

# SIERRA LEONE

## EXECUTIVE SUMMARY

Sierra Leone is a constitutional republic with a directly elected president and a unicameral legislature. In 2007, in peaceful multiparty presidential and parliamentary elections, the opposition All People's Congress (APC) won a majority in parliament, and citizens elected party leader Ernest Bai Koroma president. Security forces reported to civilian authorities.

Major human rights problems included prolonged detention and imprisonment under harsh and life-threatening conditions in prisons and jails; widespread official corruption in all branches of government; and trafficking in persons, including for child labor.

Other human rights problems included abusive treatment by police; arbitrary arrest and detention; some restrictions on freedoms of press and assembly; discrimination and violence against women and girls, including female genital mutilation; official and societal discrimination against lesbian, gay, bisexual, and transgender individuals; discrimination against people with disabilities; and vigilante violence.

The Anti-Corruption Commission aggressively investigated and prosecuted cases of corruption in a nonpartisan fashion and without political interference; however, impunity remained a serious concern.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

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

On June 12, Ibrahim Foday was killed while taking photographs for a story related to a land dispute; three suspects were detained, including police officer Musa Samura. None of the suspects had been charged by year's end.

On September 9, Abdulai Sesay was killed when police fired into a crowd during a riot. No officer had been charged by year's end (see section 2.b.).

**b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, there were reports that police and other security personnel continued to use excessive force. The law allows up to 36 lashes as punishment, although the nongovernmental organization (NGO ) Prison Watch noted that sensitization on human rights had led to a reduction in such incidents.

**Prison and Detention Center Conditions**

Prison and detention center conditions were harsh and sometimes life threatening. Overcrowding was a major problem. Prison Watch stated that as of November 30, there were 2,537 prisoners in the country. At year's end Pademba Road Prison, which was designed to house 324 prisoners, held more than 1,200 inmates.

In some cases cells measuring six feet by nine feet housed nine prisoners. According to Prison Watch's 2010 assessment of prisons, beatings, solitary confinement, reduction in or total denial of food rations, and forcing prisoners to sleep on a wet floor were routine disciplinary measures. In addition many prisoners reported being beaten by gangs of other prisoners at the incitement or explicit direction of prison officials to inflict punishment while shielding prison officials from charges of abuse.

Human rights observers reported detention conditions remained below minimum international standards because of overcrowding, unhygienic conditions, and insufficient medical attention. Prison cells often lacked proper lighting, bedding, ventilation, and protection from mosquitoes. At all prisons wells were the only source of water. At some prisons the wells dried up during the dry season and inmates were required to purchase water themselves.

One NGO noted an improvement in nutritional standards, but prisoners continued to receive inadequate portions of food. The Bureau of Prisons received only 2,500 leones (\$0.63) per prisoner per day for food rations; further, the failure of the government to pay food vendors resulted in severe food shortages throughout the year.

There are no prison ombudsmen to address prisoner concerns and grievances.

There was no alternative sentencing program for diversion of nonviolent offenders.

Conditions in holding cells in police stations were poor, especially in small stations outside Freetown. Cells were dark with little ventilation. Overcrowding in some police cells continued to be a problem, as there were only five roving magistrates covering the entire country, and any particular region would not see a magistrate for several months at a time.

Few prisoners had access to adequate medical facilities, and clinics lacked supplies and medical personnel to provide basic services. The Pademba Road Prison had a clinic staffed by one doctor; prisons outside Freetown sent patients to local government hospitals and clinics. Authorities allowed only emergency patients to visit the clinic outside of the assigned schedule. Women were treated as outpatients or referred to local hospitals for special care. However, doctors and nurses in these hospitals often refused to treat prisoners or provided inferior care because of the government's failure to pay medical bills. The Prisons Department attempted to transfer mentally ill prisoners to the psychiatric hospital in Freetown, but the hospital declined to admit them due to lack of space and resources.

Prison Watch reported a shortage of prison staff, resulting in a lack of security that endangered prisoners' safety.

During the year through November 30, 50 prisoners died in custody. Prison Watch reported the main causes of death in Freetown were anemia and pneumonia, and for prisoners elsewhere malaria.

Men and women were held in separate cells in all prisons except those in Kono District. During the year the 27 women prisoners held at Pademba Road Prison in Freetown were moved to detention facilities at the Special Court for Sierra Leone that were turned over to the government. No figure was available for female prisoners nationwide. Several prisons held infants, most of whom were born in prison and initially kept there with their mothers. Once weaned, these children were released to family members, or the Ministry of Social Welfare, Gender, and Children's Affairs placed them in foster care.

Offenders under the age of 18 are sent to "approved schools," or reformatory institutions. Although authorities made an effort to avoid detaining juveniles with

adults, minors regularly were imprisoned with adult offenders. Prison Watch noted that young adults over 18 were often sent to the approved schools, while some children under 18 were sent to prison. Police officers had difficulty in determining a person's age, given the lack of documentation, and they often depended on circumstantial evidence, such as possession of a voter registration card or affidavits from parents who may have reasons to 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 abuse, including sodomy, by older prisoners. In the three juvenile facilities, detainees did not have adequate access to food and education and sometimes were unable to attend court hearings due to lack of transportation. However, during the year vocational training and one year of formal education were offered to juvenile prisoners under a grant from the Justice Sector Development Program (JSDP), a government program funded by the United Kingdom (UK). Juvenile facilities were deteriorating and mismanaged by the Ministry of Social Welfare, Gender, and Children's Affairs, which was responsible for all services but security. Violence among juvenile detainees, including small riots, occurred. Juveniles housed with adults and then moved to age-appropriate facilities were often instigators of violence, the JSDP noted.

In most cases pretrial detainees were held with convicted prisoners. According to Prison Watch, only 1,084 of the 2,537 prisoners across the country had been convicted.

The government permitted family visits to prisoners and detainees regularly during the year.

International monitors, including the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL), had unrestricted access to the prisons, detention centers, and police holding cells. Additionally, some NGOs such as Prison Watch, JSDP, and the Lawyers' Center for Legal Assistance (LAWCLA) monitored the prisons.

Following a December 2010 prison break, steps were taken to improve the morale and efficiency of prison officials and prisoner treatment. The Prisons Department invited civil society organizations and other government agencies to inspect and comment on prison operations. For example, the Prisons Department forged ties with Prison Watch to help eliminate abuse and violence by guards against prisoners. Management of prison guards was strengthened to encourage greater accountability and security.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention; however, police occasionally arrested and detained persons arbitrarily. The government allows both the Sierra Leone Police (SLP) and the chiefdom police to hold suspects in police detention cells without charge or explanation for up to three days for suspected misdemeanors and up to 10 days for suspected felonies.

### **Role of the Police and Security Apparatus**

The SLP, under the Ministry of Internal Affairs, maintains internal security, but it was poorly equipped and lacked investigative, forensic, and riot control capabilities. The military is responsible for external security but also has some domestic military responsibilities through the “Military Assistance to the Civil Power” (MAC-P) program, which provides additional assistance to police in extraordinary circumstances upon their request.

MAC-P assistance was last called out in September to help the SLP quell a riot in Bo in which supporters of the two rival political parties threw rocks at each other and set buildings on fire. An SLP officer caused one death while seeking to quell the riot.

Civilian authorities maintained effective control over the SLP and the Republic of Sierra Leone Armed Forces (RSLAF), and the government has mechanisms to investigate and punish abuse and corruption. However, impunity continued.

For example, four SLP officers were identified as having shot and killed one demonstrator and injured several others during the September electoral violence in Bo. However, by year’s end none had been arrested or charged, although several civilians had been charged and convicted for their roles in the violence. The local District Security Council and others believed political pressure shielded the four officers from accountability.

