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Country Report on Human Rights Practices 2018 - Sierra Leone

EXECUTIVE SUMMARY

Sierra Leone is a constitutional republic with a directly elected president and a unicameral legislature. In March the opposition Sierra Leone People's Party (SLPP) presidential candidate, Julius Maada Bio, won the presidential elections. Maada Bio defeated Samura Kamara of the All People's Congress (APC) party by a narrow margin. In the January parliamentary elections, the APC won a plurality of the seats. Observers found the elections to be largely free and fair.

Civilian authorities maintained effective control over the security forces.

Human rights issues included unlawful killings; harsh and life-threatening prison conditions; criminal libel; official corruption; lack of accountability in cases involving sexual and gender-based violence against women and girls, including female genital mutilation/cutting; criminalization of same-sex sexual conduct, leading to the arrest of lesbian, gay, bisexual, transgender, and intersex individuals; and child labor.

The government took some steps to investigate, prosecute, and punish officials who committed violations, 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

There were several reports that the government or its agents committed arbitrary or unlawful killings.

There were seven reported killings related to the 2018 elections. Civil society organizations and the nongovernmental organization (NGO) Institute for Governance Reform (IGR) reported five election-related killings in Freetown, including of four opposition supporters and one journalist. In Kailahun District, IGR reported the shooting and killing of two persons on the orders of the outgoing Minister of Local Government, Maya Moiwo Kaikai.

In July the High Court in Kenema granted bail to former opposition supporters, including Joseph Charles and Mohamed Fornie, in relation to the killing of Mohamed Karim in 2016.

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, although there were reports that police and other security personnel used excessive force to manage protests. According to Amnesty International, in March 2017, two students were wounded and a 15-year-old boy was killed when a police unit fired on a peaceful student protest in the southern province of Bo.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and potentially life-threatening due to food shortages, gross overcrowding, physical abuse, lack of clean water, inadequate sanitary conditions, and lack of medical care.

Physical Conditions: The country's 19 prisons, designed to hold 1,935 inmates, held 4,434 as of August. The most severe example of overcrowding was in the Freetown Male Correctional Center, designed to hold 324 inmates but held 2,215. Some prison cells measuring six feet by nine feet held nine or more inmates. The NGO Prison Watch (PW) reported that, with the exception of the Freetown Female Correctional Center at the Special Court for Sierra Leone (FCCSL) and the Mafanta Correctional Center, the country's other 17 prisons and detention centers were seriously overcrowded.

In most cases pretrial detainees were held with convicted prisoners. The attorney general reported that as of August, of the 4,434 persons held in prisons and detention centers, only 1,941 had been convicted.

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 were often dark, with little ventilation, and inmates slept on bare floors, using their own clothes or cartons as bedding. The Human Rights Commission of Sierra Leone (HRCSL) and PW reported poor toilet facilities in all stations except Magburuka and East End in Freetown. Inmates were often forced to use buckets as toilets.

Cells often lacked proper lighting, bedding, ventilation, and protection from mosquitoes. Most prisons did not have piped water, and some inmates lacked sufficient access to potable drinking water. In August, PW reported unhygienic conditions in the Bo Correctional and Maximum Correctional Centers. PW reported that to control overcrowding in common areas, authorities confined inmates to their cells for long periods without opportunity for movement.

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. PW reported, however, that with the exception of the FCCSL and Mafanta, conditions in detention centers in the rest of the country, including lighting and ventilation, were generally better for female inmates than for male inmates.

As of August prison authorities reported 22 deaths in prisons and detention facilities due to malaria, respiratory infections, skin infections, hypertension, and typhoid fever, but claimed no death was due to actions of staff members or other inmates. Few inmates had access to adequate medical facilities, and clinics lacked supplies and medical personnel to provide basic services. In the country's 19 prisons and detention centers, there were 72 nurses, seven laboratory technicians, one pharmacist, and one doctor. Prisons outside Freetown sent patients to local government hospitals and clinics. Officials referred female inmates to local hospitals for special care, but doctors and nurses in these hospitals often refused to treat them or provided inferior care because of the government's failure to pay medical bills.

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

PW reported a shortage of prison staff, which resulted in a lack of security that endangered inmates' safety.

