

# SIERRA LEONE 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Sierra Leone is a constitutional republic with a directly elected president and a unicameral legislature. In November the ruling All People's Congress (APC) party won an expanded majority in parliament and citizens reelected President Ernest Bai Koroma in peaceful multiparty elections. 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/cutting (FGM/C); official and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals; discrimination against those with disabilities; and vigilante violence.

The Anti-Corruption Commission aggressively investigated and prosecuted cases of corruption in a nonpartisan fashion, but not without significant political interference. 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 April 18, officers of the Operational Support Division (OSD), the armed auxiliary of the Sierra Leone Police (SLP), shot and killed protester Musu Conteh and seriously wounded eight others during a strike by African Mineral Limited Ltd employees. The Human Rights Commission of Sierra Leone (HRC-SL) issued a report finding that the police employed unprofessional behavior and excessive use of force. The inspector general of the SLP refused to accept responsibility for the incident, claiming that the report was biased. Authorities made no arrests.

On June 6, an OSD patrol shot and killed a young man in the Wellington area of Freetown under disputed circumstances. The shooting sparked civil protests and small-scale rioting in the eastern portion of Freetown.

On November 3, police arrested a suspect in the June 2011 killing of Ibrahim Foday. Authorities charged Tunde Williams with the crime, and he appeared in court November 8. Authorities released additional suspects initially detained that year, including police officer Musa Sumara.

### **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.

Physical Conditions: Overcrowding was a major problem. Prison Watch stated that as of October 19, there were 3,870 prisoners, of whom 2,733 had been convicted and 1,137 were in custody awaiting trial. At year's end Pademba Road Prison, which was designed to hold 324 prisoners, held more than 1,333 inmates.

In some cases cells measuring six feet by nine feet held nine or more prisoners. According to Prison Watch's 2010 prison assessment, 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 that gangs of other prisoners beat them at the incitement of 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. Most prisons did not have piped water systems, and some prisoners lacked sufficient access to drinking water.

A December report into prison conditions issued jointly by the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) and the UN Office of the High Commissioner for Human Rights (OHCHR) following visits to each of the country's 17 prisons and three juvenile detention centers--as well as many police and local court cells--found that poor infrastructure and lack of maintenance resulted in prisons not meeting international standards. The report noted that lack of lighting, furniture, beds, sanitary, and medical facilities were often the rule rather than the exception. Access to food and drinking water was often inadequate, hygienic conditions were poor, and medical care was limited. Authorities often held different categories of prisoners together and sometimes mixed juvenile detainees with the adult prison population.

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.

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 some regions would not see a magistrate for several months at a time. The UN report highlighted police holding cells as the worst of the country's detention facilities.

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. Female prisoners 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.

Authorities confirmed that 22 prisoners died in custody during the year.

Authorities held men and women in separate cells in all prisons except those in Kono District. The detention facility of the Special Court for Sierra Leone, turned over to the government in 2011, was renamed the Freetown Female Prison and held 35 inmates as of November. There were 84 female inmates nationwide. Several prisons held infants, most of whom were born in prison and initially kept there with their mothers. Once weaned, authorities released these children to family members, or the Ministry of Social Welfare, Gender, and Children's Affairs placed them in foster care.

Authorities sent offenders under 18 to "approved schools," or reformatory institutions. Although authorities made an effort to avoid detaining juveniles with adults, they regularly imprisoned minors with adult offenders. Prison Watch noted that authorities often sent young adults over 18 to the approved schools, while some children under 18 were sent to prison. Police officers had difficulty 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. Juvenile facilities were deteriorating and mismanaged by the Ministry of Social Welfare, Gender, and Children's Affairs, which was responsible for all services except security. Juveniles held with adults and then moved to age-appropriate facilities often instigated violence, as was noted in 2011 by the Justice Sector Development Program (JSDP), a former government program funded by the United Kingdom.

In most cases pretrial detainees were held with convicted prisoners. According to Prison Watch, only 2,733 of the 3,870 prisoners across the country had been convicted.

Administration: Prisoners could file complaints through internal prison procedures--covering complaints between inmates and between inmates and prison officials--and could also bring complaints to the Office of the Ombudsman and to the HRC-SL.