As in previous years, cases of police brutality and police corruption remained a serious problem. Some police and guards stole from detainees, required bribes at checkpoints, falsely charged motorists with violations, impounded vehicles to extort money, and accepted bribes from suspects to drop charges or for having their rivals arrested and charged with crimes.

In exchange for kickbacks, police reportedly arrested persons without charge 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. A Police Council, which included the vice president, minister of internal affairs, inspector general, and others, accepted written complaints against senior police officers. The CDIID conducted all hearings and trials related to complaints against junior police officers. An appeals process was available and used often. After the CDIID imposed disciplinary measures on an SLP officer, the officer was also subject to trial in civilian court if criminal action was involved. During the year the CDIID received 1,791 complaints countrywide, resulting in 485 officers being dismissed, demoted, suspended, or officially warned and 593 officers being sent to “corrective training.” Of the remainder, 229 cases were dismissed for lack of evidence or validity, 160 were resolved through dispute resolution, and 324 remained at various stages of investigation or review. Complaints most frequently lodged against police were for corruption, unfair treatment, lack of professionalism, and assault. Cases of officer dismissal most commonly involved criminal cases, such as officers fraudulently posing as landowners or businessmen to extort money.

Police continued to receive professional, leadership, and human rights training, and new recruits received a six-month introductory course before deployment. The SLP retained a full-time UN technical advisor and UN Civilian Police advisors. As a result of training programs during the year and the introduction in 2010 of community policing conducted by the UK, the Commonwealth, and the JSDP, police professional conduct improved. The UK committed 19.4 million pounds sterling (\$30.2 million) to establish the “Access to Security and Justice Program,” to run from 2011 to 2014. This new program began in September, replacing JSDP, which ended in August.

### **Arrest Procedures and Treatment While in Detention**

The law requires warrants for searches and arrests; however, arrest without warrant was common. According to the UN Integrated Office in Sierra Leone’s 2007 assessment of prison conditions, adjournment dates on some warrants were altered and not endorsed by the magistrate, while other warrants were signed but not by the presiding magistrate. Prison Watch and LAWCLA reported that most arrests were made without warrants and that the SLP rarely followed proper arrest procedures.

Once arrested, a detainee must be told the reason for arrest within 24 hours and be charged in court within 72 hours for suspected misdemeanors or within 10 days for

suspected felonies. According to NGOs and prisoners, remanded prisoners routinely were brought to court on a weekly basis to be remanded again in order to bypass the legal restrictions.

Detainees have the rights of access to family and to consult with an attorney in a timely manner. However, due to a lack of money, only an estimated 5 to 10 percent of inmates had access to legal representation, which was often delayed. Lawyers generally were allowed unrestricted access to detainees. Although the law provides for attorneys at public expense if defendants cannot afford their own, the government had instituted legal aid in Freetown only and had been able to serve only a few clients due to problems with establishing eligibility. Fewer than 10 state counsels served the entire country, and they were often overburdened, poorly paid, and available only for more serious criminal cases. In order to assist, several local NGOs, including Timap For Justice, Access To Justice Law Center, and AdvocAid, provided training to paralegals and established paralegal offices in 32 locations in eight districts through the Open Society Justice Initiative. Many indigent detainees did not receive legal advice prior to trial. Only defendants in the military justice system had automatic access to attorneys, whose fees were paid by the Ministry of Defense. For civilians, fewer than 10 attorneys provided legal aid outside of Freetown.

Authorities permitted regular family visits, although frequency and duration of the visits varied from prison to prison. According to NGOs, family members often paid bribes to be permitted to visit.

There were provisions for bail and a functioning bail system; however, authorities applied the system inconsistently and sometimes demanded excessive bail.

Arbitrary Arrest: In December officials from the Sierra Leonean Transnational Organized Crime Unit confiscated a 40-foot container at the Port of Freetown suspected of containing South American cocaine. At least 11 people, including Sierra Leonean and foreign nationals, were arrested and held without charge. By year's end three were charged with crimes unrelated to the container seizure, while the others were released without explanation as to why they had been held. Observers reported all the arrests were made with little intelligence or evidence to support them and that they were likely the result of political pressure on the SLP by senior officials to appear as though they were responding quickly and forcefully.

Pretrial Detention: Lengthy pretrial detention was a problem. Prison Watch reported that due to a severe shortage of legal professionals, 57 percent of prisoners were waiting to be either charged or tried or their trials were not completed. Pretrial and remand detainees spent an average of three to five years in pretrial detention before courts examined their cases or filed formal charges. According to the NGO Open Society Initiative for West Africa, remand prisoners frequently changed their pleas from “not guilty” to “guilty” to be removed from the remand section to the less substandard areas of a prison.

Amnesty: During the year President Koroma granted 153 pardons, up from 96 the previous year.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary. However, the judiciary was at times believed to have acted under government influence, particularly in the dismissal or acquittal of some corruption 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 rotation system between wards in specific districts continued to improve magistrate presence. However, with inexperienced new magistrates, high court fees, and few lawyers, access to justice remained limited for most citizens.

The RSLAF has its own military justice system, although soldiers can also be tried in civilian courts for some crimes. The decision of which justice system to use, sometimes ad hoc, was prone to pressure from RSLAF leadership. If a case remains in military channels, military police conduct an investigation and forward their findings to the Ministry of Defense Law Office. The Law Office then decides whether to handle the offense through a “summary dealing” process or a court-martial.

Summary dealing cases are limited to low-level military offenses, such as misappropriation of military property, unlawful possession of a firearm, and being absent without leave. The commanding officer determines the punishment, the most severe of which is a 28-day custodial sentence. The court-martial hears all civilian and serious military offenses committed by military personnel and cases involving senior officers. Such cases are tried before a civilian judge and board;



the latter determines guilt or innocence, and the former the sentencing recommendation. The court-martial heard an average of four cases per year. The RSLAF had only two military lawyers.

The military justice system has an appeals process. For summary dealing 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. However, the redress system was fraught with corruption.

Traditional justice systems also functioned, especially in rural areas. Paramount chiefs maintained their own police and courts to enforce uncodified local laws. Chieftaincy police and courts exercised authority to arrest, try, and incarcerate individuals and sometimes abused that power. However, growing numbers of paralegals were sent into rural areas to provide access to justice and training for chieftain officials.

On October 22, a 19-year-old man accused of stealing cacao pods in Kono District died while in the custody of the local chieftain police. Although the official investigation was not concluded by the end of the year, according to Prison Watch the man may have died of injuries sustained during a severe beating by other villagers and subsequent neglect in the chieftain police holding cell. He may have been beaten further or otherwise tortured while in custody. A Native Administration Court must sign a “committal order” before a person can be detained in a chieftain police cell; no such order existed in this case.

Trials were generally fair; however, there was credible evidence that corruption influenced many cases. Paramount chiefs acting as judges were notorious for accepting bribes and favoring wealthier defendants, although they showed a greater willingness to discuss issues and refer cases to magistrates than in previous years.

### **Trial Procedures**

The law provides for a fair trial; however, in practice, the lack of judicial officers and facilities regularly resulted in repeated long delays. Some cases were reportedly adjourned 40 to 60 times. Trials are public, and the accused have a limited right to a trial by jury in the magistrate courts. Juries were drawn from a list maintained by the master and registrar of active and retired civil servants and youth groups; however, the attorney general frequently exercised his power to determine that cases be heard by a judge alone. 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, access to counsel often was delayed. The law provides for attorneys at public expense if defendants could not afford their own; however, state-appointed attorneys often were overburdened and poorly paid, and indigent detainees usually did not receive legal advice prior to trial. Defendants can confront or question witnesses against them, present witnesses and evidence on their own behalf, and access government-held evidence relevant to their cases. Police officers, many of whom had little or no formal legal training, prosecuted a majority of cases on the magistrate level. Although the law provides defendants with the right to appeal, delays in the appeals process were excessive, sometimes lasting more than two years.

