diplomatic passports to 300 relatives of President Bio.

On November 3, a comedian was arrested and charged under criminal libel law for allegedly defaming President Bio.

Internet Freedom

In contrast with 2018, there were no reports that the government restricted or disrupted access to the internet. There were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association, and the government generally respected the right of freedom of association.

Freedom of Peaceful Assembly

Upon assuming office in 2018, President Bio introduced an executive order lifting the ban on public assembly, including Sunday trading, imposed by his predecessor.

In a few cases, police used excessive force when dealing with demonstrators and used public order law to deny requests for protests and demonstrations. On May 31, police fired teargas canisters into the headquarters building of the opposition APC, which resulted in several injuries.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. On February 19, the Ministry of Labor and Social Security indefinitely suspended all overseas labor recruitment. Minister Edward King indicated that the rationale for this ban was to discourage trafficking in persons.

In-country Movement: There were reports that police officers operating security roadblocks nationwide as part of routine security checks often extorted money from motorists. The SLP banned unauthorized vehicular movement during an August 24 parliamentary by-election. All political parties, including the main opposition APC party, welcomed the restriction. The government continued to enforce a ban on civilian individuals and vehicular movement on the first Saturday of each month in order to support a nationwide cleaning exercise. This ban interfered with a religious group's right to assemble for Saturday morning prayers.

e. Internally Displaced Persons

In January members of a traditional secret society reportedly attacked an Ahmadiyya Muslim community in a village in the Kenema District to initiate forcibly three young men, an incident which ignited confrontation between the society and the Ahmadiyya community and led to the displacement of approximately 90 Ahmadiyya members to the provincial capital, Kenema city.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. UNHCR worked with government authorities to develop standard operating procedures for refugee status determination.

g. Stateless Persons

More than 400 former Liberian refugees remained without legal status in the country. Their refugee status expired in 2017 when they became “residual caseloads” under UNHCR protection. They refused repatriation and integration and demanded resettlement in a third country. UNHCR denied their resettlement, citing the former refugees’ contradictory statements. The group applied for local national identification documents, but authorities had not acted on these applications as of year’s end.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In August the National Electoral Commission organized a parliamentary election rerun in the Western Rural District, Freetown peninsula. Independent observers and the Sierra Leone Human Rights Commission reported intimidation, arrests, and political violence. Police arrested opposition party

supporters, including a member of parliament who was later released without charge. Police opened an investigation into the destruction of ballot boxes at one polling center that led to the cancellation of the election results. Video footage appeared to show that SLPP operatives had ransacked the polling place. The rerun was required after a May decision by the High Court that invalidated the election of nine APC parliamentarians for alleged election irregularities, thus changing the majority in parliament from the APC to the SLPP. Observers reported less violence during the parliamentary by-elections in the Falaba and Koinadugu districts in September, although there were multiple reports of intimidation and arrests of opposition supporters.

Political Parties and Political Participation: Political parties are free to register and operate in the country. A total of 17 political parties were registered with the Political Parties Registration Commission.

Participation of Women and Minorities: No laws limit the participation of women and minorities in the political process, and they did participate. Women have the right to vote and did cast votes at similar rates as men. A December 2018 poll by the International Republican Institute found women most frequently cited fear of violence, cultural norms, and lack of support from political parties as reasons why they avoided a more active role in politics. Women were underrepresented in government. Of the 146 parliamentarians, 18 were women. As of September women led five of the 24 ministries. On the three highest courts, 10 of 35 judges were women. Cultural and traditional practices in the northern areas of the country prevented women from holding office as paramount chiefs (a parallel system of tribal government operated in each of the 190 chiefdoms).

All citizens have the right to vote, but citizenship at birth is granted only to persons of “Negro-African” descent, thus disenfranchising the significant number of Lebanese and other “non-Negro-African” persons who were born in and continued to reside in the country. Persons of non-Negro-African groups may apply to be naturalized. If naturalized, they are eligible to vote in all national and local elections, but no naturalized citizen may run for public office.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Officials sometimes engaged in corrupt practices with impunity. During the year there were fewer reports of government corruption compared with 2018.