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

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

Prison recordkeeping was inadequate as the system relied exclusively on written ledgers. The UNIPSIL-OHCHR report described the storage of prisoner information as problematic, noting cases of files being lost and inmates lacking any records.

Prisoners were permitted to engage in religious observance.

Prisoners refrained from filing complaints because they believed that such actions would only spur retaliation by judicial authorities. The UNIPSIL-OHCHR report noted isolated cases of interference with the confidentiality of complaints and some limitations on reviewing authorities' access to prisoners, but reported that in rare cases complaints had triggered results.

Monitoring: International monitors, including the UNIPSIL, had unrestricted access to the prisons, detention centers, and police holding cells. Additionally some NGOs such as Prison Watch, AdvocAid, and Defense for Children International, monitored the prisons.

Following a 2010 prison break, authorities took steps 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. Civil society organizations and the Sierra Leone Red Cross conducted inspections. Morale among prison officials remained low, largely resulting from low salaries and poor conditions of service.

#### **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 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 sufficient 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 provided additional assistance to police in extraordinary circumstances upon their request.

Authorities successfully employed MAC-P assistance during the November elections.

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.

As in previous years, cases of police brutality and police corruption remained a serious problem. Some police and guards stole from detainees, exacted bribes at checkpoints, falsely charged motorists with violations, impounded vehicles to extort money, and accepted bribes from suspects to drop charges or to have 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. Officers often used an appeals process. 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 1,138 complaints countrywide; as a result authorities dismissed 92 officers, and took action against many others. 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. In 2011 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.

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

The law requires warrants for searches and arrests; however, arrest without warrant was common. Prison Watch and Lawyers’ Center for Legal Assistance (LAWCLA) reported that most arrests were made without warrants and that the SLP rarely followed proper arrest procedures.

Authorities must tell detainees the reason for arrest within 24 hours and charge them in court within 72 hours for suspected misdemeanors or within 10 days for suspected felonies. According to NGOs and prisoners, authorities routinely brought remanded prisoners 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. Lawyers generally were allowed unrestricted access to detainees. However, only an estimated 5 to 10 percent of inmates had access to legal representation, which was often delayed. Only defendants in the military justice system had automatic access to attorneys, whose fees were paid by the Ministry of Defense. Only 25 state counsels served the entire country, and they were often overburdened, poorly paid, and available only for more serious criminal cases, with fewer than 10 providing legal aid outside of Freetown.

A JSDP-funded pilot legal aid program in Freetown ended in May; problems with establishing eligibility problems had limited its effectiveness.

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. The

University of Makeni (UNIMAK), in collaboration with Namati and Timap for Justice, organized training for 76 paralegals working for five legal services organizations. The training, hosted by the UNIMAK law department, took place between July and November, focusing on essential paralegal skills and state accountability. NGOs also trained 80 paralegals in child friendly interview skills.

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: There were reports of individuals being arbitrarily arrested and detained for questioning, particularly police harassment of businessmen unwilling to pay bribes or whose ventures threatened entrenched interests.

Pretrial Detention: Lengthy pretrial detention was a problem. Prison Watch reported that due to a severe shortage of legal professionals, 60 percent of prisoners were waiting to be 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. In extreme cases, the wait could be as long as 10 years. 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. The joint UNIPSIL-OHCHR prison conditions report noted that limited access to bail, the absence of magistrates, and the irregularity of court sittings resulted in prisoners on remand often waiting more than a year to appear before a court and reported that the majority of prisoners were not serving a sentence.

Amnesty: In celebration of Independence Day, President Koroma granted 100 pardons.

#### **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 and electoral cases.

In addition to the formal civil court system, local chieftaincy courts administered customary law with lay judges; appeals from these lower courts were 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. Some districts lacked resident magistrates, contributing to lengthy delays in the administration of justice.

The RSLAF had its own military justice system, although soldiers could also be tried in civilian courts for some crimes. The sometimes ad hoc decision regarding which justice system to use was subject to pressure from RSLAF leadership.

If a case remained in military channels, military police conducted an investigation and forwarded 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 were limited to low-level military offenses. 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 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 reportedly was corrupt.