Human rights NGOs noted wide disparities in sentencing patterns from district to district. Sentences imposed were often disproportional to the offense. Many prisoners served excessively long sentences for noncapital offenses, such as sacrilege (50 years), larceny (25 years), and burglary (45 years). Many attributed the harsh sentencing to the defendant's inability to pay a fine or bribe.

Traditional justice systems continued to supplement the central government judiciary, especially in rural areas, in cases involving family law, inheritance, and land tenure. However, the customary law guiding these courts is not codified, and decisions in similar cases were inconsistent. Paramount chiefs sometimes referred cases to the police to give arrests for civil complaints the appearance of legitimacy. Local chieftains at times exceeded their mandates and administered harsh punishments.

Although the government has passed several laws on gender equality, they were inconsistently enforced, and many traditional courts continued to ignore the rights of women regarding family law and inheritance. Juveniles are afforded few rights in the traditional justice system.

The trial of former Liberian president Charles Taylor for crimes against humanity, war crimes, and other serious violations of international law committed during the civil war continued throughout the year before the Special Court for Sierra Leone (SCSL) in The Hague. Five people, including members of Charles Taylor's defense team, were indicted by the SCSL on contempt of court charges for threatening prosecution witnesses and coercing them into recanting their testimony.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Both the central government judiciary and customary law courts handled civil complaints; however, corruption influenced some cases and judgments, and awards were inconsistent. Administrative and judicial remedies were available for alleged wrongs, but enforcement was difficult. Victims of human rights abuses have access to the regular courts to seek redress for human rights violations.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and laws prohibit such actions, and the government generally respected these prohibitions in practice.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

##### **Status of Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice. An independent press, a generally effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Seventy-four newspapers were registered with the Independent Media Commission (IMC), as well as 64 radio stations and five television stations covering a wide spectrum of interests and editorial opinion. Not all media outlets were in operation. During the year the IMC registered eight new newspapers. Most registered newspapers were independent, although several were associated with political parties. While sometimes subject to official pressure and restrictions, newspapers openly and routinely criticized the government and its officials as well as opposition parties. However, reporting was often politicized and inaccurate, in large part because of poor journalistic skills, insufficient resources, and a lack of professional ethics.

Due to the low level of literacy and the relatively high cost of newspapers and televisions, radio remained the most important medium for public dissemination of information. The APC and the Sierra Leone People's Party (SLPP) radio stations

that were shut down in the wake of the March 2009 riots remained closed. In June the High Court dismissed an appeal lodged by the SLPP to be permitted to reopen its radio station.

International media could operate freely but were required to register with the Ministry of Information and Communications and the IMC to obtain a license. During the year there were no cases of local or international media being denied registration.

Violence and Harassment: Journalists generally were not subject to arrest or imprisonment, but some reported being intimidated or attacked.

On September 4, several journalists were stopped by plain-clothes police associated with the Presidential Guards at State House as they attempted to enter the National Stadium near the end of a soccer match, despite the journalists' claims they had valid press identity cards. A fight broke out, and one journalist was injured. Although the incident remained under investigation, there were reports the journalists inadvertently walked in on the State House guards dividing up proceeds of possibly illegal ticket sales.

Censorship or Content Restrictions: Journalists practiced self-censorship, and there was interference in reporting of some content.

The IMC monitored all media organizations and generally demonstrated independence from government influence.

In April the IMC fined the *Awareness Times* newspaper one million leones (\$222) for having violated the media code of practice in publishing a series of articles criticizing President Koroma that were deemed to be "indecent and vulgar" because they discussed in salacious detail the color of the president's underwear.

In December 2010 the Human Rights Commission-Sierra Leone (HRC-SL) and the Sierra Leone Association of Journalists (SLAJ) condemned the arrests of journalists requested by the minister of lands and minister of agriculture, forestry, and food security in two instances. The minister of information and communications pledged in 2010 to investigate the incidents and to "take necessary actions." However, no further action was reported.

Libel Laws/National Security: The law criminalizes defamatory and seditious libel; however, the law rarely was applied. Punishment for first-time offenders can

be up to three years' imprisonment, and subsequent seditious libel convictions are punishable by prison terms of up to seven years. Despite the IMC and SLAJ lobbying for decriminalization of libel, by year's end the government had not amended Part 5 of the 1965 Public Order Act, which criminalizes libel.

### **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

### **Academic Freedom and Cultural Events**

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

### **b. Freedom of Peaceful Assembly and Association**

The constitution and law provide for freedoms of assembly and association, and the government generally respected the right of freedom of association; however, there were some restrictions on freedom of assembly.

### **Freedom of Assembly**

Both the APC and the SLPP continued to implement the Joint Communique after the 2009 riots between supporters of the two parties. The Shear-Moses commission of inquiry on the riots submitted its report to the government in 2009, in which it was critical of the ruling party and recommended disciplinary action, including dismissal from office, for several senior government officials. However, by year's end the government, in violation of the law, had not yet publicly released the report and took no action on those recommendations.

On other occasions police forcibly dispersed demonstrators, most significantly during the riot in Bo in September during a "Thank The Nation" rally held by SLPP presidential nominee Julius Maada Bio. A panel convened after the violence concluded that APC supporters initiated the incident by throwing rocks at and injuring Maada Bio, whereupon SLPP supporters retaliated by throwing rocks and setting APC party buildings on fire. Police initially fired tear gas and live ammunition into the air, but as the crowd grew in both size and unruliness, they

fired into the crowd, killing one and injuring nine. No police had been arrested for this incident by year's end.

In the wake of the Bo incident, the SLP issued an open-ended ban on all political processions, rallies, and public meetings. Despite unofficial assurances that the ban would be limited, it remained in effect during the September State Opening of Parliament during which, in accordance with tradition, supporters of the political parties parade through the streets of Freetown escorting their parliamentarians to the House of Parliament. The SLPP parliamentarians boycotted the ceremony in protest. The government lifted the ban on December 12.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. However, there were reports police officers operating security roadblocks outside of the capital often extorted money from motorists.

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.

Foreign Travel: The border shared with Liberia was officially open, and authorities generally allowed refugees, returnees, and other persons to move regularly between the two countries. However, police, customs, and army personnel demanded bribes at crossing points.

### **Protection of Refugees**

Access to Asylum: The laws provide 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. The UNHCR worked with government authorities to develop standard operating procedures for refugee status determination.

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

Access to Basic Services: There were no reports of discrimination against refugees in public services including elementary education, public health care, public housing, law enforcement, courts and judicial procedures, and legal assistance.

At year's end Sierra Leone was host to 8,150 refugees, the great majority from Liberia. The Liberians' prima facie refugee status was set to expire June 30, 2012, upon implementation of the cessation clause by the government of Sierra Leone as recommended by the UNHCR. For Liberians claiming continued need for international protection, the government indicated it planned to provide individual refugee status determination.

Durable Solutions: The government offered to assist Liberian refugees requesting repatriation; by year's end, according to the UNHCR, 73 refugees had applied for asylum. The UNHCR acknowledged the government's efforts, through the National Commission for Social Action, to integrate refugees who are unwilling or unable to return to Liberia in accordance with the Refugees Protection Act of 2007.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic and generally free and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In peaceful presidential and parliamentary elections held in 2007, the opposition APC won a majority in parliament; party leader Ernest Bai Koroma was elected president. However, there were multiple reports of harassment and intimidation of members of opposition parties and voter coercion by party bosses and traditional leaders. Domestic and international observers

characterized the parliamentary elections as generally free and fair. However, the commissioner of the National Election Commission (NEC), who was appointed by the SLPP (the party in power at the time of the elections), invalidated the results from 477 polling stations during the second round of balloting in the presidential election on suspicion that ballot boxes were stuffed. The SLPP, which lost the presidency, did not contest the results but initiated a court case against the commission.

