

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	156
Land:	Sierra Leone
Kilde:	U.S. Department of State
Titel:	2010 Country Report on Human Rights Practices – Sierra Leone
Udgivet:	8. april 2011
Optaget på baggrundsmaterialet:	12. august 2011

Title	2010 Country Reports on Human Rights Practices - Sierra Leone
Publisher	United States Department of State
Country	Sierra Leone
Publication Date	8 April 2011
Cite as	United States Department of State, <i>2010 Country Reports on Human Rights Practices - Sierra Leone</i> , 8 April 2011, available at: http://www.unhcr.org/refworld/docid/4da56d8c8b.html [accessed 28 October 2011]
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2010 Country Reports on Human Rights Practices - Sierra Leone

Bureau of Democracy, Human Rights, and Labor
April 8, 2011

Sierra Leone is a constitutional republic with a directly elected president, a unicameral legislature, and a population of approximately 5.7 million. In peaceful multiparty presidential and parliamentary elections held in 2007, the opposition All People's Congress (APC) won a majority in parliament, and citizens elected party leader Ernest Bai Koroma president. Domestic and international observers characterized the elections as credible and free but noted irregularities that did not affect the outcome.

In 2002 the devastating 11-year civil conflict officially ended, and the government, backed by a United Nations peacekeeping force (UNAMSIL), asserted control over the country. In 2004 UNAMSIL handed responsibility for security countrywide to the Republic of Sierra Leone Armed Forces (RSLAF) and Sierra Leone Police (SLP). In 2005 UNAMSIL withdrew all remaining peacekeepers and transferred nonpeacekeeping responsibilities to a follow-on peacebuilding UN mission (UNIOSIL). In 2008 UNIOSIL's mandate ended, and the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) was established to support government institutions and monitor and protect human rights and the rule of law. Security forces reported to civilian authorities.

Major human rights problems included security force abuse and use of excessive force with detainees, including juveniles; harsh conditions in prisons and jails; official impunity; arbitrary arrest and detention; prolonged detention, excessive bail, and insufficient legal representation; interference with freedom of speech and press; forcible dispersion of demonstrators; widespread official corruption; societal discrimination and violence against women, discrimination based on sexual orientation; female genital mutilation (FGM); child abuse; trafficking in persons, including children; and forced and child labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

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 security and police forces used excessive force. The law allows up to 36 lashes as punishment. Although nongovernmental organization (NGO) sources state that sensitization on human rights has led to a reduction in such incidents, prison guards reportedly beat prisoners with impunity.

No action was taken against the prison warden who severely beat an inmate in 2008.

Compared to the previous year, fewer men and women were initiated forcibly into tribal secret societies, a process that for women usually involved female genital mutilation (FGM). Although data was hard to come by due to the secretive nature of these societies, government sources extrapolated the decrease in male initiations from observations that fewer young men were returning to their home villages, where initiation ceremonies are held, from their jobs in the country's main cities and towns. Decreases in female initiations were extrapolated from UN and NGO data on the decreasing prevalence of FGM, which is an integral part of female initiation ceremonies.

Vigilante violence was common in urban areas, particularly for suspected thieves and unsettled debts.

By year's end no one had been charged for the 2008 killing of a thief in eastern Freetown.

There were continued reports that Guinean troops along Sierra Leone's eastern border with Guinea harassed local residents.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and sometimes life-threatening. Overcrowding was a major problem. The Bureau of Prisons stated that as of the end of October there were 2,237 prisoners in the country, including 79 women. The Pademba Road Prison, which was designed to house 324 prisoners, held 1,263 as of October, according to the local NGO Prison Watch. 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 as a means of inflicting punishment while shielding prison officials from culpability.

Human rights observers reported that detention conditions remained below minimum international standards because of overcrowding, lack of access to food, unhygienic conditions, and insufficient medical attention. 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; increased food prices and pilfering by prison officials throughout the year posed a significant challenge. Prison cells often lacked proper lighting, bedding, ventilation and air-conditioning, and protection from mosquitoes. At all prisons, wells were the only sources of water. In some prisons, the wells dried up during the dry season and inmates were required to purchase water themselves.

Conditions in holding cells in police stations were poor, especially in small stations outside Freetown. Cells were dark with little ventilation. However, overcrowding in some police cells somewhat improved due to deployment of additional magistrate judges to the districts to process cases.

Few prisoners had access to adequate medical facilities, and clinics lacked supplies and medical personnel to provide basic services. Authorities allowed only emergency patients to visit the clinic outside of the assigned schedule. Women were treated as outpatients or referred to the local hospitals for special care. However, doctors and nurses in these hospitals often refused to treat prisoners or provided inferior care because of the social stigma associated with assisting criminals and the Bureau of Prison's inability to pay medical bills.

Prison Watch reported that there was a shortage of prison staff and that officers were not paid regularly. Consequently, guards provided only minimal security, and abuse of prisoners and prison breaks occurred. Prison Watch received reports that prison guards sold prisoner food rations to supplement their meager salaries.

