


Criminalisation of Homosexuality

Updated 25 October 2015

Sierra Leone		
		
<p>National Law: <i>Offences Against the Person Act (1861)</i>¹</p> <ul style="list-style-type: none"> - S61 – Unnatural Offences² 	<p>Maximum Penalties:</p> <ul style="list-style-type: none"> - Life Imprisonment 	<p><u>Treaty Ratification</u></p> <p>AFRICAN CHARTER</p> <p>CAT</p> <p>CEDAW</p> <p>CRC</p> <p>ICCPR</p> <p>ICCPR OP</p> <p>ICESCR</p>
<p>The law is applicable only to men.</p>		
<p>Enforcement</p>	<ul style="list-style-type: none"> - 2014: The 2014 US Report on Human Rights Practices in Sierra Leone suggested that the laws are not currently enforced.³ - 2011: (UPR) During its 2011 review, the Sierra Leone delegation stated that there was no discrimination on the grounds of sexual orientation.⁴ 	
<p>Statements by Public Figures</p>	<ul style="list-style-type: none"> - 30 July 2013: When a review of the Sierra Leone Constitution was initiated in 2013, President Koroma reportedly spoke of his wishes to create a more 'tolerant culture'.⁵ However, LGBTI organisations later claimed that they were excluded from the review process.⁶ - 25 June 2013: Following an attack on LGBTI rights activist George Freeman, Sierra Leone's inspector-general of police told the BBC: <i>'We must be very careful when it comes to dealing with the issue of gays and lesbians because these are very strange phenomena in our society and we do not have any special protection for them because they are not recognised by the laws of Sierra Leone.'</i>⁷ - 9 November 2011: In response to the British Prime Minister David Cameron's call for respecting the human rights of LGBT people, President of the Methodist Church in Sierra Leone, Bishop Arnold Temple stated: <i>'The church in Sierra Leone will do everything possible to protect democracy but our values will not accept the call from British Prime Minister, Mr Cameron for countries in the Commonwealth like Sierra Leone to accept the practice of lesbianism and gayism,'</i>⁸ - 2011: A Human Rights Commission of Sierra Leone representative reportedly said 	

	<p>in a media interview: <i>'the law of Sierra Leone does not give the commission the mandate to advocate and support LGBT human rights.'</i>⁹</p>
<p>Persecution and Discrimination</p>	<ul style="list-style-type: none"> - 2015: The HIV infection rate among MSM was 7.5%¹⁰, more than 5 times the national prevalence of 1.5%.¹¹ - 8 September 2013: In June 2013, George Freeman, the executive director of Pride Equality, and two of its senior members were forced to flee Sierra Leone after attempts on their lives were made in the wake of the release of a report on LGBT issues jointly prepared by the Dignity Association, Pride Equality and Global Rights - Partners for Justice as well as the publication of a newspaper article on George Freeman's homosexuality.¹² - 9 July 2013: An LGBTI rights activist explained that he became an activist in 2011 after his nephew was beaten and lost an eye just because he was gay. He also wrote that during his activism in Sierra Leone <i>'we were constantly abused, spat on, and sometimes assaulted'</i>.¹³ - 5 July 2013: The coordinator of Gay for Life, Septimus John and some of his colleagues were reportedly in hiding following persistent death threats from their neighbours.¹⁴ - 2013: An extensive study conducted in 2012-2013 by three LGBTI organisations, Global Rights, Pride Equality, and Dignity Association, revealed the deeply rooted discrimination faced by the Sierra Leonean LGBTI community in nearly every facet of life.¹⁵ The research also demonstrates an overwhelming silence from the LGBTI and human rights communities due to significant fear of exposure or association with the LGBTI community.¹⁶ The report details a number of forms of persecution of LGBTI people: <ul style="list-style-type: none"> o Healthcare: The research documented several cases and conducted interviews with healthcare personnel and members of the LGBTI community in various districts of the country. The report documents that discriminatory practices range from disrespect, harassment, unnecessary postponement of treatment and outright denial of services. In a study, more than half of medical practitioners who were interviewed indicated that they would not treat LGBTI people.¹⁷ o Violence, abuse and Harassment: The report indicates that 99% of LGBTI respondents had experienced at least one form of harassment and discrimination, because of their sexual orientation or gender identity. According to the report, Pride Equality investigated and documented 35 cases of violence, abuse and harassment experienced by LGBTI persons. Describing several such cases, the report concluded that: <i>'individuals in Sierra Leone are</i>