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

PW reported 15 juveniles in Kenema Correctional Center and one at the Freetown Maximum Correctional Center, all aged from 14 to 17. During a foreign diplomatic mission's inspection tour in June to seven correctional centers across the country, observers also discovered juveniles at the Kenema Correctional Center.

Authorities sent offenders younger than age 18 to “approved schools” or reformatory institutions. Although authorities made some effort to avoid detaining juveniles with adults, they frequently imprisoned minors with adult offenders. PW reported authorities often sent young adults older than age 18 to the approved schools, while some children younger than 18 were sent to prison. A lack of juvenile detention centers in many districts meant minors were frequently detained with adults in police cells while waiting to be transferred to juvenile facilities.

At times, police officers had difficulty determining a person’s age due to a lack of documentation, and they often depended on circumstantial evidence, such as possession of a voter registration card or affidavits from parents, who may lie about their child’s age. In some cases, police officers inflated the ages of juveniles to escape blame for detaining them. Several boys reported they were victims of physical and sexual abuse by older inmates. In juvenile facilities, detainees did not have adequate access to food and education and were sometimes unable to attend court hearings due to lack of transportation.

According to the Sierra Leone Correctional Center, several prisons held infants, most of whom were born in prison and initially kept there with their mothers. There were 14 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.

Administration: There was no prison ombudsman, but senior prison officials were available to respond to complaints. PW reported that inmates raised concerns to PW about prison conditions on condition that their concerns, if raised to prisons authorities, would be anonymous.

Although authorities officially permitted regular family visits, according to PW, family members often had to pay bribes to gain visiting privileges.

Inmates refrained from filing complaints directly with prison authorities because they believed such actions would spur retaliation by judicial authorities.

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.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but human rights groups such as HRCSL indicated that police occasionally arrested and detained persons arbitrarily. The government allows both the Sierra Leone Police (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. PW reported illegal detentions at Congo Cross, Magburuka, and Tongo Field police stations. Chiefs sometimes subjected both adults and children to arbitrary detention and imprisoned them unlawfully in their homes or “chiefdom jails” (see section 6, Discrimination, Societal Abuses, and Trafficking in Persons).

Role of the Police and Security Apparatus

The SLP, under the Ministry of Internal Affairs, is responsible for law enforcement and maintaining security within the country, but it was poorly equipped and lacked sufficient investigative and forensic capabilities. Human Rights NGOs such as “Timap For Justice” reported that the SLP professionally responded to crowd control during and after elections. The Republic of Sierra Leone Armed Forces (RSLAF) is responsible for external security but also has some domestic security responsibilities to assist police in extraordinary circumstances upon request.

While civilian authorities generally maintained effective control over the SLP and the RSLAF, and the government has mechanisms to investigate and punish abuse and corruption, at times impunity was a problem.

In April police reportedly fatally shot an unarmed opposition SLPP supporter in the street, just yards away from the compound of the SLPP presidential candidate Julius Maada Bio. The Independent Police Complaints Board (IPCB) conducted no investigation.

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 causes, such as alleged breach of contract or failure to satisfy a debt.

The Police Complaints, Discipline, and Internal Investigations Department (CDIID) heard complaints against police officers. The CDIID conducted all hearings and trials related to complaints against lower-ranking police officers. Officers often used an appeals process. In cases involving criminal charges, after the CDIID imposes disciplinary measures on an SLP officer, the officer is also subject to trial in civilian court. The Police Council, which includes the vice president, minister of internal affairs, inspector general, and others, accepted written complaints against senior police officers.

The SLP reported that police continued to receive professional, leadership, and human rights training. Before deployment, new recruits attended a six-month introductory course, which included a human rights component.

After criticisms of the CDIID by the general public and civil society, the government established the IPCB to investigate all complaints against police and advise police.

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. PW and Timap for Justice reported most arrests were made without warrants and that the SLP rarely followed proper arrest procedures.

The law requires authorities to inform detainees 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.

There were provisions for bail and a functioning bail system, but authorities 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 Legal Aid Board (LAB), only an estimated 10 to 15 percent of inmates 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 28 state counsels (attorneys), the majority worked in the capital and were often overburdened, poorly paid, and available only for more serious criminal cases. Although the law provides for attorneys at state expense, state attorneys were overburdened, and indigent detainees did not usually receive legal advice prior to trial.

Police cells generally lack holding areas for juveniles, and as a result authorities often handcuffed them to windows in police stations.