Political Parties: The Political Party Registration Commission (PPRC), which oversees the behavior of political parties, does not have authority to sanction any political party for inappropriate behavior. It received one inter- and one intra-party complaint during the year and acted as a mediator to address the problems. The PPRC can use only moral suasion to convince persons and parties to act according to agreed-upon guidelines, such as the parties' constitutions. The PPRC provided material assistance such as vehicles, computers, office supplies, and Internet connectivity, funded by the UN Development Program (UNDP), to political parties to assist them with campaigning. However, a party must have met certain requirements to receive such assistance, including representation in parliament, visible political activity for at least two years, membership in the All Political Parties Women's Association and the All Political Parties Youth Association, and participation in a NEC-sponsored by-election since 2008. The newly registered United Democratic Movement protested that its ineligibility for this assistance was undemocratic. However, the terms of the assistance were determined by the UNDP and the complaint, while noted, was dismissed.

A parallel unit of local government is the paramount chief, who is elected for a life term. Candidates for the position are limited to members of local ruling houses. Only tribal authorities (those who collected local taxes from at least 20 taxpayers) were allowed to vote for paramount chief, and in the North only men could be designated as tribal authorities. Although paramount chiefs' authority exists independently of the central government and local councils, they frequently displayed party affiliations, were influenced by the party in power, and allegedly influenced the votes of their constituents. In turn, political parties were known to interfere with elections of paramount chiefs during the year. The election of paramount chiefs at times exacerbated ethnic tensions.

Participation of Women and Minorities: Women have the right to vote, but husbands or other patriarchal figures were known to influence their decisions. Of the 124 parliamentarians, 16 were women. Women led two of the 22 ministries.



There were four female judges out of seven on the High Court, and the chief justice was a woman. Three of six judges on the Court of Appeal were women.

All citizens have the right to vote; however, 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 these 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.

Ethnic affiliations traditionally have strongly influenced political party membership for the two dominant ethnic groups, the Mende and Temne, each of which accounted for approximately 30 percent of the population. The Mende traditionally supported the SLPP and the Temne the APC. Other than ethnic Limbas, the third-most populous ethnic group, who traditionally have supported the APC, the other ethnic groups had no strong political party affiliations. During the year opposition parties accused President Koroma of filling key government positions only with persons from the North. Although the president did not respond directly to this concern, his early December cabinet shake up increased the number of ministers from the eastern and southern provinces from 20 percent to 30 percent. At year’s end ministers from the North occupied 62 percent of cabinet offices; the remaining 8 percent were held by ministers from the western peninsula.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, and the government actively attempted to implement the law. Despite several well-publicized cases of corruption in the executive, legislative, and judicial branches, officials often engaged in corrupt practices with impunity. Police and prison staff regularly extorted or solicited bribes from detainees and prisoners. The World Bank’s most recent Worldwide Governance Indicators reflected that corruption was a severe problem.

During the year the government continued to implement its five-year national action plan to combat corruption, and ministries began including anticorruption activities in their strategic plans. The Anti-corruption Commission (ACC) conducted sensitization campaigns with the public and government ministries and enforced whistleblower protection measures.

The ACC prosecuted 11 cases during the year, with nine convictions. In November the ACC charged the mayor of Freetown with 25 counts of corruption centered primarily on his failure to remit payroll taxes and social security contributions deducted from employee salaries to the National Revenue Authority and the National Social Security Investment Trust.

The ACC was appealing several cases in which the defendants were acquitted. These included the case against the former commissioner of the national revenue authority, who was indicted in October 2010 on 57 counts of abuse of office and misuse of public funds in awarding several contracts to his wife's company, as well as the indictment on 194 counts, in February, of the executive director of the Sierra Leone Maritime Administration. In the former case, the former commissioner was acquitted of all charges. In the latter case, the executive director was indicted on only 13 charges and fined for only five of the 13. It was reported that in all these cases, although the judges were not subject to political or government pressure, they may have been influenced by their own desire to ingratiate themselves with people perceived to have significant political influence.

By year's end the ACC recovered approximately 2.5 billion leones (\$555,555) from public officers and private businesspersons in fines, restitutions, and settlements in corruption-related cases. Although the ACC does not proactively offer to settle cases out of court, suspects may request a settlement, and many cases were resolved in this way. Several defendants also chose to pay fines rather than face imprisonment. The ACC initiated 152 investigations during the year. The ACC has authority to prosecute cases directly without first having to refer them to the Ministry of Justice, and in practice did so. By the end of the year, 71 cases were under investigation; 11 had been prosecuted, leading to nine convictions; 39 cases were closed for lack of evidence; five were referred to other judicial branches for lack of evidence of corruption; and the remainder were still open.

As of the end of September, all government ministers and members of parliament had complied with a 2008 law requiring public officers, their spouses, and children to declare their assets and liabilities. The particulars of individual declarations were not available to the public without a court order. However, the ACC published the number of declarations received in the *Sierra Leone Gazette*.

The law does not provide for public access to government information; however, the government at times provided such access to citizens and noncitizens, including foreign media.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The government, including security forces, was generally responsive to human rights concerns raised by the HRC-SL, the IMC, and other governmental and nongovernmental organizations.

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 raised. They often scheduled forums in conjunction with NGOs to discuss such topics as women's rights and the rights of the disabled.

The independent National Forum for Human Rights served as an umbrella organization for human rights NGOs in the country. There were 41 active human rights NGOs registered with the NFHR. Most domestic human rights NGOs focused on human rights education. A few NGOs, including the Campaign for Good Governance, LAWCLA, Timap for Justice, and Access to Justice, monitored and reported on human rights abuses.

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UN and Other International Bodies: In May the government participated in its Universal Periodic Review in the UN Human Rights Council in Geneva. The Working Group made 129 recommendations; the government accepted all but three that related to decriminalizing certain forms of sexual behavior.

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.

The HRC-SL generally operated without government interference. However, government agencies were slow to support the commission or implement its recommendations, and it was also hampered by lack of funds.

The trial at the SCSL in The Hague of former Liberian president Charles Taylor for crimes against humanity and war crimes in Sierra Leone continued at year's end.

Truth and Reconciliation Commission (TRC) recommendations continued to be implemented, providing a forum for publicly airing the grievances of victims and the confessions of perpetrators during the civil war. The government took steps to implement a reparations program for victims of the conflict as recommended by the TRC. However, many NGOs continued to criticize the delayed implementation of some TRC recommendations, such as the trust fund and separating the positions of attorney general and minister of justice, which requires a constitutional amendment.

The UN and numerous domestic and international NGOs continued to educate the population about the TRC and the SCSL, and the government generally supported these efforts.

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

Citizenship is generally limited to persons of "Negro-African descent," but in May the government announced new procedures whereby "non-Africans" who have lived in Sierra Leone for at least eight years (two for foreigners married to Sierra Leonean citizens) may apply for naturalization. The president must approve all applications. The law otherwise prohibits discrimination based on race, tribe, sex, place of origin, political opinions, color, or creed.

The government did not effectively enforce the prohibition of discrimination based on gender as it affected women and girls, and a number of legal acts and customary laws contravene the constitutional provision.

#### **Women**

Rape and Domestic Violence: The law prohibits rape, which is punishable by up to 14 years' imprisonment; however, rape was common and viewed more as a societal norm than a criminal problem. The law does not specifically prohibit spousal rape. Cases of rape were greatly underreported and indictments were rare, especially in rural areas. A reluctance to use the judicial system on the part of both victims and law enforcement, combined with women's lack of income and economic independence, helped perpetuate violence against women and impunity for offenders. However, since the establishment of the Family Support Units

(FSUs) and the passage of the Gender Acts in 2007, reports of rapes, especially involving child victims, steadily increased. Rapes of children under one year old were documented. Rape victims, especially when pregnancy occurred, were encouraged to marry their attackers, although some NGOs reported this practice appeared to be waning.

