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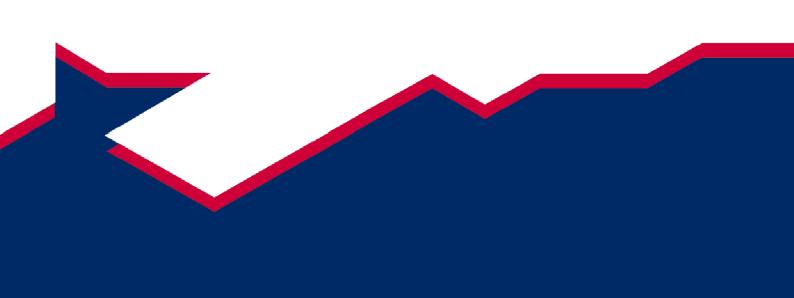


SIERRA LEONE

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

Date 23 November 2010



SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 11 November 2010. The report was issued on 23 November 2010.

- The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because

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they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

- ix COI Reports are published regularly on the top 20 asylum intake countries. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

Country of Origin Information Service

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Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at http://www.ociukba.homeoffice.gov.uk
- In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://www.ociukba.homeoffice.gov.uk/
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

NOVEMBER 2010 SIERRA LEONE

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Background Information

1. **GEOGRAPHY**

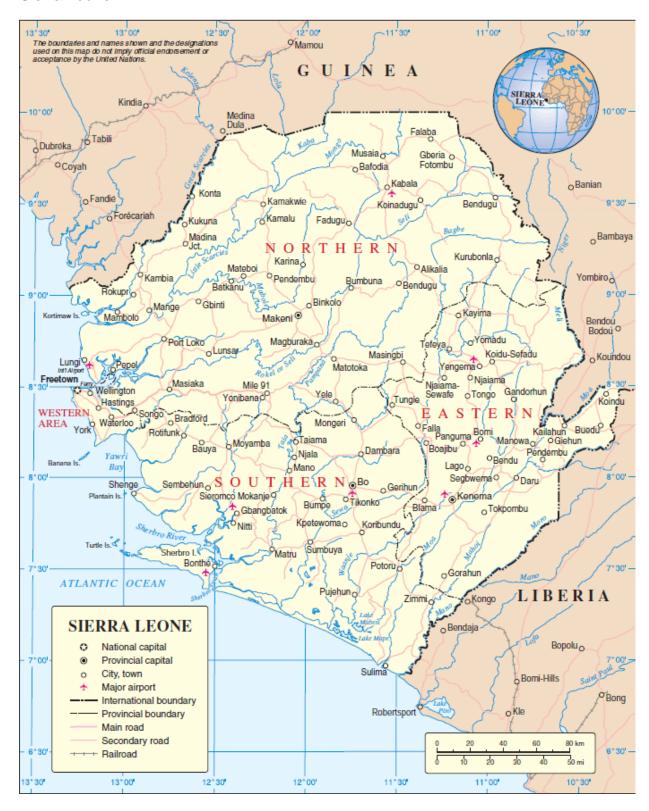
Europa World online, accessed 15 July 2010, noted that "The Republic of Sierra Leone lies on the west coast of Africa." [1a] (Location, Climate, Language, Religion, Flag, Capital) It is bordered by Guinea and Liberia and has a 400 km coastline on the North Atlantic Ocean. Sierra Leone covers an area of 72,325 sq km and has a population of 6.2m (UN estimate 2008); 1.2m people live in the capital, Freetown. (FCO Country Profile, 1 July 2010) [2a] Provincial capitals are Bo (Southern Province); Kenema (Eastern Province) and Makeni (Northern Province). (US Department of State (USSD), Background Note: Sierra Leone, 17 August 2010) [3a]

- The USSD Background Note: Sierra Leone, dated 17 August 2010, observed that there are 20 African ethnic groups including Temne 30%, Mende 30%, other 30% and Krio (Creole) 10%. There are also refugees from Liberia's civil war and small numbers of Europeans [around 2000], Indians [around 500], Pakistanis, and Lebanese [about 4000]. [3a] "English and Krio are national languages. Indigenous languages are widely spoken." (FCO Country Profile, 1 July 2010) [2a] An estimated 60% of the population are Muslim; Christians make up 30% and animist religions 10%. (USSD Background Note, 17 August 2010) [3a]
- 1.03 Europa World online, accessed 15 July 2010, noted that public holidays in 2011 will be:
 - "1 January (New Year's Day); 15 February* (Mouloud, Birth of the Prophet); 22–25 April (Easter); 27 April (Independence Day); 30 August* (Id al-Fitr, end of Ramadan); 6 November* (Id al-Adha, Feast of the Sacrifice); 25–26 December (Christmas and Boxing Day).
 - "* These holidays are dependent on the Islamic lunar calendar and may vary by one or two days from the dates given." [1b] (Public holidays)

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MAP

1.04 Sierra Leone:



Source: UN January 2004 http://www.un.org/Depts/Cartographic/map/profile/sierrale.pdf http://www.un.org/Depts/Cartographic/map/profile/sierrale.pdf

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2. ECONOMY

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2.01 The Central Intelligence Agency (CIA) World Factbook, updated on 5 October 2010, noted:

"Sierra Leone is an extremely poor nation with tremendous inequality in income distribution. While it possesses substantial mineral, agricultural, and fishery resources, its physical and social infrastructure is not well developed, and serious social disorders continue to hamper economic development. Nearly half of the working-age population engages in subsistence agriculture. Manufacturing consists mainly of the processing of raw materials and of light manufacturing for the domestic market. Alluvial diamond mining remains the major source of hard currency earnings accounting for nearly half of Sierra Leone's exports. The fate of the economy depends upon the maintenance of domestic peace and the continued receipt of substantial aid from abroad, which is essential to offset the severe trade imbalance and supplement government revenues. The IMF [International Monetary Fund] has completed a Poverty Reduction and Growth Facility program that helped stabilize economic growth and reduce inflation. A recent increase in political stability has led to a revival of economic activity such as the rehabilitation of bauxite and rutile mining." [5a]

- 2.02 The Fifth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, dated 17 September 2010, stated that during the period 1 March to 31 August 2010 "...the Government has accelerated initiatives to conclude a number of important mining agreements, through which Sierra Leone could become a major exporter of mineral resources." [22c] (p1)
- 2.03 The World Bank's Country Brief on Sierra Leone, updated April 2010, stated that:

"In 2009, the global economic and financial crises adversely affected the performance of the Sierra Leone economy and undermined the gains made in stabilizing it in recent years. The mining sector in particular was hard hit, resulting in a significant drop in mineral output and exports. Combined with the decline in remittance inflows, the availability of foreign exchange in the economy decreased. As a consequence, the exchange rate of the Leone to the international currency depreciated markedly towards the end of 2009, which in turn fueled inflationary pressure. These developments caused a slowdown in gross domestic product (GDP) growth to 4.0 percent in 2009, compared to the original projection of 5.5 percent." [6a]

- 2.04 The exchange rate on 11 November 2010 was 1.00 SLL (Sierra Leone Leone) to 0.00015 GBP (UK Pounds). (Oanda, accessed 11 November 2010) [8a]
- 2.05 The World Bank's Country Brief of April 2010 noted: "Poverty is heavily concentrated in the rural and other urban areas outside Freetown. Revised estimates suggest that 66 percent of the population lived below the poverty line in 2004. The proportion below the poverty line in Freetown in 2003/2004 was estimated at 22 percent, compared to 79 percent in the rural areas." [6a] The United Nations' (UN) *Joint Vision for Sierra Leone*, published in May 2009, stated: "It is estimated that about 70 % of Sierra Leoneans live below the poverty line of \$1.25 per day." [4c] (p5)
- 2.06 The World Bank's Country Brief of April 2010 noted that: "Underemployment still continues to be a problem. In 2006, three of every ten young men, age 20-24, were neither formally employed nor in school. The problem is especially acute in urban

areas." [6a] The UN's Joint Vision for Sierra Leone of May 2009, stated that Sierra Leone had the highest rate of youth unemployment in the world. [4c] (p34) Furthermore: "The marginalization of Sierra Leone's youth, and in particular its rural youth, was a key contributing factor to the civil war. That sense of marginalization among the youth has remained." [4c] (p2-3)

See also section on Youth unemployment

2.07 The Freedom House report *Countries at the Crossroads 2010: Sierra Leone*, published on 7 April 2010, observed that, leading up to the start of the civil war in 1991: "Decades of grievous official mismanagement of the country's economy and the subordination of government institutions led to a deeply corrupt system of rule." Furthermore, "Corruption continues to undermine the legitimacy of government policies." [9a]

For further information see the section on Corruption.

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3. HISTORY (1787 TO OCTOBER 2010)

The following provides a brief history of Sierra Leone. Further information can be found in the following sources:

US Department of State Background Note http://www.state.gov/r/pa/ei/bgn/5475.htm History World http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=ad45

From 1787 to 2006

- 3.01 Sierra Leone was founded by the British in 1787 when liberated slaves from Britain, Nova Scotia and the United States were settled there. (USSD Background Note: Sierra Leone, 17 August 2010) [3a]
- 3.02 The World Bank's Country Brief, updated April 2010, stated:

"Sierra Leone became independent of British colonial rule in 1961, under the regime of the Sierra Leone Peoples Party (SLPP) with Sir Milton Margai as Prime Minister. When Milton died in 1964, he was succeeded by his younger brother Sir Albert Margai.

"Following multi-party elections in 1967, the SLPP lost power in a narrow victory to the opposition All Peoples Congress (APC) party led by Siaka Stevens who became Prime Minister. In 1971, the country became a republic with Siaka Stevens as president for a five-year term. One-party rule was introduced in 1978, by Steven's APC regime and local government administration was abolished." [6a]

3.03 The US Department of State (USSD) Background Note: Sierra Leone of 17 August 2010, stated: "In August 1985, the APC named military commander Maj. Gen. [Major General] Joseph Saidu Momoh, Steven's own choice, as the party candidate. Momoh was elected President in a one-party referendum on October 1, 1985. In October 1991

Momoh had the constitution amended once again, re-establishing a multi-party system. Under Momoh, APC rule was increasingly marked by abuses of power." [3a]

The Freedom House report *Countries at the Crossroads 2010: Sierra Leone*, published 7 April 2010, noted that "a brutal eleven-year civil war" was fought from 1991 to 2002:

"The war began in 1991, when the Revolutionary United Front (RUF), a rebel group led by Foday Sankoh, launched a campaign to topple the corrupt military government of President Joseph Monmoh, gain control of the country's diamond industry, and ostensibly—redistribute diamond wealth. During its campaign to gain control of the country, the RUF employed brutal tactics including murder, physical mutilation, rape, and the recruitment and abduction of child soldiers. At the war's peak, the RUF controlled large swathes of territory and diamond fields in the countryside. Following a 1999 peace agreement [the Lomé Accord], the United Nations Mission in Sierra Leone (UNAMSIL) was established, but the RUF violated the agreement and chaos ensued, prompting Britain to deploy troops. The war finally came to an end when the government, with the aid of international actors, signed a second ceasefire agreement and a peace accord with the RUF in 2000 and 2001, respectively. In May 2002, President Ahmad Tejan Kabbah, who was initially elected in the 1996 return to civilian rule, again won the presidential elections. In July, the British withdrew from Sierra Leone, and in November UNAMSIL began a gradual withdrawal that was completed in January 2006, with a 'peacebuilding' operation [United Nations Integrated Office in Sierra Leone (UNIOSIL)] left behind." [9a] (p1-2)

3.05 UNIOSIL's mandate ended in 2008 and it was replaced by the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL). (US Department of State 2009 Human Rights Report: Sierra Leone, 11 March 2010) [36]

See section on **UNIPSIL** for further information on their current role in Sierra Leone.

3.06 The USSD Background Note of 17 August 2010, stated:

"In the summer of 2002, Sierra Leone's Truth and Reconciliation Commission (TRC) and the Special Court for Sierra Leone (SCSL) began operations. The Lomé Accord had called for the establishment of a TRC to provide a forum for both victims and perpetrators of human rights violations during the conflict to tell their stories and to facilitate genuine reconciliation. The Truth and Reconciliation Commission released its Final Report to the government in October 2004. In June 2005, the Government of Sierra Leone issued a White Paper on the Commission's final report which accepted some but not all of the Commission's recommendations. Members of civil society groups dismissed the government's response as too vague and continued to criticize the government for its failure to follow up on the report's recommendations." [3a]

See section on <u>Accountability for past abuses</u> for more information on the TRC and SCSL

PRESIDENTIAL AND PARLIAMENTARY ELECTIONS, AUGUST 2007

3.07 The USSD Background Note of 17 August 2010 stated that:

"On August 11, 2007, Sierra Leone held nationwide presidential and parliamentary elections for the first time since the departure of UN peacekeepers. In the parliamentary elections, the National Election Commission [NEC] reported the All People's Congress (APC) won a parliamentary majority taking 59 of 112 seats, while the ruling Sierra

Leone's People's Party (SLPP) took 43 seats. The People's Movement for Democratic Change (PMDC) won 10 seats in Parliament. In addition to their peaceful administration, the 2007 parliamentary elections were notable for the return to a constituency-based system, as called for in the 1991 constitution. In preparation for the elections, Sierra Leone redrew parliament's constituency boundaries for the first time since 1985.

"According to the NEC official results of the August 11 presidential election, APC presidential candidate Ernest Koroma won 44.3% of the total 1,839,208 votes cast, while former Vice President and SLPP presidential candidate, Solomon Berewa, finished with 38.9%. PMDC presidential candidate Charles Margai placed third receiving 13.9 of the vote. Because none of the candidates won the 55% of the vote needed to win in the first round, a run-off election was held on September 8, 2007. The two leading candidates, former Vice President Solomon Berewa of the SLPP and Ernest Bai Koroma of the APC contest the second round. On September 17, 2007, Sierra Leone's National Election Commission declared Ernest Bai Koroma the winner with 54.6% of the vote. President Koroma was sworn in later that day at the Sierra Leone Statehouse." [3a]

POLITICAL VIOLENCE IN 2009

3.08 The Freedom House report, *Freedom in the World 2010: Sierra Leone*, published on 24 June 2010, stated:

"Local council elections were held without incident in 2008, but violence between APC and SLPP supporters broke out ahead of a local by-election in Pujehun district in March 2009. The fighting, which spread to Freetown, caused serious injuries and damage to SLPP offices and city council buildings. It also included vehicle arson and alleged acts of sexual violence.

"The Political Parties Registration Commission and the UN Integrated Peacebuilding Office were quick to facilitate interparty dialogue, and in April the APC and SLPP issued a joint communiqué calling for an end to all acts of political intolerance, the tempering of hostility between the party youth wings, and the establishment of independent mechanisms to investigate the events of March. The communiqué also provided a framework for bipartisan consensus-building." [96]

See <u>Political Affiliation: Politically motivated violence</u> for further information on the outcome of the investigations into the violence in March 2009.