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.

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 reportedly were 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, many were not afforded access to counsel. The law provides for attorneys at public expense if defendants could not afford their own; however, state-appointed attorneys were overburdened and poorly paid, and indigent detainees usually did not receive legal advice prior to trial. Defendants generally did not have adequate facilities to prepare their defenses. 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). Local civil society organizations attributed the harsh sentencing to the defendants' inability to pay a fine or bribe. The UNIPSIL-OHCHR report noted that sentences across the country were inconsistent with regard to incarceration periods.

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 was 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.

Laws on gender equality 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 before the Special Court for Sierra Leone (SCSL) for crimes against humanity, war crimes, and other serious violations of international law committed during the civil war concluded with Taylor's conviction in May in the Hague. An appeal was pending. The SCSL also convicted five individuals on contempt of court charges for threatening prosecution witnesses and attempting to coerce them into recanting their testimony.

### **Political Prisoners and Detainees**

There were no credible 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.

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

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

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

Freedom of Speech: Government officials occasionally used The Public Order Act, a criminal libel law, to impede witness testimony in court cases, including anticorruption matters.

Freedom of Press: 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. The Independent Media Commission (IMC), while generally independent of government interference, provided an alternative to pressing libel charges and can impose fines and other sanctions on journalists and organizations that violate the code of practice, including fines for showing disrespect towards elected officials.

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 opposition Sierra Leone People's Party (SLPP) radio stations that were shut down in the wake of the 2009 riots remained closed.

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.

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. Flouting of IMC rulings by sanctioned media organizations drew the commission's power and authority into doubt.

In September the IMC held three newspapers in breach of the media code of practice for use of vulgar and obscene language. The IMC fined the newspapers *Awareness Times*, *Independent Observer*, and *Senator* two million leones (approximately \$460) each and barred their publication for one month. Only the *Independent Observer* complied with the IMC ruling; the others disregarded the order and continued publication without interruption.

Libel Laws/National Security: The law criminalizes defamatory and seditious libel; the law rarely was applied but threatened application may stifle expression. Punishment for first-time offenders can include imprisonment of up to three years, and subsequent seditious libel convictions are punishable by prison terms of up to seven years. Despite the IMC and the Sierra Leone Association of Journalists lobbying for amendment of Part 5 of the 1965 Public Order Act, which criminalizes libel, by year's end the government had not taken action.

Nongovernmental Impact: The opposition SLPP reportedly harassed a journalist covering a party rally in October and published threats in the official SLPP newspaper against journalists deemed sympathetic to the ruling APC.

### **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. The International Telecommunication Union reported that less than 1 percent of citizens used the Internet.

### **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**

The APC and the SLPP continued to implement the Joint Communique after the 2009 riots between supporters of the two parties. The 2009 Shear-Moses commission of inquiry was critical of the ruling party and recommended disciplinary action, including dismissal from office for several senior government officials. By year's end the government had not taken any action on these recommendations.

On other occasions police forcibly dispersed demonstrators, most significantly during April's strike by African Minerals Ltd workers in the Tonkolili District of northern Sierra Leone. The workers protested allegedly low pay, discriminatory treatment, and poor working conditions. Police reportedly fired live bullets and tear gas at the striking workers, resulting in one death and a number of injuries. The HRC-SL investigated the incident and released its findings on June 1, holding police responsible for excessive use of force and a lack of professionalism. The SLP inspector general claimed that the report was biased, and the government took no action against the officers involved.

### **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 internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. However, there were reports that 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.

Durable Solutions: As of June 30, Sierra Leone was host to 5,179 refugees, the great majority from Liberia. The Liberians' prima facie refugee status expired on June 30, upon implementation of the cessation clause by the government of Sierra Leone as recommended by the UNHCR.

The government repatriated 231 Liberian refugees and integrated 2,713 Liberian refugees during the year. For Liberians claiming continued need for international protection, the government provided individual refugee status determination.

