

SIERRA LEONE 2020 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 candidate, Julius Maada Bio, won the presidential elections. In January 2018 parliamentary elections, the All People's Congress won a plurality of the seats. After the December 12 election re-run and by-elections, the Sierra Leone People's Party and the All People's Congress each held 58 seats. Observers found these elections to be largely free and fair.

The Sierra Leone Police, which reports to the Ministry of Internal Affairs, is responsible for law enforcement and maintains security within the country. The Republic of Sierra Leone Armed Forces is responsible for external security but also has some domestic security responsibilities to assist police upon request in extraordinary circumstances. The armed forces report to the Ministry of Defense. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included: unlawful or arbitrary killings by the government; harsh and life-threatening prison conditions; serious acts of corruption; and criminalization of same-sex sexual conduct.

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 2019, there were several reports that the government or its agents committed arbitrary or unlawful killings.

The Independent Police Complaints Board (IPCB) is the body responsible for investigating police misconduct. The IPCB is an independent civilian oversight mechanism with a mandate within the security sector to receive and investigate complaints from the public and advise the leadership of the Sierra Leone Police.

On April 29, a riot broke out at Pademba Road Correctional Center in Freetown leading to 31 fatalities, including one corrections officer and 30 inmates. Thirty-two corrections officers and 21 inmates sustained injuries. After prisoners reportedly set fire to walls in storerooms and took hostages, security officials used live ammunition. The nongovernmental organization (NGO) Prison Watch indicated the inmates were protesting the perceived preferential treatment of high-profile detainees, while Amnesty International reported it reflected health concerns after the first COVID cases in the Prison were reported the previous day. In July, Sierra Leone Correctional Services (SLCS) authorities reported the riot was sparked by overcrowding, an announcement that court sessions would be suspended for one month, COVID-19 health restrictions, and reports of a COVID-19 case at the prison.

The IPCB opened an investigation into the July alleged killing by security officers of six individuals in Makeni. The victims were participating in a protest against the government's relocation of a power generator and transformers from Makeni to Port Loko District to support the airport's operations. Residents reportedly burned tires on the streets and threw rocks during the protest. Authorities used tear gas and live ammunition in response.

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. NGOs reported, however, that security forces used excessive force to manage civil protests in Freetown and provincial town (see section 1.a.).

Impunity remained a significant problem in the security forces, notably in the Sierra Leone Police (SLP). Observers noted police lacked training on crowd control and on human rights topics.

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 a lack

of sufficient correctional facilities and personnel; physical abuse; lack of clean water; inadequate sanitary conditions; and a lack of medical care.

Physical Conditions: The country's 21 prisons, designed to hold 2,375 inmates, held 3,808 as of August. The most severe example of overcrowding was in the Freetown Male Correctional Center, designed to hold 324 inmates, which instead held 1,407 individuals. Some prison cells measuring six feet by nine feet held nine or more inmates. The NGO Prison Watch and the SLCS reported that 13 prisons and detention centers were moderately overcrowded.

In most cases pretrial detainees were held with convicted prisoners. The SLCS reported that as of August, of the 3,808 persons held in prisons and detention centers, 1,289 had been convicted. The SLCS also reported 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 overcrowding, 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 mattresses and clothes as bedding. The Human Rights Commission of Sierra Leone (HRCSL) 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, requiring inmates to use chemical repellants instead. Most prisons did not have piped water, and some inmates lacked sufficient access to potable drinking water. In September 2019 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.

Prison authorities issued bedding and 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 the SLCS reported 53 deaths in prisons and detention facilities due to malaria, respiratory infections, skin infections, hypertension, asthma, pneumonia,

pulmonary tuberculosis, kidney diseases, sickle cell disease, and typhoid fever. The HRCSL confirmed the causes of death as reported by the SLCS were further related to prison conditions, such as overcrowding and poor hygienic conditions. The SLCS reported the government provided adequate sanitation and medications for inmates. 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.