TRIALS AT THE SPECIAL COURT FOR SIERRA LEONE AND THE HAGUE

On 8 April 2009, the Special Court for Sierra Leone announced that three former leaders of the Revolutionary United Front (RUF) had received lengthy prison sentences for war crimes and crimes against humanity committed during the civil war. "In a sentencing judgment read out by Presiding Judge Pierre Boutet of Canada, former RUF Interim Leader Issa Hassan Sesay received a sentence of 52 years, while senior RUF commander Morris Kallon will serve a 40 year sentence. Augustine Gbao, also a senior RUF commander, will serve 25 years." [26b] The trial of former Liberian president Charles Taylor, who is accused of promoting the RUF insurgency, has been taking place in the Hague since 2007. (Freedom House, *Freedom in the World 2010: Sierra Leone*, 24 June 2010) [96]

See section on the <u>Special Court for Sierra Leone</u> for further information

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4. RECENT DEVELOPMENTS (JANUARY TO NOVEMBER 2010)

4.01 The Fifth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, dated 17 September 2010, noted that:

"By-elections for vacant parliamentary and local council seats were successfully conducted by the National Electoral Commission between March and June 2010. While most were held in a peaceful environment, a parliamentary by-election in Pujehun District was marked by tension and allegations that both SLPP and APC had resorted to the use of ex-combatants to intimidate the electorate. Also, the by-election results appeared to reinforce the perception of a deepening regional divide in Sierra Leone, with APC enjoying strong political support in the north and the west and SLPP in the south and the east. The results also indicate an apparent decline of PMDC, which has not won a[n] election since 2008." [22c] (p4)

For more information on political parties see Annex B

4.02 The same Secretary-General's report also advised that the Government had requested technical and financial assistance from the UN for the next elections to be held in 2012:

"In response to the Government's request, a joint United Nations Development Programme (UNDP) – Department of Political Affairs electoral needs assessment mission visited Sierra Leone in February [2010]. Following consultations with representatives of the National Electoral Commission, PPRC [Political Parties Registration Committee], key ministers, the police, civil society and other stakeholders, the mission recommended providing technical and financial assistance to the Government for the 2012 elections. It also observed that the potential for violence in the elections was high and that several mitigating measures would be required. Accordingly, UNIPSIL [UN Integrated Peacebuilding Office in Sierra Leone] has undertaken a conflict and risk mapping exercise, through which a number of interventions to mitigate those risks have been proposed." [22c] (p4)

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5. Constitution

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- 5.01 The constitution of Sierra Leone was adopted on 1 October 1991 and has been amended several times. (CIA World Factbook, 3 November 2010) [5a]
- The Freedom House report *Countries at the Crossroads 2010: Sierra Leone*, dated 7 April 2010, stated that the constitution guarantees freedom of expression and freedom of religious observance. Furthermore, "Along with regular multiparty elections, the 1991 Constitution Act provides for freedom of assembly, freedom of movement, freedom of conscience, and equal access for women to political and civil rights. Sierra Leone's 1991 constitution prohibits arbitrary detention and detention without trial." [9a]

5.03 The <u>constitution</u> of Sierra Leone is available on the Commonwealth Legal Information Institute website. [10a]

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6. POLITICAL SYSTEM

- The US Department of State Background Note: Sierra Leone (USSD Background Note), dated 17 August 2010, noted that Sierra Leone is a "Republic with a democratically elected president and unicameral parliament." [3a]
- 6.02 Europa World online, accessed 2 September 2010, stated that:

"Under the terms of the Constitution of 1991, executive power is vested in the President, who is directly elected by universal adult suffrage and must secure at least 25% of the votes cast in each of the four provinces. The President appoints the Cabinet (subject to approval by the legislature). The maximum duration of the President's tenure of office is limited to two five-year terms. Legislative power is vested in a unicameral Parliament, which is elected for a five-year term and comprises 112 members elected by a system of proportional representation, in 14 constituencies, and 12 Paramount Chiefs, who represent the provincial districts. Members of the Parliament are not permitted concurrently to hold office in the Cabinet.

"The country is divided into four regions: the Northern, Eastern and Southern Provinces, and the Western Area, which comprise 12 districts. There are 147 chiefdoms, each controlled by a Paramount Chief and a Council of Elders, known as the Tribal Authority." [1c] (Constitution and Government)

6.03 The President and Commander-in-Chief of the armed forces is Ernest Bai Koroma of the All People's Congress (APC) party, who was elected in 2007. (Europa World online, accessed 2 September 2010) [1d] (Head of State)

POLITICAL PARTIES

- 6.04 Europa World online, accessed on 20 September 2010, noted that: "A ban on political activity was rescinded in June 1995. Numerous political parties were officially granted registration, prior to elections in May 2002." [1e] (Political organizations)
- 6.05 The USSD's Background Note of 17 August 2010 noted that: "The Political Parties Registration Commission was formed in late 2005 to review registered parties to see whether they still met registration requirements. Most of the parties are inactive." The same source noted that the major political parties are the Sierra Leone People's Party (SLPP), the All People's Congress (APC) and the People's Movement for Democratic Change (PMDC). [3a]
- 6.06 Jane's Sentinel Security Assessment: Sierra Leone, updated on 28 July 2010, noted that:

"Through most of its independent history, Sierra Leone has been characterised by a two-party struggle between the Sierra Leone People's Party (SLPP) and the All People's Congress (APC), although between 1978 and 1991 the APC was officially the sole party

and under military rule (1992-1996) there was no party competition... A split in the SLPP in 2005 led to the formation of the People's Movement for Democratic Change (PMDC)." [5c] (Internal affairs)

6.07 The World Bank's Country Brief, updated April 2010, observed that:

"Since independence, the SLPP has ruled Sierra Leone for 16 years period spanning from 1961-1967 and from 1996-2007 which consists of about 33 percent of the country's 49 years post-independence time span. The APC has ruled for 28 years from 1967-1992 and from 2007-2010 consisting of about 57 percent of the post-independence period. Various military regimes ruled for 5 years, accounting for about 10 percent of the post-independence time. Civilian rule, which has always been either under APC or SLPP, accounts for about 90 percent of the country's post-independence time-span as at 2010." [6a]

6.08 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, noted that:

"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 included 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 minority groups had no strong political party affiliations. The new cabinet consisted of 11 Temnes, two Mendes, two Fullah, two Limbas, and three Krios." [3b] (Section 3)

See Annex B for more detailed information on political parties

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Human Rights

7. Introduction

7.01 The website of the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR), accessed on 2 September 2010, noted that:

"For nearly ten years, Sierra Leone was ravaged by a violent and brutal conflict characterized by massive violations of human rights. Through the intervention of the United Nations Assistance Mission in Sierra Leone (UNAMSIL), peace and stability were restored. However, an assessment conducted prior to the termination of the mandate of UNAMSIL revealed that the situation in the country was still fragile, that many of the root causes of the conflict have not been fully addressed, and that a number of human rights challenges continue to prevent the consolidation of peace." [13a]

- The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, noted that, in 2008: "...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." [3ь]
- 7.03 The UNIPSIL website, accessed on 9 September 2010, stated that Sierra Leone's "...commitment to human rights is reflected in the fact that it has acceded to almost all core international human rights treaties and is now working towards the effective implementation of these." [14a]
 - The <u>United Nations Treaty Collection</u> shows which human rights conventions and protocols have been adopted by Sierra Leone. [13b]
- 7.04 The Freedom House report *Countries at the Crossroads 2010: Sierra Leone* noted:
 - "Sierra Leone's government provides legal guarantees of a wide range of civil and political rights. The government's record in providing basic personal security and guaranteeing the predictable operation of state institutions has improved substantially since the end of a brutal eleven-year civil war (1991-2002). The primary problem remains the considerable gap between legal and administrative frameworks on paper and actual performance." [9a] (p1)
- 7.05 The USSD Report 2009 stated that:
 - "The government generally respected the human rights of its citizens. However, there were problems in a number of areas, including: security force abuse and use of excessive force with detainees, including juveniles; police theft and extortion; harsh conditions in prisons and jails; official impunity; arbitrary arrest and detention; prolonged detention, excessive bail, and insufficient legal representation; restrictions on freedom of speech and press; forcible dispersion of demonstrators; widespread official corruption; societal discrimination and violence against women; female genital mutilation (FGM); child abuse; trafficking in persons, including children; and child labor." [3b]
- 7.06 The Report of the United Nations High Commissioner for Human Rights dated 12 February 2010, commenting on the situation during 2009, concluded that:

"Significant progress has been noted in the protection and promotion of human rights, particularly in the area of national capacity-building. The Human Rights Commission has demonstrated the important role that it has to play, and made several important interventions, including issuing press statements to highlight ongoing violations and publishing the annual report on the state of human rights, which contained recommendations addressed to the Government of Sierra Leone on how to improve the promotion and protection of human rights. Civil society organizations are also active in raising pertinent human rights issues. The progress made in implementing the reparations programme for war victims is also significant. The ratification of the Convention on the Rights of Persons with Disabilities and the progress made in the area of treaty reporting are also positive developments. Nonetheless challenges remain.

"The nature of human rights violations in Sierra Leone is more structural than systematic. Prevailing socio-economic conditions, including poverty, unemployment and dependency on donor support, have severely affected the enjoyment of socioeconomic and cultural rights. Limited access to health, education and employment continues to be a serious challenge. There are also serious human rights issues associated with customary and traditional practices; impunity for the perpetrators of forceful initiation, including female genital mutilation, domestic and sexual violence, continues to be a serious concern. There are also human rights issues resulting from the weakness of the justice system. Prolonged pretrial detention, delayed justice and a chronic backlog of cases continues to frustrate the system. The slow pace of law reform and the lack of effective implementation of new laws, including the Child Rights Act and Domestic Violence Act, are also a concern. Lack of necessary resources for the Human Rights Commission and the delay in constitutional review process should also be noted." [4b] (p15-16)

See also section on <u>Human Rights Institutions</u>, <u>Organisations and Activists</u> for further information on the Human Rights Commission.

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8. SECURITY SITUATION

8.01 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published 11 March 2010, stated that:

"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 whole 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)." [36]

UNITED NATIONS INTEGRATED PEACEBUILDING OFFICE IN SIERRA LEONE (UNIPSIL)

The USSD Report 2009 reported that: "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. Civilian authorities generally maintained effective control of the security forces." [35]

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8.03 The UNIPSIL website, accessed on 16 September 2010, stated that UNIPSIL provides "...political advice to foster peace and political consolidation, offering support and training to the national police and security forces, and building the capacity democratic institutions in furtherance of good governance and the promotion and protection of human rights. On 15 September 2009, the Security Council, by its Resolution 1886 (2009), extended the mandate of UNIPSIL until 30 September 2010." [14b]

- 8.04 The Fifth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, dated 17 September 2010 observed that:
 - "Given the need for continued assistance to Sierra Leone in consolidating peace; providing support for the 2012 elections; creating conditions conducive to national reconciliation; advancing good governance reforms; combating corruption, drug trafficking and transnational organized crime; addressing youth unemployment; and mobilizing international donor support, in coordination with the Peacebuilding Commission, I recommend that the mandate of UNIPSIL be renewed for an additional one-year period." [22c] (p14)
- 8.05 On 29 September 2010, the UN Security Council extended UNIPSIL's mandate for a further year until 15 September 2011. At the same time, the UN Security Council ended an arms embargo and other sanctions imposed on Sierra Leone during the civil war. [22d]

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9. SECURITY FORCES

OVERVIEW

9.01 Jane's Sentinel Security Assessment: Sierra Leone, updated 30 July 2010, stated:

"Following the Lomé peace agreement of July 1999, the UN, UK and Sierra Leone's other international backers pledged their financial support to restructure and professionalise Sierra Leone's defence and security forces, providing basic training to all cadres. The most significant challenge was to integrate members of the Armed Forces of the Republic of Sierra Leone (AFRSL) with the Civil Defence Forces (CDF), Armed Forces Ruling Council (AFRC) and Revolutionary United Front (RUF) within a capable new military. Efforts towards this continued even as the ceasefire broke down in 2000 and the hard core of the RUF had to be forcibly disarmed." [15a] (Armed forces)

9.02 The United Nations' (UN) *Joint Vision for Sierra Leone*, published in May 2009, stated: "Despite the remarkable progress made by the Government during the last ten years, in part due to the assistance of key development partners, the security forces in Sierra Leone remain a potential source of instability and an important factor in the country's fragility." [4c] (p29)

POLICE

9.03 Jane's Sentinel Security Assessment: Sierra Leone, updated 30 July 2010, stated that: "...internal security is the responsibility of the restructured and enlarged Sierra Leone Police [SLP], although they can receive additional assistance from the RSLAF [Republic

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of Sierra Leone Armed Forces] in extraordinary circumstances, such as during local elections." [15a] (Armed forces)

9.04 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, stated that:

"The SLP has primary responsibility for maintaining internal order but was poorly equipped and lacked investigative, forensic, and riot control capabilities...

"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 [2009] and the introduction of community policing conducted by the Department for International Development, the Commonwealth, and the JSDP [Justice Sector Development Programme], the professional conduct of the police force improved. However, its efficacy continued to be hampered by limited financial resources." [3b] (Section 1d)

Corruption

9.05 The USSD Report 2009, published on 11 March 2010, stated that:

"There were fewer cases of police brutality during the year [2009], but police corruption was a serious problem, in part exacerbated by low salaries. There were continued reports that police officers took 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 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." [3b] (Section 1d)

9.06 The Freedom House report *Countries at the Crossroads 2010: Sierra Leone*, published 7 April 2010, noted that: "Police have a record of mistreatment of detainees and abuses related to solicitations of bribes and other forms of corruption, but impunity is much less the norm than in the past." [9a] (p13)

ARMED FORCES

9.07 Jane's Sentinel Security Assessment: Sierra Leone, updated 30 July 2010, noted:

"As the civil war ended, a force review was carried out under British Army guidance during 2001 with the aim of restructuring the armed forces under a unified command. President Ahmad Tejan Kabbah announced in January 2002 that the Sierra Leone Army (SLA) would be unified with the Sierra Leone Air Force and the Sierra Leone Navy to form a reconstituted force known as the Republic of Sierra Leone Armed Forces (RSLAF)...

"With the large UNAMSIL force withdrawal in December 2005, full responsibility for external security has been assumed by the RSLAF... Since 2003 the RSLAF has been reduced from about 13,500 personnel to just under 10,400 in mid-2008. The UK has offered further support as the force downsizes to a planned 8,500. Force funding is a

major burden on the government, even though spending per RSLAF member is very low." [15a] (Armed forces)

9.08 The Human Rights Watch *World Report 2010: Sierra Leone*, (HRW World Report 2010) published on 20 January 2010, covering events in 2009, noted that: "The restoration in 2009 of a court martial board within the RSLAF was an important step in ensuring discipline within the army." [11a]

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HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

- 9.09 The Freedom House report *Countries at the Crossroads 2010: Sierra Leone*, published 7 April 2010, noted that: "State agencies do not persecute political opponents or peaceful activists as a matter of formal or informal policy, though individual officials use the prerogatives of their office to pursue critics or rivals. This appears to be most prevalent in the context of local politics, especially in the form of violent 'youth protection squads." [9a] (p7)
- 9.10 The HRW World Report 2010 stated that:

"In September [2009] police used live ammunition to break up a demonstration about crime levels and police involvement in a spate of armed robberies, leaving three demonstrators dead and some 10 injured. Other deficiencies in police professionalism included persistent allegations of crime victims being required to pay for reports to be filed or investigations conducted, and alleged police involvement in extortion and other criminal acts. However, senior police leadership demonstrated an increased willingness to investigate, discipline, and dismiss officers engaging in unprofessional or corrupt practices." [11a]

Arbitrary arrest and detention

- 9.11 The USSD Report 2009 stated that: "The constitution and law prohibit arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily." [3b] (Section 1d)
- 9.12 The Freedom House report of 7 April 2010 noted that: "Protections against arbitrary arrest and access to legal counsel are rights that exist in law, but poor pay and working conditions for police and a dearth of legal professionals seriously inhibits state enforcement of these rights. Mechanisms for disciplining police exist, and from December 2007 to June 2008, 94 police were dismissed for misconduct." [9a] (p7)

Torture

9.13 The Freedom House report *Countries at the Crossroads 2010: Sierra Leone*, published on 7 April 2010, noted that Sierra Leone's constitution prohibits "any form of torture or any punishment or other form of treatment which is inhuman or degrading". Furthermore, "Torture is a punishable offense and state officials accused of torture have been charged in court, although the weak capacity of the judicial system...limits the consistency of this practice." [9a] (p7)

Extra-judicial killings

9.14 The Freedom House report of 7 April 2010 stated that "No serious allegations of extrajudicial killings of state opponents have appeared since 2000..." [9a] (p7)

9.15 The Report of the United Nations High Commissioner for Human Rights (UNHCHR) dated 12 February 2010 stated that:

"There were some instances of violations of the right to life by State authorities. For example, in September 2009, in Lungi, 3 people were shot dead and at least 13 others were injured as a result of the use of excessive force by the police, who opened fire on demonstrators attacking a police post. Monitors from the Human Rights Section observed that the police failed to take the necessary precautionary actions and give adequate warning before firing live bullets. The lack of adequate non-lethal equipment at the police station, namely tear gas, was also a reason for the police to resort to live bullets. Although the Government has carried out an investigation into the incident, no action has been initiated to date against the responsible police officers. In February, when secondary school pupils rioted at the national stadium during an inter-school sporting activity, police fired tear gas canisters into the area, injuring many children, some as young as 6 years old." [4b] (p4)

AVENUES OF COMPLAINT

9.16 The USSD Report 2009 noted that:

"According to the JSDP [Justice Sector Development Programme], impunity was less of a problem than in the past, and there were several mechanisms available to investigate police abuses. The Police Complaints Commission and the Complaints, Discipline and Internal Investigations Department (CDIID) heard more complaints against police officers during the year [2009] than in the previous year, largely due to greater public trust in the organization. There was also a Police Council composed of 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 junior police officer complaints. 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.