	<p><i>frequently subjected to discrimination and high levels of verbal abuse, violence and harassment by public officials, members of their communities and even their own families. The combination of discriminatory laws, backed up by ignorance, lack of legal protection; and intolerance by high rank politicians and religious leaders in public create an environment where LGBTI individuals cannot feel safe.'</i>¹⁸</p> <ul style="list-style-type: none"> - 1 January 2012: Protests were reportedly organised in various Sierra Leonean cities at which demonstrators marched to voice their disapproval at the possibility that Sierra Leone might recognise same-sex marriages. The organisers claimed that they were worried that persistent pronouncements from major powers could influence the country's politicians to recognise 'alien' and 'immoral' practices in the country.¹⁹ - 2004: The Equal Rights Trust, during a submission as part of Sierra Leone's Universal Periodic Review, viewed the government's lack of investigation in the murder in 2004 of prominent activist FannyAnn Eddy, founder of the Sierra Leone Lesbian and Gay Association, as '<i>[indicative of the widespread homophobia which prevails]</i>'.²⁰ - January 2003: Human Rights Watch conducted an extensive investigation and study of the sexual violence that occurred during the civil war between 1991 and 2002. During their investigation, they spoke to a local organisation, the Forum for African Women Educationalists (FAWE) and found that '<i>boys and men were also raped by male rebels,</i>' however '<i>due to the stigma attached to homosexuality in Sierra Leone, male victims of rape feared they would be perceived as homosexuals and therefore few boys were willing to report it.</i>'²¹
Legislative News	<ul style="list-style-type: none"> - 26 September 2014: Sierra Leone abstained from voting when the UN Human Rights Council passed a resolution (A/HRC/27/L.27/Rev.1) on human rights, sexual orientation and gender identity) condemning violence and discrimination based on sexual orientation and gender identity.²² - 2011: (UPR) Sierra Leone rejected recommendations to repeal all provisions which may be applied to criminalise sexual activity between consenting adults. The delegation also stated that there was no discrimination on the grounds of sexual orientation and that it was expressly prohibited under the Constitution.²³ However a closer look at the Constitution of Sierra Leone, 1991 shows that it contains no such provision expressly prohibiting discrimination on the grounds of sexual orientation.²⁴ - 14 September 2011: The National HIV and AIDS Commission Act 2011 contains penalties for discriminatory acts against those infected and affected by HIV and

AIDS.²⁵

- **22 March 2011:** At the Human Rights Council, Sierra Leone supported a historic Joint Statement on Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation & Gender Identity.²⁶

¹ The Text of the law is : <http://www.legislation.gov.uk/ukpga/Vict/24-25/100/section/6163>

As a former British colony, Sierra Leone's regulatory framework is based on Common Law and derived its laws at the time from England and Ireland, including the Offences Against the Person Act (1861), which is still in force in Sierra Leone. See: Hanatu Kabbah, *Sierra Leone Legal System and Legal Research* (GlobaLex September 2014) <http://www.nyulawglobal.org/globalex/Sierra_Leone1.htm> accessed 10 September 2015.

² *Offences Against the Person Act (1861)*, s.61: 'Whosoever shall be convicted of the abominable Crime of Buggery, committed either with Mankind or with any Animal, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Ten Years.'

³ Bureau of Democracy, Human Rights and Labor, *Country report on human rights for 2014: Sierra Leone* (US Department of State 25 June 2015)

<<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236402>> accessed on 29 August 2015

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Sierra Leone*, UN Doc A/HRC/18/10, para. 27 (11 July 2011)

⁵ Kemo Cham, *Sierra Leone begins long-awaited constitutional review* (Africa Review 31 July 2013)

<<http://www.africareview.com/News/Sierra-Leone-begins-constitutional-review/-/979180/1932818/-/9nq3ybz/-/index.html>> accessed on 19 July 2014

⁶ Dignity Association of Sierra Leone & others, *Breaking the Silence on Human Rights Violations in Sierra Leone under the International Covenant on Civil and Political Rights (ICCPR): A Shadow Report on Discrimination and Violence Based on Sexual Orientation and Gender Identity*, at page 6 (OHCHR March 2014)

<http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SLE/INT_CCPR_CSS_SLE_16487_E.pdf> accessed on 19 July 2014

⁷ Umaru Fofana, *Amnesty International condemns 'homophobia' in Africa* (BBC 25 June 2013)

<<http://www.bbc.co.uk/news/world-africa-23033423>> accessed on 9 September 2015

⁸ News24, *Sierra Leone says no to gay marriage* (News24 9 November 2011)