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, parliamentary, and local government elections held on November 17, the ruling APC won an expanded majority in parliament, and voters reelected President Ernest Bai Koroma. Domestic and international observers noted that the benefits of incumbency gave the APC a significant competitive advantage, but still characterized the elections as free, fair, transparent, and credible, commending the 87 percent turnout among registered voters. The opposition SLPP alleged widespread voter fraud and refused to accept the results of the poll until December 3.

Political Parties: The Political Parties Registration Commission (PPRC), which oversees political parties, does not have authority to sanction any political party for

inappropriate behavior. It received eight interparty complaints and seven intraparty complaints 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, 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 National Election Commission-sponsored by-election since 2008.

A parallel system of tribal government, headed by a paramount chief, operated in each of 149 chiefdoms. The paramount chief 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. 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, 15 were women. Women led two of the 22 ministries at year's end. There were three female justices out of seven on the Supreme Court, including the chief justice. Four 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 non-Negro-African groups may apply to be naturalized; if naturalized, they are eligible to vote in all national and local elections, but no naturalized citizen may run for public office.

Ethnic affiliations 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 the Limba, 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. At year's end ministers from the North occupied 70 percent of cabinet offices, ministers from the South and East occupied 28 percent of cabinet offices, and the remaining 2 percent were held by ministers from the western peninsula.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law mandates disclosure of assets for government ministers and members of parliament and provides for 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. The Anti-Corruption Commission (ACC) conducted sensitization campaigns with the public and government ministries and enforced whistleblower protection measures.

The ACC prosecuted 24 cases during the year, with four convictions. In November 2011 the ACC charged the then 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 won conviction on two of the 25 counts in August, with the former mayor fined 170 million leones (approximately \$39,000).

The ACC appealed several cases in which prominent defendants were acquitted. These included the case against the former commissioner of the national revenue authority, who was indicted in 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 2011, of the executive director of the Sierra Leone Maritime Administration. The former revenue commissioner had been

acquitted of all charges, while the maritime director was indicted on 13 charges and convicted of only five.

By year's end, the ACC recovered approximately 2.6 billion leones (approximately \$608,680) from public officers and private businesspersons in fines, restitutions, and settlements in corruption-related cases, but was unsuccessful in obtaining prison sentences for any of the convicted offenders. Although the ACC did not 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 investigated 273 cases during the year, closing 77 investigations; 196 cases remained pending. The ACC brought charges in 10 cases, securing 22 convictions and recovering 89 million leones (\$20,700) in misappropriated funds and fines of 630 million leones (\$148,718). The ACC has the authority to prosecute cases directly without first having to refer them to the Ministry of Justice and in practice did so.

As of the elections in November, all government ministers and members of parliament had complied with the law requiring public officers, their spouses, and children to declare their assets and liabilities. The ACC is empowered to verify asset disclosures under the law and may publish the names of those who refuse to disclose in the media and petition the courts to compel disclosure. Failure to disclose also carried a penalty of up to 20 million leones (\$4,600) and one year in prison. The particulars of individual declarations were not available to the public without a court order.

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 persons with disabilities.

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.

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 (see section 1.d.).

The final appellate judgment in the SCSL proceedings against former Liberian president Charles Taylor for crimes against humanity and war crimes in Sierra Leone remained pending at year's end.

Truth and Reconciliation Commission (TRC) recommendations continued to be implemented, providing a forum for publicly airing the grievances and confessions of civil war era victims and perpetrators. 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 establishing a trust fund and separating the positions of attorney general and minister of justice, which require 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 non-Africans who have lived in Sierra Leone for at least eight years (two years for foreigners married to Sierra Leonean citizens) may apply for naturalization, subject

to presidential approval. 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 contravened the constitutional provision.

## **Women**

Rape and Domestic Violence: The law prohibits rape, which is punishable by up to 15 years' imprisonment; however, rape was common and viewed more as a societal norm than a criminal problem. A new Sexual Offenses Act, establishing the age of consent at 18 and specifically prohibiting spousal rape, took effect in August. 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. Despite the establishment of the Family Support Units (FSUs) and the passage of the Domestic Violence Act and the Devolution of Estates Act in 2007 and the Registration of Customary Marriage and Divorce Act in 2009 (collectively referred to as the Gender Acts), reports of rapes, especially involving child victims, steadily increased.