"Between January and July [2009] the CDIID received 1,281 complaints countrywide, resulting in at least 291 officers being dismissed, demoted, suspended, or officially warned. The other cases were 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 or officers fraudulently posing as landowners or businessmen to extort money." [3b] (Section 1d)

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10. MILITARY SERVICE

10.01 The Central Intelligence Agency (CIA) World Factbook, updated on 5 October 2010, stated that the minimum age for voluntary military service in Sierra Leone is 17 years 6 months. The age of entry could be younger with parental consent. There is no conscription and candidates must be HIV negative. [5a]

11. ABUSES BY NON-GOVERNMENT ARMED FORCES

11.01 Freedom House's report *Countries at the Crossroads 2010: Sierra Leone*, published on 7 April 2010, stated:

"The war began in 1991, when the Revolutionary United Front (RUF), a rebel group led by Foday Sankoh, launched a campaign to topple the corrupt military government of President Joseph Monmoh, gain control of the country's diamond industry, and—ostensibly—redistribute diamond wealth. During its campaign to gain control of the country, the RUF employed brutal tactics including murder, physical mutilation, rape, and the recruitment and abduction of child soldiers." [9a] (p1)

11.02 Jane's Sentinel Security Assessment: Sierra Leone, updated on 27 January 2010, observed that:

"There have been no organised non-state armed groups in Sierra Leone since the last remnants of the Revolutionary United Front (RUF), Civil Defence Forces (CDF) and Armed Forces Ruling Council (AFRC) surrendered to the UN Mission in Sierra Leone (UNAMSIL) during the demobilisation, disarmament and reintegration programme of 1999-2002. The RUF subsequently became a registered political party and renounced armed struggle. Re-integration was nominally completed in February 2004, providing training for 63,545 of 72,490 disarmed combatants." [15b]

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ACCOUNTABILITY FOR PAST ABUSES

The Special Court for Sierra Leone (SCSL)

- The Freedom House report *Freedom in the World 2010: Sierra Leone*, published on 24 June 2010, observed that: "The Special Court for Sierra Leone, a hybrid international and domestic war crimes tribunal, has been working since 2004 to convict those responsible for large-scale human rights abuses during the civil war...Former Liberian president Charles Taylor has been on trial at the court since 2007, accused of fostering the RUF insurgency." [9ь]
- 11.04 The Special Court for Sierra Leone's website, accessed on 29 September 2010, stated:

"The Special Court for Sierra Leone was set up jointly by the Government of Sierra Leone and the United Nations. It is mandated to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996...

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"The trials of three former leaders of the Armed Forces Revolutionary Council (AFRC), of two members of the Civil Defence Forces (CDF) and of three former leaders of the Revolutionary United Front (RUF) have been completed, including appeals." [26a]

- 11.05 The Human Rights Watch *World Report 2010: Sierra Leone*, published on 20 January 2010, covering events in 2009, reported on the convictions of the three former RUF leaders, Issa Hassan Sesay, Morris Kallon, and Augustine Gbao, noting that:
 - "The three were sentenced in April [2009] to a range of between 25 and 52 years each on charges of war crimes and crimes against humanity that included (for the first time in an international court) forced marriage and attacks against UN peacekeepers, as well as rape, murder, mutilation, enslavement, and recruitment of child soldiers. To date, eight individuals associated with the three main warring factions have been tried and convicted by the SCSL. All eight were transferred in late October to Rwanda to serve out their sentences in a section of a prison that meets international standards." [11a]
- 11.06 The Fourth Report of the Secretary-General on the UN Integrated Peacebuilding Office in Sierra Leone, dated 15 March 2010, reported that Charles Taylor's trial was continuing at The Hague. "The cross-examination of Mr. Taylor ended on 5 February 2010, and the next stage of the trial involves testimony from defence witnesses. Judgment in the case is scheduled for December 2010, and the Court's activities are expected to conclude in mid-2011." [22b] (p10)

Further information on the SCSL can be found on their website.

The Truth and Reconciliation Commission (TRC)

- 11.07 The US Institute for Peace's website, accessed on 29 September 2010, noted that the peace agreement between the Government of Sierra Leone and the Revolutionary United Front (RUF) called for the establishment of a Truth and Reconciliation Commission. The Commission operated from November 2002 to October 2004 and presented its final report to the UN Security Council on 27 October 2004. One of the report's conclusions was that:
 - "The leadership of the RUF, the AFRC, the Sierra Leone Army (SLA) and the Civil Defense Force (CDF) were responsible for human rights violations against civilians. The leaders of the National Patriotic Front of Liberia (NPFL) and the RUF, Charles Taylor and Foday Sankoh, played pivotal roles in the conflict. The RUF was responsible for the highest count of human rights violations in the conflict, followed by the AFRC, the SLA, and the CDF." [28a]
- 11.08 The Human Rights Watch *World Report 2010: Sierra Leone*, noted that: "A long-awaited reparations program to war victims, as recommended by the Truth and Reconciliation Commission, registered some 28,000 war victims and initiated programs to provide medical and financial assistance to victims. The program was funded by the UN Peacebuilding Fund." [11a]

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12. JUDICIARY

ORGANISATION

12.01 The United Nations' (UN) *Joint Vision for Sierra Leone*, published in May 2009, stated:

"Post-conflict Sierra Leone continues to be characterized by a dual system of justice, with approximately 70 percent of the population living under the jurisdiction of customary/traditional law which is practiced in the majority of the one hundred and forty-nine Chiefdoms across the country. Access to justice, particularly for the poor and vulnerable, remains weak. There is an underlying tension between the customary law and human rights which is particularly clear when considering the rights of women and children. There is great reliance on traditional dispute resolution methods, i.e. through the Paramount Chiefs, while the formal justice system is hardly utilized. This is often due to the distance of the justice system infrastructure from the population." [4c] (p17)

12.02 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, stated that:

"The judicial system consists of the Supreme Court, Court of Appeal, High Court of Justice, and magistrate courts in each of the 12 districts and the Western Area. There was also one juvenile court. The president appoints and parliament approves justices for the courts. 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." [3b] (Section 1e)

12.03 The USSD Report 2009 also noted that:

"Traditional justice systems supplemented the central government judiciary, especially in rural areas. Paramount chiefs maintained their own police and courts to enforce uncodified 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 [2009] due to government and NGO training of traditional elders and an influx of paralegals." [3b] (Section 1e)

12.04 The Freedom House report *Countries at the Crossroads 2010: Sierra Leone*, published on 7 April 2010, observed that:

"Common law predominates in urban areas, while the majority of the country's population is subject to customary law and a system of chiefdom courts that were inherited from the colonial judicial system. Adjudication under customary law is the task of court chairmen appointed by unelected local paramount chiefs, and customary law is not adequately codified. Lawyers are not allowed to appear before chiefdom courts. In practice there is scant opportunity for appeal, owing to the poverty of most rural people and the weak capacity of formal legal institutions." [9a] (p11-12)

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INDEPENDENCE

12.05 The USSD Report 2009 stated that: "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." [3b] (Section 1e)

12.06 The Freedom House report, *Freedom in the World 2010: Sierra Leone*, published on 24 June 2010 noted that: "The judiciary has demonstrated a degree of independence, and a number of trials have been free and fair. However, corruption, poor salaries, police unprofessionalism and a lack of resources threaten to impede judicial effectiveness." [9b]

FAIR TRIAL

- 12.07 The USSD Report 2009 stated that: "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." [3b] (Section 1e)
- 12.08 The Human Rights Watch *World Report 2010: Sierra Leone*, published on 20 January 2010, covering events in 2009, stated that: "Serious deficiencies in the judicial system persist, including extortion and bribe-taking by officials; insufficient numbers of judges, magistrates, and prosecuting attorneys; absenteeism by court personnel; and inadequate remuneration for judiciary personnel. In 2009 some 90 percent of prisoners lacked any legal representation." [11a]

See also section on Corruption

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13. ARREST AND DETENTION - LEGAL RIGHTS

This section should be read in conjunction with the sections on <u>Security forces</u>, <u>Arbitrary</u> <u>arrest and detention</u> and <u>Prison conditions</u>

- The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, stated that: "The law requires warrants for searches and arrests in many cases; however, arrest without warrant was common." [36] (Section 16) A report by Prison Watch Sierra Leone (PWSL), a human rights non-governmental organisation (NGO), entitled, 2008/2009 Prison Watch Report on Prisons and Detention Conditions in Sierra Leone, stated that: "Even though the grounds of deprivation of liberty through arrest and detention establishes clear grounds on which persons may be arrested without or with warrants, monitors discovered that almost all detainees interviewed both in police cell and prison claimed that they were arrested without warrant." [246] (p9)
- 13.02 The USSD Report 2009 noted that: "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." [3b] (Section 1b) The 2008/2009 PWSL report stated that

their monitors identified suspects who had been detained for more than three months, in contravention of the 72 hours and 10 days time limits. A police officer explained that this was due to infrequent visits by the magistrates or Justices of the Peace, who are required to sign the warrants. [24b] (p9)

13.03 The Report of the United Nations High Commissioner for Human Rights (UNHCHR) dated 12 February 2010, also commented on prolonged detention, observing that:

"Delays in justice, prolonged pretrial detention and cases of detention by police for periods longer than stipulated by law were common. Consequently, overcrowding in prisons and backlogs continued to pose a serious challenge, in terms of both physical conditions and the enjoyment of legal guarantees. For example, when human rights officers visited Kalaihun prison in October, they observed that four suspects who had been charged for various crimes would not be able to appear in court for three months owing to the absence of a magistrate." [4b] (p10)

LEGAL REPRESENTATION AND BAIL

13.04 The USSD Report 2009 stated that:

"Detainees have the right of access to family and legal representation; however, due to a lack of financial resources, only 5 to 10 percent of inmates had access to legal representation. Lawyers generally were allowed unrestricted access to detainees. Although the constitution provides for legal aid, fewer than 10 state counsels served the entire country, and they were only available for more serious criminal cases. 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, however, family members often paid bribes to facilitate visitation." [3b] (Section 1b)

- 13.05 The USSD Report 2009 also noted that "There were provisions for bail, and there was a functioning bail system; however, the bail regime was inconsistent and sometimes excessive." [3b] (Section 1b) UNHCHR's report of 12 February 2010, reported that: "In October [2009], the Supreme Court launched a set of bail policy guidelines for magistrates and judges to ensure uniformity in the bail system." [4b] (p10)
- 13.06 A summary of the new <u>bail policy guidelines</u> is available on the Centre for Accountability and the Rule of Law's website. [25a]

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14. Prison conditions

14.01 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, stated that:

"Prison conditions were harsh and sometimes life threatening. Overcrowding was a major problem. The Bureau of Prisons stated that as of October [2009] there were 2,317 prisoners in the country, including 112 women. The Pademba Road Prison, which was designed to house 324 prisoners, held 1,222 as of October, according to the Bureau of

Prisons. In some cases, cells measuring six feet by nine feet housed nine prisoners. According to UNIOSIL's [United Nations Integrated Office in Sierra Leone's] 2007 assessment of prisons, corporal punishment, solitary confinement, reduction in food rations, loss of visitor privileges, and loss of exercise privileges were routine disciplinary measures. In Kabala and Port Loko Prisons, UNIOSIL reported that officers in charge were present when guards beat inmates with canes and plastic water pipes. While such practices continued, NGOs [non governmental organisations] reported that, as in the previous year, training and monitoring resulted in a reduction in the number of such incidents...

"In most cases pretrial detainees were held with convicted prisoners. According to Prison Watch, only 200 of the 1,222 prisoners in Pademba Road Prison had been convicted." [3b] (Section 1c)

14.02 The Human Rights Watch *World Report 2010: Sierra Leone*, published on 20 January 2010, covering events in 2009, stated that: "A prison reform project somewhat reduced the chronic overcrowding in Sierra Leone's prisons. However, inadequate food, clothing, medicine, hygiene, and sanitation remained of serious concern...In October [2009] the government announced the reconstruction of a prison at Mafanta, planned to house several hundred inmates and help relieve the problem of overcrowding." [11a]

14.03 The USSD Report 2009 stated:

"Human rights observers reported that detention conditions frequently fell below minimum international standards because of overcrowding, lack of access to food, unhygienic conditions, and insufficient medical attention... Prison cells often lacked proper lighting, bedding, ventilation, and protection from mosquitoes.

"Few prisoners had access to adequate medical facilities, and clinics lacked supplies and medical personnel to provide services beyond the basics. Authorities allowed only emergency patients to visit the clinic outside of the assigned schedule. Women were treated as outpatients or were 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...

"During the year [2009] a total of 36 prisoner deaths occurred allegedly as a result of anemia [sic], respiratory tract infections, pneumonia, and heart failure." [3b] (Section 1c)

14.04 The Report of the United Nations High Commissioner for Human Rights (UNHCHR) dated 12 February 2010, observed that:

"There was considerable improvement in facilities in prisons all over the country as a result of the investments made through the Peacebuilding Fund. Mattresses and iron beds were provided in all prisons, and the perennial problem of water supply was also addressed in most of them. The Mafanta prison was refurbished to decongest the crowded Pademba Road prison. The detention facility of the Special Court for Sierra Leone was handed over to the Prison Department, to which the Department plans to transfer female prisoners. Training was provided for prison officers on a human rights approach to prison management. Nonetheless, challenges remained, such as a lack of vehicles to convey convicted prisoners to court, inadequate supplies of medicine and toiletries, and cases of prolonged detention. Similarly, some prisons remained extremely overcrowded, a factor that affected the quality of the services provided to prisoners." [46] (p10-11)

14.05 The USSD 2009 Report continued:

"Men and women were held in separate cells; however, 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 continued to be detained there with their mothers. These children were later released to family members once weaned. Five children were housed with adult prisoners at year's end, and the first lady was involved in improving the standard of care for them. 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 no shower facilities, no exercise area, and few rehabilitation programs." [3b] (Section 1c)

14.06 The <u>Prison Watch Sierra Leone website</u> includes further information on prison conditions, including their <u>2008/2009 Prison Watch Report</u> on prison and detention conditions in Sierra Leone. [24b]

See also Children's section: <u>Juvenile justice</u> for further information on prison conditions for children.

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15. DEATH PENALTY

- The Amnesty International report, *Death Sentences and Executions 2009*, published on 30 March 2010, listed Sierra Leone as "retentionist". That is, a country that retains the death penalty for ordinary crimes. [16b] (p29) Hands off Cain's Country Status on the Death Penalty (as of 30 June 2010), dated 15 July 2010, however, classified Sierra Leone as "De Facto Abolitionist" observing that the date of the last known execution was in 1998. [21a]
- The Report of the United Nations High Commissioner for Human Rights (UNHCHR) dated 12 February 2010 noted that: "The de facto moratorium on the death penalty, which has been in place for the past 10 years, was respected...The Truth and Reconciliation Commission recommended the removal of the death penalty from the statutes, and the Human Rights Commission and civil society organizations continued to advocate for the implementation of the recommendations of the Truth and Reconciliation Commission in this regard." [4b] (p4-5)
- 15.03 Amnesty International's *Report 2010: Sierra Leone*, published on 28 May 2010 and covering events in 2009, stated that, during the reporting period:
 - "No new death sentences were passed by ordinary courts. Nine men and three women Sia Beke, Mankaprie Kamara and Nallay Foday remained on death row. Five of the men had been on death row for six years.

"In October [2009], the conviction against Marie Sampa Kamara, who had been sentenced to death for murder, was overturned and she was released.

"In August [2009], a member of the military convicted after a court martial for a killing was sentenced to death by firing squad. Under martial law, the President must sign the death sentence; this had not happened by the end of the year.