Corruption: The Anticorruption Commission (ACC) indicted and charged more than 33 persons, convicted 16 individuals, and recovered more than 17.8 billion leones (\$1.97 million) from corrupt government officials. For example, in September the ACC indicted the former executive director of the Sierra Leone Roads Safety Authority and two other officials for defrauding the state of 2.1 billion leones (\$233,000).

During the year a survey by Transparency International found that 52 percent of the residents of the country had paid a bribe for public services, with the highest rate of bribery for health services. In Transparency International's previous 2015 survey, 41 percent reported paying bribes.

In May the judiciary assigned five high court justices to a new Anti-Corruption Court to deal with corruption cases brought by the ACC. During the year these judges presided over anticorruption cases but did not sit as a separate court. In October parliament passed into law the Anti-Corruption Amendment Act of 2019, which increased penalties for corruption and provided the ACC with alternative powers to prosecution, including out-of-court settlements to recoup stolen monies.

As in previous years, human rights groups expressed concern that police corruption remained a serious problem. Some police and guards exacted bribes at checkpoints, falsely charged motorists with violations, impounded vehicles to extort money, and accepted bribes from suspects to drop charges or to arrest their rivals and charge them with crimes. In exchange for kickbacks, police reportedly arrested persons for civil disputes, such as alleged breach of contract or failure to satisfy a debt.

Financial Disclosure: The law requires public officers, their spouses, and their children to declare their assets and liabilities within three months of assuming office, and according to the ACC, officials largely complied. The Amended Anti-Corruption Act further requires public officials to declare their assets no later than three months after the end of their employment.

The law also mandates disclosure of assets by government ministers and members of parliament. The ACC is empowered to verify asset disclosures and may publish in media the names of those who refuse to disclose and petition courts to compel disclosure. The particulars of individual declarations were not available to the public without a court order.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to the views of local and international NGOs and generally acknowledged the problems presented. The government, including security forces, generally responded to human rights concerns raised by the HRCSL but was at times slow to support the HRCSL or implement its recommendations.

Government Human Rights Bodies: The Parliamentary Human Rights Committee operated without government or party interference. It focused on keeping human rights matters on the parliamentary agenda, paving the way for the passage of amended laws and ratification of international conventions and doing public outreach. Separately, the HRCSL, modeled in accord with the UN Paris Principles, monitored and investigated human rights abuses.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape of both men and women. In February President Bio declared a State of Emergency against rape and sexual violence. In September parliament passed new legislation that raised the penalty for those convicted of rape to a minimum of 15 years' imprisonment (see also section 6, Sexual Exploitation of Children). Previously, a conviction was punishable by between five- and 15-years' imprisonment, although many offenders were given lesser prison terms. Press reports noted that in 2018 a man convicted of raping a six-year-old girl was given a one-year prison sentence. Rape was common and viewed more as a societal norm than a criminal problem. The law specifically prohibits spousal rape. Indictments were rare, especially in rural areas. A reluctance to use the judicial system by both victims and officials, combined with women's lack of income and economic independence, helped perpetuate violence against women and impunity for offenders. During the year, despite the existence of the Family Support Unit (FSU) within the SLP and applicable legislation, reports of rapes, especially involving child victims, sharply increased.

The NGO Rainbo Initiative reported that its five centers assisting victims of sexual and gender-based violence had encountered 1,051 rape cases in the first half of the

year. Rainbo, other civil society organizations, and government agencies assessed that thousands of rape cases go unreported. The perpetrators are often close family members or relatives who live alongside their victims. Of the 3,000 cases reported in 2018, 602 survivors became pregnant, seven contracted HIV/AIDS, and 2,404 developed sexually transmitted diseases. The Attorney General's Office reported that only 39 of the 3,000 cases were prosecuted successfully. Many cases went unresolved due to lack of financial support, lack of forensic evidence, religious beliefs, inconsistency in the application of relevant law, and cultural beliefs.