From January to June, the FSU recorded 95 cases of sexual assault (assault with intent to ravish, indecent assault, rape, and sexual harassment). Data on convictions in the year was incomplete and unreliable, but perpetrators in only a very few of the reported cases were charged. Rape cases frequently were settled out of court or did not make it to trial because of inefficiencies and corruption in the judicial system. Most legal advisors assigned to prosecute rape cases had only three weeks' training and could not compete against well-trained defense lawyers. Most perpetrators were known to their victims and included teachers, family friends, relatives, traditional leaders, and neighbors. The JSDP noted an increase in adolescent boys as perpetrators.

Medical and psychological services for rape victims were limited. Such victims were required to obtain a medical report for the filing of charges, examinations, reports, and court appearances. Most government doctors charged 10,000 to 70,000 leones (\$2.50 to \$17.80), fees that were prohibitively expensive for most victims. The International Rescue Committee ran Rainbo Centers in Freetown, Kenema, and Koidu to perform medical examinations, provide counseling for victims of sexual assault, and offer legal assistance for victims who wanted to prosecute their cases. However, these Rainbo Centers were the only such centers in the country, and many victims had no access to medical attention or services.

Domestic violence is an offense under the 2007 Domestic Violence Act, punishable by a fine of up to five million leones (\$1,250) and up to two years in prison. However, violent acts against women, especially wife beating and spousal rape, were common and often surrounded by a culture of silence. Police were unlikely to intervene in domestic disputes except in cases involving serious injury or death. The SLP used mediation as its primary tool for handling domestic violence. Between January and June, the FSUs reported 999 cases of domestic violence. Of the 787 reported cases in the northern, southern, and eastern regions of the country, 133 perpetrators were charged but only seven were convicted. Of the 787 cases, 340 remained under investigation at year's end. Data on convictions in the 212 cases in the western region (including Freetown) was unavailable. The FSU does not maintain statistics on conviction rates, but NGOs indicated few perpetrators were convicted, due to poorly trained prosecutors and out-of-court

settlements. In addition NGOs observed in many cases that women withdrew rape or other violence complaints due to social stigma, fear of retaliation, or acceptance of payment in lieu of pressing charges to alleviate their extreme poverty. The lack of convictions resulted in a high degree of impunity for rape and other violence. Awareness of the law resulted in an increase in reported cases in urban areas; however, most human rights organizations noted domestic violence continued to be most prevalent and underreported in the northern provinces.

According to the UNICEF, the majority of women felt that wife-beating was justified for actions such as going out without telling a husband, neglecting the children, refusing sex, or burning food. Women suspected of marital infidelity often were subjected to physical abuse. Because husbands could claim monetary indemnities from their wives' partners, beatings often continued until the women named several men, even if there were no such relationships. There were also reports that women suspected of infidelity were required to undergo animistic rituals to prove their innocence.

Female Genital Mutilation (FGM): See section 6, Children.

Sexual Harassment: The law does not specifically prohibit sexual harassment in the workplace, and harassment was widespread.

Reproductive Rights: The Ministry of Health and Sanitation reported that between January and November, there were 262,437 clients for family planning services, including long-term and permanent treatments, such as intrauterine devices (IUDs), tubal ligation, implants, and injectables, as well as oral contraceptives and male and female condoms. Women and men generally were free to decide responsibly the timing, number, and spacing of their children. NGOs reported that 70 percent of women of reproductive age participated in family planning decisions, including contraception. Most couples who practiced family planning made independent decisions, while some reported that other influences and pressures, such as family and religion, were determinant factors in family-planning decisions. The contraception prevalence rate ranged from 8 to 20 percent, and of the women using family planning methods, 51 percent did not discuss it with their partners.

The Ministry of Health and Sanitation and NGOs made efforts to meet the demand for oral contraceptives. However, outreach teams rarely served rural women and families. Many parents refused contraceptives for their sexually active teenage children because of a misunderstanding that contraceptives would prevent pregnancy later in life.

Between January and November, approximately 47 percent of women gave birth in hospitals and “peripheral health units,” grassroots health posts located primarily in rural areas. Health professionals assisted at 45 percent of births. However, few hospitals offered full obstetric and postpartum services. Most women did not have access to transportation to make regular doctor’s visits or lived in locations with few services. Women also rarely had equal access to family finances, and male partners did not always see pre- and post-natal care as a priority.

According to UN estimates, there were 970 deaths per 100,000 live births, and a woman’s lifetime risk of maternal death was one in 21. With support from the international donor community, the government continued to implement the free healthcare initiative launched in April 2010, and the number of women seeking prenatal care and giving birth in medical facilities increased. However, the program continued to be plagued with problems delivering drugs and other supplies to rural areas. Pilfering of pharmaceutical supplies for resale within Sierra Leone or smuggling across the border to Guinea was widespread.

Women were diagnosed more frequently than men with sexually transmitted infections, including HIV/AIDS, because they were tested as part of their obstetric care. Men were more likely to wait for testing until they exhibited physical symptoms.

Discrimination: The law gives either spouse the right to acquire property and guarantees that gifts, payments, or dowries upon marriage are nonrefundable, allowing women in unhappy marriages to divorce without being forced to return dowries.

The Devolution of Estates Act provides for intestate succession including the transmission of property to the deceased’s spouse and/or children as well as to single persons who cohabited with the deceased for 10 or more years. However, the law defined “property” as mutually owned land; because land outside of Freetown is generally communal or family property, it was difficult to prove that a couple owned the land together and that the widow thus had a right to it.

The Ministry of Social Welfare, Gender, and Children’s Affairs continued to implement of the Sierra Leone National Gender Strategic Plan, a four-year (2010 to 2013) strategic framework drafted in conjunction with the UN Population Fund (UNFPA) and the UN Development Fund for Women (UNIFEM). By year’s end several “sensitization programs” had been conducted around the country,

particularly in the areas of fighting sexual and gender-based violence and teaching rural women about their rights under the Devolution of Estates Act.

Women faced widespread legal and societal discrimination, particularly in matters of marriage, divorce, property, and inheritance, which are guided by customary law in all areas except the capital. 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 could choose to ignore them. Chiefs sometimes colluded with men to evict women and children forcibly from their homes or to subject them to arbitrary detention. In some cases chiefs imposed arbitrary and exorbitant fines, imprisoned women unlawfully in their homes or “chiefdom jails,” and expelled them from the community. 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 that of men. Under customary law women’s status in society is equal to that of a minor. A woman is frequently perceived to be the property of her husband, to be inherited on his death with his other property. In rural areas polygyny was widespread; UNICEF estimated in 2007 that 43 percent of women were involved in polygynous unions. All women in the Western (Freetown) Area, which is governed by general law, have a statutory right to own property in their own names. However, many women in the provinces, which are governed by customary laws that vary from chiefdom to chiefdom, do not.

In the Temne ethnic group, women could not become paramount chiefs, subordinate chiefs, or chiefdom authorities; however, in the Mende ethnic group, there were several female leaders. Every local council had at least one female representative.

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. According to a 2008 government survey, 66 percent of women had never been to school, compared with 50 percent of men. Women also experienced discrimination in access to employment, and it was common for a woman to be dismissed if she became pregnant during her first year on the job. Further discrimination occurred in access to credit, equal pay for similar work, and the ownership and management of a business.

The Ministry of Social Welfare, Gender, and Children’s Affairs has a mandate to protect the rights of women; however, most international and domestic NGOs



complained that the ministry was not provided the resources, infrastructure, and support of other ministries to handle effectively its assigned projects. The ministry routinely relied on the assistance of international organizations and NGOs to help combat women's rights violations.