"In October [2009], President Koroma called for the death penalty to be imposed for armed robbery. However, no further action was taken." [16a]

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16. POLITICAL AFFILIATION

This section should be read in conjunction with <u>Political system</u> and <u>Freedom of speech</u> and media

FREEDOM OF POLITICAL EXPRESSION

16.01 The Freedom House report, Countries at the Crossroads 2010: Sierra Leone, published on 7 April 2010, stated that "Sierra Leone's president and its unicameral parliament are chosen in direct elections that adhere to constitutional form." [9a] (p3) The same source also noted that:

"Citizens elect high state officials in regularly scheduled competitive multiparty elections. International observers pronounced national elections in 1996, 2002, and 2007, as well as local elections in 2008, as free and fair. Despite scattered acts of violence, polling in each case was considered to have been carried out without interference. The National Electoral Commission (NEC) receives praise as generally autonomous and judicious in reviewing complaints. In general, Sierra Leone's democratic transition has benefitted from a political culture that values debate and is tolerant of diverse opinions and backgrounds." [9a] (p3)

Chieftaincy elections

16.02 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010 and covering events in 2009, stated:

"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 paramount chief elections during the year. The election of paramount chiefs at times exacerbated ethnic tensions." [3b] (Section 3)

16.03 The Fourth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, dated 15 March 2010, reported that:

"During the reporting period, 37 paramount chieftaincy elections were held in the country. Those elections were significant, given the crucial role traditional authorities

play in local administration. The recently enacted Chieftaincy Act of 2009 provided an improved legal framework for the elections. Moreover, the participation of representatives of rural communities in the elections of their paramount chiefs underlined the continuing development of democratic tendencies at all levels in Sierra Leone.

"While the elections were peaceful and credible overall, election observers highlighted some difficulties in the process, including uneven interpretation or insufficient knowledge of the Chieftaincy Act; interference in the electoral processes by political parties or surrogates contrary to the applicable legislation; and the inability of women to stand as candidates in some parts of the country, owing to cultural stipulations and conflicting interpretations of the 1991 Constitution." [22b] (p1)

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FREEDOM OF ASSOCIATION AND ASSEMBLY

16.04 The USSD Report 2009 stated:

"The constitution and law provide for freedom of assembly, and the government generally respected this right in practice. As in the previous year [2008], there were no reports that the government monitored or prevented opposition meetings...

"The constitution and law provide for freedom of association, and the government generally respected this right in practice; however, there were some reports that the government under the ruling APC [All People's Congress] denied members of opposition parties the right to demonstrate publicly against government policies." [зь] (section 2b)

16.05 The Freedom House report of 7 April 2010, noted:

"The state has a strong record of adhering to constitutional provisions recognizing every person's right of association. The state respects citizens' rights to form and join trade unions, and unions are active within the small formal sector of the economy. The state effectively protects the rights of citizen organizations to mobilize and advocate for peaceful purposes. Citizens are not compelled to belong to any association. Some NGOs [non governmental organisations] complain about registration fees, but there is no evidence of systematic discrimination. Demonstrations in support of opposition candidates for the 2007 and 2008 elections were tolerated, and authorities have not banned demonstrations by groups critical of government policies, although protests occasionally result in violence and forcible dispersal by the police." [9a] (p9)

Politically motivated violence

16.06 Amnesty International's *Report 2010: Sierra Leone*, published on 28 May 2010 and covering events in 2009, reported that:

"Political violence erupted between APC and SLPP [Sierra Leone People's Party] supporters in three areas of the country in March [2009] in the run-up to local elections. In Pujehun in the south, violence between 9 and 12 March left several people seriously injured. In Freetown, violence between 13 and 16 March resulted in injuries and the looting of the SLPP headquarters; there were also allegations of rape and other sexual

assault of SLPP supporters. In Kenema between 13 and 14 March, violence and arson attacks targeted APC supporters.

"In April [2009], a Joint Communiqué Adherence Committee facilitated by the UN and the Political Parties Registration Commission was established and agreed by APC and SLPP representatives, which helped to defuse tensions. In July, the government appointed a Commission of Inquiry to investigate the reasons for the violence and the allegations of rape and other sexual assaults." [16a]

16.07 The Fourth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, dated 15 March 2010, reported that

"The Commission of Inquiry established pursuant to the joint communiqué completed its investigation of alleged acts of rape and sexual violence reported to have occurred during attacks on the SLPP offices in Freetown on 16 March 2009. The Commission stated that after a thorough consideration of the law governing rape and indecent assault and based on the testimonies received, there was no evidence to sustain the allegations of rape. The Commission nonetheless found that the victims had been subjected to physical mistreatment and other inhumane conduct that constituted a breach of their human rights under the Constitution. It called on the Government to take steps, as a matter of social justice, to address the needs of the victims. SLPP strongly criticized the findings of the Commission and threatened to initiate legal proceedings to challenge them.

"On 29 September [2009], President Koroma appointed an Independent Review Panel, as stipulated in the joint communiqué, to inquire into the causes of the political violence of March 2009. The Panel began its proceedings on 15 February 2010... The Panel has invited testimony from all political parties, the country's democratic institutions, the police and Government officials." [22b] (p2)

- 16.08 The same Secretary-General's report also observed that, despite the efforts to implement the joint communiqué, the relationship between the APC and the SLPP:
 - "...continues to be characterized by deep mistrust and mutual suspicion. In that regard, although there has been an improvement in the overall political situation, formidable difficulties remain in fostering a culture of political tolerance. In addition to instances of violence during the chieftaincy elections, there were fierce clashes between APC and SLPP supporters during a local council by-election held in Tongo, Kenema District, on 13 February 2010." [22b] (p3)

See Annex B: Political organisations for further information on the APC and SLPP.

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17. FREEDOM OF SPEECH AND MEDIA

17.01 The Freedom House report *Freedom in the World 2010: Sierra Leone*, published on 24 June 2010, stated that:

"Freedoms of speech and the press are constitutionally guaranteed, but at times these rights are restricted. Libel is a criminal offense punishable by imprisonment, and in

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November 2009 the Supreme Court upheld the libel portions of the 1965 Public Order Act, rejecting a bid by the Sierra Leone Association of Journalists to have them repealed. In July, Parliament passed legislation to transform the state-owned Sierra Leone Broadcasting Service into an independent national broadcaster. Numerous independent newspapers circulate freely, and there are dozens of public and private radio and television outlets. The government shut down radio stations operated by the APC [All People's Congress] and SLPP [Sierra Leone People's Party] following the March 2009 riots on the grounds that they contributed to the unrest. In July, the Independent Media Commission [IMC] withdrew their licenses and they remained closed at year's end." [9b]

17.02 Reporters without Borders' (RSF) *Press Freedom Index 2010*, published on 20 October 2010, placed Sierra Leone 91st out of the 178 countries ranked [43a], up from 115th place in the RSF 2009 rankings. [43b]

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NEWSPAPERS, RADIO AND TELEVISION

- 17.03 The United Nations' (UN) *Joint Vision for Sierra Leone*, published in May 2009, stated that the press enjoyed "a great degree of freedom". [4c] (p55)
- 17.04 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009) published on 11 March 2010 and covering events in 2009, stated:
 - "The IMC regulated independent media organizations and generally demonstrated independence from government influence. During the year the IMC considered multiple claims of libel or false reporting in various newspapers, but some members of the media opined that the IMC failed to exercise its authority effectively or enforce the law.
 - "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." [3b] (Section 2a)
- 17.05 The Freedom House report *Freedom of the Press 2010: Sierra Leone*, published on 8 October 2010 reported that: "The number of newspapers and radio stations in the country has grown significantly in recent years. Dozens of newspapers now publish, and over 45 government and private radio and television stations provide domestic news and political commentary. Self-censorship is much less common than in previous years." [9c]
- 17.06 The same Freedom House report also noted that, in May 2009, Section 32 of the 1965 Public Order Act (POA) was invoked against the publisher and editor of the Awareness Times newspaper, "...who was charged for 'publishing false statements against the president' in an article concerning an alleged extramarital affair. She initially went into hiding, but turned herself in later that month." [9c] The outcome of the case was unknown at the time of writing.
- 17.07 The Fifth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, dated 17 September 2010, advised that the Sierra Leone Broadcasting Corporation (SLBC) had been launched on 15 June 2010 as an independent national broadcaster. Furthermore, "UNIPSIL [United Nations Integrated

Peacebuilding Office in Sierra Leone] continues to work very closely with SLBC to ensure that it is established on solid foundations, which will enable it to fulfil its role as an independent, professional and credible public broadcaster that is capable of sustaining itself." [22c] (p6-7)

17.08 The BBC's <u>Sierra Leone Country Profile</u>, updated on 28 January 2010, included the names of newspapers, TV and radio stations operating in the country. [34b]

INTERNET

The Freedom House report *Freedom in the World 2010: Sierra Leone*, published on 24 June 2010, noted that "The government does not restrict internet access, though the medium is not widely used." [9b] Internet World Stats internet usage statistics for Sierra Leone, current at 30 June 2010, reflected that there were approximately 14,900 internet users, constituting 0.3% of the population. [35a]

JOURNALISTS

- 17.10 The United Nations' (UN) *Joint Vision for Sierra Leone*, published in May 2009, noted: "There are about 700 registered journalists, most of them organised in the Sierra Leonean Association of Journalists (SLAJ) and it's affiliated Reporter's Union and Association of Women Journalists." [4c] (p55)
- 17.11 The Freedom House report *Freedom of the Press 2010: Sierra Leone*, published on 8 October 2010, noted that:

"Despite improvements in the government's attitude toward the media and a significant decline in the number of attacks against journalists, some violent incidents were reported during 2009. In February, four female journalists from the SLBS [Sierra Leone Broadcasting Service] and Eastern Radio were kidnapped in Kanema for reporting on female genital mutilation. Their captors were apparently supporters of the practice. The journalists were forced to walk naked through the streets, but were released after a few hours.

"In May, Sitta Turay, editor in chief of the biweekly New People newspaper, was stabbed in his office by loyalists of the ruling party for allegedly defaming the president. He subsequently went into hiding until he was assured protection by the information minister." [9c]

17.12 The USSD Report 2009 noted that "Reporting was often politicized and inaccurate, in large part because of poor journalistic skills, insufficient resources, and the lack of professional ethics. Corruption among journalists was widespread." [3b] (Section 2a)

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18. Human rights institutions, organisations and activists

18.01 The website of the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL), accessed on 9 September 2010, stated that:

"To assist the Government in building national capacity for the protection and promotion of human rights is the main task of the Human Rights Section (HRS) of the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL). UNIPSIL seeks to build on the work of its predecessor missions and sets a focus on promoting a culture of human rights in order to ensure long-term peace and stability in Sierra Leone.

"As the UN has stressed the importance of strengthening the national human rights protection mechanism since it started its first peace operations in the country, HRS has been engaged in enhancing the country's capacity to monitor, protect and promote human rights and to enhance the implementation of justice and reconciliation. It also provides support in operationalising the National Human Rights Commission in Sierra Leone [HRCSL].

"The Section provides advisory services to ensure that Sierra Leone's laws, regulations, policies and programmes are in compliance with international human rights standards. HRS also monitors the response of the country in relation to the international standards on civil, political, economic, social and cultural rights." [14a]

18.02 The US Department of State 2009 Human Rights report: Sierra Leone (USSD Report 2009) noted that:

"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 National Forum for Human Rights (NFHR) served as an umbrella organization for human rights groups in the country. There were 41 human rights NGOs [non governmental organisations] registered with the NFHR, and all reportedly were active. Most domestic human rights NGOs focused on human rights education. A few NGOs, including the Campaign for Good Governance, LAWCLA [Lawyers Centre For Legal Assistance], and Access to Justice, monitored and reported on human rights abuses.

"Human rights monitors traveled freely throughout the country. Representatives of international and domestic NGOs, foreign diplomats, and UN human rights officers monitored trials and visited prisons and custodial facilities during the year.

"The National Human Rights Commission generally operated without government interference; however, government agencies were slow to support the commission, and it also was hampered by lack of funds." [3b] (Section 5)

HUMAN RIGHTS COMMISSION OF SIERRA LEONE (HRCSL)

18.03 The website of the Human Rights Commission of Sierra Leone (HRCSL), dated 2009 and accessed on 2 September 2010, noted that the HRCSL was an independent National Human Rights Institution, established by an Act of Parliament in 2004, "...to protect and promote human rights in Sierra Leone." [12a] The HRCSL's Strategic Plan (2009-2011), published in October 2008, noted that the commission only became truly operational in 2007; its mandate includes the power to "investigate or enquire into any allegation of human rights violations." [12b] The HRCSL's main office is based in Freetown and it has regional offices in Bo, Kenema and Makeni. (HRCSL website, accessed 23 September 2010) [12c] Each regional office "...is manned by only one staff member owing to a lack of adequate funding." (Report of the UN High Commissioner for Human Rights, 12 February 2010. [4b] (p14)

18.04 The Human Rights Watch *World Report 2010: Sierra Leone*, published on 20 January 2010, covering events in 2009, stated that:

"The National Human Rights Commission [HRCSL] struggled to carry out its mandate to investigate and report on human rights abuses due to a persistent lack of funds. During 2009 the government ensured that basic functions were covered, while funding from the UN and other partners lapsed, leaving the commission unable to fully implement its strategic plans and make fully operational its regional offices in Bo, Kenema, and Makeni. The commission generally operated without government interference." [11a]

18.05 The Fourth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, dated 15 March 2010, observed that:

"The National Human Rights Commission continued to further strengthen its outreach programme and its reporting on the human rights situation in the country...The Government has made a commitment to covering the operational costs of the Commission in 2010, including staff salaries. UNIPSIL has continued to mobilize international donor support to permit the implementation of the Commission's strategic plan.

"Notwithstanding those positive developments, there is still a deficit in the resources required for the implementation of the Commission's mandate." [22b] (p9)

The website of the <u>Humans Rights Commission of Sierra Leone</u> includes further information on the commission, its mandate and publications. [12a]

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19. CORRUPTION

- 19.01 Transparency International's 2010 Corruption Perception Index (CPI), published on 26 October 2010, ranked Sierra Leone 134th out of 178 countries, giving it a CPI score of 2.4. [76] This was up from 146th position in 2009. [7a] (The CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt).
- 19.02 The Freedom House report *Freedom in the World 2010: Sierra Leone*, published on 24 June 2010. stated that:

"Corruption is a major problem in Sierra Leone. However, after winning office on an antigraft platform in 2007, President Ernest Koroma required ministers to sign performance contracts and all public officials, including himself, to declare their assets within three months of taking office. Almost 17,000 civil servants have declared their assets to the Anti-Corruption Commission (ACC). The government pledged in April 2009 that ministerial performance contracts would be publicly disclosed. Also during 2009, an ACC prosecution unit was established, and by October it had already secured 15 convictions. The Minister of Health was dismissed and charged with corruption in November [2009], and the Head of the National Revenue Authority was suspended in December pending the outcome of investigations by the ACC. The ACC has called for

the creation of a fast-track anticorruption court, and it engaged with Parliament in drafting a code of conduct for lawmakers that was ongoing at year's end." [9ь]

- 19.03 The Human Rights Watch *World Report 2010: Sierra Leone*, published on 20 January 2010, also commented on corruption, stating that "President Koroma and the Anti-Corruption Commission (ACC) continued to take meaningful steps to address the scourge of corruption that has for decades posed a major obstacle to development." [11a]
- 19.04 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, noted that:

"The law provides criminal penalties for official corruption, and the government attempted to implement the law effectively. Corruption in the executive, legislative, and judicial branches was widespread, and officials sometimes engaged in corrupt practices with impunity. 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 Anticorruption Commission (ACC) made some progress in curbing corruption during the year [2009] and in improving transparency by enforcing the new offenses, tougher penalties, and broader prosecutorial powers of the law." [3b] (Section 4)

- 19.05 The Amnesty International *Report 2010: Sierra Leone*, published on 28 May 2010, and covering events in 2009, concurred, stating that during the year, the ACC had "...made significant progress." [16a] The *Third report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone*, dated 1 September 2009, also noted that: "The Anti-Corruption Commission continued to make progress in tackling corruption... President Koroma has assured the Commission of the commitment of the Government to fight against corruption." [22a] (p9)
- 19.06 The Fifth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, dated 17 September 2010, advised that "Since the passing of the Anti-Corruption Act in 2008, the number of cases investigated by the Commission increased from 86 in 2008 to 122 in 2009 and to 117 in the first seven months of 2010. Moreover, five cases were prosecuted in 2008, nine in 2009 and four in the first seven months of 2010." [22c] (p11)

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20. Freedom of religion

- 20.01 The Freedom House report Freedom in the World 2010: Sierra Leone, published on 24 June 2010, stated that "Freedom of religion is protected by the constitution and respected in practice." [вы] The US Department of State's 2009 Report on International Religious Freedom: Sierra Leone (USSD IRF Report 2009), published on 26 October 2009 noted that, in addition to the constitution, other laws and policies also contributed to the generally free practice of religion and "The law at all levels protects this right in full against abuse, either by governmental or private actors." [34]
- 20.02 The USSD IRF Report 2009 also stated that:

"The Government observes the following religious holidays as national holidays: the Birth of the Prophet Muhammad, Good Friday, Easter Monday, Eid al-Fitr, Eid al-Adha, and Christmas.