Violent acts against women, especially wife beating and spousal rape, were common and often surrounded by a culture of silence. Conviction of domestic violence is punishable by a fine not exceeding five million leones (\$555) and two years' imprisonment. Victims seldom reported domestic violence due to their fear of social stigma and retaliation. The HRCSL observed that the incidence of sexual and gender-based violence continued to rise while arrests and convictions of perpetrators were negligible. A psychosocial worker of the NGO Rainbo Center blamed the structure of the justice system and lengthy court processes for the delay in accessing justice. First Lady Fatima Bio and NGOs such as the Rainbo Center actively promoted public awareness, calling on men to refrain from violence against women.

According to the FSU, medical and psychological services for rape victims were limited. The FSU often required victims to obtain a medical report for the filing of charges. Although the law provides that the victim of a sexual offense shall be entitled to free medical treatment and medical reports, many victims had to pay for these medical services, and most government doctors charged fees that were prohibitively expensive for the victims. Although the law provides that the victim of a sexual offense shall be entitled to free medical treatment and medical reports, many victims had to pay for these medical services.

Female Genital Mutilation/Cutting (FGM/C): The law does not prohibit FGM/C for women or girls. According to a 2017 UNICEF report, 86.1 percent of women between the ages of 15 and 49 have undergone a form of genital mutilation/cutting. FGM/C is considered a traditional rite of passage into womanhood. UNICEF polling indicated that societal support for FGM/C remained strong in the country. During the year one young woman who underwent FGM/C died of blood loss.

For more information, see Appendix C.

Sexual Harassment: The law criminalizes sexual harassment, but authorities did

not always effectively enforce it. It is unlawful to make unwanted sexual advances, repeatedly follow or pursue others against their will, initiate repeated and unwanted communications with others, or engage in any other “menacing” behavior. Conviction of sexual harassment is punishable by a fine not exceeding 14.3 million leones (\$1,580) or imprisonment not exceeding three years. No reliable data was available on the prevalence of sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. See Appendix C for information on maternal mortality.

Discrimination: The law provides for the same legal status and rights for men and women under family, labor, property, and inheritance law. Women continued to experience discriminatory practices. Their rights and positions are largely contingent on customary law and the ethnic group to which they belong. The law provides for both Sierra Leonean fathers and mothers to confer nationality to children born abroad. The law provides for equal remuneration for equal work without discrimination based on gender. Either spouse may acquire property in their own right, and women may obtain divorce without being forced to relinquish dowries.

The Ministry of Social Welfare, Gender, and Children’s Affairs reported that women faced widespread societal discrimination, particularly in matters of marriage, divorce, property, and inheritance, which are guided by customary law in all areas except Freetown. Formal law applies in customary as well as formal courts, but customary judges had limited or no legal training and often were unaware of formal law or chose to ignore it. Women’s rights and status under customary law varied significantly depending upon the ethnic group to which they belonged, but such rights and status were routinely inferior to those of men. Under customary law, women’s status in society is equal to that of a minor. Women were frequently perceived to be the property of their husbands and to be inherited on his death with his other property.

Discrimination occurred in access to credit, equal pay for similar work, and the ownership and management of a business. Women did not have equal access to education, economic opportunities, health facilities, or social freedoms. In rural areas, women performed much of the subsistence farming and had little opportunity for formal education. Women also experienced discrimination in access to employment, and it was common for an employer to dismiss a woman if she became pregnant during her first year on the job. The law does not prohibit dismissal of pregnant workers based on pregnancy.

The Ministry of Social Welfare, Gender, and Children's Affairs has a mandate to protect the rights of women, but most international and domestic NGOs asserted the ministry did not have the resources, infrastructure, and support of other ministries to handle its assigned projects effectively. The ministry routinely relied on the assistance of international organizations and NGOs to help combat women's rights abuses.

Children

Birth Registration: Although the constitution explicitly prohibits discrimination based on race, tribe, gender, place of origin, political opinion, color, and religion, the constitution also denies citizenship at birth to persons who are not of "Negro-African descent." Non-Africans who have lived in the country for at least eight years (two years for foreigners married to Sierra Leonean citizens) may apply for naturalization, subject to presidential approval. Citizenship derived by birth is restricted to children with at least one parent or grandparent of Negro-African descent who was born in the country. Children not meeting the criteria must be registered in their parents' countries of origin.