As of the end of October, Prison Watch reported only one prisoner death, which occurred allegedly as a result of a respiratory tract infection.

Men and women were held in separate cells. In many of the prisons, men and women were held in the same block and shared facilities. Several prisons held infants, most of whom were born in prison and initially detained there with their mothers. Once weaned, these children were released to family members or placed in foster care by the Ministry of Social Welfare, Gender, and Children's Affairs.

While the women's section of the prison on Pademba Road was significantly less crowded with better facilities than the male section, officials detained together persons being tried for petty and serious offenses; the section had limited access to water for bathing, and no exercise area.

Although authorities made an effort to avoid detaining juveniles with adults, minors regularly were imprisoned with adult offenders. At the same time, when questioned by NGO Prison Watch about detaining juveniles, officers alleged that in some cases, police officers inflated the ages of juveniles to escape blame for detaining them. 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's (UK's) Department for International Development. The juvenile facilities were deteriorating and in need of better management by the Ministry of Social Welfare, Gender, and Children's Affairs, which was responsible for all services but security. Violence among juvenile detainees was a problem, and small riots occurred in some facilities, such as one in a school in Kissy in early October. Juveniles housed with adults and then moved to age-appropriate facilities were often instigators of violence, JSDP noted.

In most cases pretrial detainees were held with convicted prisoners in prisons. According to Prison Watch, only 584 of the 1,263 prisoners in Pademba Road Prison had been convicted.

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

International monitors, including 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.

There were some improvements in prison conditions noted during the year. Overcrowding and the need to keep men and women in the same block were somewhat alleviated by the completion of a women's prison in Kenema. The Pademba Road prison, as well as prisons in Moyamba, Port Loko, and Magburaka, began offering literacy and vocational skills training during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily.

Role of the Police and Security Apparatus

The SLP has primary responsibility for maintaining internal order but was poorly equipped and lacked investigative, forensic, and riot control capabilities. The military is responsible for external security; however, the "Military Assistance to the Civil Power" program provided additional assistance to police in extraordinary circumstances, such as following a police shooting of three civilians near Lungi Airport in September 2009.

There were fewer cases of police brutality reported during the year, but police corruption was a serious problem, in part exacerbated by low salaries. Some police and guards reportedly stole from detainees. There were continued reports that police officers required bribes at checkpoints, falsely charged motorists with violations, and impounded vehicles to extort money. Police also accepted bribes from criminal suspects in exchange for dropping charges or for having their rivals arrested and charged with crimes.

Police frequently were not present or chose not to intervene when crowds beat alleged thieves. In numerous instances, police, in exchange for kickbacks, refused to make arrests when warranted, or they arrested persons without charge for civil causes such as alleged breach of contract or failure to satisfy a debt.

According to the JSDP, impunity was less of a problem than in the past. The Police Complaints, Discipline, and Internal Investigations Department (CDIID) heard more complaints against police officers during the year than in the previous year, largely due to greater public awareness of and trust in the organization. There was also a Police Council, which included the vice president, minister of internal affairs, inspector general, and others who accepted written complaints against senior police officers. The CDIID facilitated all hearings and trials related to complaints against junior police officers. An appeals process was available and used often. After the CDIID issued disciplinary measures against an SLP officer, the officer was also subject to the civilian court if criminal action was involved. An infrequently published SLP newsletter listed disciplinary actions against officers.

During the year the CDIID received 1,623 complaints countrywide, resulting in 689 officers being dismissed, demoted, suspended, or officially warned. Of the remainder, 408 cases were dismissed for lack of evidence or validity, 282 were resolved through dispute resolution, and 244 remained at various stages of investigation or review. The most common complaints lodged against police were corruption, unfair treatment, lack of professionalism, and assault. Cases requiring dismissal of an officer 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 a number of UN Civilian Police advisors. As a result of training programs during the year and the introduction of community policing conducted by the Department for International Development, the Commonwealth, and the JSDP, the professional conduct of the police force improved. However, its efficacy continued to be hampered by limited financial resources.

Arrest Procedures and Treatment While in Detention

The law requires warrants for searches and arrests; in many cases, however, arrest without warrant was common. According to UNIOSIL'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. Only high-profile cases that were scrutinized publicly were known to have been properly handled.

Once arrested, a detainee must be told the reason for arrest within 24 hours and be charged in court within 72 hours, or in the case of serious crimes, within 10 days. According to several NGOs, 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 right of access to family and the right to consult with an attorney in a timely manner. However, due to a lack of financial resources, 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 has instituted legal aid in Freetown only, and has been able to serve only a few clients due to problems with establishing eligibility for legal aid. Fewer than 10 state counsels served the entire country, and they were often overburdened and poorly paid and thus available only for more serious criminal cases. 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, three attorneys provided legal aid outside of Freetown. Authorities permitted regular family visits, although the frequency and duration of the visits varied from prison to prison. According to NGO reports, family members often paid bribes to be permitted to visit.