"The Government has no requirements for recognizing, registering, or regulating religious groups.

"The Government permits religious instruction in all schools. Students may choose whether to attend the religious knowledge classes that the schools offer." [34]

20.03 The United Nations' (UN) *Joint Vision for Sierra Leone*, published in May 2009, stated:

"Sierra Leone is a very religious country with the largest part of the population belonging to one or the other of the many various Muslim and Christian sects and denominations. Surprisingly, this high diversity has not led to inter-religious tensions. In fact, Sierra Leone is known for its religious tolerance, a tolerance that is far greater than its political tolerance. During the civil war, all religious communities had been voices of moderation and had tried to reduce its impact on the civilian population." [4c] (p54)

- The Report of the United Nations High Commissioner for Human Rights (UNHCHR), dated 12 February 2010, noted that "In April [2009], a church in Kambia district was destroyed, allegedly by a group of Muslims who claimed that their mosque had been demolished in order to build the church." [46] (p5) The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, reported that "...a subsequent government investigation revealed that the cause of the incident was community-based secular strife, rather than religious intolerance." [36] (Section 2b)
- The UNHCHR report of 12 February 2010 further noted that "In December [2009], a church in Allen Town, Freetown, was attacked and vandalized, allegedly by members of a nearby mosque claiming that the church used loud megaphones that regularly disrupted their services at the mosque." [4b] (p5)

RELIGIOUS DEMOGRAPHY

20.06 The USSD IRF Report 2009, published on 26 October 2009, stated that:

"The country has an area of 29,925 square miles and a population of 6.4 million. The Inter-Religious Council (IRC) estimates that 60 percent of the population is Muslim, 20 to 30 percent Christian, and 5 to 10 percent practitioners of indigenous and other religious beliefs, mostly animist. There are small numbers of Baha'is, Hindus, and Jews.

"Evangelicals are a growing minority in the Christian community. Many citizens practice a mixture of Islam or Christianity with traditional indigenous religious beliefs.

"Historically, most Muslims have been concentrated in the northern areas of the country, and Christians in the south; however, the 11-year civil war, which officially ended in 2002, resulted in movement between regions by large segments of the population." [34]

21. ETHNIC GROUPS

21.01 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, stated that:

"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, armed forces, and business. Complaints of ethnic discrimination in government appointments, contract assignment, and military promotions were common with the former SLPP [Sierra Leone People's Party] and current APC [All People's Congress] ruling parties.

"Residents of non-African descent faced institutionalized political restrictions. Legal requirements for naturalization, such as continuous residence in the country for 15 years, or the past 12 months and 15 of the previous 20 years, effectively denied citizenship to many locally born residents, most notably members of the Lebanese community." [3b] (Section 4)

21.02 The Freedom House report *Countries at the Crossroads 2010: Sierra Leone*, published on 7 April 2010, noted that:

"State policy does not discriminate against the ethnic, cultural, and linguistic rights of minorities. Most minorities do not suffer systematic discrimination with regard to the enforcement of their rights and enjoy full equality before the law, albeit within the serious limits of state capacity to provide it. An exception concerns the treatment of ethnic Lebanese residents, including those who are from families resident in the country for generations. The Sierra Leone Citizenship Act of 1973 limits citizenship to persons of 'Negro African descent.' This vulnerability enables individual officials to threaten to reverse the naturalization of residents of Lebanese descent and subject them to deportation in the course of personal disputes. Popular discourse often ascribes ethnic biases to particular political parties, although electoral data indicate that there is significant flexibility in regional and ethnic voting patterns." [9a] (p8)

21.03 Further information on ethnic groups can be found on the website of the <u>Joshua Project</u>, a ministry of the U.S. Centre for World Mission. [29a]

22. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

22.01 The International Lesbian, Gay, Bisexual, Trans and Intersex Association's (ILGA) report, *State Sponsored Homophobia*, dated May 2010, stated that same sex activity between males is illegal; same sex activity between females is legal. Section 61 of the Offences against the Person Act 1861, "...criminalises buggery and bestiality, with a penalty of life imprisonment." [19a] (p18)

22.02 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, stated that:

"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 attempts of the crime. However, the law was not enforced in practice due to the secrecy surrounding homosexual conduct and the tendency for communities to handle the issue through discrimination rather than enforcement." [36] (Section 6)

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TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

22.03 The USSD Report 2009 noted that:

"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...

"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, both for young and mature gays, lesbians, bisexuals, and transgender persons... Adults can lose their leases if their sexual orientation becomes public." [36] (Section 6)

SOCIETAL TREATMENT AND ATTITUDES

22.04 The USSD Report 2009 stated that:

"There are only a few organizations working to support gay, bisexual, lesbian, and transgender persons. Because such individuals were not culturally accepted, particularly among men, the groups must 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... 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... Gay children frequently are shunned by their families, leading some to turn to prostitution to survive." [3b] (Section 6)

22.05 An article by the Fund for Global Human Rights, dated October 2007, noted that "...Sierra Leone's lesbians, gay men, bisexual and transgender (LGBT) people are very much at risk, facing violence, harassment, and discrimination, with police often refusing to investigate crimes against LGBT people." [40a] The same source observed that the Dignity Association, which was founded in 2002, "...works to end discrimination by the government, police, medical system and schools." Furthermore,

"The group also provides psychological and medical support to a fearful and underground LGBT (lesbian, gay, bisexual, transgender) community.

"Working in Sierra Leone's deeply conservative and traditional society, Dignity faces constant set-backs and barriers. In late 2004, the organization suffered a huge loss when its founder and director, Fanny Ann Eddy, was raped and murdered in the organization's offices. Activists suspect her murder was because of her visible activism on the rights of LGBT individuals in Sierra Leone. Her brutal murder sent an immediate chill through Sierra Leone's LGBT community. In addition, the willingness of these activists to raise unpopular issues makes them a target of official and social hostility, which sometimes threatens to shut them down...

"In Sierra Leone, the government and society prefer to deny the existence of lesbians and gay men. One consequence of this denial is that LGBT people don't have access to life saving information on and health care for HIV/AIDS and other sexually transmitted infections (STIs)." [40a]

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23. DISABILITY

23.01 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, stated that:

"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.

"There was no outright discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. However, 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." [3b] (Section 6)

23.02 A press release dated 23 March 2010 by Leonard Cheshire Disability (LCD), announcing the publication of a study conducted by the organisation in June and July 2009 reported that: "The study, called Disability Review Sierra Leone 2009... reveals

very concerning levels of abuse, discrimination and lack of access to essential services like health, education and welfare for disabled people." [23a]

23.03 The <u>Leonard Cheshire Disability Review included</u> the full results of the survey and also noted that: "...the Government of Sierra Leone has recently signed and ratified the United Nations Convention on the Rights of Persons with Disabilities. It is also in the process of drafting a National Disability Act." [23b]

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24. WOMEN

OVERVIEW

- 24.01 Sierra Leone has signed and ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). (UN Treaty Collection, accessed on 5 October 2010) [4d]
- 24.02 However, the United Nations' (UN) *Joint Vision for Sierra Leone*, published in May 2009, observed that: "In Sierra Leone, women and girls continue to face extensive discrimination in the political, economic, social, cultural and civic domains." [4c] (p5) The report continued:

"The unequal status and marginalization of women and girls in Sierra Leone has been exacerbated and solidified by the eleven year civil conflict, in which rape and sexual violence were used as weapons of war. The post-conflict period continues to marginalize the importance of including women as equal participants in social, political and economic life as a way of consolidating peace and advancing sustainable development for all.

"Women, and especially rural women, have a low status in Sierra Leone's highly patriarchal society. Women are poorly educated and suffer from high illiteracy rates of up to 80% among rural women. As a consequence, women lack access to economic opportunities and suffer from food insecurity. The few women engaged in politics cannot get party sponsorship or support and there is only 13.7% female parliamentary representation, far below the 50% target of the African Union. Women swell the ranks of the unemployed and unemployable, and particularly those who have been traumatised by GBV [gender based violence] and Female Genital Cutting (FGC) [Also known as Female Genital Mutilation (FGM)]. A staggering 94% of women in Sierra Leone aged 15-49 have undergone FGC, while 62% of women in the same group were married before the age of 18." [4c] (p32)

24.03 The Freedom House report, *Countries at the Crossroads 2010: Sierra Leone*, published on 7 April 2010, noted that:

"Sierra Leone is a party to the African Charter on Human and People's Rights, which guarantees 'elimination of every discrimination against women.' The national constitution (Section III, 19(1)) incorporates this right. Although women have constitutional rights to access to education, health care, and economic opportunities, in practice scarce resources and social customs limit women's enjoyment of these rights. Some existing statutes reinforce gender discrimination, including those in customary

and family law that are exempt (Section I, 27(4)) from the aforementioned constitutional guarantee. Many local courts cite custom to limit the rights of women regarding family law and inheritance. This exemption extends to the widespread practice of female genital mutilation." [9a] (p8)

- Freedom House's later report *Freedom in the World 2010: Sierra Leone*, published on 24 June 2010, noted that "Despite these laws and constitutionally guaranteed equality, gender discrimination remains widespread." [96]
- 24.05 The Social Institutions and Gender Index (SIGI) 2009 rankings placed Sierra Leone at 100 out of 102 countries. [36a]

LEGAL RIGHTS

24.06 The Freedom House report *Countries at the Crossroads 2010: Sierra Leone*, published on 7 April 2010, stated that: "The three Gender Acts of 2007 strengthen and codify women's rights in marriage and divorce law and rights to inheritance. The laws also provide a framework for the establishment of Family Support Units in police stations to deal with domestic violence and other violence against women. Some units have begun to operate and evidence suggests that reporting rates for domestic violence have increased." [9a] (p8)

See section on Assistance available for more information on Family Support Units

24.07 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, stated that:

"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 for 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 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." [36] (Section 6)

POLITICAL RIGHTS

24.08 The Fifth report of the Secretary-General on the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) dated 17 September 2010, stated that:

"Efforts to enhance the political participation of women in Sierra Leone culminated in the organization of meetings by the women's wings of APC [All People's Congress], SLPP [Sierra Leone People's Party] and PMDC [People's Movement for Democratic Change] to develop gender policies and action plans. SLPP has already adopted such a policy, while the other two parties are finalizing theirs with support from UNIPSIL and the Political Parties Registration Commission, and assistance from the Peacebuilding Fund. The meetings provide a forum for discussions on the attainment of a 30 per cent quota

for women in elective office and those holding leadership positions in political parties and senior Government posts." [22c] (p2-3)

24.09 The Freedom House report *Countries at the Crossroads 2010: Sierra Leone*, published on 7 April 2010, noted that: "Seventeen percent of the more than 1,300 candidates who stood in the 2008 local council and mayoral elections were women, while the 2007 parliamentary elections sent 16 women to the 124-member Parliament, a decrease of 2 from the previous legislature." [9a] (p8)

SOCIAL AND ECONOMIC RIGHTS

24.10 The USSD Report 2009 noted that:

"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, 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, the government cut the ministry's budget despite increasing its responsibilities. Most international and domestic NGOs [non governmental organisations] 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." [3b] (Section 6)

24.11 Information on the Social Institutions and Gender Index (SIGI) website, accessed 14 October 2010, stated that:

"Sierra Leone grants its female citizens certain civil liberties; for example, women do not require their husband's consent to obtain a passport. In general, there are no reported legal restrictions to women's freedom of movement or freedom of dress. It is important to note, however, that women's civil liberties were jeopardised severely during the war: large numbers of girls were kidnapped and forcibly held to serve as sexual slaves for the soldiers." [366]

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Marriage

24.12 The undated Sierra Leone country profile on the Social Institutions and Gender Index (SIGI) website, accessed on 19 October 2010, stated that:

"Despite the egalitarian Constitution of Sierra Leone, the Family Code is highly discriminatory to women. Under the law on Christian marriage, a father's authorisation is required when the person marrying is under 21 years of age; in the father's absence the mother can give authorisation. The consent of both parties is required for marriages conducted under customary law, but no minimum age is specified. The incidence of early marriage is extremely high in Sierra Leone: a 2004 United Nations report

estimated that 47 per cent of girls between 15 and 19 years of age were married, divorced or widowed...

"The Constitution of Sierra Leone does not specify which parent is the head of the family, but custom generally grants this position to men. In principle, parental authority is shared by both parents, but tradition dictates that children belong to their father." [366]

- 24.13 The USSD Report 2009 stated "A woman is frequently perceived to be the property of her husband, to be inherited on his death with his other property." [3b] (Section 6)
- 24.14 The SIGI country profile noted that: "Polygamy is prohibited under Sierra Leone's Penal Code and is punishable by eight years in prison, but it is authorised in customary marriages." [366] The USSD Report 2009 stated: "In rural areas polygyny [polygamy] was widespread; UNICEF estimated in 2007 that 43 percent of women were involved in polygynous unions." [36] (Section 6)

Property and inheritance

24.15 The SIGI profile, accessed on 19 October 2010, stated that:

"Women's inheritance rights depend on their ethnic group and the relevant traditional law. Some tribes grant women the right to inherit property. Other tribal systems consider the wife to be a possession of the deceased husband; thus, she becomes part of the inheritance. Widows are not entitled to inherit the land belonging to their household. Sierra Leone's civil legislative system is also discriminatory. When a wife dies, her husband obtains all joint property; by contrast, if a husband dies, his wife can obtain only a portion of the couple's property." [36b]

The USSD Report 2009 observed that: "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." [3b] (Section 6)

Maternal health

- 24.17 The United Nations' (UN) *Joint Vision for Sierra Leone*, published in May 2009, noted that "Women are disadvantaged by high birth rates and also suffer the highest maternal mortality rate in the world, at 1,300 deaths per 100,000 births. In addition, more women than men are infected with HIV and AIDS." [4c] (p32)
- 24.18 On 28 April 2010 Amnesty International (AI) reported that Sierra Leone had launched its policy of "free healthcare for pregnant women, new mothers, and for children under the age of five." The same source also noted that: "This historic decision marks an important step in removing one of the main barriers women and children face in accessing quality health care. In Sierra Leone one in eight women risks dying during pregnancy or childbirth. This is one of the highest maternal death rates in the world. Regularly women and girls are unable to access lifesaving treatment because the fees are so high." [16c]
- 24.19 Although free health care has now been introduced for pregnant women, new mothers and children under 5, the 2009 Amnesty International report <u>Out of Reach: the cost of maternal health care in Sierra Leone</u> also includes information on other challenges in providing maternal health care in the country. [16d]

See also Medical issues

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VIOLENCE AGAINST WOMEN

Female Genital Mutilation is covered in the section Violence against children: <u>Female Genital Mutilation (FGM)</u> and should be read in conjunction with this section.