<<http://www.news24.com/Africa/News/Sierra-Leone-says-no-to-gay-marriage-20111108>> accessed on 19 July 2014

⁹ Global Rights and others, *Discrimination on the Basis of Sexual Orientation and Gender Identity in Access to Health Care and Violence/Bias: A Sierra Leone Case Study*, page 8 (Pride Equality 2013)

<<http://www.prideequality.org/discrimination.pdf>> accessed on 9 September 2015

¹⁰ UNAIDS, *Sierra Leone National AIDS Response Progress Report 2015*, page 6 (UNAIDS)

<2015>http://www.unaids.org/sites/default/files/country/documents/SLE_narrative_report_2015.pdf> accessed on 9 September 2015

¹¹ Ibid. page 8

¹² Colin Stewart, *Anti-gay threats, attacks disrupt AIDS fight in Sierra Leone* (Erasing 76 Crimes 8 September 2013)

<<http://76crimes.com/2013/09/08/anti-gay-threats-attacks-disrupt-aids-fight-in-sierra-leone/>>

accessed 19 July 2014; See also: Frontline Defenders, *Sierra Leone: LGBTI rights defender Mr George Reginald Freeman attacked and subjected to threats* (24 May 2013)

<<https://www.frontlinedefenders.org/node/22825#sthash.s1IQgo6M.dpuf>> accessed on 29 August 2015

¹³ Mohamed S. Kamara, *Sierra Leone: Spat upon, I still became an LGBT activist* (Erasing 76 Crimes 9 July 2013)

<<http://76crimes.com/2013/07/09/sierra-leone-spat-upon-i-still-became-an-lgbt-activist/>> accessed on 9 September 2015

¹⁴ SEM, *Gay Persecution Intensifies in Sierra Leone ... Coordinator Flees* (Sierra Express Media 5 July 2013)

<<http://www.sierraexpressmedia.com/?p=58705>> accessed on 19 July 2014

-
- ¹⁵ Global Rights and others, *Discrimination on the Basis of Sexual Orientation and Gender Identity in Access to Health Care and Violence/Bias: A Sierra Leone Case Study*, page 36 (Pride Equality 2013)
<<http://www.prideequality.org/discrimination.pdf>> accessed on 9 September 2015
- ¹⁶ Ibid. page 4
- ¹⁷ Ibid. pages 11-15
- ¹⁸ Ibid. pages 18-27
- ¹⁹ Kemo Cham, *Anti-homosexual protesters hit Sierra Leone streets*, (African Review 1 January 2012)
<<http://www.africareview.com/News/-/979180/1298694/-/h30v4yz/-/index.html>> accessed on 29 August 2015
- ²⁰ Equal Rights Trust, *The Equal Rights Trust - Universal Periodic Review submission: Sierra Leone, 2010*, page 3 (2010) <<http://www.equalrightstrust.org/ertdocumentbank/Equal%20Rights%20Trust%20-%20UPR%20submission%20-%20Sierra%20Leone%202010.pdf>> accessed on 9 September 2015
- ²¹ Human Rights Watch, *We'll Kill You If You Cry" Sexual Violence in Sierra Leone Conflict*, Vol. 15, No. 1(A), page 42 (January 2003) < <http://www.hrw.org/reports/2003/sierraleone/sierleon0103.pdf>> accessed on 10 September 2015
- ²² Human Rights Council, *Human Rights Council adopts resolution on sexual orientation and gender identity and concludes twenty-seventh session* (OHCHR 26 September 2014)
<<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=15109&LangID=E#sthash.KR2tpRif.dpuf>> accessed on 29 August 2015
- ²³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Sierra Leone*, UN Doc A/HRC/18/10, Para 27 (11 July 2011)
- ²⁴ Sierra Leone Web, *The Constitution of Sierra Leone, 1991* (The Laws of Sierra Leone on the Sierra Leone Web) <<http://www.sierra-leone.org/Laws/constitution1991.pdf>> accessed on 9 September 2015
- ²⁵ The Laws of Sierra Leone, *National HIV and AIDS Commission Act 2011*, Part X (Sierra Leone Web) <<http://www.sierra-leone.org/Laws/2011-11.pdf>> accessed on 10 September 2015
- ²⁶ Office of the Spokesman, *Joint Statement on the Rights of LGBT Persons at the Human Rights Council* (US Department of State 22 March 2011) <<http://www.state.gov/r/pa/prs/ps/2011/03/158847.htm>> accessed on 29 August 2015