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2019 Trafficking in Persons Report: Sierra Leone

SIERRA LEONE: Tier 2 Watch List

The Government of Sierra Leone does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by finalizing and beginning to implement the Labor Migration Policy to improve the government’s response to migrants’ vulnerability to trafficking in Sierra Leone and abroad, raising awareness of trafficking through radio and television campaigns, continuing regular meetings of the anti-trafficking task force, and allocating a budget of 132 million leones (\$15,310) to fund anti-trafficking activities in 2019. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Corruption in the judicial process continued to impede prosecution efforts. The government did not convict a trafficker for the eighth consecutive year, and NGOs alleged law enforcement sexually assaulted potential trafficking victims. Government policies to minimize fraudulent labor recruitment inadvertently drove labor migration to informal channels, increasing Sierra Leonean labor migrants’ vulnerability to trafficking. The anti-trafficking task force continued to lack enough resources to adequately implement the 2015-2020 anti-trafficking national action plan, and government officials continued to have limited understanding of the trafficking. Therefore, Sierra Leone remained on Tier 2 Watch List for the second consecutive year.

PRIORITIZED RECOMMENDATIONS

Increase efforts to investigate, prosecute, and convict traffickers, following due process, and sentence convicted traffickers with significant prison terms in accordance with the law.

- Implement existing witness protection and support measures to encourage greater victim participation in the criminal justice process.
- Train police, prosecutors, and judges to investigate and prosecute trafficking cases.
- Address procedural delays, including by allowing regional courts to try trafficking cases, and judicial corruption so victims can safely and voluntarily participate in trials and judges cease dismissing cases against alleged traffickers.
- Train all actors on the national referral mechanism to ensure trafficking victims receive

timely services.

- Continue to fully implement the new Labor Migration Policy and end policies that encourage labor migration to occur through informal channels, potentially increasing migrants’ vulnerability to trafficking.
- Increase financial or in-kind support to NGOs that support trafficking victims.
- Sufficiently fund anti-trafficking activities in the national budget and allocate funds to the anti-trafficking task force.
- Amend the 2005 anti-trafficking law to remove sentencing provisions that allow for a fine in lieu of imprisonment for sex trafficking offenses.
- Improve data collection on anti-trafficking law enforcement and victim assistance efforts.

PROSECUTION

The government maintained inadequate anti-trafficking law enforcement efforts. The 2005 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to 10 years’ imprisonment, a fine, or both. These penalties were sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, the penalties for sex trafficking were not commensurate with the penalties for other grave crimes, such as rape and kidnapping. The Sexual Offences Act criminalized sex trafficking under its “forced prostitution” and “child prostitution” provisions and prescribed penalties of up to 15 years’ imprisonment; these penalties were sufficiently stringent and commensurate with penalties for other grave crimes such as rape and kidnapping. During the reporting period, the government, in collaboration with NGOs, reviewed the 2015 anti-trafficking law to make recommendations for its revision.

The government reported 13 investigations, three prosecutions, and no convictions, compared to 33 investigations, seven prosecutions, and no convictions in the previous reporting period. No investigations or prosecutions were continued from the previous reporting period. In some cases, traffickers reportedly bribed prosecutors not to prosecute cases, and bribed judges to dismiss cases. Due to lengthy investigations required for trafficking cases, prosecutors sometimes pursued trafficking cases under the Domestic and Gender Abuse Act or the Child Rights Act because of lower evidentiary standards and higher likelihood of conviction. However, the government did not report any data on trafficking cases prosecuted under these acts during the reporting period. The government last convicted an individual for trafficking or trafficking-related offenses in 2011. In February 2019, the president of Sierra Leone declared sexual violence a national emergency and decreed sex with minors would be punishable with life imprisonment; the government did not report whether this would be applied to sex trafficking cases beyond child sex trafficking. Despite past reports of Sierra Leonean women fraudulently recruited to Kuwait for domestic work and sex trafficking, the Transnational Organized Crime Unit (TOCU) and Ministry of Labor and Social Services