24.20 The Fifth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, published on 17 September 2010, observed that: "A number of challenges in the promotion and protection of gender rights in Sierra Leone remain, including combating sexual and gender-based violence. These challenges are compounded by a lack of capacity in State institutions, high levels of illiteracy, especially in rural communities, and certain cultural practices." [22c] (p10)

Domestic violence

24.21 The USSD Report 2009 stated that:

"Domestic violence against women, especially wife beating and rape, was common and often surrounded by a culture of silence. The police were unlikely to intervene in domestic disputes except in cases involving injury or death. The SLP used mediation as their primary tool for handling domestic violence, although the law provides for up to two years' imprisonment and a fine up to five million leones (\$1,272), or both... Awareness of the law has resulted in an increase in reported cases in urban areas; however, most human rights organizations note that domestic violence continues to be most prevalent and largely underreported in the northern provinces." [3b] (Section 6)

The Report of the United Nations High Commissioner for Human Rights dated 12 February 2010, noted that "Only one case of domestic violence has been prosecuted under the Domestic Violence Act 2007. Lack of access of women to the police, the exorbitant fees charged by medical officers and out of court settlements were some of the causes of the low prosecution rate." [4b] (p8)

Rape

- 24.23 An Integrated Regional Information Networks (IRIN) report dated 22 June 2010 stated: "Rape was rampant during the 1991-2002 civil war and has continued in peacetime. In 2007 the government passed legislation that made violent or sexual abuse of women including within marriage a criminal act, but law enforcement and social services organizations struggle to implement the law." [30a]
- 24.24 The USSD Report 2009 noted that:

"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. This reluctance to pursue justice for women, combined with a lack of women's income and economic independence, helped perpetuate a cycle of violence and a culture of impunity for violence against women. Since the establishment of the Family Support Units (FSUs) and the passage of the Gender Acts in 2007, however, reports of rapes, especially involving child victims,

steadily increased. Rapes of children as young as a few months old were documented. An NGO providing services to rape victims reported that 6 to 7 percent of the cases seen involved victims under age five. Rape victims, especially when pregnancy occurred, were encouraged to marry their attackers, although some NGOs reported that this practice appeared to be waning...

"Rape cases frequently were settled out of court or did not make it to trial because of inefficiencies 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 [Justice Sector Development Programme] noted an increase in adolescent boys as perpetrators." [3b] (Section 6)

24.25 Amnesty International's *Report 2010: Sierra Leone*, published on 28 May 2010, covering events in 2009, reported that: "There were allegations that women were raped and otherwise sexually assaulted during the March [2009] political violence. The Commission of Inquiry set up in July concluded that sexual violence did take place but that rape did not. No action was taken against those alleged to have perpetrated sexual violence. Civil society and women's rights groups contested the findings of the inquiry." [16a]

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Assistance available

24.26 The USSD Report 2009 observed that:

"Medical and psychological services for rape victims were limited. Rape victims were required to obtain a medical report to file charges, and for 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 [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. During the year [2009] the Rainbo Centers worked with 1,235 sexual assault clients, the vast majority of whom were 11-15 years old, with almost all under 20 years of age. Approximately 7 percent of the victims were between one and five years old, with the youngest client only one year old at the time of the incident." [3b] (Section 6)

Family Support Units (FSUs)

- 24.27 The Freedom House report, *Countries at the Crossroads 2010: Sierra Leone*, published on 7 April 2010, noted that Family Support Units had been established in police stations "... to deal with domestic violence and other violence against women. Some units have begun to operate and evidence suggests that reporting rates for domestic violence have increased." [9a] (p8)
- 24.28 The USSD Report 2009 reported that: "During the year [2009] the FSUs noted that 2,738 women reported domestic violence. In these cases, 360 perpetrators were charged, and 1,434 were under investigation at year's end. The FSU does not maintain

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statistics on conviction rates, but NGO reports indicate few perpetrators were convicted due to poorly trained prosecutors and out-of-court settlements." [3b] (Section 6)

- The USSD Report 2009 observed that: "During the year [2009] the FSU recorded 1,186 cases of sexual assault. In these cases, 437 perpetrators were charged, while 555 were still under investigation. The International Rescue Committee (IRC) reported that at least 25 cases resulted in convictions, with perpetrators receiving sentences between 18 months and seven years." [3b] (Section 6)
- An IRIN report on rape in Sierra Leone dated 22 June 2010, however, stated that: "Statistics from the family support unit (FSU) of the police, recently released in the capital, Freetown, did not list a single conviction in any of the 927 cases of sexual abuse reported to police in 2009. Pressure exerted on women appeared to be the main cause for the lack of prosecutions." [30a]
- 24.31 The Fifth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, dated 17 September 2010, commended the commitment of President Koroma's government to the promoting of women and girls' rights but observed that "...resources will be required to strengthen Family Support Unit offices located in police stations around the country, and related State institutions to enable them to adequately address sexual and gender-based violence." [22c] (p13)

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25. CHILDREN

OVERVIEW

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25.01 Save the Children's 2009/2010 report, What we do in Sierra Leone, stated:

"The civil war that ended in 2002 has left a dreadful legacy. Sierra Leone is officially the worst place in the world for a child to be born. One in four children die before their fifth birthday. One in three children under five are moderately or severely underweight. More women die in childbirth than in any other country. And life expectancy is just 42.

"Of the country's 5.7 million population, more than half are children and young people under 18. Many children have to work to help their families earn enough to get by. They miss out on education – one in three primary-aged children don't go school. Even though enrolment rates are increasing, many children – often girls – end up dropping out." [17a]

- The United Nations Children's Fund's (UNICEF) report *The State of the World's Children: Celebrating 20 years of the Convention on the Rights of the Child*, published in November 2009, observed that "During the past two decades, Sierra Leone has faced obstacles in promoting and protecting the rights of its children. Conflict, poverty, gender inequities and discriminatory cultural practices combine to undermine child rights." [20a] (p29)
- 25.03 The same UNICEF report also noted that:
 - "Sierra Leone ratified the Convention on the Rights of the Child in June 1990 and its two Optional Protocols in September 2001 (on the Sale of Children, Child Prostitution and

Child Pornography) and May 2002 (on the Involvement of Children in Armed Conflict). These commitments were subsequently enshrined in national legislation through the 2007 Child Rights Act – which supersedes all other national laws and is considered compatible with the Convention and the African Charter on the Rights and Welfare of the Child...

"The Child Rights Act forms the basis of a stronger framework for protecting child rights. However, the road to its implementation is long." [20a] (p29)

The UN Committee on the Rights of the Child (CRC) considered Sierra Leone's second periodic report to the UN in June 2008. The <u>CRC's concluding observations</u> were published in a report dated 20 June 2008. [33c]

Basic legal information

- 25.05 The voting age in Sierra Leone is 18. (Child Soldiers Global Report 2008: Sierra Leone) [37a] The Child Rights Act increased the minimum age of criminal responsibility from 10 to 14 years of age. (UNCRC Concluding observations: Sierra Leone, 20 June 2008) [33c] (p18)
- The report of the UN Committee on the Rights of the Child (UNCRC) on the sale of children, child prostitution and child pornography, dated 1 October 2010, noted that the enactment of the 2007 Child Rights Act set the minimum age of marriage at 18. [33b] (p1) The USSD Report 2009 noted that "The law prohibits marriage of girls under the age of 18, including forced marriage. Despite the new legislation, forced child marriage continued to be a problem." [3b] (Section 6) UNICEF estimated that 62% of girls married before the age of 18, and 27% before age 15. (The State of the World's Children, November 2009) [20a]
- 25.07 The USSD Report 2009 stated that:

"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.

"Children aged 15 may be apprenticed (provided they have finished schooling) and employed full-time in nonhazardous work. The law also proscribes work by any children 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." [3b] (Section 7d)

LEGAL RIGHTS

- 25.08 The UNCRC's report on the sale of children, child prostitution and child pornography, dated 1 October 2010, noted that Sierra Leone had taken the following measures since its ratification of the Optional Protocol in May 2002:
 - "(a) The enactment of the Child Rights Act in 2007 which, *inter alia*, sets the minimum age of marriage at 18 years and criminalizes exploitative labour, the engagement of children in hazardous work as well as torture and other cruel and inhuman or degrading treatment or punishment;

"(b) The adoption of the Anti-Human Trafficking Act in 2005, which criminalizes, inter alia, the illicit transfer of children, child labour, the removal of child organs for ritual and other purposes, and trafficking; and

- "(c) The creation, in November 2004, of a Trafficking in Persons (TIP) Task Force, a multi-agency body with representation from civil society organizations whose role is to coordinate measures to address trafficking." [33ь]
- 25.09 The UNCRC's report also noted the ratification of:
 - "(a) The Optional Protocol on the involvement of children in armed conflict on 15 May 2002; and
 - "(b) The African Charter on the Rights and Welfare of the Child, on 13 May 2002." [33b]
- 25.10 In the same report, the UNCRC expressed concern that Sierra Leone had "...yet to achieve full harmonization between its domestic laws and the provisions of the Optional Protocol." [33b]
 - The <u>UNCRC report</u> may be accessed directly for further information. [33b]
- 25.11 The USSD Report 2009 noted that "Citizenship is derived by birth to Sierra Leonean parents and restricted to persons of 'patrilineal Negro-African descent.' Children not meeting the criteria must be registered in their parents' countries of origin. Birth registration was not universal; however, lack of registration did not impact access to public services." [3b] (Section 6)

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Juvenile justice

- 25.12 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published on 11 March 2010, stated that:
 - "Although authorities made an effort to prevent detaining juveniles with adults, minors regularly were imprisoned with adult offenders. Police sometimes released juveniles suspected of committing crimes to avoid incarcerating them with adults. At the same time, when questioned by 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, education, or vocational training, and sometimes were unable to attend court hearings due to lack of transportation. The 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 youth was a problem, and small riots occurred in some facilities. Juveniles housed with adults and then moved to age-appropriate facilities were often instigators of violence, as the Justice Sector Development Program (JSDP) noted." [3b] (Section 1c)
- 25.13 Prison Watch's March 2010 Newsletter reported that:
 - "...hundreds of Sierra Leonean children continue to be caught in Adult Formal Justice System. They are arrested and detained by police and consequently sentenced by Magistrates/Judges and Justices of Peace (JPs) to Juvenile Homes and Adult Prisons.

"These children continue to languish in various in various [sic] jails, prisons and police stations and Juvenile Homes, where they are exposed to:

- i Malnutrition.
- ii. Poor medication.
- iii. Little concept of Education
- iv. Without legal representation.

"In Sierra Leone, there are two types of Juvenile detention centers. The Remand Home and the Approve School:

"Remand Home: This is a temporary and transitional detention center where juveniles in conflict with the law who are awaiting trail are sent.

"Approve School: As the [name] suggests, it is a reformatory school for juveniles in conflict with the law who are handed court sentences." [24a]

The June 2008 report of the UN Committee on the Rights of the Child (UNCRC) observed that Sierra Leone "...does not provide legal aid for children within the justice system and that there is only one juvenile court in the country." The UNCRC also expressed concern that: "...the country's Remand Homes and Approved School are understaffed and ill-equipped, with little or no security, poor learning facilities, little recreation and limited food supplies. The Committee also notes with concern that children suspected of crimes are either incarcerated with adult offenders in deplorable conditions or sent to overcrowded facilities in Freetown." [33c] (p19)

See also Prison Conditions

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VIOLENCE AGAINST CHILDREN

- The USSD Report 2009 stated that: "It is illegal to subject anybody 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; however, the law does not explicitly address FGM [Female Genital Mutilation]." [3b] (Section6)
- A 2010 report by Plan International on violence against children in schools found that: "In a study conducted by students in Sierra Leone, 59 per cent of girls had been sexually abused... Because of the shame and fear of recrimination felt by girls who have been raped, sexual violence often goes unreported. In Sierra Leone, studies show that girls are abused in exchange for grades or school fees." [44a] (p7) On 27 October 2010, Radio France Internationale (RFI) reported Plan International's West Africa Deputy Director as saying that, although Sierra Leone has valid laws in place to protect schoolchildren, they are unaware of where to go for help. Furthermore, "...those who sexually violate schoolgirls are sometimes those to whom they should be able to report incidents teachers and headmasters." [45a]

Female Genital Mutilation (FGM) and secret societies

25.17 An August 2007 Writenet report by Dr Richard Fanthorpe, commissioned by UNHCR's Status Determination and Protection Information Section (DIPS) provides detailed

background information on the influence of secret societies in Sierra Leone and the practice of Female Genital Mutilation (FGM). [38a]

25.18 Dr Fanthorpe's report stated that FGM is a central element of the rites of passage into adulthood controlled by "secret societies". The report also explained that:

"Secret societies are ancient cultural institutions in the Upper Guinea Coast of West Africa and their primary purpose is to regulate sexual identity and social conduct. The women's society, known as Sande in the south and Bondo in the north and Freetown, is general to Sierra Leone. There are several leading men's societies (Poro, Wunde, Gbangbani, etc).

"The secret societies remain a key, albeit unspoken, element in political relations between town and countryside in Sierra Leone...

"FGM is practised by all ethno-linguistic groups in Sierra Leone except the Christian Krio population of the Western Area. It is a central element in rites of passage into adulthood, yet exposes women to serious medical risks...

"Anti-FGM campaigning has been on the increase in Sierra Leone since the cessation of the recent civil war, especially in urban areas. This campaign reflects changing social attitudes and family organization and has gained support from international agencies engaged in post-war reconstruction. However, the secret societies, and the practice of FGM, remain bound up with political ideas about African identity and sovereignty and continue to enjoy support from both the present government and many members of the national elite." [38a] (pii)

- 25.19 UNICEF's November 2009 State of the World's Children report noted that "More than 90 per cent of women aged 15-49 are estimated to have undergone FGM/C [Female Genital Mutilation/Cutting]." [20a] (p29)
- 25.20 The USSD Report 2009 stated that:

"No law specifically prohibits FGM, and it was practiced widely. However, NGOs reported a decline in the practice, 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 young age made it cheaper for parents.

"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 FSUs [Family Support Units] successfully rescued several girls in Bo and Kenema who were about to be forcibly mutilated." [3b] (Section6)

25.21 The Report of the United Nations High Commissioner for Human Rights, dated 12 February 2010, observed that:

"Female genital mutilation and forceful initiation into secret societies continues to be a concern. In January, in Bo district, a 25-year-old woman was tortured and forcefully initiated by a gang of women for allegedly insulting a Bondo society member. Initially, the family support unit in Bo was reluctant to commence investigation into the matter, but following the subsequent intervention of a higher level police authority, four people were arrested." [4b] (p8)

25.22 Amnesty International's *Report 2010: Sierra Leone*, published on 28 May 2010, noted that: "Using the Child Rights Act (2007), NGOs [Non Governmental Organisations] made some gains in their campaign to stop the practice of FGM among girls below the age of 18. Some traditional leaders imposed by-laws in their communities outlawing the practice of FGM for children." [16a]

25.23 On 24 September 2010, the Patriotic Vanguard reported that:

"Katanya Women's Development Association (KAWDA) one of the leading advocates against Female Genital Mutilation in Sierra Leone has intensified its campaign against the age-old practice despite stiff resistance from traditionalists...

"Ann-Marie Caulker, the Executive Director of KAWDA says, 'We are not against people in the Bondo Secret Society which practices FGM, but it is the crude way it is done and the resultant effects that are of concern to us.'

"She says many children have lost their lives during FGM ceremonies. The age-old practice has been part of Sierra Leonean culture since the pre-colonial era. However, not everything is bad about the society. Some women are taught positive things during the initiation ceremony...

"But the FGM practice which has led to harmful effects, has over the past decades aroused concern both locally and across the international scene. Some of the harmful effects that have been observed to result from the practice are: pregnancy-related complications as a result of injuries sustained during the process, contracting HIV/AIDS, chronic infection and in extreme cases deaths, which in many instances are not reported to the police. The practice is common in all the regions of Sierra Leone; even in the capital, Freetown." [39a]

25.24 The same article continued:

"A new law has been enacted in Sierra Leone making it unlawful for a girl below eighteen years to be initiated. In other words, she has to reach the age in which she can freely make a choice of her own; whether to be initiated or not. But Anti-FGM campaigners say even at eighteen, girls face the risk of dying especially with the crude method of mutilation. They pointed out that in many rural areas there are no medical facilities and the blades used are most times rusty and contagious...