There were no reports of suspects held under house arrest or being detained incommunicado.

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

In July police arrested Edmond Abu, a civil rights activist, for leading a protest against the increase in fuel price. Authorities took Abu to Criminal Investigation Department Headquarters, but released him after he was interrogated.

Pretrial Detention: As of August 16, only 48 percent of the 4,434 persons held in prisons and detention centers were convicted; 16 percent of persons were on remand and 36 percent were on trial. PW and BBC reported that this was due 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 16 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 government and fraternal organizations, particularly in corruption-related cases.

In addition to the formal civil court system, local chieftaincy courts administer customary law with lay judges. Appeals from these lower courts are heard by the superior courts.

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

The military justice system has an appeals process. For summary hearings, the defendant can appeal for the redress of complaint, which goes 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, the redress system is corrupt.

Traditional justice systems are used in rural areas. Paramount chiefs maintained their own police and courts to enforce customary local laws. 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 increasing numbers of paralegals to rural areas to provide access to justice and training for chieftain officials.

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. Though 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 could 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.

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 sometimes referred cases to police to give arrests for civil complaints the appearance of legitimacy. 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

Authorities and civil society organizations, including Amnesty International, reported no political prisoners or detainees during the period under review.

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. Administrative and judicial remedies were available for alleged wrongs, but enforcement of the rulings was difficult. Individuals and organizations may seek civil remedies for human rights violations through regular access to domestic courts. Individuals could 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 laws 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 libel provisions of the Public Order Act (POA) to impede witness testimony in court cases, including anticorruption matters, and to target persons making statements the government considered to be against the national interest. While there is no hate speech law, at times authorities used hate speech as a justification under the POA for restricting freedom of speech.

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

Press and Media Freedom: 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: The IGR Election Report reported verbal insults and hate messages, beatings, arson, and a few cases of murder. The most numerous reports of political harassment were in the Eastern Region followed by Koinadugu, Bombali, Kambia, and Port Loko. In June Amnesty International reported the sudden death of journalist Ibrahim Samura, editor of *New Age* newspaper in Freetown. Individuals acting in the interest of the then ruling APC party allegedly beat Samura during his coverage of the presidential run-off elections. The APC party took responsibility for the attack and tendered an apology to the victim before his death.

Internet Freedom

There were reports that the government restricted or disrupted access to the internet, but there were no credible reports the government monitored private online communications without appropriate legal authority. Internet connections within the country were cut off the night before the March 31 run-off election and continued to function only intermittently in the following days. Local media reports speculated that authorities shut down internet connections to stop the National Electoral Commission from sharing results with party affiliates. International media and the government reported that the cause of the outage was an undersea cable break off the coast of Mauritania. The BBC correspondent in Sierra Leone reported on April 1 that authorities shut off internet connections on Saturday night shortly after polls closed.

According to the International Telecommunication Union, in 2017, 13.2 percent of the population used the internet.

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 on April 4, President Maada Bio introduced an Executive Order lifting the ban on public assembly, including Sunday trading, imposed by his predecessor.

As of August, nine persons who were arrested and detained in 2015 for demonstrating in front of a foreign embassy still awaited a trial date. They remained on bail and were directed to report monthly to the SLP Criminal and Investigations Division.

c. Freedom of Religion

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

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. Since signing the Abidjan Declaration on the eradication of statelessness, the Ministry of Internal Affairs began implementation and developed an action plan, conducted fact-finding missions to border areas, widely publicized civil registration exercises that took place April-June, and amended the Citizenship Act, allowing both male and female citizens to confer Sierra Leonean citizenship to their children. After the August 2017 flood and mudslide disaster that killed more than 1,000 persons and displaced approximately 4,000, the government worked closely with international organizations to provide a robust humanitarian response for internally displaced 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 Sierra Leone Police banned unauthorized vehicular movement during the March 7 and March 31 elections. All political parties, except for the then-ruling APC, rejected the restriction, calling it an attempt by the APC to rig the elections.

Protection of Refugees

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. The law provides for refugee status, as defined by international convention, to be granted to eligible asylum seekers. UNHCR worked with government authorities to develop standard operating procedures for refugee status determination.