(MLSS) did not report investigating alleged fraudulent recruitment networks for suspected trafficking. Judicial inefficiencies, general corruption, and procedural delays prevented courts from holding traffickers accountable and diminished faith in the judicial system. As a result, victims’ families often accepted payments from traffickers rather than pursue cases in court and families sometimes exerted pressure on victims to not participate in investigations and prosecutions against their alleged traffickers due to security concerns, community ties to alleged traffickers, and the high cost and travel required to participate in such cases. In many cases, victims either did not agree to testify against their traffickers and prosecutors dropped the charges, or victims could not meet the travel requirements for court appearances and judges dismissed their cases. The government began investigating how to expedite trafficking cases by referring trafficking prosecutions directly to the High Court, bypassing the preliminary investigation stage which sometimes was a three year process, during the reporting period; however, the new policy was not finalized or implemented during the reporting period. In an effort to better prosecute trafficking crimes, the judiciary designated Freetown Court Number Two as the dedicated court to hear all human trafficking cases during the previous reporting period although the impact of this designation on improving prosecution of trafficking cases was unclear.

Despite low understanding of trafficking and inadequate training of law enforcement and judges, the government did not provide adequate anti-trafficking training to law enforcement officials. In December 2018, the Ministry of Social Welfare, Gender, and Children’s Affairs (MSWGCA) trained 25 social workers on identifying and referring victims to care. An NGO trained an unknown number of government officials on identifying human trafficking. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, corruption, particularly within the judiciary, remained a serious problem and affected the provision of justice to trafficking victims. An NGO alleged police officers raped potential child trafficking victims and, in some cases, transported victims to police stations where they were sexually abused. The government continued regular border security meetings with the Governments of Guinea and Liberia, which included trafficking, but reported its failure to ratify the ECOWAS Convention on Mutual Assistance in the Fight against Trafficking compounded difficulties in cross-border investigations.

PROTECTION

The government increased efforts to identify victims but efforts to protect victims remained inadequate. In collaboration with an international organization, the government identified 481 potential trafficking victims during the reporting period, a significant increase from 46 victims identified in the previous reporting period. Of the 481 identified victims, 458 male forced labor victims were identified among returning migrants from Libya, Algeria, Niger, and Mali. The government referred at least 33 victims to services. NGOs reported identifying and assisting an additional 47 trafficking victims. The government relied on NGOs to care for trafficking victims; however, most NGOs were not able to provide shelter for male victims. MSWGCA operated a temporary shelter for victims of gender-based violence that trafficking victims could

access; it did not refer any trafficking victims to the shelter during the reporting period. It was unclear how much funding the shelter received. In 2016, the government had committed to devoting approximately 119 million Leones (\$13,810) quarterly to an NGO shelter that cared for the majority of trafficking victims; however, it disbursed only one payment of approximately \$3,940 to the NGO during the previous reporting period, and did not provide any other financial support to this or other NGOs that delivered nearly all victim care. One NGO operated a shelter specifically for trafficking victims and offered medical, psycho-social, legal, and reintegration support. The center cared for both foreign and domestic victims; however, staff did not permit victims to leave unchaperoned. Two additional NGOs operated shelters that cared for vulnerable children, including trafficking victims. The government had standard measures to identify trafficking victims, including victims among vulnerable populations. The government had a national mechanism to refer trafficking victims to services; however, a lack of training on the mechanism caused delays in provision of services to victims. In some cases, victims slept at police stations because authorities did not request appropriate housing, and in several other cases, MSWGCA officials disregarded the standard protocols for referring victims to NGOs for specialized care. No shelters were available to men and, as a result, TOCU housed a Chinese forced labor victim at their headquarters while an NGO provided food and counseling. The Sierra Leonean embassy in Kuwait requested assistance from an international organization to repatriate 33 potential trafficking victims; the embassy provided travel documents for all 33 potential victims. The Ministry of Foreign Affairs engaged with the Government of Kuwait to advocate for humane treatment of Sierra Leonean domestic workers. The government provided a brochure to migrants returning from Libya with information on social services trafficking victims could access.

The government did not provide sufficient protection or support to victims who participated in trials against their traffickers; as a result, many victims could not meet the travel requirements for court appearances and judges dismissed their cases. The anti-trafficking law did not provide for restitution, and while victims could file civil suits against their traffickers, none did so during the reporting period. The Sexual Offenses Act provided for restitution, which sex trafficking victims could access; however, restitution could only be pursued after conviction, and there were no convictions during the reporting period. The law provided alternatives to removal to countries in which victims would face retribution or hardship, including temporary residency; the government did not report providing these services to any victims during the reporting period. There were no reports the government detained, fined, or jailed victims for unlawful acts traffickers compelled them to commit, but inadequate screening for trafficking may have resulted in some victims remaining unidentified in the law enforcement system.