Birth registration was not universal due to outdated birth registration law and inadequate staffing of government registry facilities. Lack of registration did not affect access to public services or result in statelessness. For additional information, see Appendix C.

Education: Despite President Bio's Free Quality Education Program launched in August 2018, pregnant girls continued to be prohibited from attending classes on the grounds that they were a "bad moral influence." Amnesty International and two local NGOs challenged the ban before the ECOWAS Court of Justice. In October the government announced that pregnant girls "may take maternity break during critical times of pregnancy," may take examinations, and were encouraged to resume school after childbirth. On December 12, the ECOWAS Court of Justice ruled against the government's ban that prevented pregnant girls from attending school. According to UNICEF, child marriage is a major restriction on girls' education.

Child Abuse: A pattern of violence against and abuse of children existed, and according to the FSU, it increased between July and August when schools were closed. The FSU reported child abuse, including sexual violence and abandonment, increased from 2018. FSU personnel were trained in dealing with

sexual violence against children, and cases of child sexual abuse generally were taken more seriously than adult rape cases.

Early and Forced Marriage: The legal minimum age of marriage is 18. According to UNICEF's world children report of 2017, 39 percent of girls in the country are married before their 18th birthday and 13 percent before their 15th birthday. The report stated that child marriage in the country is linked to poverty and lack of education, and it varies among regions of the country. The *Sierra Leone Integrated Household Survey 2018* concluded that, by the time a woman reaches 19, she has already had two children. During the year the Office of the First Lady implemented *Let Girls be Girls, Not Mothers*, a two-year national strategy to reduce teenage pregnancy.

According to UNICEF, the country is one of 12 selected to be part of the UN Population Fund and UNICEF's global program to accelerate action to end child marriage and teenage pregnancy, and there was evidence the practices were declining.

Sexual Exploitation of Children: The minimum age of consensual sex is 18. Although the law criminalizes the sexual exploitation of children, sale of children, child trafficking, and child pornography, enforcement remained a challenge and conviction numbers remained low. In many cases of sexual assault of children, parents accepted payment instead of taking the perpetrator to court due to difficulties dealing with the justice system, fear of public shame, and economic hardship.

Responding to the high incidence of sexual and gender-based violence and other problems affecting women, in December 2018, First Lady Fatima Bio launched a broad initiative entitled, *Hands Off Our Girls*, focused on child marriage, teenage pregnancy, sexual-based violence, and child trafficking and prostitution. President Bio called on the country to stop all forms of discrimination against women and to restore the pride and dignity of women and girls. In February President Bio proclaimed in an emergency decree that the rape of a minor would result in a life sentence. The president's decree expired in June when a bill to amend the Sexual Offences Act, 2012, was introduced in parliament as a direct result of the proclamation. On September 19, parliament passed the Sexual Offences (Amendment) Act, 2019, that increased the maximum penalty for rape and sexual penetration of a minor from 15-years' to life imprisonment. The law also increased the minimum sentence for rape of a minor to 15 years in prison and made provisions for the introduction of a new "aggravated sexual assault" offense.

According to a UNICEF case study in 2017, the FSU estimated more than 1,000 children experience sexual violence each year.

Displaced Children: During the year the NGO Help a Needy Child International reported that approximately 50,000 children worked and lived on the street, with 45,000 of them engaged in artisanal gravel production in the Western Area.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There was no Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment and provision of state services, including judicial services. The government did not effectively implement the law and programs to provide access to buildings, information, and communications. The government-funded Commission on Persons with Disabilities is charged with protecting the rights and promoting the welfare of persons with disabilities. In view of the high rate of general unemployment, work opportunities for persons with disabilities were limited, and begging was commonplace. Children with disabilities were also less likely to attend school than other children. According to the Coordinator of the National Disability Coalition (NDC), the coalition received six cases of applicants claiming their employment was denied due to disability. The NDC stated the actual number of incidents is likely much higher.