Durable Solutions: As of August 30, the country hosted 693 refugees, the great majority from Liberia, and one asylum seeker. These individuals were mainly hosted in rural communities in Bo and Moyamba districts. The Liberians’ prima facie refugee status expired in 2012 upon implementation of the cessation clause by the government of Sierra Leone, as reconfirmed by UNHCR and the National Commission for Social Action.

Temporary Protection: According to UNHCR the government did not provide temporary protection to certain individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

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: On March 7, the country held peaceful presidential, parliamentary, and local government elections, and on March 31, the government held presidential run-off elections. The opposition SLPP candidate, Julius Maada Bio, defeated the incumbent APC party candidate, Samura Kamara. Although some observers reported minor irregularities, domestic and international observers described the elections as free, fair, transparent, and credible, with 84 percent turnout among registered voters.

Political Parties and Political Participation: Political parties are free to register and operate in the country. A total of 17 political parties registered with the Political Parties Registration Commission and 16 of them competed in the March 7 elections.

Opposition parties complained that the then-ruling APC engaged in intimidation of other parties. Between July 2017 and April, supporters of the APC reportedly attacked and intimidated opposition party members across the country. IGR reported that in Tonkolili District, attackers beat an SLPP supporter. In another case, APC members assaulted opposition National Grand Coalition supporters in Kambia and Kono. IGR recorded a series of other electoral related violence across the country, mostly perpetrated by the APC.

Ethnic affiliations strongly influenced political party membership for the two dominant ethnic groups, the Mende and Themne; each accounted for approximately 30 percent of the population. The Mende traditionally supported the SLPP and the Themne the APC. The Limba, the third most populous ethnic group, traditionally supported the APC. Other ethnic groups had no strong political party affiliations. The opposition APC party had repeatedly accused the SLPP of giving preference to populations in the Southeast, who are mostly Mendes, in filling government positions. As of August 30, ministers from the Southeast held 54 percent of cabinet positions, ministers from the South and East 25 percent, and those from the Western Peninsula the remaining 16 percent.

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, but husbands or other patriarchal figures were known to influence their decisions. Women were underrepresented in government. Of the 146 parliamentarians, 18 were women. As of August women led five of the 24 ministries. On the three highest courts, 10 out 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 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. Substantial corruption was still present but was reportedly reduced in the executive (including the security sector and migration management), legislative, and judicial branches as a result of the Anti-Corruption Commission’s (ACC) work to combat corruption, work that included the creation of a single treasury account.

Corruption: The newly appointed Anti-Corruption Commissioner indicted and charged more than 20 persons, including the former vice president and minister of mines and mineral resources in connection with their involvement in the misappropriation of the 2017 Hajj scholarship funds.

The Anti-Corruption Commissioner has set up an Anti-Corruption Court to deal with corruption cases.

Financial Disclosure: The law requires public officers, their spouses, and children to declare their assets and liabilities within three months of assuming office. 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 the media the

names of those who refuse to disclose and petition the 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 issues on the parliamentary agenda, paving the way for the passage of amended laws and ratification of international conventions and doing public outreach.

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

Women

Rape and Domestic Violence: The law criminalizes rape of both men and women and a conviction is punishable by between five and 15 years' imprisonment. 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 law enforcement officials, combined with women's lack of income and economic independence, helped perpetuate violence against women and impunity for offenders. Despite the establishment of the Family Support Unit (FSU) of the SLP and the existence of applicable legislation, reports of rapes, especially involving child victims, steadily increased.

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 (\$685) and two years' imprisonment. Victims seldom reported domestic violence due to their fear of social stigma and retaliation. First Lady Fatima Jabbie-Bio, and NGOs such as the Rainbo Center actively promoted public awareness, calling on men to refrain from violence against women.

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.

In May Rainbo Center reported low conviction rates in prosecuting perpetrators of rape and sexual violence. In May the spokesperson for the country's judiciary reported that most of the viable cases in the last two criminal sessions of the High Court were for rape.

Medical and psychological services for rape victims were limited. Police often required victims to obtain a medical report for the filing of charges, but 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 and girls. UNICEF data from 2014, the most recent available, reported that nine of 10 women and girls had undergone the procedure. In the lead up to the March elections, the minister of local government and rural development banned secret society initiation activities, including female genital mutilation (FGM/C), until after the elections. The government stated that the ban was to ensure the peaceful conduct of the elections. In July the Ministry of Social Welfare, Gender, and Children's Affairs signed a memorandum of understanding with the Soweis and other traditional leaders who practice FGM/C, whereby the traditional leaders committed not to initiate minors younger than 18 years of age. The FSU reported no new cases of FGM/C during initiation of girls younger than 18 years of age from August 2017 through the year's end, although anecdotal evidence suggests that the practice has not been entirely abandoned.