PREVENTION

The government maintained uneven efforts to prevent trafficking. The anti-trafficking task force had a 2015-2020 national action plan and met regularly, but the government did not provide an operational budget for the task force or funding for implementation of the plan, which limited activities and impeded law enforcement efforts. MSWGCA

participated in several radio and television programs to raise awareness of human rights, including the dangers of human trafficking. While MLSS had strict licensing procedures for new recruitment agencies to prevent exploitation of intending migrant workers, it continued to issue business registration certificates before TOCU had finished vetting the prospective agencies. In February 2019, the government implemented a moratorium on recruitment of Sierra Leoneans for employment abroad; as a result, TOCU suspended its vetting process and issuance of certificates to recruitment agencies. The government’s past and current efforts to prevent exploitation of labor migrants by restricting Sierra Leoneans’ access to safe and legal migration routes potentially drove Sierra Leoneans to migrate through informal channels inadvertently increasing their vulnerability to trafficking. In July 2018, the MLSS finalized a Labor Migration Policy to improve protections for migrant workers in Sierra Leone and Sierra Leoneans working abroad; the policy implementation action plans required the creation of a technical working group including the anti-trafficking task force. The strategies included in the policy include increasing capacity of Sierra Leonean missions to provide protection services to workers abroad, increasing awareness of labor rights prior to workers’ departure through mass communication outlets such as radio, television, and billboards, improving recruitment agency licensing procedures, and developing bilateral labor migration agreements with destination countries on complaint mechanisms and migrants’ rights. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training to its diplomatic personnel.

As reported over the past five years, human traffickers exploit domestic and foreign victims in Sierra Leone, and traffickers exploit victims from Sierra Leone abroad. Traffickers recruit victims largely from rural provinces to urban and mining centers for exploitation in sex trafficking and forced labor in domestic service, artisanal diamond and granite mining, petty trading, portering, making ceramics, rock breaking, quarrying, street crime, and begging. Traffickers exploit victims in fishing and agriculture, and sex trafficking or forced labor through customary practices, such as forced marriages. The government reported child sex trafficking—especially of children from poor homes—was a serious problem, including at beaches and in nightclubs. Local demand fueled the majority of child sex trafficking, although foreign tourists were also clients at beaches and nightclubs. During the reporting period, an NGO reported Chinese-owned companies helped to fuel child sex trafficking in Freetown, citing specifically workers on Chinese-owned fishing vessels who bring girls to their boats at night for commercial sexual exploitation. During the reporting period, a Chinese man was exploited in forced labor as a domestic worker. Traffickers typically operate individually, convincing parents to hand over their children and promising to provide an education or better life but instead exploiting the children in trafficking. Children from neighboring West African countries have been exploited in forced begging, forced labor, and sex trafficking in Sierra Leone, and Sierra Leonean children are taken to Mali, Niger, and increasingly Guinea for forced labor and sex trafficking. During the reporting period, traffickers exploited Lebanese and Indian men in forced labor in Sierra Leone; in previous years, Chinese, Indian, Kenyan, and Sri Lankan men have been forced labor victims in Sierra Leone. Traffickers exploited boys and girls from Sierra Leone reportedly as “cultural dancers”—and possibly also for sexual exploitation—in The Gambia. During the reporting period, an increasing number of traffickers, including family members, tried

to sell Sierra Leonean children for domestic servitude. Sierra Leonean adults voluntarily migrate to other West African countries, including Mauritania and Guinea, as well as to the Middle East and Europe, where traffickers forced some into forced labor and sex trafficking. Sierra Leonean-Kuwaiti trafficking networks increasingly fraudulently recruit Sierra Leoneans for education in Europe and the United States but subject them to domestic servitude in Kuwait. During the reporting period, authorities identified traffickers moving women through Guinea en route to exploitation in Kuwait. Traffickers also exploit Sierra Leonean women in domestic servitude in Egypt and Lebanon. Since 2017, an international organization repatriated at least 1,500 Sierra Leoneans from Libya and other Middle Eastern countries, some of whom were victims of slavery and sex trafficking. In previous reporting periods, an international organization reported some Libyan soldiers sold stranded Sierra Leonean migrants in their custody to Libyan and Middle Eastern traffickers.

TRAFFICKING PROFILE

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