Some of the victims in the April 29 Pademba Road prison riot may also have been due to prisoner-on-prisoner violence (see section 1.a.).

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

The HRCSL and Prison Watch reported a shortage of prison staff, which resulted in a lack of security that endangered inmates' safety. The March 2019 inmate violence in Bo led to the death of one inmate. According to the SLCS, the case against 13 inmates who allegedly participated in the killing was pending trial at the high court in Bo. Prison authorities in Bo further reported that some of the suspects have completed their initial prison sentences but are still under detention pending a ruling from the high court.

As of August Prison Watch and the HRCSL reported that no prison or detention center facility held male and female inmates together.

The HRCSL reported on September 14 that there were no juveniles in correctional facilities across the country. 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. There are two remand homes for juvenile suspects and one approved school for convicted juveniles. Authorities acknowledged these facilities lacked resources to function properly.

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

According to SLCS authorities, as of August there were four infants in correctional centers across the country, most of whom were born in prison and initially kept there with their mothers. 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 and the HRCSL 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 Prison Watch monitored prisons monthly. The SLCS also freely allowed other NGOs such as Humanist Watch to monitor prison conditions on a regular basis.

Improvements: In recent years the SLCS has improved its facilities, policies, and practices in an effort to align with international standards for the treatment of inmates. Solar boreholes were constructed in the Port Loko, Bo, and Moyamba district correctional facilities. Recent 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 the SLP and the 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 the Freetown Male 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. CHRDI reported some arrests were made without warrants and that the SLP in some instances did not follow 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 Prison Watch, authorities routinely brought remanded (detained pretrial) inmates to court on a weekly basis to be remanded again to circumvent the legal restrictions.

The judiciary applied the bail 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. According to the director of public prosecution and the office of the Legal Aid Board, an estimated 80 percent of inmates received legal representation, while the CHRDI reported 40 percent of accused persons received legal representation. Only defendants in the military justice system had automatic access to attorneys, whose fees the Ministry of Defense paid. Although there were 53 active state counsels (public defenders), the majority worked in the capital and were often overburdened, poorly paid, and available only for more serious criminal cases.

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

On May 1, police arrested Sylvia Blyden, former minister of social welfare, gender and children's affairs and a journalist and opposition All People's Congress (APC) party member, for alleged libel offenses involving social media posts critical of the government. Police detained her beyond the 72 hours legal limit provided by law. On May 29, authorities released Blyden on bail but then re-arrested her June 2 for allegedly violating bail conditions. On June 25, police released Blyden again on bail. The charges were dropped after the law criminalizing seditious libel was amended in August.

Pretrial Detention: Lengthy pretrial detention remained a problem. As of September of the 3,808 persons held in prisons and detention centers, 33 percent were convicted, 41 percent were in pretrial detention, and 26 percent were on trial. The SLCS attributed the high percentage of pretrial detainees to a severe shortage of legal professionals. A donor-funded program identified other specific reasons for extensive pretrial detention, such as magistrates and judges not consistently granting bail when warranted, the Ministry of Justice Law Officers Department often failing to bring indictments, and inadequate information exchange and case management across the criminal justice system. 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. Observers, including NGOs, assessed the judiciary maintained relative independence.

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 magistrate 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 in 2019 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. Since 2019, six new judges were appointed to the High Court and one to the Court of Appeal.

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 20 to 30 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, some defendants 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 some 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.

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 Court of Justice.

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

The constitution and law prohibit such actions. There were, however, reports the government used technology to surveil a journalist and opposition activist (see section 1.d., Arbitrary Arrest--case of Sylvia Blyden).

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 Speech: On July 23, parliament approved the Public Order Amendment Act 2020 decriminalizing seditious libel and slander. President Bio signed the amended act on August 14. Media organizations and NGOs welcomed the amendment, which repealed part of the Public Order Act of 1965, a law previously used to impede witness testimony in anticorruption and other cases, and to target persons making statements the government considered against the national interest.