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 (\$1,660) 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 laws. 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 laws apply in customary as well as formal courts, but customary judges had limited or no legal training and often were unaware of formal laws or chose to ignore them. 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, 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 violations.

Children

Birth Registration: Although the constitution states that it prohibits discrimination based on race, tribe, gender, place of origin, political opinion, color, and religion, the constitution 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 Sierra Leone. Children not meeting the criteria must be registered in their parents’ countries of origin.

Birth registration was not universal due to outdated birth registration laws 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 Maada Bio’s Free and Quality Education Program enacted in August as part of his attempt to follow through on campaign promises, pregnant girls continued to be prohibited from attending classes and taking examinations with other students on the grounds that they were a “bad moral influence.”

Child Abuse: A pattern of violence against and abuse of children existed, and according to the FSU, it increased between January and August compared with previous years. The FSU reported the following forms of child abuse to be on the increase: sexual violence, abandonment, and trafficking. 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, child marriage is a major restriction on girls’ education. According to UNICEF’s world children report of 2017, 39 percent of girls in the country are married before their 18th birthday. The report stated that child marriage in the country is linked to poverty, lack of education, and geographical area. On August 9, the Ministry of Social Welfare, Gender, and Children, LAB, and the Sierra Leone Police interrupted an underage marriage and arrested parents who acted contrary to law. The government is currently implementing “Let Girls be Girls, Not Mothers,” a two-year national strategy to reduce teenage pregnancy. On July 17, the Inter-Religious Council promised not to conduct any marriage when members think the bride is younger than the age of 18.

According to UNICEF the country is one of 12 selected to be part of the United Nations Population Fund and UNICEF’s global program to accelerate action to end child marriage and teenage pregnancy, which are still major challenges.

Sexual Exploitation of Children: The minimum age of consensual sex is 18. Although the law criminalizes sexual exploitation of children, the sale of children, and child trafficking, including child pornography, enforcement remained a problem 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.

According to a UNICEF case study in 2017, the FSU of the Sierra Leone Police estimated more than 1,000 children experience sexual violence in the country each year. The World Vision 2017 Research report confirms that sexual violence, including verbal and emotional abuse, inappropriate touching, physical harassment, and rape, continued to surge and affects 13.2 percent of boys and 21.5 percent of girls. The same study stated that the perpetrators of sexual abuse and exploitation are normally persons who live in the same community and are known to the children, with more than one-third being either a close relative or an extended relative.

Displaced Children: The NGO Needy Child International reported that during the year 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.html> (<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.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 www.state.gov/j/tip/rls/tiprpt/ (<https://www.state.gov/j/tip/rls/tiprpt/>).

Persons with Disabilities

The Persons With Disabilities Act 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 laws 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. Given 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.

There was considerable discrimination against persons with mental disabilities. The vast majority of persons with mental disabilities received no treatment or public services. The Sierra Leone Psychiatric Hospital in Kissy, the only inpatient psychiatric institution that served persons with mental disabilities, was underfunded. 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 those who are blind or deaf. The ministry did not provide these services consistently, and organizations reported many persons with disabilities had limited access to medical and rehabilitative care. The Ministry of Social Welfare, Gender, and Children’s Affairs has a mandate to provide policy oversight for issues affecting persons with disabilities but had limited capacity to do so.

National/Racial/Ethnic Minorities

The population included 18 ethnic groups of African origin. In addition there were significant Lebanese and Indian minorities and small groups of European and Pakistani origin. Little ethnic segregation was apparent in urban areas, where interethnic marriage was common. The two largest ethnic groups were the Themne in the North and the Mende in the South. Each group constituted approximately 30 percent of the population. Strong ethnic loyalties, bias, and stereotypes existed among all ethnic groups. Ethnic loyalty was an important factor in the government, the armed forces, and business. Complaints of ethnic discrimination in government appointments, contract assignments, and military promotions were 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, Children, Birth Registration).