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

Lengthy pretrial detention was a problem. Prison Watch reported that as of the end of October nine persons were awaiting indictment since 2006, six since 2005, and one since 2004. As a result of case backlogs, pretrial and remand detainees spent an average of three to five years in pretrial detention before courts examined their cases or filed formal charges. Approximately 60 percent of detainees in prison were in pretrial detention. Inmates at the prison in Bo who engaged in a small-scale riot to protest against their lengthy pretrial detentions in November 2009 were, according to Prison Watch, brought to Freetown and beaten. They were sent back to Bo in the early part of the year; since then, some have been released. 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.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision; however, the judiciary at times was subject to government influence and corruption.

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 fewer than 15 lawyers practicing outside of Freetown, access to justice remained limited for most citizens.

The RSLAF has its own military justice system, although soldiers can be tried in civilian courts depending on the type of crime committed. The decision of which system to use was sometimes made on an ad hoc basis and 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, as well as cases involving senior officers. The case is tried before a judge and board; the latter determines guilt or innocence, and the former the sentencing recommendation. The court martial hears 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 appeals in a court martial are heard by the civilian Supreme Court.

Traditional justice systems supplemented the central government judiciary, especially in rural areas. Paramount chiefs maintained their own police and courts to enforce uncoded local laws, which acted in parallel with the government's own civil police and court system. Chieftaincy police and courts exercised authority to arrest, try, and incarcerate individuals, and sometimes abused that power. However, traditional justice systems somewhat improved in rural areas during the year due to governmental and NGO training of traditional elders and provision of additional paralegals.

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 (see section 4).

Trial Procedures

The law provides for a fair trial; however, in practice, the lack of judicial officers and facilities often produced long delays. Some cases were reported to be 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. There were numerous cases in which sentences imposed were disproportional to the offenses. Many prisoners were serving excessively long sentences for noncapital offenses, such as sacrilege (50 years), larceny (25 years), and larceny and burglary (45 years). Many attributed the inconsistent sentencing to the defendant's ability to pay a fine or bribe.

Traditional justice systems continued to supplement extensively 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 in order to give arrests for civil complaints the appearance of legitimacy. Local chieftains at times exceeded their mandates and administered harsh punishments.

A number of civil laws and customary laws discriminate against women, 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.

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 law 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

The constitution and law provide for freedom of speech and of the press; however, the government at times restricted these rights in practice. Journalists generally practiced self-censorship.

The government rarely attempted to impede criticism, although government officials occasionally interfered with journalists' work.

During the year there were several complaints that government officials sought to manipulate the Sierra Leone Broadcasting Corporation (SLBC), which was created in June as an independent, nonpartisan television and radio outlet. In August a prominent newspaper publisher spoke critically of the government on a popular live daily SLBC radio program. A government representative unsuccessfully attempted to interrupt the broadcast to present a rebuttal. The program was neither re-aired the following day, as is standard, nor were requests for taped copies of the interview honored, leading to criticisms that the SLBC and the government were jointly attempting to muzzle the journalist.

On December 13, four journalists from four independent newspapers were arrested by the Sierra Leone Police on the order of the minister of lands. The minister accused the journalists of "possessing classified documents" when they questioned him about a restricted-access audit report compiled by the Investment Climate Facility (a pan-African organization based in Tanzania) alleging fraud and embezzlement within the ministry. The four men were released later that evening. One of them was accused of stealing documents from the ministry and charged with larceny, but all charges were subsequently dropped.

On December 16, the minister of agriculture, forestry, and food security asked the Sierra Leone Police to arrest two employees of the radio station KISS 104 in Bo for interrupting a live interview with the minister to air a block of prerecorded programming sponsored by the cell phone company Africell. The minister claimed that he had paid for the broadcast time for his interview and that KISS 104 had committed a "breach of contract." The employees were arrested but released the following morning, and no charges were filed.

The Human Rights Commission-Sierra Leone (HRC-SL) and the Sierra Leone Association of Journalists (SLAJ) condemned both December actions. The minister of information and communications pledged to investigate the incidents and to "take necessary actions, [as] the government will not condone impeding freedom of expression and sour the relationship between the government and the media in Sierra Leone."

Fifty-eight newspapers were registered with the Independent Media Commission (IMC), as well as 72 radio stations and 10 television stations covering a wide spectrum of interests and editorial opinion. Not all media outlets were in operation during the year, however. During the year the IMC registered nine new newspapers and two new radio stations, and rejected seven newspaper registration applications because the applicants did not provide any justifications of "professional and public-interest." Most of the IMC-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 the opposition parties. However, reporting was often politicized and inaccurate, in large part because of poor journalistic skills, insufficient resources, and the lack of professional ethics. In October the Guild of Newspaper Editors Sierra Leone was launched to address these problems, as well as unprofessional behavior and widespread corruption among its members.

As part of efforts to curb undue interference by local authorities, the IMC reconstituted the management boards of community radio stations to include chiefs and representatives from the major political parties. It also funded training programs for members of the management boards.

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.

The law criminalizes both 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. However, society paid little attention to older convictions under the law. In December, President Koroma nominated and parliament unanimously confirmed a new minister of youth and sport, despite his 2002 conviction under the libel law while editor-in-chief of the independent newspaper *Fo Di People*. Despite lobbying for decriminalization of libel by the IMC and the SLAJ, by year's end the government had not amended Part 5 of the 1965 Public Order Act, which criminalizes libel.