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

Freedom of 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.

Violence and Harassment: There were reports authorities used violence and harassment against journalists. In April Republic of Sierra Leone Armed Forces personnel beat two journalists, Fayia Amara Fayia and Stanley Sahr Jimmy, after Fayia photographed a COVID-19 quarantine center. The Sierra Leone Association of Journalists (SLAJ) condemned the incident and urged the military and police to investigate. Authorities charged the journalists with riotous conduct, and the case continued at the High Court in Kenema.

Libel/Slander Laws: Parliament on July 23 approved the Public Order Amendment Act, which also decriminalized criminal and seditious libel. President Bio signed the amended act on August 14. According to the SLAJ, during the year at least six journalists were arrested under criminal libel law on allegations of defamation and libel.

Internet Freedom

There were no reports that the government restricted or disrupted access to the internet. There were credible reports the government monitored private online communications without appropriate legal authority (see section 1.d, Arbitrary Arrest--Sylvia Blyden case).

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

In a March 24 address, President Julius Maada Bio declared a 12-month state of emergency due to COVID-19. Parliament approved the measure, which granted the president broad powers to maintain peace and order, including mandating restrictions on movement. The March state of emergency declaration related to COVID-19 included restrictions on assembly, as it banned meetings of more than 100 persons.

In a few cases, police used excessive force when dealing with demonstrators and used public order law to deny requests for protests and demonstrations (see section 1.a.).

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.

In-country Movement: In response to COVID-19, in April the government limited interdistrict movement to essential services, and implemented a countrywide curfew. President Bio lifted the restrictions on June 24. On July 20, the government suspended the ban restricting public movement on the first Saturday of each month to support a nationwide cleaning exercise.

e. Status and Treatment of Internally Displaced Persons

In January 2019 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. The regional minister and a local authority from the displaced community reported that the persons displaced returned to their communities later in 2019.

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 protecting 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: The March 2018 presidential election, in which Julius Maada

Bio of the Sierra Leone People's Party (SLPP) prevailed, and the January 2018 parliamentary election, were regarded by most observers as free and fair. Several parliamentary and local re-run and by-elections held on December 12 were regarded as free and fair. There were no national level elections held during the year.

Political Parties and Political Participation: Political parties were free to register and operate in the country. A total of 17 political parties were registered with the Political Parties Registration Commission but only four were elected into parliament during the 2018 general elections. Fourteen traditional authorities (paramount chiefs) and three independent candidates were represented in the state legislature. The NGO Center for Accountability and Rule of Law reported clashes in Freetown between supporters of the APC and SLPP took place in January. In a January 27 incident, 27 persons were reportedly wounded. Police arrested 19 persons after the clash; all were later released on bail.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, and they did participate. Women have the right to vote and did cast votes at similar rates as men. A 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, 17 were women, one fewer than in 2019. As of September women led five of the 26 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 2019.

Corruption: During 2019 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. On March 4, the High Court convicted Alfred Kallon, former Human Resource Officer at the Office of Administrator and Registrar General, on 34 counts of corruption offenses. Kallon was accused of using his office improperly to facilitate the issuance of official service passports for unauthorized individuals. Justice Miata Samba ruled that Kallon pay a substantial monetary fine of or serve three years in prison.

In 2019 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 2019 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 separately presided over anticorruption cases. In October 2019 parliament passed a law that increased penalties for corruption and provided the ACC with alternative powers to prosecution, including out-of-court settlements to recoup stolen monies. The law also strengthened protection for witnesses and whistleblowers in cases of corruption. During the year, Anti-Corruption Commissioner Kaifala stated that the provisions of the law had assisted in several continuing corruption investigations.

In April the Center for Accountability and Rule of Law published a perception survey indicating the SLP, Parliament, and Ministry of Health and Sanitation were the most corrupt institutions in the country.