Women were active in civic and philanthropic organizations. Domestic NGOs such as 50/50, the Forum for African Women Educationalists, and the Women's Forum raised awareness of gender inequality and other women's issues, and they encouraged women to enter politics as candidates for mayoral positions and local councils.

## **Children**

Birth Registration: Citizenship derived by birth is restricted to children of parents of "Negro-African descent." Children not meeting the criteria must be registered in their parents' countries of origin.

Birth registration was not universal due to inadequate staffing and resources. The chief registrar also noted that a lack of registration materials (such as paper forms) also hindered new registrations. However, lack of registration did not affect access to public services, nor did it result in statelessness.

Education: Education is universal and compulsory through age 15, which includes six years of primary school and three years of junior secondary school. Although no tuition is charged, many parents were unable to put their children through primary school because they could not afford school uniforms, books, and fees charged by school authorities. The average educational level for girls was markedly below that of boys, and only 25 percent of women were literate. At the secondary level, pregnancy forced many girls out of school. The law allows girls to return to school after giving birth, but many communities did not respect that right.

Child Abuse: Sexual violence against children was a widespread and growing problem; however, the government took few steps to address the issue. FSU personnel are trained in dealing with sexual violence against children, and cases of child sexual abuse generally were taken more seriously than adult rape cases. However, in many cases of sexual assault against 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. Although the FSUs slightly improved their ability to prevent and respond to cases, the conviction

numbers remained very low. From January to June, the FSU reported 411 cases of child abuse, which included abuse of young girls, unlawful carnal knowledge (a general term for child rape), child neglect, and child cruelty. Although perpetrators in many of these cases were charged and convicted, a large number were withdrawn or resolved through informal negotiation.

Child rights laws also provide for the creation of family courts and child committees at the local government level, but NGOs reported that significant work remained to be done to establish such entities nationwide. There were 70 child welfare committees across the country, but they were not fully functioning.

Child Marriage: Although the law prohibits marriage of girls under the age of 18, including forced marriage, forced child marriage continued to be a problem. UNICEF estimated in 2008 that 56 percent of women had been married before age 18.

Harmful Traditional Practices: Female Genital Mutilation is performed predominantly by women's secret societies. In secret societies, "sowies," the women who perform genital cutting, continued to advocate for the practice. According to UNICEF approximately 90 percent of girls had undergone FGM.

The 2007 Child Rights Act does not explicitly address FGM. However, the Ministry of Social Welfare, Gender, and Children's Affairs interprets FGM to be covered within the section of the law that prohibits subjecting anyone under the age of 18 to harmful treatment, including any cultural practice that dehumanizes or is injurious to the physical and mental welfare of the child.

Police occasionally detained or arrested practitioners on accusations of forced mutilation or manslaughter. For example, on December 19, SLP officers arrested two male suspects involved in the December 16 initiation ceremony of 10 young women in Kenema District; one 19-year-old woman died as a result of severe injuries during the cutting. However, human rights workers reported that police generally remained hesitant to interfere in cultural practices. There have never been any prosecutions for FGM.

FGM ceremonies ("bondo") are led by sowies, who are exclusively women, generally at the behest of mothers who themselves underwent the procedure when young and want their daughters initiated into a women's secret society. Although most sowies have other employment, performing FGM is a major source of income for many of them, so they object to FGM eradication programs on both cultural

and economic grounds. At the community level, eradication efforts focused on providing opportunities to sowies to obtain other income, as well as “sensitizing” parents not to subject their daughters to the procedure. Simultaneously, the UN and local NGOs worked with traditional leaders and local chiefs on a range of interventions, including establishing “sowie associations” aimed at convincing sowies to increase the minimum age of initiations to 18 years or to eliminate FGM from initiation ceremonies, as well as efforts to persuade local chiefs to impose bylaws outlawing FGM for children, and include FGM eradication in district development plans. The UN also held or funded workshops for local social workers and traditional leaders on prevention measures, as well as health care and psychosocial support for victims, particularly girls who had run away from home to escape the cutting. However, groups of sowies continued to threaten health and social workers advocating for an end to FGM, particularly in Moyamba District in January and February.

NGOs reported a decline in the practice of FGM, likely due to increased awareness and interventions. FGM was practiced on girls as young as two years old, and many NGOs reported cases in which toddlers underwent FGM because their very young age made it cheaper for parents.

Sexual Exploitation of Children: Forced child prostitution continued to be a problem. A UNICEF analysis of Freetown and Bo indicated that more than half of the street children were forced to engage in prostitution. NGOs stated there appears to be little political will to address the problem. Statutory rape and child pornography are not addressed specifically in the law, but according to the Ministry of Social Welfare, Gender, and Children’s Issues, these crimes would be covered under the Child Rights Act of 2007, which prohibits “cruel, inhuman, and degrading treatment” of any child, defined as persons under the age of 18. There was no record of charges or convictions for child pornography having ever taken place.

Displaced Children: Besides prostitution, many children were forced to engage in petty trading and other economic activities to survive and were vulnerable to trafficking and other exploitative practices.

Institutionalized Children: According to a 2009 UNICEF report, there were 54 residential homes for approximately 1,800 orphans. The quality of care at the facilities varied, but most of those that failed to meet UNICEF minimum standards were shut down. Each facility provided at least one meal a day, some health care, and some type of education.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

The country's Jewish population is generally considered to be miniscule. There is no indigenous Jewish population, only a very small number of temporary residents such as employees of foreign diplomatic missions or NGOs. 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](http://www.state.gov/j/tip).

### **Persons with Disabilities**

In March Parliament passed the Persons With Disabilities Act of 2011, which prohibits discrimination against persons with disabilities in employment and provision of state services. It further calls for free health care and education for the disabled, equal access to government buildings, housing, and public transportation, and provision of rehabilitation services; however, at year's end only three rehabilitation centers existed. At year's end NGOs supporting persons with disabilities claimed the government had made no headway on implementing the act's provisions. Given the high rate of general unemployment, work opportunities for persons with disabilities were few, and begging by them was commonplace. Children with disabilities were also less likely to attend school than other children.

There is considerable stigma associated with and discrimination against persons with mental health issues. The Sierra Leone Psychiatric Hospital in Kissy, the only inpatient psychiatric institution, had beds for 400 patients but housed only an estimated 100 patients due to staff and resource constraints, as the hospital was poorly funded by the government and received only small donations from private charities. Patients were generally released to their families or communities as soon as possible and received follow-up counseling on a regular basis. The hospital estimated that 100,000 people suffered severe depression, generally due to socioeconomic problems. Approximately 50,000 people suffered drug and alcohol-induced psychosis, or psychoses caused by diseases like malaria. There were an estimated 100,000 severe drug abusers using alcohol, marijuana

derivatives, or cocaine. In addition the hospital estimated there were 25,000 mentally retarded persons and 25,000 people suffering from epilepsy. The vast majorities of these people remained untreated and received no public services. The hospital lacked sufficient beds, and patients easily destroyed mattresses. Patients were not provided sufficient food. Patient restraints were primitive and dehumanizing. The hospital did not have running water and only sporadic electricity due to lack of funds. Basic medications were available, but many drugs targeted at specific problems were lacking. Hospital staff was poorly paid; in September nurses, caterers, and cleaners threatened to strike until their salaries were augmented and they were provided with uniforms and raincoats.

In September, in an effort to expand mental health services to areas outside Freetown, the Ministry of Health and Sanitation, in collaboration with the World Health Organization, certified 25 mental health workers in Bo.

The Ministry of Health and Sanitation is responsible for providing free primary healthcare services to persons with polio and diabetic retinopathy as well as those who are blind or deaf. However, these services were not provided consistently, and organizations reported that many persons with disabilities had limited access to medical and rehabilitative care. The National Committee for Social Action provided some support through limited programs to vulnerable communities. 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.