There was considerable discrimination against persons with mental disabilities. The vast majority of persons with mental disabilities received no treatment or

public services. At the Sierra Leone Psychiatric Hospital in Kissy, the only inpatient psychiatric institution that served persons with mental disabilities, authorities reported that only one consulting psychiatrist was available, patients were not provided sufficient food, and restraints were primitive and dehumanizing. The hospital lacked running water and had only sporadic electricity. Only basic medications were available.

The Ministry of Health and Sanitation is responsible for providing free primary health-care services to persons with polio and diabetic retinopathy as well as to blind or deaf persons. The ministry did not provide these services consistently, and organizations reported many persons with disabilities had limited access to medical and rehabilitative care. At year's end the ministry had not established the legally required medical board to issue Permanent Disability Certificates that would make persons with disabilities eligible for all the rights and privileges provided by law. The Ministry of Social Welfare, Gender, and Children's Affairs has a mandate to provide policy oversight for problems affecting persons with disabilities but had limited capacity to do so.

National/Racial/Ethnic Minorities

Strong ethnic loyalties, biases, and stereotypes existed among all ethnic groups. Ethnic loyalty was an important factor in the government, armed forces, and business. Complaints of ethnic discrimination in government appointments, contract assignments, and military promotions were common. Little ethnic segregation was apparent in urban areas, where interethnic marriage was common.

Residents of non-African descent faced some institutionalized discrimination, particularly in the areas of citizenship and nationality (see sections 3, Participation of Women and Minorities, and 6, Birth Registration).

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

An 1861 law prohibits male-to-male sexual acts, but there is no legal prohibition against female-to-female sex. The law, which carries a penalty of life imprisonment for "indecent assault" upon a man or 10 years' imprisonment for attempting such an assault, was not enforced. The constitution does not offer protection from discrimination based on gender identity or sexual orientation. Sexual orientation and gender-identity civil society groups alleged that because the law prohibits male-to-male sexual activity, it limits lesbian, gay, bisexual,

transgender, and intersex (LGBTI) persons from exercising their freedoms of expression and peaceful assembly. The law, however, does not restrict the rights of persons to speak out on LGBTI human rights. No hate crime law covers bias-motivated violence against LGBTI persons. The law does not address transgender persons.

A few organizations, including Dignity Association, supported LGBTI persons, but they maintained low profiles. LGBTI groups alleged that police were biased against them.

LGBTI advocates reported that the community faced challenges ranging from violence, stigma, discrimination, blackmailing, arbitrary arrest, and public attack to denial of public services such as health care and justice. Some private hotels reportedly charged double the rate for same-sex occupants. Advocates also said LGBTI persons faced discrimination in schools. The government reportedly registered a transsexual organization in 2018, and advocates said the Human Rights Commission was engaged on LGBTI matters.

In the areas of employment and education, sexual orientation or gender identity were bases for abusive treatment, which led individuals to leave their jobs or courses of study. It was difficult for LGBTI individuals to receive health services; many chose not to seek medical testing or treatment due to fear their right to confidentiality would be ignored. Obtaining secure housing was also a problem for LGBTI persons. Families frequently shunned their LGBTI children, leading some to turn to sex work to survive. Adults risked having their leases terminated if their LGBTI status became public. Women in the LGBTI community reported social discrimination from male LGBTI persons and the general population.

As of September there was no information regarding any official action by government authorities to investigate or punish public entities or private persons complicit in abuses against LGBTI persons.

HIV and AIDS Social Stigma

The law prohibits discrimination based on actual, perceived, or suspected HIV status, but society stigmatized persons with HIV/AIDS. The Network of HIV Positive in Sierra Leone (NETHIP-SL) in 2017 informed stakeholders and government officials that HIV/AIDS stigma was on the increase. NETHIP-SL reported that adults with HIV/AIDS lacked employment and promotion opportunities. There were also reports men often divorced their wives due to