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 law 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 such as the repeal during the year of the 1965 Public Order Act criminalizing libel and sedition and the ratification of international conventions, as well as 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 2019, President Bio declared a State of Emergency against rape and other sexual violence. In September 2019 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. 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. The lack of an effective judicial system continued to foster impunity for offenders, which helped perpetuate violence against women. During the year, the Family Support Unit (FSU) within the SLP reported increased cases of rape and sexual assault.

On July 24, President Bio launched the country's first Sexual Offences Model Court with 20 judges to address sexual and gender-based violence (SGBV) cases. In his statement, Bio stated the special sexual offenses court is aimed at addressing the increasing number of SGBV cases in the country. On July 9, President Bio announced a "One-Stop Centers Initiative" piloted in six government hospitals across the country, where SGBV survivors can access medical, psychosocial, and legal support.

According to the local NGO Rainbo Initiative, there were 1,272 sexual assaults reported in five districts with 217 pregnancies between January and May. Rainbo Initiative further estimated 3,701 sexual assault cases, 598 pregnancies resulting from assaults, and 255 successful prosecutions in 2019.

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 substantial fine and two years' imprisonment. Survivors seldom reported SGBV due to their fear of social stigma and retaliation. The HRCSL observed that the incidence of 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.

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 FGM/C. 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. FGM/C was excluded from the First Lady's "Hands Off Our Girls" Campaign in 2019 that called for an end to child marriage and sexual violence. In December 2019 approximately 70 initiates aged above 19 underwent the Bondo secret society ceremony without the ritual circumcision as part of an initiative of the NGO Amazonian Initiative Movement. This alternative rite of passage was preceded by

dozens of cutters (*soweis*) handing in their knives to demonstrate their commitment to refraining from cutting. The *soweis* signed a declaration against practicing FGM/C, preceded by the 2015 MOU the local *soweis* signed with the UN Population Fund to abandon harmful practices including FGM/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 substantial fine 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 on the part of government authorities.

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. Both spouses may acquire property in their own right, and women may obtain divorces without being forced to relinquish dowries.

Authorities at the Ministry of Social Welfare 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 (see also section 7.d.).

The Ministry of Social Welfare 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.

In 2016 parliament established the National Civil Registration Authority (NCRA). The NCRA is responsible for the recording of vital events including births, deaths, marriages, divorces, annulments, adoptions, legitimization, and recognition of citizens and noncitizens. The NCRA is mandated to maintain an Integrated National Civil Register. Until the outbreak of COVID-19, the NCRA was scheduled to begin operations on March 24, but the start of operations has been delayed.

The NCRA also generates and assigns unique National Identification Numbers and issues multipurpose national identity cards to citizens and other residents. It confirms personal details of citizens and noncitizen residents whose information is in the NCRA's database and records those who have not registered with the authority. Lack of registration did not affect access to public services or result in statelessness.

Education: On March 30, President Bio and the minister of basic and senior secondary education announced the immediate end to a ban on visibly pregnant girls and teenage mothers attending school. The 10-year-old ban was characterized

as divisive and discriminatory. In December 2019 the Economic Community of West Africa Court of Justice ruled that the government's policy against pregnant girls attending school breached their rights to access education. The change in policy has resulted in more pregnant girls attending school. During the year the Ministry of Education reported that approximately 1,572 pregnant girls took the West African Examination Council exam and the Basic Education Certificate Examination.

Child Abuse: The law prohibits child abuse, including sexual abuse of children. A pattern of violence against and abuse of children existed, and according to the FSU, it increased when schools were closed. 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.

Child, 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 varied among regions of the country. According to the 2019 Demographic Health Survey, 21 percent of girls in the country were pregnant or had given birth before the age of 19. In addition to the first lady's Let Girls be Girls, Not Mothers project, President Bio in February 2019 declared a state of emergency over sexual and gender-based violence in the country. Also in July he launched the first Sexual Offences Model Court for rape proceedings.

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.