The IMC regulated independent media organizations and generally demonstrated independence from government influence. In August it convened a meeting with editors of two local newspapers to chastise them for publishing articles that allegedly violated Section 25 of the IMC Code of Practice by potentially inflaming tribal/ethnic tensions. The IMC warned them not to publish any such material in the future, or risk having their newspapers suspended.

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. During the year more than 80 government and private radio and television stations provided domestic news and political commentary. 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.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. International Telecommunication Union statistics for 2009 stated that 0.26 percent of the country's inhabitants accessed the Internet. There were six Internet Service Providers. In Freetown there were many Internet cafes but few in rural areas due to infrastructure constraints.

Academic Freedom and Cultural Events

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

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

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice. There were no reports that the government monitored or prevented opposition meetings.

Both the APC and the SLPP continued to implement the provisions of the Joint Communique signed after the March 2009 riots between supporters of the two parties. Most significantly, the SLPP rededicated its headquarters building, which was damaged during the riot. A commission of inquiry on the riots did not recommend prosecutions or disciplinary actions against police or others.

On other occasions police forcibly dispersed demonstrators. Police occasionally were unable to control violence, and demonstrators at times attacked police stations. For example, motorbike taxi service operators ("okadas") clashed with police officers in various parts of the country during the year. In September "bike riders" in Kailahun District burned down two traffic posts while protesting what they perceived as a unilateral decision by police to restrict their business hours. In Freetown on several occasions "bike riders" engaged in impromptu demonstrations against police officers who were, in the protesters' eyes, arbitrarily enforcing motorcycle registration and safety laws through fines and confiscations. Although the protests were violent, there were no reports of deaths or injuries.

After a CDIID investigation, in the early part of the year the SLP compensated families of three persons who were killed in September 2009 when a crowd attacked a small police station in Lungi because of anger over the station's ineffectiveness in handling a crime spree.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

For a description of religious freedom, please see the Department of State's [2010 International Religious Freedom Report](#).

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 that police officers who operated security roadblocks outside of the capital often extorted money from motorists.

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 border crossing points.

The law does not provide for forced exile, and the government did not use it.

Protection of Refugees

The country's 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 UN High Commission for Refugees (UNHCR) worked with government authorities to develop standard operating procedures for refugee status determination.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

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.

The government offered to assist Liberian refugees requesting repatriation. However, only 34 refugees were repatriated during the year. A "profiling survey" completed by the UNHCR in June showed that only 1 percent of the approximately 8,900 Liberian refugees in Sierra Leone wished to be repatriated, while 75 percent were undecided and 24 percent opted for local integration. UNHCR acknowledged the government's efforts, through the National Commission for Social Action (NaCSA), to integrate refugees who are unwilling or unable to return to Liberia in accordance with the Refugees Protection Act of 2007.

There were no reports of discrimination against refugees with regards to employment, access to social services, or to police and courts.

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

In peaceful presidential and parliamentary elections held in August 2007, the opposition APC won a majority in parliament, with party leader Ernest Bai Koroma elected president. However, there were multiple reports of harassment and intimidation of members of opposition parties. There were also reports of 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 Commissioner for her actions. As of the end of the year, the case had not been resolved.

On December 11, a by-election for Chairman of the Kono District Council was held, the first election of the 2010-2015 election cycle that will include the 2012 presidential election. In November supporters of the ruling APC attacked and damaged the district offices of the opposition SLPP and disrupted an SLPP rally in Kono. The government belatedly denounced the attacks and harassment but took steps to ensure that the by-election was held peacefully and fairly. In addition to increasing the number of police in the district from 120 to 400, the government also brought together leaders of the various political parties, the heads of the quasi-governmental NEC, the Political Parties Registration Commission (PPRC), and the Sierra Leone Police under the auspices of the UNIPSIL to sign a document outlining ground rules for all participants and their supporters in the election. There were no reports of violence or irregularities at any of the polling stations on election day. The government welcomed observers from foreign missions and NGOs such as National Elections Watch. The APC candidate won the election, and the results were certified with no objections from the other parties.

The PPRC, which governed the behavior of political parties, does not have the authority to sanction any political party for inappropriate behavior. It received two inter- and intra-party complaints during the year and acted as a mediator to address the problems. The PPRC can use only moral persuasion to convince persons and parties to act according to agreed-upon guidelines, such as the parties' constitutions.

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.

Women have the right to vote, but husbands or other patriarchal figures are known to influence their decisions. Of the 124 parliamentarians, 16 were women. Women held one of the 20 cabinet positions. There were four female judges out of seven judges on the High Court, and the chief justice was a woman. Three out 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 persons who were born and continued to reside in the country. Persons of Lebanese descent may apply to be naturalized, and once naturalized are eligible to vote in all national and local elections. However, the government has not approved new naturalizations since 2002.