HIV/AIDS status, leaving the latter without financial support. NETHIP-SL reported children were denied access to education because of their HIV status and the problem of children with HIV/AIDS was missing from the HIV/AIDS prevention process.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers in both the public and private sectors to join independent unions of their choice without prior authorization, bargain collectively, and conduct legal strikes, but it prohibits police and members of the armed services from joining unions or engaging in strike actions. The International Trade Union Confederation raised concerns about onerous union registration requirements as well as administrative means of dissolving unions without cause. The law allows workers to organize but does not prohibit discrimination against union members or prohibit employer interference in the establishment of unions. The government may require that workers provide written notice to police of an intent to strike at least 21 days before the planned strike. The law prohibits workers at certain specified public utilities from going on strike. Labor union officials, however, pointed out that public utility workers frequently went on strike (and were in fact among those union employees most likely to strike), the legal prohibition notwithstanding.

The government generally protected the right to bargain collectively. Collective bargaining was widespread in the formal sector, and most enterprises were covered by collective bargaining agreements on wages and working conditions. Although the law protects collective bargaining activity, the law required that it must take place in trade group negotiating councils, each of which must have an equal number of employer and worker representatives. There were no other limits on the scope of collective bargaining or legal exclusions of other particular groups of workers from legal protections.

While labor unions reported that the government generally protected the right of workers in the private sector to form or join unions, the government has not enforced applicable law through regulatory or judicial action.

The government generally respected freedom of association. All unions were independent of political parties and the government. In some cases, however, such as the Sierra Leone Teachers' Union, the union and government had a close

working relationship.

In December 2018 the Sierra Leone Labor Congress (SLLC), the umbrella body of labor unions, claimed government interference after an election for a union affiliate was disrupted and eight union leaders and members were arrested and detained. The vice president of the SLLC and the president of the National Commercial Motor Bike Riders Union were among those arrested. The SLLC met with President Bio, and the detained individuals were eventually released after protests.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced and compulsory labor, including by children. Penalties for both sex and labor trafficking include fines and imprisonment, but enforcement was insufficient to deter violations. By law individual chiefs may impose forced labor (compulsory cultivation) as punishment. The government stated to the International Labor Organization (ILO) that this provision is unconstitutional and unenforceable, but sporadic incidences of its use have been reported in previous years. Chiefs also required villagers to contribute to the improvement of common areas. There is no penalty for noncompliance.

The government did not effectively enforce antitrafficking in persons law, was hindered by judicial inefficiencies and procedural delays, and has not convicted a trafficker since 2011.

Men, women, and child victims of forced labor originated largely from rural provinces within the country and were recruited to urban areas for artisanal and granite mining, petty trading, rock breaking, domestic servitude, and begging (see also section 7.c. and section 6, Sexual Exploitation of Children). The Ministry of Social Welfare, Gender, and Children's Affairs reported it was aware of trafficking, domestic service, mining, or other activities, but it had no specific data on these forms of forced or compulsory labor.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law does not prohibit or criminalize all of the worst forms of child labor. There is no law prohibiting the use, procurement, or offering of a child for illicit activities, in particular for the production and trafficking of drugs. The law limits

child labor, allowing light work, the conditions of which are not adequately defined by the law, at age 13, full-time nonhazardous work at 15, and hazardous work at 18. The law states that children younger than age 13 should not be employed in any capacity. Provided they have finished schooling, children age 15 may be apprenticed and employed full time in nonhazardous work. A government policy, however, continued to limit girls who are pregnant from attending public school, making them more vulnerable to the worst forms of child labor. The law also proscribes work by any child younger than age 18 between 8 p.m. and 6 a.m. While the law does not stipulate specific conditions of work, such as health and safety standards, it prohibits children younger than age 18 from being engaged in hazardous work, which the law defines as work that poses a danger to the health, safety, and “morals” of a person, including going to sea; mining and quarrying; portage of heavy loads; chemicals manufacturing; work in places where machines are used; and work in places such as bars, hotels, and places of entertainment where a child may be exposed to “immoral behavior.” The prohibitions on hazardous work for children, including quarrying and sand mining, do not adequately cover the sectors where child labor is known to occur.

In remote villages, children were forced to carry heavy loads as porters, which contributed to stunted growth and development. There were reports that children whose parents sent them to friends or relatives in urban areas for education were forced to work on the street, where they were involved in street vending, stealing, and begging.