Some of the many individuals maimed in the civil war, including those who had their limbs amputated, received special assistance from local and international humanitarian organizations. Such programs involved reconstructive surgery, prostheses, and vocational training to help victims acquire new work skills; however, amputees complained that they did not receive sufficient assistance compared to former combatants.

### **National/Racial/Ethnic Minorities**

The ethnically diverse population consisted of 18 ethnic groups of African origin, and many spoke distinct languages and were concentrated outside urban areas. In addition there were significant ethnic 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 are the Temne in the North and the Mende in the South. These groups each

constituted an estimated 30 percent of the population; however, the Krio, 7 percent of the population, have historically dominated the civil service and judiciary. Strong ethnic loyalties, bias, and stereotypes existed among all ethnic groups. The Temne and Mende have vied historically for political power, and the violence during the 11-year civil war had some ethnic undertones. Ethnic loyalty remains an important factor in the government, the armed forces, and business. Complaints of ethnic discrimination in government appointments, contract assignment, and military promotions were common under the former SLPP and current APC governments.

Residents of non-African descent faced some institutionalized discrimination, particularly in the areas of citizenship and nationality. The 1973 Citizenship Act, as amended in 2006, restricts citizenship by birth only to persons of “Negro-African descent,” effectively denying citizenship to many locally born residents, most notably the six to seven thousand-strong Lebanese community. Non-“Negro-African” persons may apply for naturalization, but all applications must be approved personally by the president. No president has done so since the end of the civil war in 2002. In May the government announced new procedures whereby “non-Africans” who have lived in Sierra Leone for at least eight years (two for foreigners married to Sierra Leonean citizens) may apply for naturalization. The president must still approve all applications personally.

A small percentage of the Lebanese population was naturalized during a previous period of government leniency, and they enjoy the full rights of citizenship, such as suffrage, access to health care and education, and the right to purchase freehold land. However, naturalized citizens not of “Negro-African” descent cannot transmit citizenship to their children born in the country; these children must apply for naturalization if they want to become citizens. While not entitled to the rights of citizens, nonnaturalized persons born in the country are entitled to a Sierra Leonean passport, and many Lebanese Sierra Leoneans travel on one without difficulty.

The Lebanese community reported no cases of overt discrimination based on race or nationality, although community leaders stressed that, even though many Lebanese families have resided in the country since the 1880s, they still feel alienated from the indigenous population.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The constitution does not offer protection from discrimination based on gender identity or sexual orientation. A law from 1861 prohibits male homosexual acts (“buggery” and “crimes against nature”); however, there is no legal prohibition against female-to-female sex. The 1861 law carries a penalty of life imprisonment for “indecent assault” upon a man or 10 years for attempting such an assault. However, the law was not enforced in practice. During Sierra Leone’s Universal Periodic Review in May in the UNHRC, the attorney general and minister of justice told the Working Group that all persons in the country will be protected regardless of their sexual orientation. However, the government subsequently rejected three of 129 Working Group recommendations, two calling for decriminalizing all sexual activity between consenting adults and one calling for legislation to prohibit discrimination based on sexual orientation and gender identity.

Despite the lack of enforcement of the 1861 law, police continued to harass, detain, and beat persons perceived to be of the gay, bisexual, lesbian and transgender (LGBT) community. For example, on July 9, a group called police to complain that neighbors were throwing stones and shouting homophobic epithets at them, but the police arrested eight victims instead because they were perceived to be gay. They were held overnight and released without charge.

Men dressed as women were singled out for detention, harassment, and public humiliation but were not formally charged with any crime or misdemeanor.

A few organizations, including DignitySL and the local chapter of Why Cant We Get Married.com, worked to support LGBT persons, but they maintained very low profiles. Gay pride parades and other public displays of solidarity could not safely take place.

Social discrimination based on sexual orientation occurred in nearly every facet of life for known gays and lesbians, and many chose to have heterosexual relationships and family units to shield them. In the areas of employment and education, sexual orientation was the basis for abusive treatment, which led individuals to leave their jobs or courses of study. It was difficult for gay men and lesbians to receive the health services due to fear that their confidentiality rights would be ignored if they were honest about their ailments; many chose not to be tested or treated for sexually transmitted infections. Secure housing was also a problem for LGBT persons. Their families frequently shunned gay children, leading some to turn to prostitution to survive. Adults could lose their leases if their sexual orientation became public. Lesbian girls and women were also victims

of “planned rapes” that were initiated by family members in an effort to change their sexual orientation.

### **Other Societal Violence or Discrimination**

The law prohibits discrimination based on actual, perceived, or suspected HIV status; however, persons with HIV/AIDS were stigmatized in society. There was no official discrimination against HIV/AIDS-positive persons, but NGOs reported children were denied access to education because of their HIV status. HIV/AIDS-positive adults lacked employment and promotion opportunities. There were also reports that men often divorced their HIV/AIDS-positive wives, leaving them without financial support.

Reports of violence against HIV/AIDS-positive persons were uncommon; families were instead more likely to abandon them. NGOs noted that, due to discrimination and stigmatization, those living with HIV/AIDS sometimes chose suicide rather than continue to suffer the rejection and stigma.

Vigilante violence was common in urban areas, particularly for suspected thieves and unsettled debts. Police frequently were not present or chose not to intervene in vigilante attacks.

## **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 unions of their choice without prior authorization; however, it prohibits civil service employees, police, and members of the armed services from joining unions. The law allows workers to organize but does not prohibit antiunion discrimination against union members or prohibit employer interference in the establishment of unions. Unions have the right to strike, although the government could require 21 days’ notice, and workers exercised this right in practice. The law does not prohibit retaliation against strikers, even when a strike is lawful.

The law provides for collective bargaining. Collective bargaining must take place in trade group negotiating councils, each of which had an equal number of employer and worker representatives.



While the government generally protected the right of workers in the private sector to form or join unions, its enforcement of applicable laws was untested. According to the Ministry of Labor, approximately 35 to 40 percent of workers in the formal economy were unionized, including mainly agricultural, mine, and health workers. However, by year's end the government still had not granted a bargaining certificate to the Civil Servants' Union, whose application had been on file since 1986. All unions are independent of political parties and the government. However, in some cases, such as the Sierra Leone Teachers' Union, the union and the government had a close working relationship, and the Sierra Leone Labour Congress enjoyed a cordial relationship with the government.

In some private industries employers were known to intimidate workers to prevent them from joining a union. There were no reports of violence, threats, or other abuses targeting union leaders and members by government or employers during the year.

The government generally protected the right to collectively bargain in practice. Collective bargaining was widespread in the formal sector, and most enterprises were covered by collective bargaining agreements on wages and working conditions. No reliable data was available on the percentage of workers covered by collective agreements.

The majority of industrial actions were taken against the government, primarily to protest unpaid salaries and reduced benefit packages. The government generally did not interfere with peaceful demonstrations and attempted to negotiate with workers and labor unions in good faith. However, tensions complicated negotiations.

In February employees of the Sierra Leone Ports Authority continually threatened to stage violent protests against the government preceding the March 1 privatization of the Port of Freetown. Workers were concerned that Bollore, the French company that was awarded the government contract to operate the port, would lay off dockworkers but not pay them the full end-of-service benefit stipulated by the terms of employment in the *Sierra Leone Gazette*. Tense negotiations were held between the Sierra Leone Labour Congress, representing the Dock Workers Union and the Maritime & Waterfront Union; the government, represented by the Ministry of Labor & Employment and the Sierra Leone Ports Authority; and Bollore. All parties agreed the end-of-service benefit would be paid in installments over a period of five years, but the workers were not appeased. On February 25, the minister of labor and employment attempted to convince the

workers at the port to accept the severance package, but the angry crowd threw stones, water, and garbage at him and threatened continued violence. On March 1, the first day of the port's privatization, the President's office warned workers not to riot, as they would be "met with the full force of the law." On March 25, workers staged another protest during which the SLP reportedly fired live ammunition and tear gas canisters, resulting in several injuries. By early April the situation had been resolved, and laid-off workers received their end-of-service benefits and redundancy payments.