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

A law from 1861 prohibits male-to-male sexual acts, but there is no legal prohibition against female-to-female sex. The 1861 law, which carries a penalty of life imprisonment for “indecent assault” upon a man or 10 years 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, the law 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 laws cover 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.

The NGO Dignity Association reported that the LGBTI community faced challenges ranging from violence, stigma, discrimination, blackmailing, and public attack to denial of public services such as healthcare and justice. The NGO reported nine cases of discrimination against two staff members and a police officer in Bo during the year. It reported that three LGBTI persons were subjected to physical violence, denied medical service, and evicted from their houses due to their LGBTI status.

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 could have 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. On June 9, authorities expelled two female secondary school students for kissing each other in public. Dignity Association reported that after NGOs expressed concerns to school authorities about the expulsions, the authorities agreed to allow the girls to return to the school.

As of August 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 December 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. Authorities from the National AIDS Secretariat reported that 3,352 children were infected with HIV. NETHIP-SL reported children were denied access to education because of their HIV status and the issue of children with HIV/AIDS had been missing in 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 law allows workers to organize but does not prohibit discrimination against union members or prohibit employer interference in the establishment of unions. The government can require that workers provide written notice to police of 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 collectively bargain. 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 never been called upon to enforce applicable laws 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, and the Sierra Leone Labor Congress enjoyed a cordial relationship with the government.

The government did not adopt provisions with sufficiently effective penalties for the protection of workers and workers’ organizations against acts of antiunion discrimination and acts of interference.

b. Prohibition of Forced or Compulsory Labor

The law 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. Under a provision of the Chiefdom Councils Act, individual chiefs may impose forced labor (compulsory cultivation) as punishment and have done so in the past. Chiefs also required villagers to contribute to the improvement of common areas. There is no penalty for noncompliance.

The government did not effectively enforce the antitrafficking in persons law, hindered by judicial inefficiencies and procedural delays.

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, 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 www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The law limits child labor, allowing light work at age 13; however, it does not specify the conditions or hours for “light work,” 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, continues to prohibit girls who were 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.; the law does not limit the number of hours of light work. 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, that is, work that poses a danger to the health, safety, and “morals” of a person, including going to sea; mining and quarrying; portering 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 SLP Criminal Investigations Department reported the arrest of 31 Chinese nationals in northern part of the country for illegal gold mining and for systematically using minors as sex slaves and subjecting boys and men to inhuman working conditions. The law prohibits the worst forms of child labor. The prohibitions on hazardous work for children 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.

Through August neither the Ministry of Labor and Social Security nor the Ministry of Mines and Mineral Resources provided training for labor inspectors to monitor child labor. The government did not effectively enforce applicable child labor-related laws, in part due to lack of funding and limited numbers of labor inspectors in areas where child labor is prevalent. The penalty for employing children in hazardous work or violating the age restrictions under the Child Rights Act was not sufficient to deter violations.

Child labor remained a widespread problem and law enforcement was weak. According to the NGO Global Trade Unionist, 71.6 percent of children between the ages of 5 and 14 were working, either in paid or unpaid labor. Children could be found on the streets selling water, groundnuts, cucumbers, and other items. Child labor in the country increased every day. 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 sexual exploitation, 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 issue 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 www.dol.gov/ilab/reports/child-labor/findings/ (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

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.

As of August 31, there was no information available on whether the government enforced the applicable provisions regarding combatting discrimination at workplaces.

e. Acceptable Conditions of Work

There is a national minimum wage, including in the informal sector, of 500,000 leones (\$68) per month, which falls below the basic poverty line in the country. The Ministry of Labor and Social Security is responsible for enforcing labor laws, including the minimum wage, but the number of labor inspectors was insufficient to enforce compliance.

Although not stipulated by law, the standard 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 exceeded the standard workweek. There is no prohibition on excessive compulsory overtime or a requirement for paid leave or holidays.

Initially, a union can 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 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 laws and standards continued to be violated primarily due to lack of resources, corruption, and lack of law enforcement, rather than the deterrent effect, or lack thereof, of the penalties.

Minimum wage compliance was particularly difficult to monitor in the informal sector. Most workers supported an extended family. It was common to pool incomes and to supplement wages with subsistence farming and child labor.

Violations of wage, overtime, and occupational safety and health 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 migrated to Freetown 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.

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