Ethnic affiliations traditionally have been a strong influence in political party membership for the country's 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 country's 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 and specifically to these concerns, his early December cabinet shake-up increased the number of ministers and from the Eastern and Southern provinces to 30 percent, up from the previous 20 percent. Ministers from the north now occupy 62 percent of the cabinet offices and 8 percent are held by ministers from the western peninsula. Meanwhile, in the run up to the 2012 presidential election, the SLPP began positioning

itself as a party that truly represented all of the country's ethnic, religious, and regional groupings. In early August the PPRC, in response to two newspaper editorials that were perceived to be fanning the flames of tribal enmity, issued warnings to the two major political parties, the APC and the SLPP, not to appeal to ethnicity.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government made some attempts to implement the law. Despite several well publicized cases of corruption in the executive, legislative, and judicial branches, officials sometimes engaged in corrupt practices with impunity. Police and prison staff regularly extorted or solicited bribes from detainees and prisoners. Low salaries and a lack of accountability exacerbated official corruption. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a severe problem.

The head of the Anticorruption Commission (ACC), Abdul Tejan-Cole, resigned in July. He was replaced by Joseph Fitzgerald Kamara, the former deputy prosecutor in the Special Court of Sierra Leone. The ACC made some progress in curbing corruption during the year and improving transparency by enforcing the new tougher penalties and implementing broader prosecutorial powers in anticorruption laws.

During the year the government implemented its five-year national action plan to combat corruption, and ministries began including anticorruption activities into their strategic plans. The ACC conducted sensitization campaigns with the public and government ministries, and enforced whistleblower protection measures.

Corrupt procurement practices were a problem, and several ministries were under investigation during the year.

For example, in March the former director of procurement for the Ministry of Defense, Joe Michael Sewoh, and Major Idriss Sonkoi Kamara of the RSLAF were convicted on abuse-of-office charges for seeking to influence bidding on Ministry of Defense supply orders. Each was sentenced to three years' imprisonment and a fine of 90 million leones (\$23,000).

In April former minister of fisheries and marine resources Haja Afsatu Kabba was indicted on seven counts of misappropriation of public funds and abuse of office. In October she was found guilty on five counts and ordered to pay 450 million leones (\$112,500) in restitution and fines in order to avoid a three-year prison sentence.

As of year's end the trial of former minister of health and sanitation Sheiku Tejan Koroma on charges of abuse of public office, abuse of public position, and failure to comply with government procurement laws and policies continued.

On October 26, the ACC indicted former commissioner general of the National Revenue Authority Alieu Sesay, his wife, and four private contractors on 57 counts of violation of the 2008 Anti-Corruption Act, abuse of office, and influence-peddling. He and his wife were arrested on October 27 and posted bail; the case continued at year's end.

During the year, the ACC recovered approximately 1.3 billion leones (\$325,000) from public officers and private business officials 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 custodial sentences. The ACC initiated 171 investigations during the year. Since 2008 the ACC has the authority to prosecute cases directly without first having to refer them to the Ministry of Justice and in practice prosecuted cases itself. Four prosecutions by the ACC were either concluded or still in progress by the end of the year.

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.

There is no provision in the law 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

A number of domestic and international human rights groups generally operated with few government restrictions, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

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

A variety of domestic and international human rights groups (including Amnesty International, Freedom House, and Human Rights Watch) generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The HRC-SL generally operated without government interference; however, government agencies were slow to support the commission. The organization was also hampered by lack of funds. In July the commission initiated the drafting of the country's national action plan for human rights in preparation for its Universal Periodic Review at the UN Human Rights Council scheduled for 2011. In March, HRC-SL published its annual report on the state of human rights in Sierra Leone in 2009, which it presented to the president and the Speaker of Parliament. Both the president and the parliament accepted and praised the report without reservations. In addition the commission initiated a working group with the UN Office of the High Commissioner for Human Rights and the international community to coordinate human rights activities in the country. HRC-SL continued its efforts at enforcement of the Child Rights Bill, and three gender bills. There was increased use of its system for reporting human rights violations.

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

Revolutionary United Front leaders Issa Sesay, Morris Kallon, and Augustine Gbao, whom the SCSL found guilty in 2009 of war crimes, crimes against humanity, and other serious violations of international humanitarian law, were incarcerated in Rwanda.

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 the victims of the conflict as recommended by the TRC. Efforts were underway to establish a trust fund for war victims. However, many NGOs continued to be disappointed by the slow or delayed implementation of some of the 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 and sensitize 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 the law otherwise prohibits discrimination based on race, tribe, sex, place of origin, political opinions, color, or creed. However, the government did not effectively enforce these provisions, and a number of legal acts and customary laws contravene these constitutional provisions.

Women

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 underreported and indictments were rare, especially in rural areas. A reluctance to pursue justice for women, combined with women's lack of income and economic independence, helped perpetuate violence and impunity against women. 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 as young as a few months old were documented. Rape victims, especially when pregnancy occurred, were encouraged to marry their attackers, although some NGOs reported that this practice appeared to be waning.