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.

Medical and psychological services for rape victims were limited. Victims historically were required to obtain a medical report for the filing of charges, examinations, reports, and court appearances, and most government doctors charged 10,000 to 70,000 leones (\$2.30 to \$16.20), 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. The Sexual Offenses Act provides that the victim of a sexual offense shall be entitled to free medical treatment and a free medical report.

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 September the FSUs reported over 4,000 domestic abuse cases. Authorities convicted 112 individuals in these cases, while the remaining were either under investigation or dismissed. In addition NGOs observed in many cases that women withdrew rape or other complaints of violence 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 UNICEF, the majority of women felt that wife-beating was justified for actions such as going out without telling a husband, neglecting their 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/Cutting (FGM/C): See section 6, Children.

Sexual Harassment: The Sexual Offenses Act criminalizes sexual harassment. Under the act, it is unlawful to make unwanted sexual advances, repeatedly follow or pursue another against their will, initiate repeated and unwanted communications with another, or engage in any other "menacing" behavior.

Reproductive Rights: Family planning services, including long-term and permanent treatments, such as intrauterine devices, tubal ligation, implants, and injectables, as well as oral contraceptives and male and female condoms, were available, but the Ministry of Health and Sanitation was unable to provide data on

utilization. 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.

An increasing share of women gave birth in hospitals and “peripheral health units,” grassroots health posts located primarily in rural areas. 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 the Directorate of Planning and Information in the Ministry of Health, there were 857 deaths per 100,000 live births. The infant mortality rate was 128 per 1,000 children under five years of age. With support from the international donor community, the government continued to implement the free healthcare initiative launched in 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

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 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 UN Women. Several "sensitization programs" were conducted around the country targeting traditional birth attendants (TBAs) and rural assemblies of women composing community wellness advocacy groups (CAGs) that in turn trained other women in more remote regions. The TBAs and CAGs focused on fighting sexual and gender-based violence, while also promoting reproductive health, reproductive rights, and broader human rights, and ensuring that women were aware of their rights under the Devolution of Estates Act and the Sexual Offenses 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 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 was equal to that of a minor. A woman was 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, had 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, did 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 an employer to dismiss a woman 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. On July 3, Plan Sierra Leone, in collaboration with the Ministry of Health and Sanitation, National Births and Death Office, District Health Management Teams for Western Sierra Leone, and the Christian Brothers, launched a universal birth registration campaign under the Count Every Child program.

Birth registration was not universal due to inadequate staffing and resources. However, lack of registration did not affect access to public services or result in statelessness.

Education: Although no tuition was 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. Only 43 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. Rapes of children under one year old have been documented. In spite of government efforts to address the issue, including passage of the Sexual Offenses Act, substantial enforcement challenges remained. 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. Conviction numbers remained very low. From January to September, the FSU reported 340 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 authorities charged and convicted perpetrators in many of these cases, a large number of cases 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 many child-welfare committees across the country, but they were fully functioning only at the district and chiefdom level rather than at the village level.

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. Forty-eight percent of women age 20-24 reported being married by the age of 18. Prevalence was highest in the North.

Harmful Traditional Practices: Excision, type II of the four categories of FGM/C, is the form widely practiced on women and girls in Sierra Leone. FGM/C was performed predominantly by women's secret societies. In such societies, the

women who perform genital cutting, known as sowies, continued to advocate the practice. According to UNICEF approximately 90 percent of girls had undergone FGM/C and approximately 81 percent of girls ages 15 to 19 had undergone FGM/C.

The 2007 Child Rights Act did not explicitly address FGM/C. However, the Ministry of Social Welfare, Gender, and Children's Affairs interpreted FGM/C 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. In October eight of the country's 14 districts signed a Memorandum of Understanding criminalizing FGM/C among children in Western Area Rural, Western Area Urban, Bo, Kambia, Port Loko, Pujehun, Bonthe, and Kailahun. Despite this the practice continued in many of these districts.

FGM/C ceremonies (bondo) were 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 had other employment, performing FGM/C was a major source of income for many of them, so they objected to FGM/C eradication programs on 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 UNFPA 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 or to eliminate FGM/C from initiation ceremonies, as well as efforts to persuade local chiefs to impose bylaws outlawing FGM/C for children, and include FGM/C eradication in district development plans. The UNFPA 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.