In September the Ministry of Labor and Social Security in collaboration with an international organization trained five labor officers. Additionally, an international donor agency provided training for labor inspectors to monitor child labor. The government did not effectively enforce applicable child labor-related law, in part due to lack of funding and limited numbers of labor inspectors in areas where child labor was prevalent. The legal penalty for employing children in hazardous work or for violating age restrictions was not sufficient to deter violations.

Child labor remained a widespread problem, and enforcement of child labor law was weak. The ILO reported 72 percent of children were engaged in some form of work for money, noting in particular child labor in the mining industry. Children were on the streets selling water, groundnuts, cucumbers, and other items. Children engaged in exploitive labor activities, including petty trading, carrying heavy loads, breaking rocks, harvesting sand, begging, diamond mining, deep-sea fishing, agriculture (production of coffee, cocoa, and palm oil), domestic work, commercial sex, scavenging for scrap metal and other recyclables, and other age-

inappropriate forms of labor under hazardous conditions. Larger companies enforced strict rules against child labor, but it remained a pressing problem in small-scale informal artisanal diamond and gold mining.

As in previous years, many children worked alongside parents or relatives and abandoned educational or vocational training. In rural areas children worked seasonally on family subsistence farms. Children also routinely assisted in family businesses and worked as petty vendors. There were reports that adults asked orphanages for children to work as household help. Because the adult unemployment rate remained high, few children were involved in the industrial sector or elsewhere in the formal economy.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits most discrimination with respect to employment and occupation. The constitution prohibits discrimination based on religion, national origin or citizenship, social origin, age, language, HIV status or that of other communicable diseases, sexual orientation, or gender identity. NGOs at times expressed concerns that discrimination appeared to occur based on sex, disability, sexual orientation, and gender identity with respect to employment and occupation.

In July 2018 the government launched the *National Labor Migration Policy* that aims to protect both migrants' rights in the country and the rights of Sierra Leoneans working abroad.

As of September there was no information available on whether the government enforced the applicable provisions of the law regarding combating discrimination at workplaces. Penalties were not sufficient to deter violations.

e. Acceptable Conditions of Work

There is a national minimum wage, but it falls below the basic poverty line in the country. The Ministry of Labor and Social Security is responsible for enforcing labor law, including the minimum wage, but the number of labor inspectors was insufficient to enforce compliance, and the penalties for noncompliance were

insufficient to deter violations.

Although not stipulated by law, the customary workweek was 40 hours (60 hours for security personnel). There is no statutory definition of overtime wages to be paid if an employee's work hours exceed 40. There is no prohibition on excessive compulsory overtime nor a requirement for paid leave or holidays.

A union may make a formal complaint about a hazardous working condition; if the complaint is rejected, the union may issue a 21-day strike notice. The law also requires employers to provide protective clothing and safety devices to employees whose work involves "risk of personal safety or potential health hazard." The law protects both foreign and domestic workers. The law does not provide workers with the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment, and the government took no steps to protect employees who so acted.

The occupational safety and health (OSH) regulations were outdated and remained under review by the Ministry of Labor and Social Security. The government did not effectively enforce these standards in all sectors. Although the responsibility for identifying unsafe situations remains with an OSH expert and not the worker, the small number of labor inspectors was insufficient to enforce compliance.

According to the Ministry of Labor and Social Security, labor law and standards continued to be violated primarily due to lack of resources, corruption, and lack of enforcement, rather than due to the deterrent effect, or lack thereof, of the penalties. Minimum wage compliance was particularly difficult to monitor in the informal sector.

Violations of wage, overtime, and OSH standards were most frequent within the artisanal diamond-mining sector. Violations were common in the case of street vendors and market-stall workers, rock crushers, and day laborers, many of whom came to Freetown from elsewhere in the country to seek employment and were vulnerable to exploitation. There were numerous complaints of unpaid wages and lack of attention to injuries sustained on the job, but victims often did not know where to turn for recourse and as a result their complaints went unresolved.