From January to August, the FSU recorded 723 cases of sexual assault. In these cases, 345 perpetrators were charged, while 291 were still under investigation. The remaining 87 cases were either withdrawn or dismissed as lacking merit. The International Rescue Committee (IRC) reported that at least 25 cases resulted in convictions, with perpetrators receiving sentences of between 18 months and seven years. 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. Rape 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 which were prohibitively expensive for most victims. The IRC 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 5 million leones (approximately \$1,250) and up to two years in prison. However, violent acts against women, especially wife-beating and rape, were common and often surrounded by a culture of silence. The 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 August, the FSUs noted that 1,477 women reported domestic violence. Of these cases 298 perpetrators were charged, and 663 were under investigation at year's end. The FSU does not maintain statistics on conviction rates, but NGO reports indicate 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 nonrape 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 nonrape violence.

Awareness of the law has resulted in an increase in reported cases in urban areas; however, most human rights organizations noted that domestic violence continued to be most prevalent and largely underreported in the northern provinces.

According to the United Nations Children's Fund (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.

FGM in the country is performed predominantly by women's secret societies. The UN and NGOs reported a decline in the practice, likely due to increased awareness and intervention; although many in secret societies, particularly "sowies," the women who perform genital cutting, continued to advocate for the practice. During the year the UN reported that 35-40 percent of women and girls in Sierra Leone had been subjected to FGM.

For more details on FGM, see Section 6, "Children."

No NGO or government agency identified sex tourism as a problem during the year. The country's tourist industry overall is still in a nascent stage. Inappropriate sexual conduct by temporary visitors, such as tourists or businessmen, appears to be opportunistic, and not the purpose of their visits to the country.

Sexual harassment in the workplace is not specifically prohibited by law, and it was widespread.

Women and men generally were free to decide responsibly the timing, number, and spacing of their children: 70 percent of women and couples who practiced family planning made independent decisions, while 30 percent reported that other influences and pressures, such as family and religion, were determinant factors in family-planning decisions. The Ministry of Health and Sanitation reported that between January and June there were 118,922 clients for family planning services, and long-term and permanent treatments, such as intrauterine devices (IUDs) and tubal ligation, increased in popularity. Statistics showed, however, that 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.

Approximately 44 percent of women gave birth in hospitals between January and June, while a further 51.5 percent gave birth at "peripheral health units," grassroots health posts located primarily in rural areas. Health professionals delivered 66 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 where few services were offered. Women also rarely had equal access to family finances, and male partners did not always see pre- and post-natal care as a priority.

During the year one in 32 women died in childbirth. In April the government launched an initiative to provide free health care for pregnant women, lactating mothers, and children under the age of five, which according to a midyear survey, was credited with increasing the number of live births and reducing the incidences of death in childbirth. Under the aegis of the Office of the First Lady, the government also launched the Women's Initiative for Safer Health, which works at the community level in other areas

of women's health, such as repairing obstetric fistula, sanitation, prevention of infectious diseases, and extending micro-credit to budding female entrepreneurs.

Women were diagnosed more frequently than men with sexually transmitted infections and 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. There was an active government campaign to test more women during the prenatal period.

The 2009 Registration of Customary Marriage and Divorce Act empowers either spouse 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 2007 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. One noticeable problem with the law was its definition of "property" as mutually owned land; since 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 wife thus had a right to it.

Early in the year, the Ministry of Social Welfare, Gender, and Children's Affairs began implementation 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). The ministry indicated its intention to work with local and international NGOs and other government ministries to implement the two acts mentioned above, as well as the 2007 Domestic Violence Act, collectively known colloquially as "the gender acts." 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 or could choose to ignore formal laws. 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. The 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, had a statutory right to own property in their own names. However, 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. In March the High Court overturned a ban on women's becoming a paramount chief in the Kissy Teng chiefdom in Kailahun District.

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 to 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 lacked 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

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.

The Office of the Chief Registrar in the Birth and Deaths Department, which falls under the purview of the Ministry of Health and Sanitation, reported that during the year 104,996 live births were registered. This represents a 3.3-percent increase over 2009. A total of 1,834 stillbirths (an increase of 15 percent over 2009) were registered. Birth registration was not universal due to inadequate staffing and resources. The Chief Registrar also noted that a lack of registration materials (e.g., paper forms) also hindered new registrations. However, lack of registration did not affect access to public services, nor did it result in statelessness.

Primary school education is tuition-free countrywide. However, 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.

Sexual violence against children was a growing problem; however, the government took few steps to address the issue. The FSUs 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 were seen to be improving their ability to prevent and respond to cases, the conviction numbers remained very low. From January to August, the FSU reported 66 cases of child abuse. Perpetrators in 11 cases were charged, and 29 cases are still under investigation, while the remaining cases were withdrawn or resolved through informal negotiation.