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

Sexual Exploitation of Children: Forced child prostitution continued to be a problem. An analysis of Freetown and Bo indicated that more than half of the

street children were forced to engage in prostitution. There was no record of charges or convictions for child pornography having ever taken place, although the Sexual Offenses Act explicitly criminalizes child pornography.

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 authorities shut down most of those that failed to meet UNICEF minimum standards. 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**

There was no indigenous Jewish community. 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 2011 parliament passed the Persons With Disabilities Act, 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. NGOs supporting persons with disabilities reported that the government had made some headway in implementing the act's provisions, specifically noting the appointment of a Chairman for the National Commission on Persons with Disability and a promise to launch the commission in early 2013. 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 was considerable discrimination against persons with mental health issues. The Sierra Leone Psychiatric Hospital in Kissy, the only inpatient psychiatric institution, had beds for 200 patients but housed only an estimated 95 patients due to staff and resource constraints, as the government poorly funded the hospital, and it received only small donations from private charities. Patients were not provided sufficient food. Patient restraints were primitive and dehumanizing. The hospital did not have running water and only sporadic electricity. Basic medications were available, but many drugs targeted at specific problems were lacking. Hospital staff was poorly paid. The hospital generally released patients to their families or communities as soon as possible, and they received follow-up counseling on a regular basis. The vast majority of persons with mental health disabilities remained untreated and received no public services.

In January in an effort to expand mental health services to areas outside Freetown, a EU-sponsored mental health coalition and the University of Makeni trained and certified 35 new mental health workers. The EU also sponsored eight mental health coalition members to attend short training courses at the University of Ibadan, Nigeria. 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, the ministry did not provide these services 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 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 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 30-35 percent of the population; however, the Krio, 2 percent of the population, historically dominated the civil service and judiciary. Strong ethnic loyalties, bias, and stereotypes existed among all ethnic groups. The Temne and Mende vied historically for political power, and the violence during the 11-year civil war had some ethnic undertones. Ethnic loyalty remained 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.

Residents of non-African descent faced some institutionalized discrimination, particularly in the areas of citizenship and nationality. Non-Negro-African persons may apply for naturalization, but the president must personally approve all applications. In 2011 the government announced procedures whereby non-Africans who lived in the country for at least eight years (two years for foreigners married to Sierra Leonean citizens) could apply for naturalization. The president must still approve all applications personally.

A small percentage of the Lebanese population (naturalized in the past) 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 traveled 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 the country’s Universal Periodic Review before the UN Human Rights Council in May 2011, the attorney general told the Working Group that all persons in the country would 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, beat, and denounce persons perceived to be members of the LGBT community.

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 Can’t 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 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. The families of LGBT persons frequently shunned their gay children, leading some children 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. Religious groups reportedly promoted discrimination against the LGBT community.

## **Other Societal Violence or Discrimination**

The law prohibits discrimination based on actual, perceived, or suspected HIV status; however, society stigmatized persons with HIV/AIDS. 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 independent unions of their choice without prior authorization, conduct legal strikes, and bargain collectively; however, it prohibits 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 can require 21-day prior notice. The law prohibits workers at certain specified public utilities from going on strike. Labor union officials, however, pointed out that in practice public utility workers have frequently gone on strike (and were in fact among those union employees most likely to strike), the legal prohibition notwithstanding.

While the law provides for collective bargaining, it must take place in trade group negotiating councils, each of which had an equal number of employer and worker representatives. There were no other limits on the scope of collective bargaining or legal exclusions of other particular groups of workers from legal protections.

While labor unions reported that the government was generally protective of the right of workers in the private sector to form or join unions, the government has never been called upon to enforce applicable laws through regulatory or judicial action.

Freedom of association and the right to collective bargaining were respected in practice. All unions were 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.

There were no reports of violence, threats, or other abuses targeting union leaders and members by government or employers during the year. However, there were concerns that some union leadership did not effectively represent the interest of members. In some private industries, particularly the private security and domestic workers sectors, employers were known to intimidate workers to prevent them from joining a union.