In September 2019 parliament passed a law 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.

Child sex trafficking--especially of children from poor homes--is a serious problem, including at beaches and in nightclubs. Local demand fueled the majority of child sex trafficking cases, although foreign tourists were also clients at beaches and nightclubs.

Displaced Children: In 2019 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 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, during the year the coalition received no complaints of employment denial on the basis of disability. The coalition 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 has a mandate to provide policy oversight for problems affecting persons with disabilities but had limited capacity to do so.

Members of National/Racial/Ethnic Minority Groups

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 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, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

An 1861 law criminalizes same-sex sexual activity between men. There is no legal prohibition against same-sex sexual activity between women. 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. Lesbian, gay, bisexual, transgender and intersex (LGBTI) civil society groups alleged that because the law prohibits same-sex sexual activity

between men, it limits 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. Although LGBTI groups noted that police bias against LGBTI individuals had not disappeared, they did report that police were increasingly treating LGBTI persons with understanding.

LGBTI advocates reported that the community faced challenges ranging from violence, stigma, discrimination, blackmailing, and public attack to denial of public services such as health care and justice. Advocates reported LGBTI persons faced no discrimination in schools. The government reportedly registered a transsexual organization in 2018, and advocates stated they have engaged with the HRCSL on LGBTI matters.

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 commercial sex 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 in 2017 informed stakeholders and government officials that HIV/AIDS stigma was on the increase. A study published by the journal *BMC Public Health* in February on Ebola-related stigma and its association with informal healthcare utilization among Ebola survivors indicated that HIV/AIDS patients share similar psychosocial challenges with Ebola survivors in terms of social isolation, fear of contagion, and family and community stigma and

discrimination.

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 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. Penalties were not commensurate with those for other laws involving denials of civil rights.

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. There were no reports of labor union members being arrested during the year for participating in industrial actions or other union activities.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced and compulsory labor, including by children. Penalties for both forced labor include imprisonment, fines, or both. By law individual chiefs may impose forced labor (compulsory cultivation) as punishment. The government stated to the International Labor Organization 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 was no penalty for noncompliance.

The government improved enforcement of the antitrafficking in persons law and in February secured two convictions against traffickers resulting in jail sentences for the first time in 15 years. The pair allegedly trafficked at least nine victims into debt bondage in Oman. Penalties were commensurate with those for other analogous serious crimes, but the government did not effectively enforce laws against forced labor that occurred within the country.

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, fishing and agriculture, domestic servitude, and begging (see also section 7.c. and section 6, Sexual Exploitation of Children). The Ministry of Social Welfare 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. 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.

The government did not effectively enforce applicable child labor-related law, in part due to lack of funding, the limited numbers of labor inspectors in areas where child labor was prevalent, and the outbreak of the COVID-19 pandemic. The legal penalty for employing children in hazardous work or for violating age restrictions was not commensurate with those for other analogous serious crimes.

According to the NGO GOAL Ireland, more than 45 percent of children aged 5-17 were engaged in child labor, with more than 20 percent involved in dangerous work. Children were on the streets selling water, groundnuts, cucumbers, and other items. Children engaged in 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 hazardous work. Larger mining 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. Women 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. The law prohibits women from working in mines or any underground work site.

As of August there was no information available on whether the government enforced the applicable provisions of the law regarding combating discrimination at workplaces. Penalties were not commensurate with laws related to civil rights.

e. Acceptable Conditions of Work

There was a national minimum wage, but it fell 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 not commensurate with those for similar crimes.

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.

The occupational safety and health (OSH) regulations are 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. Inspectors have the authority to make unannounced inspections and initiate

sanctions. Inspections were reduced due to the COVID-19 pandemic.

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. In June frontline workers involved in the COVID-19 response went on strike over nonpayment of risk allowances that the government had committed to pay them. Doctors went on strike in July over the risk allowances as well as insufficient protective equipment provided to treat patients with COVID-19.

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.