The 2007 Child Rights Act does not explicitly address FGM. However, the Ministry of Social Welfare, Gender, and Children's Affairs interprets de facto FGM 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. The Ministry continued to implement the Child Rights Act and the International Convention on the Rights of the Child, to which the country is a signatory, but there were no prosecutions for FGM during the year. Although police occasionally detained practitioners on accusations of forced mutilation or manslaughter, human rights workers reported that police remained hesitant to interfere in cultural practices. The UN agencies (including UNFPA, UNIFEM, UNICEF, and World Health Organization) continued to work with local NGOs such as the Amazonian Initiative Movement and the Advocacy Movement Network to tackle FGM. The UN and the Ministry of Health and Sanitation also conducted research on the link between FGM and obstetric

fistula in order to present a medical argument against the practice.

At the community level the UN and local NGOs worked with traditional leaders and local chiefs on a range of interventions, including sensitization meetings and efforts to persuade local chiefs to impose by-laws outlawing FGM for children. During the year traditional leaders in the southern district of Pujehun signed a memorandum of understanding with "sowies" (FGM practitioners) to increase the minimum age of initiations the "sowies" performed to 18 years. The UN also held workshops for local social workers and traditional leaders on prevention measures, as well as health care and psychosocial support for victims.

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.

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.

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 are 70 child welfare committees across the country, but they were not fully functioning. As of August the FSU reported 66 cases of child cruelty, of which nine had been charged in court. There were no convictions.

Child prostitution continued to be a growing problem. A UNICEF analysis of Freetown and Bo indicated that over half of the street children survived through prostitution. NGOs stated that there appears to be little political will to address the problem effectively. 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.

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

According to a UNICEF report in 2009, 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 minimum standards were shut down. Each facility provided at least one meal a day, some health care, and some type of education. The regulatory framework for licensing new orphanages had not been approved by the Law Office at year's end.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual *Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction* at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

No data exists on the size of the country's Jewish population, and no synagogues or other Jewish religious organizations were registered with the Inter-Religious Council (IRC). No acts of anti-Semitism were reported during the year.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report*.

Persons with Disabilities

The law does not prohibit discrimination against persons with physical and mental disabilities, and offers no specific protections for such persons. The law does not mandate accessibility of buildings or assistance to disabled persons. There was no government policy or program to assist persons with disabilities; public facility access and discrimination against persons with disabilities were not considered public policy priorities.

Although there was no formal discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, an April survey by a UK-based NGO found in practice persons with disabilities had less access to such services. In addition given the high rate of general unemployment, work opportunities for persons with disabilities were few, and begging by persons with disabilities was commonplace. Children with disabilities were also less likely to attend school than other children due to the lack of an official inclusive education policy.

There is considerable stigma associated with and discrimination against persons with mental health issues. The Sierra Leone Psychiatric Hospital in Kissy, the country's only in-patient psychiatric institution, had beds for 400 patients but housed only 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 550,000 citizens needed some form of psychiatric care due to post-traumatic stress disorder arising from the 1991-2002 civil war, depression due to socio-economic problems, and drug abuse. Men and women were housed in separate wards, and there was no mingling between the sexes. The hospital lacked adequate beds and mattresses which are easily destroyed by the patients and could not provide sufficient food to sustain them. Patient restraints were primitive due to lack of resources. The hospital did not have running water and only sporadic electricity due to lack of funds to buy fuel for the facility's generator. Basic medications were available, although the hospital suffered from a lack of a variety of drugs targeted at specific problems.

The Ministry of Health and Sanitation is responsible for providing free primary health care services to persons with polio and diabetic retinopathy as well as those who are blind or deaf. 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, who received aid through the demobilization process. In response to TRC's recommendations, the government accepted in principle the need to develop an aid program for war wounded, amputees, and victims of sexual violence; however, assistance to these groups remained limited and mostly funded by outside entities.

National/Racial/Ethnic Minorities

The ethnically diverse population consisted of about 18 ethnic groups of African origin, many of whom 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 were 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, who make up 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 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 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. In practice, however, no president has signed any naturalization certificates since the end of the civil war in 2002. (Lebanese law makes provisions for citizenship by blood, conferring citizenship on any person born in Sierra Leone to citizens of Lebanon upon application to the Lebanese embassy in Freetown. Thus, Lebanese born in Sierra Leone are not stateless.)

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 of non-"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, non-naturalized persons born in the country are, however, entitled to a Sierra Leonean passport, and many Lebanese Sierra Leoneans travel on one with no problems.

In August a businessman of Lebanese descent who was born and raised in the country charged the government with racism and threatened to go on a hunger strike until he was naturalized. In response the government agreed to study amendments to the 1991 constitution regarding citizenship rights, and the president expressed a general willingness to approve naturalization applications, but at the end of the year the government had taken no actions. 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 sexual orientation. A law from 1861 still in force prohibits male homosexual acts; 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 such an attempted assault. However, the law was not enforced in practice due to the secrecy surrounding homosexual conduct and the tendency for communities to discriminate against individuals rather than to enforce legal codes.

There were a few organizations working to support gay, bisexual, lesbian, and transgender persons. Because such individuals were not culturally accepted, particularly among men, the groups had to remain underground and hidden for fear of discrimination or violence against their members. Gay pride parades and other public displays of solidarity could not safely take place. There were unofficial reports of beatings by police and others, particularly targeting men dressed as women, but formal complaints

were not filed due to fear of reprisal. Lesbian girls and women were also victims of "planned rapes" that were initiated by family members in an effort to change their sexual orientation.