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. During the year there were no reports that employers refused to bargain, bargained with unions not chosen by workers, or used hiring practices to avoid hiring workers with bargaining rights.

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 and sometimes spilled over into violence.

In April police reportedly fired on striking workers at the African Minerals Ltd establishment in Tonkolili District, resulting in one death and a number of injuries. In December police officers opened fire on protesters at the Octea diamond mine in Koidu Town, Kono District, during a workers' strike. Two individuals unaffiliated with the mine were killed, but at year's end details of the incident remained unclear, and police had not initiated an investigation into the shootings (see section 2.b.).

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

The law prohibits all forms of forced and compulsory labor, including by children. Under a provision of the Chieftain 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's Anti-Trafficking-in-Persons (TIP) Task Force--composed of senior representatives from relevant ministries, the security forces, development partners, and non-governmental organizations--held monthly meetings under the leadership of the Ministry of Social Welfare, Gender, and Children's Affairs. The Task Force devised program to raise awareness of TIP and its illegality, with the aim of enhancing enforcement efforts. The ministry began to implement the program in December, hosting high-level press events and announcing upcoming training programs for police, social workers, parliamentarians, and local government officials.

The police met with some success in combating forced labor, and in June carried out a raid that freed 10 Indian trafficking victims from a Freetown sweatshop. However, authorities terminated prosecution of the alleged perpetrator following repatriation of the victims. Seven other cases were pending at year's end against individuals charged with human trafficking offenses.

Men, women, and children victims of forced labor originate largely from rural provinces within the country, and were recruited to urban areas for artisanal and granite mining, petty trading, portering, rock-breaking, and begging. 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 teenagers, 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 in the mining sector. 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. However, the laws were not effectively enforced. Lack of funding hindered the unit's functionality. 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. Inspectors had difficulty carrying out their duties due to severe capacity constraints (e.g., limited access to vehicles and fuel). 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.

The Ministry of Labor held workshops to develop a National Action Plan and worked to compile a list of hazardous jobs. The Ministry of Labor anticipated increased monitoring and enforcement once new structures were in place.

During the year the ministry continued to implement the Tackling Child Labor through Education (TACKLE) project with funding from the International Labor Organization's (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 in mid-2011, but the results had not been released by year's end. Mitigation efforts had mixed results. Some international NGOs 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 reported that attempts to mitigate this problem were often met with resistance from families and individuals because of a sense that outsiders were trying to impose alien "Western" values on traditional African society. Despite such engagement, during the year the government did not implement any of the child labor provisions in the Child Right's Act.

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 exploitive labor, including petty trading, carrying heavy loads, breaking rocks, harvesting sand, begging, deep-sea fishing, agriculture (coffee, cocoa, palm oil), domestic work, the sex trade, scavenging for scrap metal and other recyclables, and other age-inappropriate forms of exploitive 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.

The Ministry of Social Welfare, Gender, and Children's Affairs and the British NGO Street Child of Sierra Leone completed a headcount of street children from September to November 2011 in 17 cities and towns, ultimately involving over 60 domestic NGOs in the counting process. The survey results, published in April, showed that two-thirds of the nearly 50,000 street children identified by the study were engaged in some type of income-generating activity.

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

Tradition requires children 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. Others worked part time to earn money necessary to pay school fees. 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.

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 (approximately \$5.75) 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.

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 also requires employers to provide protective clothing and safety devices to employees whose work involves "risk of personal safety or potential health hazard." The law protects both foreign and domestic workers.

The Ministry of Health and Sanitation is responsible for setting and enforcing safety and health standards. The government did not effectively enforce these standards in all sectors.

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.

Violations of wage, overtime, and occupational safety and health standards were most frequent within the unorganized artisanal diamond mining industry. No information on working conditions in the artisanal mining sector was available, given its informal and ad hoc nature. Violations were common in the case of street vendors and market stall workers, rock crushers, and day laborers, many of whom migrated to Freetown to seek employment 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 on the job, but victims often did not know where to turn for recourse, or their complaints went unresolved.

Credible data on workplace fatalities and accidents during the year were not available.