Simultaneously, early in the year the Sierra Leone Teachers' Union (SLTU) had been in long negotiations with the government over an increase in teacher salaries. In February a group of teachers who believed the SLTU was not being aggressive enough embarked on a wildcat strike and refused to return to their schools. Shortly thereafter the SLTU and the government agreed to a pay reform package to take effect on March 1, although the SLTU claimed the agreement was reached independently of the wildcat strike. During the intra-SLTU conflict, several irregularities in SLTU operations came to light, including illegal deduction of union dues from teacher salaries without prior agreement, misuse of funds, actions not in the interest of teachers, and generally nontransparent behavior. The Ministry of Labor & Employment requested an investigation by the Anti-Corruption Commission into the SLTU, which many perceived to be government interference in a labor union. At year's end results of the investigation were pending. Meanwhile, in September teachers in Freetown, unhappy with the new pay package, refused to return to their schools for the new school year, delaying the start of classes by nearly a month.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits most forms of forced and compulsory labor, including by children. Under a provision of the Chiefdom Councils Act, pending repeal or amendment since 1964, individual chiefs may impose forced labor as punishment and have done so in the past, although there were no reports of it during the year. Chiefs also may require villagers to contribute to the improvement of common areas, a practice that occurred in rural areas. There is no penalty for noncompliance.

The government did not effectively enforce the law, and the practice of forced labor occurred. Forced child labor occurred primarily in artisanal diamond mining operations. Children, primarily boys, shoveled and carried sand and gravel to washing sites and often washed the sand and gravel. Younger children carried

water and food to the miners and performed other errands. Many girls, particularly teens, were forced into prostitution. Work sites were often dangerous, with frequent collapses of pit walls, and basic sanitation was nonexistent, with children regularly contracting gastrointestinal infections.

In remote villages children were forced to carry heavy loads as porters, resulting in stunted growth and development. Children were also exploited in sand mining, fishing, hawking, and granite quarrying. 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.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law limits child labor, allowing light work at age 13, full-time nonhazardous work at age 15, and hazardous work at age 18. The law states that children under 13 should not be employed in any capacity. Provided they have finished schooling, children age 15 may be apprenticed and employed full time in nonhazardous work. The law also proscribes work by any child under 18 between 8 p.m. and 6 a.m. While the law does not stipulate specific conditions of work, such as health and safety standards, it prohibits children under the age of 18 to be 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; portage of heavy loads; chemicals manufacturing; work in places where machines are used; and work in places, such as bars, hotels, and places of entertainment, where a child may be exposed to "immoral behavior."

The Child Labor Unit of the Ministry of Labor is responsible for enforcing child labor laws and monitoring compliance. The Ministry of Mineral Resources enforced regulatory prohibitions against the worst forms of child labor. The ministry also was charged with protecting children working in the diamond mining areas. The Freetown City Council contributed nonfinancial support to programs that provided free schooling and other services to at-risk youth.

During the year the ministry continued to implement the "Tackling Child Labor Through Education (TACKLE)" project with funding from the ILO's International Program for Elimination of Child Labor and the EU. In addition, the ministry, in

conjunction with Statistics Sierra Leone and with ILO funding, conducted a nationwide cross-sector survey on child labor between May and August, but the results had not been released by year's end. Mitigation efforts had mixed results. UNICEF officials were reluctant to advocate against children working for school fees too strongly, since without those fees the children would not be able to attend school. In addition, local civil society organizations (CSOs) reported that attempts to mitigate this problem were often met with resistance, a sense that outsiders were trying to impose alien, "Western" values on traditional African society. Thus, child labor persisted with the full knowledge and endorsement of the children's families.

Ministry officials admitted that the unit was "not too functional" due to lack of funding. The Ministry of Labor employed 20 labor inspectors to ensure employee health and welfare and 15 factory inspectors to ensure factories met minimum technical standards for safety. All inspectors focused primarily on Freetown and covered all issues of labor and occupational safety and health in addition to child labor. At year's end the ministry had not set up branch offices to decentralize monitoring efforts, particularly in remote areas where the most egregious violations occurred. There were no reports that authorities conducted any child labor inspections during the year. Primarily used in the informal economy, child labor was often hidden from inspectors and other authorities. The government was unable to produce any statistics on arrests or prosecutions for violating child labor regulations.

Child labor remained widespread. Almost half of children ages 14 and 15 were engaged in some form of child labor. The rate varied from 27 percent in urban areas to 57 percent in rural areas. Children were subjected to a variety of exploitative labor, including petty trading, carrying heavy loads, breaking rocks, harvesting sand, begging, deep-sea fishing, agriculture, domestic work, the sex trade, scavenging for scrap metal and other recyclables, and other age-inappropriate forms of exploitative labor under often 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.

In many cases 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 also were reports that adults asked orphanages for children to work as household help. Many girls engaged in prostitution as a means of support, particularly those displaced from their homes and with few resources.

Because the adult unemployment rate remained high, few children were involved in the industrial sector or elsewhere in the formal economy.

Tradition requires children to fulfill their traditional roles, which include working to help generate income for the family or village even if it means missing school. In subsistence farming families, many children did not attend school, in order to work as field laborers. UNICEF indicated many children, particularly in the towns, worked part time to earn money necessary to pay school fees. The Campaign for Just Mining stated this was equally true in the sand and stone quarries in the Western Area surrounding Freetown. While these children attended school, they were effectively denied the time and energy to study and complete homework during their off-hours.

The paramount chiefs played varying roles in addressing child labor. CSOs pointed out that many were part of the problem. UNICEF mentioned that although many paramount chiefs enacted bylaws to strengthen existing national laws, for example, to prohibit children from being forced to carry heavy loads, no bylaws were passed specifically targeting child labor in the mining sector. In the mining areas, chiefs deferred child labor issues to the national government, since until 2009 all land used for mining was considered state property. Many mining companies worked directly with the Ministry of Mineral Resources without going through chiefs, so the chiefs did not see social problems associated with mining as their responsibility.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The national minimum wage, covering all occupations including in the informal sector, was set at 25,000 leones (\$6.35) per month. The Ministry of Labor is responsible for enforcing the minimum wage.

Although not stipulated by law, the standard workweek was 40 hours (60 hours for security personnel). Employers negotiated work hours with employees at the time of hiring, and overtime was to be paid if an employee's work hours exceeded the standard workweek. There was no prohibition on excessive compulsory overtime.

The Ministry of Health and Sanitation is responsible for setting and enforcing safety and health (OSH) standards. Initially a union could make a formal

complaint about a hazardous working condition; if the complaint was rejected, the union could issue a 21-day strike notice.

The law protects both foreign and domestic workers.

According to government and NGO sources, laws and standards continue to be violated primarily due to lack of enforcement, rather than the deterrent effect, or lack thereof, of the penalties. Workers in the mining and road construction industries complained to their private employers about safety concerns, and companies took action before the government needed to intervene.

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.

The law provides for paid overtime. 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.” Although compliance with the law was inconsistent, no formal complaint about a hazardous working condition was reported during the year. Workers who removed themselves from dangerous work situations without making a formal complaint risked being fired.

Violations of wage, overtime, and occupational safety and health standards were most frequent within the unorganized artisanal diamond mining industry. Violations also commonly affected others, including street vendors and market stall workers, rock crushers, and day laborers, many of whom migrated to Freetown to seek employment but, out of desperation, were vulnerable to exploitation in order to earn enough for a day’s meal. There were numerous complaints of unpaid wages and lack of attention to injuries sustained while on the job, but victims often did not know where to turn for recourse, or their complaints went unresolved.