Social discrimination based on sexual orientation occurs in nearly every facet of life for known gays and lesbians, and many choose to have heterosexual relationships and family units to shield them. In the areas of employment and education, sexual orientation is the basis for abusive treatment, which has led individuals to leave their jobs or courses of study. It is difficult for gays and lesbians to receive the health services they need, due to fear that their confidentiality rights would be ignored if they were honest about their ailments; many choose not to be tested or treated for sexually transmitted infections. Secure housing is also a problem for gays, lesbians, bisexuals, and transgender persons. Gay children frequently are shunned by their families, leading some to turn to prostitution to survive. Adults can lose their leases if their sexual orientation becomes public.

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 facing their communities.

Section 7 Worker Rights

a. The Right of Association

The law allows workers, in both the public and private sectors to join unions of their choice without prior authorization or excessive requirements; however, it prohibits civil service employees, police, and members of the armed services from joining unions. The law allows unions to conduct their activities without interference, and the government generally protected this right; however, in some private industries employers were known to intimidate workers to prevent them from joining a union. By year's end the government had not granted a bargaining certificate to the Civil Servants' Union, whose application had been on file since 1986. According to the Ministry of Labor, approximately 35 to 40 percent of workers in the formal economy were unionized, including mainly agricultural workers, mineworkers, and health workers. 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 the strike is lawful. In March doctors and nurses staged a 10-day strike, and as a result, President Koroma agreed to significant salary increases.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and the government generally protected this right in practice. Collective bargaining must take place in trade group negotiating councils, each of which had an equal number of employer and worker representatives. 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. There was at least one case where an employer did not respect the terms of a collective bargaining agreement. In October electrical workers staged a protest at the National Power Authority for the authority's failure to implement an agreed-upon wage increase.

The law neither prohibits antiunion discrimination against union members nor employer interference in the establishment of unions. In March, King's Production Industry of Freetown, a soft-drinks manufacturer, laid off 29 workers. All of the laid-off workers were members of the Hotel, Food, Drinks, Entertainment, and Tobacco Union, which had begun to organize the plant in late 2009.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, including by children; however, the government did not effectively enforce the law, and the practice of forced labor occurred, particularly in diamond mining. Under the law, individual chiefs may impose forced labor as punishment and have done so in the past; however, there were no reported occurrences 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.

Also see the Department of State's annual *Trafficking in Persons Report*.

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor is widespread. Almost half of children aged 14-15 years were engaged in some form of child labor. The rate varied from 27 percent in urban areas to 57 percent in rural areas. The law limits child labor, allowing light work at age 13, full-time work at age 15, and hazardous work at age 18. The law states that children under 13 should not be employed in any capacity; however, enforcement was not effective.

Provided they have finished schooling, children aged 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. The law sets health and safety standards and requires school attendance through the age of 15, but the government did not enforce this. Many of the laws were not enforced because of lack of knowledge, societal perception of children's roles, and poverty.

In many cases children worked alongside parents or relatives and abandoned educational or vocational training. There were no reports that authorities conducted any child-labor inspections during the year.

In rural areas children worked seasonally on family subsistence farms. Children also routinely assisted in family businesses and worked as petty vendors. Adults engaged street children to sell, steal, and beg. Because the adult unemployment rate remained high, few children were involved in the industrial sector or elsewhere in the formal economy.

There were reports that foreign employers hired local children to work as domestic laborers outside the country at extremely low wages and in poor conditions. The Ministry of Social Welfare, Gender, and Children's Affairs was responsible for reviewing the issuance of passports to minors but did not do so effectively, and the prevalence of document fraud made effective government oversight difficult.

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. There also were reports that adults asked orphanages for children to be used as household help.

Many girls, particularly those displaced from their homes and with few resources, resorted to prostitution as a means of support.

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

hawking, diamond mining, granite quarrying, and prostitution. While the law prohibits forced and bonded labor by children, the government did not effectively enforce the law, and child labor remained a problem. Forced and child labor occurred in diamond mining.

The Ministry of Labor was responsible for enforcing child labor laws. 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; however, enforcement was not effective.

The Freetown City Council contributed nonfinancial support to programs that provided free schooling and services to at-risk youth.

Also see the Department of State's annual *Trafficking in Persons Report*.

e. 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, which did not provide a decent standard of living for a worker and family. The Ministry of Labor is responsible for enforcing the minimum wage, but it lacked the resources to do so effectively, and compliance was 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.

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 was responsible for setting and enforcing health and safety standards. Although the government set these standards, it did not provide the funding to enforce them properly. Trade unions provided the only protection for workers who filed complaints about working conditions. Initially a union could make a formal complaint about a hazardous working condition. If this complaint was rejected, the union could issue a 21-day strike notice. However, no such actions were reported during the year. Workers who removed themselves from dangerous work situations without making a formal complaint risked being fired.

The law protects both foreign and domestic workers; however, there were fewer protections for illegal foreign workers.