"Campaigners, including KAWDA, say successive governments have been reticent over the issue because of political reasons. Either they fear resistance from the members or because of massive support for the society they are a force to reckon with in the political dispensation of the country." [39a]

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CHILDCARE AND PROTECTION

25.25 Save the Children's 2009/10 report *What we do in Sierra Leone*, observed that:

"The social and economic breakdown caused by the war has left many children vulnerable to exploitation. These include children without parental care, orphans, those in foster care and living with extended families, children with disabilities, and children from very poor families. Young girls are particularly vulnerable to sexual exploitation and

abuse through early marriage, female genital mutilation and prostitution, which for many is the only way to earn a living." [17a]

The USSD Report 2009 stated that: "There are 70 child welfare committees across the country, but they were not fully functioning. As of October the FSU [Family Support Unit] reported 136 cases of child cruelty, of which nine had been charged in court. There were no convictions." [3b] (Section 6) The UNCRC's report of 1 October 2010 on the sale of children, child prostitution and child pornography, welcomed:

"...the National Referral Protocol for child victims of sexual and gender-based violence, the creation of several Family Support Units attached to police stations and the conclusion of a memorandum of understanding on child victim and witness protection matters between the Sierra Leone Police and the Ministry of Social Welfare, Gender and Children Affairs. It is, however, concerned that Family Support Units are available in only a few police stations, that there is a shortage of social workers and other critical staff in the Units and that formal arrangements for the protection of child victims and witnesses are inadequate, including arrangements to ensure confidentiality throughout the course of the proceedings." [33b]

25.27 The USSD Report 2009 noted that:

"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.

"The number and plight of street children were problems. Many were forced to engage in prostitution, in addition to petty trading and other economic activities to survive and were vulnerable to trafficking and other exploitive practices.

"According to UNICEF there were 54 residential homes for 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." [3b] (Section 6)

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Birth registration

- The UNCRC's report on the sale of children, child prostitution and child pornography, dated 1 October 2010, noted: "...the ongoing nationwide birth registration programme and the designation of primary healthcare facilities as alternative birth registration centres." The UNCRC, however, expressed concern that: "...the majority of children in Sierra Leone are not registered at birth due to lack of information and a poor understanding of the importance of birth registration, the lack of registration facilities in remote and rural areas and the prohibitive costs involved. The Committee emphasises that birth registration is a vital tool for the identification of children as such which, in turn, promotes their more effective protection." [33b] (p6)
- 25.29 The USSD Report 2009 noted that "Birth registration was not universal; however, lack of registration did not impact access to public services." [3b] (Section 6)

CHILD SOLDIERS

25.30 During the civil war, child soldiers were recruited by both government and rebel forces. (UNICEF, State of the World's Children: Celebrating 20 years of the Convention on the Rights of the Child, November 2009) [20a]

25.31 The concluding observations of the UNCRC's report on the involvement of children in armed conflict dated 1 October 2010, noted that "...both the Republic of Sierra Leone Recruitment Act (2006) and the Child Rights Act (2007) prohibit the voluntary and compulsory recruitment of children into the State party's armed forces." The Committee expressed concern, however, "... that the State party's legislation does not criminalize the use of children in hostilities or the recruitment of children and their use in hostilities by armed groups who are not part of the State party's military." [33a] (p5)

The <u>UNCRC report</u> also includes further information on the involvement of children in armed conflict in Sierra Leone. [33a]

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EDUCATION

- 25.32 Save the Children's 2009/10 report *What we do in Sierra Leone*, stated that: "In 2002 the government introduced free primary education, so enrolment figures are generally quite high and almost as many girls as boys are enrolled. But for many reasons, girls are much more likely to drop out of school. Government spending on education fell last year, and is now around 16%." [17a]
- 25.33 The USSD Report 2009 noted that:

"Primary school education is tuition-free countrywide, and secondary school education is tuition-free for girls in the north. 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. New laws were enacted to allow girls to return to school after giving birth, but many communities did not abide by these." [3b] (Section6)

See also Violence against children for information on abuse in schools.

YOUTH UNEMPLOYMENT

25.34 The United Nations' (UN) *Joint Vision for Sierra Leone*, published in May 2009, stated:

"The youth population is estimated at 33% of the total population, with 60% of the youth being unemployed, under-employed or working in the informal economy. This represents the highest youth unemployment in the world. School enrolment is at a dismal level with more than 70% of all children not enrolled in primary school.

"Many of the youths that roam the cities and rural areas were former children/youths associated with fighting forces and groups. The many years they spent directly engaged in violent conflict has not prepared them for conflict resolution in non-violent ways. Due

to a lack of livelihood opportunities for the youth, they are vulnerable to re-recruitment for criminal and violent activities." [4c] (p34)

25.35 The Fifth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, dated 17 September 2010, advised that "Endemic unemployment among young people is a challenge to the stability of the country." [22c] (p12) Moreover:

"Immense challenges remain in generating employment for young people, in particular in the current economic climate. An estimated 800,000 young people are unemployed, employed without remuneration or underemployed. A significant reversal of this situation will require increased international investment. Foreign investment in the mining and agricultural sectors is promising but has yet to generate large-scale employment for young people.

"A chair has been appointed for the newly established National Youth Commission, which aims to initiate youth development programmes in collaboration with relevant governmental and non-governmental bodies. Renovation of its offices in Freetown and the identification of sites for regional offices are under way.

"A three-year, \$20 million project was initiated with World Bank funding and will target 18,000 young people to develop business and employment opportunities through apprenticeship schemes in the formal and informal sectors, business development support and other skills. Also under the project, about 30,000 young people will be employed in public works schemes to rehabilitate infrastructure vital to economic development." [22c] (p12)

HEALTH AND WELFARE

- 25.36 The concluding observations of the report of the UN Committee on the Rights of the Child (UNCRC) dated 20 June 2008 noted reports showing "improved and increased access to health facilities" since the civil war. The UNCRC also noted that immunisation and antenatal coverage had increased. The UNCRC remained concerned, however, by the maternal and children under five mortality rates, observing that they continued to be the highest in the world. The Committee also noted "...the high malnutrition rate, limited access to drinking water and sanitation facilities and inadequate protection of children from malaria." [33c] (p11-12)
- 25.37 The same UNCRC report also noted "...that children with disabilities are excluded from the regular education system due to parents who do not want to send their children to school, the lack of teachers trained to teach children with disabilities and the inaccessibility of the infrastructure to children with disabilities." [33c] (p11)

See also section on Disability.

26. TRAFFICKING

26.01 The US Department of State *Trafficking in Persons Report 2010: Sierra Leone* (USSD TIP Report 2010), published on 14 June 2010, noted that the country is not a party to the 2000 UN Trafficking in Persons (TIP) Protocol. The report also stated that:

"Sierra Leone is a source, transit, and destination country for children and women subjected to trafficking in persons, specifically forced labor and commercial sexual exploitation. Victims come largely from rural provinces and refugee communities within the country, and are recruited to urban and mining centers for the purposes of commercial sexual exploitation, forced domestic work, and forced service or labor in petty trading, street crime, and begging...

"The Government of Sierra Leone does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. At the end of 2009, the government quadrupled the budget of the Ministry of Social Welfare, Gender, and Children's Affairs (MOSWGCA), which leads the government's antihuman trafficking efforts. A significant share of the increased funds was assigned to anti-trafficking activities. Because no government-funded victim services existed, non-governmental and international organizations continued to assume the responsibility for support of trafficking victims, as well as the responsibility for training government staff on implementation of the anti-trafficking law." [3c]

26.02 The USSD TIP Report 2010 further reported that, in 2009:

"The government's plan to provide a new shelter for trafficking victims of all ages in Freetown was not fulfilled, and no shelter exists at present in the country's capital. The government did not directly provide trafficking victims with legal, medical, or psychological services, or any funding to organizations that assisted victims. The government did not provide assistance to foreign trafficking victims. The Police Family Support Units reported that 22 trafficking victims were assisted by police during 2009." [36]

26.03 The US State Department 2009 Human Rights Report: Sierra Leone, published on 11 March 2010, noted that:

"A person convicted of trafficking could be sentenced up to 10 years in prison. During the year [2009] the FSUs [Family Support Units] reported 38 cases of human trafficking, of which more than half were girls under the age of 16. In the cases reported, 12 individuals were charged with trafficking, but none was convicted.

"In October [2009] Abdul Aziz Bandu was sentenced to 22 years for trafficking, harboring, and sexually exploiting three girls in Bo." [3b] (Section 6)

The Freedom House report *Countries at the Crossroads 2010: Sierra Leone*, published on 7 April 2010, noted that "The scarcity of resources and coordination capacity limit government efforts to raise awareness, detect, and prosecute instances of human trafficking." [9a] (p8)

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27. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

27.01 The United Nations' (UN) *Joint Vision for Sierra Leone*, published in May 2009, stated:

"The health service in Sierra Leone is impeded by problems at all levels. These multi-layered problems conspire to give a low geographic coverage of state-run health facilities. Even if health facilities are available they are frequently unaffordable for the majority of the people that need them, and often provide an inadequate range of services for the diverse needs of the population. Human resource management is a key area that is highlighted for improvement in the work of the Ministry of Health & Sanitation. Sierra Leone lost approximately 50% of its trained human resources as either a direct or indirect result of the civil war." [4c] (p35)

27.02 The Report of the United Nations High Commissioner for Human Rights, dated 12 February 2010, noted that:

"Access to basic health services continued to be a serious challenge. Most government hospitals suffer from shortages of staff, medical equipment and necessary medicines. For example, in February [2009], the Magburaka Government Hospital informed the Human Rights Section that the maternity ward, which had more than 20 patients, had only one midwife, and there was no blood bank in the hospital. Concerns were also raised that the pharmacies in the country were selling counterfeit, expired and controlled drugs without prescription. Responding to this problem, in November, the Ministry of Health cancelled the licences of more than 21 pharmaceutical outlets.

"In November [2009], the Government adopted a five-year health sector strategy to address health issues in the country systematically." [4b] (p9)

- 27.03 On 28 April 2010, Médecins sans Frontières (MSF) reported that "On April 27, 2010, the Sierra Leone government started implementing a policy of free healthcare for pregnant women, breastfeeding mothers, and children under five." [31a]
- 27.04 Although free health care for pregnant women, new mothers and children was introduced in April 2010, the 2009 Amnesty International report <u>Out of Reach: the cost of maternal health in Sierra Leone</u>, nevertheless includes information which is still relevant, including the structure of the health system. [16d]

See also section on Maternal health

27.05 The Foreign and Commonwealth Office's medical adviser in Freetown provided the following information to the UK Border Agency in September 2010:

"Medical drugs are available in Sierra Leone but the following problems exist:

- 1. The drug may not be available all the time, unless there is suitable forward planning. For example, a prescription written today may not be filled for a few weeks until there is re-supply from another country.
- 2. There is no guarantee that there are no counterfeit drugs...
- 3. If any drugs need temperature regulation, that may pose a problem.
- 4. Prescribed drugs (and the doctor's consultation) come at a cost...health care is not free...

5. There is no guarantee that any local doctor will continue to prescribe the drugs that the individual is currently on, where it is not available locally. Their understanding of the drug management of many medical conditions varies widely from the UK, so the drugs may be changed to those that are widely/easily available or ones that they have a working knowledge of. The local doctor may even change the treatment to that of more 'traditional' medicine.

- 6. Many medical conditions requiring drug management need annual laboratory or other investigative services (for example checking the patient's kidney function). Some of these services are here, but not to UK standards.
- 7. All drugs can be obtained in Freetown, but if the person lives outside the capital, this may pose re-supply issues.

"There is no supporting healthcare system to enable a patient to have regular, affordable, and reliable access to medication." [2ь]

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HIV/AIDS - ANTI-RETROVIRAL TREATMENT

27.06 The World Health Organisation's (WHO) *Country Cooperation Strategy 2008-2013:* Sierra Leone, published in 2009, stated that:

"Services such as voluntary confidential counselling and testing (VCCT), prevention of mother-to-child transmission (PMTCT) and antiretroviral therapy (ARV) are now available. Eighty-two VCCT, 162 PMTCT, 81 ART centres have been established. The main challenges to the scale-up of HIV/AIDS interventions include poor access to key services for prevention, diagnosis and care, low uptake of the PMTCT and ART services, poor laboratory capacity at various levels, stigma, and discrimination against people living with HIV/AIDS (PLWHAs). Paediatric AIDS diagnosis and treatment also remains a major challenge." [18a] (p7)

27.07 Statistics in the WHO/UNAIDS/UNICEF) report *Towards Universal Access: Scaling up priority HIV/AIDS interventions in the health sector*, published in September 2010, indicated that the reported number of people receiving antiretroviral therapy in 2008 was 1950. This figure rose to 3660 in 2009. [32a]

Further information and statistics can be found in the <u>WHO/UNAIDS/UNICEF</u> report. [32a]

Societal discrimination

27.08 The US State Department 2009 Human Rights Report: Sierra Leone, (USSD Report 2009) published on 11 March 2010, noted that:

"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 [non governmental organisations] 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.

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"An NGO reported that a woman had recently been beaten by her common-law partner when her HIV status was discovered. However, 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." [3b] (Section 6)

MENTAL HEALTH

27.09 The WHO's Country Cooperation Strategy 2008-2013: Sierra Leone, published in 2009, noted that:

A draft mental health policy has been developed. However, the capacity for effective implementation of the policy remains a challenge. Very few facilities exist for the management of mental health in Sierra Leone. In fact, the only major mental hospital (Sierra Leone Psychiatric Hospital [formerly known as Kissy Mental Hospital]) resumed operation only in 2006 and is currently functioning under very severe human resource constraints. It is staffed by one psychiatrist, two psychiatric nurses and some auxiliary nurses. Also, there are only three drug rehabilitation centres, with two located in Freetown and one in Kenema." [18a] (p13)

27.10 The USSD Report 2009 stated that:

"There is considerable stigma against people with mental health issues. The Kissy Mental Hospital served approximately 125 residential patients and 4,000 outpatients, although it was believed that more than 400,000 citizens need psychiatric care. The hospital lacked beds and mattresses for its patients and could not provide sufficient food to sustain them. The hospital used expired medications, did not provide rehabilitative therapy, and had no running water and only sporadic electricity due to a lack of financial resources. Patients were chained to their beds until they proved that they are not destructive, and sexual violence and consensual sex between patients was common since there were no barriers between the men's and women's wards." [3b] (Section 6)

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28. Freedom of movement and exit and return

- 28.01 Chapter 3, Article 18 of the Constitution refers to freedom of movement, stating that:
 - "(1) No person shall be deprived of his freedom of movement, and for the purpose of this section the said freedom means the right to move freely throughout Sierra Leone, the right to reside in any part of Sierra Leone, the right to enter or leave Sierra Leone, and immunity from expulsion form [sic] Sierra Leone.
 - "(2) Any restriction on a person's freedom of movement which is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section." [10a]
- 28.02 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published 11 March 2010, noted that:

"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." [зь] (Section 2d)

29. Internally displaced persons (IDPs)

29.01 The website of the Brookings-Bern Project on Internal Displacement, accessed on 14 October 2010, stated:

"From 1991 until 2002, Sierra Leone's civil war led to the displacement of approximately 4.5 million people, about half the country's population. The Lomé Peace Agreement signed in July 1999 referred to the need to design and implement a plan for voluntary repatriation and reintegration of Sierra Leonean refugees and internally displaced persons (Article XXII). From April 2001 to November 2002, 223,000 registered IDPs were reintegrated in five phases. Many more returned home spontaneously. Officially, the return process ended in November 2002." [41a]

30. Foreign refugees

30.01 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published 11 March 2010, noted that:

"The laws provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. The government has established a system for providing protection to refugees and has cooperated with the UN High Commissioner for Refugees (UNHCR) and other organizations in assisting refugees...

"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...

"The government assisted the safe, voluntary return of Liberian refugees to Liberia and facilitated local integration for Liberian refugees unwilling or unable to return to their homes." [3b] (Section 2d)

31. CITIZENSHIP AND NATIONALITY

31.01 The Freedom House report *Countries at the Crossroads: Sierra Leone*, published on 7 April 2010, stated that: "The Sierra Leone Citizenship Act of 1973 limits citizenship to persons of "Negro African descent." [9a] (p8)

- 31.02 The Sierra Leone Citizenship Act of 1973 [42a] was amended by the Sierra Leone Citizenship (Amendment) Act of 2006 in order "to grant the right of dual citizenship and citizenship by birth directly through the mother." [27a]
- 31.03 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published 11 March 2010, noted that: "Legal requirements for naturalization effectively denied citizenship to many long-term residents, and a large number of persons of Lebanese ancestry who were born and resided in the country could not vote." [3b] (Section 3)

See section on <u>Ethnic groups</u> for further information on the restrictions faced by the Lebanese community in Sierra Leone.

32. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

- 32.01 The US Department of State 2009 Human Rights Report: Sierra Leone (USSD Report 2009), published 11 March 2010, stated that "Document fraud was common and government registry officials, police, immigration officials, and border guards frequently accepted bribes. Although there was no proof that forged documents were used to facilitate trafficking, government officials who forged documents such as birth, marriage, and death certificates rarely suffered punishment." [3b] (Section 6)
- The USSD Report 2009 also noted that "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." [3b] (Section 7d)

Annex A

CHRONOLOGY OF MAJOR EVENTS

The following information is taken from the BBC Timeline: Sierra Leone, updated on 28 January 2010, accessed on 7 October 2010. [34a]

| 1787 | British abolitionists and philanthropists establish a settlement in Freetown for repatriated and rescued slaves. |
|------|--|
| 1808 | Freetown settlement becomes crown colony. |
| 1896 | Britain sets up a protectorate over the Freetown hinterland. |
| 1954 | Sir Milton Margai, leader of the Sierra Leone People's Party, appointed chief minister. |
| 1961 | Sierra Leone becomes independent. |
| 1967 | Military coup deposes Premier Siaka Stevens' government. |
| 1968 | Siaka Stevens returns to power at the head of a civilian government following another military coup. |
| 1971 | Sierra Leone declared a republic, Stevens becomes executive president. |
| 1978 | New constitution proclaims Sierra Leone a one-party state with the All People's Congress as the sole legal party. |
| 1985 | Major-General Joseph Saidu Momoh becomes president following Stevens's retirement. |
| 1987 | Momoh declares state of economic emergency. |
| 1991 | Start of civil war. Former army corporal Foday Sankoh and his Revolutionary United Front (RUF) begin campaign against President Momoh, capturing towns on border with Liberia. |

September: New constitution providing for a multiparty system adopted.

President Joseph Momoh ousted in military coup led by Captain Valentine Strasser, apparently frustrated by failure to deal with rebels. Under international pressure, Strasser announces plans for the first multi-party elections since 1967.

January: Strasser ousted in military coup led by his defence minister, Brigadier Julius Maada Bio.

Ahmad Tejan Kabbah elected president in **February**, signs peace accord with Sankoh's rebels in **November**.

Peace deal unravels. President Kabbah deposed by army in May. Major Johnny Paul Koroma, in prison awaiting the outcome of a treason trial, leads the military junta – the Armed Forces Revolutionary Council (AFRC). Koroma suspends the constitution, bans demonstrations and abolishes political parties.

July: The Commonwealth suspends Sierra Leone.

October: The UN Security Council imposes sanctions against Sierra Leone, barring the supply of arms and petroleum products. A British company, Sandline, nonetheless supplies "logistical support", including rifles, to Kabbah allies.

1998 February: Nigerian-led West African intervention force Ecomog storms Freetown and drives rebels out.

March: Kabbah makes a triumphant return to Freetown amid scenes of public rejoicing.

January: Rebels backing Revolutionary United Front leader Foday Sankoh seize parts of Freetown from Ecomog. After weeks of bitter fighting they are driven out, leaving behind 5,000 dead and a devastated city.

> May: A ceasefire is greeted with cautious optimism in Freetown amid hopes that eight years of civil war may soon be over.

> July: Six weeks of talks in the Togolese capital, Lome, result in a peace agreement, under which the rebels receive posts in government and assurances they will not be prosecuted for war crimes.

> November/December: UN troops arrive to police the peace agreement – but one rebel leader, Sam Bokari, says they are not welcome. Meanwhile, Ecomog troops are attacked outside Freetown.

2000 April/May: UN forces come under attack in the east of the country, but far worse is in store when first 50, then several hundred UN troops are abducted.

> May: Rebels close in on Freetown; 800 British paratroopers sent to Freetown to evacuate British citizens and to help secure the airport for UN peacekeepers; rebel leader Foday Sankoh captured.

> August: Eleven British soldiers taken hostage by a renegade militia group called the West Side Boys.

September: British forces mount operation to rescue remaining UK hostages.

2001 **January:** Government postpones presidential and parliamentary elections – set for February and March - because of continuing insecurity.

> March: UN troops for the first time begin to deploy peacefully in rebel-held territory.

> May: Disarmament of rebels begins, and British-trained Sierra Leone army starts deploying in rebel-held areas.

January: War declared over. UN mission says disarmament of 45,000 fighters is complete. Government, UN agree to set up war crimes court.

> May: Kabbah wins a landslide victory in elections. His Sierra Leone People's Party secures a majority in parliament.

> July: British troops leave Sierra Leone after their two-year mission to help end the civil war.

July: Rebel leader Foday Sankoh dies of natural causes while waiting to be tried for war crimes.

> August: President Kabbah tells truth and reconciliation commission that he had no say over operations of pro-government militias during war.

February: Disarmament and rehabilitation of more than 70,000 civil war combatants officially completed.

> March: UN-backed war crimes tribunal opens courthouse to try senior militia leaders from both sides of civil war.

May: First local elections in more than three decades.

June: War crimes trials begin.

September: UN hands control of security in capital over to local forces.

2005 August: UN Security Council authorises opening of a UN assistance mission in Sierra Leone from 2006, to follow departure of peacekeepers in **December**.

> December: The last UN peacekeeping troops leave Sierra Leone, marking the end of a five-year mission to restore order.

March: Liberian ex-president Charles Taylor is arrested in Nigeria and handed over to the war crimes court in Sierra Leone which indicted him.

> December: President Kabbah says 90% of the country's \$1.6bn (£815m) debt has been written off after negotiations with international creditors.

June: Start of former Liberian president Charles Taylor's war crimes trial in The Hague, where he stands accused of instigating atrocities in Sierra Leone.

August: Presidential and parliamentary polls. Ernest Bai Koroma wins the presidency and his All People's Congress, formerly in opposition, wins a majority in parliament.

2002

2003

2004

2006

2007

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January: Former Liberian president Charles Taylor's war crimes trial in The Hague resumes after a six-month delay.

August: Local elections are marred by violence between the supporters of the two main parties

April: Three former senior leaders of rebel Revolutionary United Front (RUF)

sentenced to long jail terms for civil war atrocities.

October UN-backed Special Court winds down after seven years investigating civil war atrocities. Its remaining case, trial of Charles Taylor, continues in The Hague.

Annex B

POLITICAL ORGANISATIONS

All People's Congress (APC)

Founded in 1960, the APC was the sole authorised political party from 1978 to 1991. It merged with the Democratic People's Party in 1992 and was reconstituted in 1995. Its leader is Ernest Bai Koroma. (Europa World Online, accessed 7 October 2010) [1e]

Jane's Sentinel Security Assessment: Sierra Leone, updated on 28 July 2010, noted:

"The APC was the ruling party between 1968 and the military coup of 1992, mostly within a single party state. At the first multiparty elections in 1996, the APC was trounced by the SLPP [Sierra Leone People's Party] and by the UNPP [United National People's Party] presidential candidate, who assumed the APC's traditional northern support base. However, in 2002, the APC made its comeback as the dominant opposition force, winning 27 seats and a respectable second place in the presidential contest. Party support in 2002 was concentrated in the northern province and the Freetown area, beating the SLPP into second place in Bombali, Port Loko and Tonkolili electoral districts. It won no seats in southern or eastern provinces.

"In the 2007 elections the APC proved to be the overall victor in both the parliamentary and presidential polls, with its leader, Ernest Bai Koroma, securing the presidency. In 2009, the APC voted to maintain Koroma as party leader and candidate for the 2012 presidential poll." [15c] (Internal affairs)

Citizens United for Peace and Progress (CUPP)

Founded in 2002; its chairman is Abubakarr Yanssaneh. (Europa World Online, accessed 7 October 2010) [1e]

Peace and Liberation Party (PLP)

Jane's Sentinel Security Assessment, Sierra Leone, updated on 28 July 2010, noted:

"The PLP was formed around Lieutenant Colonel (retd) Johnny Paul Koroma, former leader of the Armed Forces Revolutionary Council (AFRC), for the 2002 elections. Koroma sought support from much the same urban disenfranchised groups as the Revolutionary United Front (RUF) had targeted. However, his most important support base proved to be the new Republic of Sierra Leone Armed Forces and police force, whose men overwhelmingly backed him against Kabbah.

"While the party and its presidential candidate's national support percentages were unimpressive (less than four per cent), the PLP achieved sufficient concentration of support in the west-west constituency (Freetown area) to pass the 12.5 per cent threshold and gain two seats in the House of Representatives. Koroma took up one of these before fleeing the country in January 2003. The party won between five and 10 per cent in almost all constituencies in the north and west. The PLP also contested the Freetown City Council elections in May 2004.

"Following the first-round elections in August 2007, in which the APC had secured the majority in parliamentary polls, PLP leader Dr Baba Conteh indicated his party would support Berewa in the second-round presidential run-off, voicing the belief that a better political balance would be maintained if two different parties won the executive and legislative branches of government respectively. Conteh himself had placed sixth in the first round of the presidential elections." [15c] (Internal affairs)

People's Democratic Party (PDP)

The PDP supported the Sierra Leone People's Party in May 2002 elections. Its leader is Osman Kamara. (Europa World Online, accessed 7 October 2010) [1e]

People's Movement for Democratic Change (PMDC)

Founded by former members of the Sierra Leone People's Party; its leader is Charles F. Margai and Ansu B. Lansana is its Secretary-General. (Europa World Online, accessed 7 October 2010) [1e]

Jane's Sentinel Security Assessment, Sierra Leone, updated on 28 July 2010, noted:

"The PMDC was founded by barrister Charles Francis Margai in October 2005 as a breakaway from the SLPP, but was not able to register as a political party at this time because of the lack of a standing body to do this outside of electoral periods. The Political Parties Registration Commission was extraordinarily convened in January 2006 to consider the PMDC's application, which was fully certified in April 2006.

"Membership and electoral support was untested, but it had been expected that Margai would attract some support away from the SLPP in its southern heartland in the 2007 polls based on the pedigree of his family, which included the first two SLPP prime ministers of independent Sierra Leone. Several district and provincial level SLPP leaders had already joined the PMDC.

"In the event, the PMDC won 15.39 per cent in the August 2007 parliamentary elections, securing 10 seats. After being placed third in the first round of the presidential elections on 11 August, Margai indicated his party would back Ernest Bai Koroma in the second round on 8 September, with Koroma subsequently taking the presidency." [15c] (Internal affairs)

People's National Convention (PNC)

Party leader: Edward John Kargbo. (Europa World Online, accessed 7 October 2010) [1e]

Sierra Leone People's Party (SLPP)

Founded in 1951. (Europa World Online, accessed 7 October 2010) [1e]

Jane's Sentinel Security Assessment, Sierra Leone, updated on 28 July 2010, noted:

"The SLPP was the original governing party of Sierra Leone from 1957 to 1967. After three decades of varyingly dictatorial and military rule, it regained power in 1996 under president Kabbah. Despite a degree of power-sharing in government, the SLPP tended to consolidate its reputation for reliance on support of the southern Mende people (as voters) and the local, allied Civil Defence Force militias. The SLPP won easy majorities in the parliamentary and presidential elections of 2002. Seats were won from every constituency with support in every electoral district in southern and eastern provinces at more than 85 per cent.

"The party split in September 2005 over the choice of a new party leader to replace Kabbah and represent the SLPP in the 2007 presidential election. While then vice-president Solomon Berewa officially won the intra-party poll comfortably, second-placed candidate Charles Margai (scion of the SLPP's founding dynasty) and third-placed candidate JB Dauda (then minister of finance) complained of malpractice. Margai left the SLPP in October and founded his own party, the People's Movement for Democratic Change (PMDC), which cut into the SLPP's core Mende support in the 2007 elections.

"The elections saw the SLPP lose out to the APC in both the parliamentary and presidential polls, moving the SLPP back into the opposition. In January 2009, the SLPP won a by-election in Pujehun district.

"The SLPP is currently led by John Oponjo Benjamin, a former finance minister from 2002-2007." [15c] (Internal affairs)

United National People's Party (UNPP)

Jane's Sentinel Security Assessment, Sierra Leone, updated on 28 July 2010, noted:

"The UNPP was founded in 1995 and is led by Dr John Karefa-Smart, who was the main challenger to Kabbah in 1996, mainly with northern support. Subsequently, the UNPP faced a number of splits and was unsuccessful in winning any seats in the 2002 elections. Karefa-Smart achieved only fifth place with just one per cent in 2002. Party support was localised in the northwest, especially Tonkolili (seven per cent) electoral district, but most opposition support had reverted to the APC. The UNPP did not take part in the May 2004 district elections but did contest the presidency under Abdul Kady Karim in August 2007. He finished seventh with just 0.39 per cent support." [15c] (Internal affairs)

Young People's Party (YPP)

Jane's Sentinel Security Assessment, Sierra Leone, updated on 28 July 2010, noted "The YPP is led by Andrew Turay, who contested the presidency in both 1996 and 2002. Turay finished last with less than 4,000 votes and only in Kambia electoral district did the YPP win more than one per cent of the legislative vote in 2002." [15c] (Internal affairs)

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Annex C

The list below is a selection of prominent figures in Sierra Leone; it is not intended to be a comprehensive list of all Sierra Leoneans of political, social, economic or cultural significance.

PROMINENT PEOPLE

President and Commander-in-Chief of the **Armed Forces**

Ernest Bai Koroma (elected 8 September 2007; inaugurated 15 November 2007).

Vice President, Minister of Health and Sanitation

Sahr Sam-Sumana

Minister of Finance and Economic

Development

Dr Samura Kamara

Minister of Foreign Affairs and International Zainab Hawa Bangura

Co-operation

Minister of Justice and Attorney-General Abdul Serry-Kamal

Minister of Information and

Communications

Alhaji Ibrahim Ben Kargbo

Minister of Mineral Resources Alhaji Alpha Saahid Bakarr Kanu

Minister of Agriculture, Food Security and

Forestry

Dr Sam Sesay

Minister of Works, Housing and

Infrastructure

Alimamy P. Koroma

Minister of Lands, Country Planning and

the Environment

Dr Dennis Sandi

Minister of Defence Major (retired) Alfred Palo Conteh

Minister of Internal Affairs, Local **Government and Rural Development** Dauda Sulaiman Kamara

Minister of Marine Resources and Fisheries Joseph Koroma

Minister of Energy and Water Resources Professor Ogunlade Davidson

Minister of Tourism and Cultural Affairs Hindolo Trye

Minister of Social Welfare, Gender and

Children's Affairs

Dr Soccoh Kabia

Minister of Education, Youths and Sports Dr Minkailu Bah

Minister of Employment and Social Security Minkailu Mansaray

Minister of Trade and Industry David Carew

Minister of Transport and Aviation Captain Allieu Pat Sowe

Minister of state, Office of the Vice-

President

Dr Komba Kono

Alie Kamara

Resident Minister, Eastern Region William Juana Smith

Resident Minister, Southern Region Musa Tarawali

Resident Minister, Northern Region

(Europe World online, September 2010) [1f]

Annex D

LIST OF ABBREVIATIONS

Al Amnesty International

CEDAW Committee on the Elimination of All Forms of Discrimination Against

Women

CPJ Committee to Protect Journalists

EU European Union

EBRD European Bank for Reconstruction and Development

FCO Foreign and Commonwealth Office (UK)

FGM Female Genital Mutilation

FH Freedom House

GBV Gender Based Violence
GDP Gross Domestic Product

HIV/AIDS Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome

HRW Human Rights Watch
IAG Illegal Armed Group
ICG International Crisis Group

ICRC International Committee for Red Cross

IDP Internally Displaced Person

IFRC International Federation of Red Cross and Red Crescent Societies

IMF International Monetary Fund

IOM International Organisation for Migration

JSDP Justice Sector Development Programme

LAWCLA The Lawyers Centre For Legal Assistance

MSF Médecins sans Frontières

NATO North Atlantic Treaty Organisation
NGO Non Governmental Organisation

OCHA Office for the Coordination of Humanitarian Affairs
ODIHR Office for Democratic Institutions and Human Rights

ODPR Office for Displaced Persons and Refugees

OECD Organisation of Economic Cooperation and Development

OHCHR Office of the High Commissioner for Human Rights
OSCE Organisation for Security and Cooperation in Europe
PPRCSL Political Parties Registration Committee of Sierra Leone

RSF Reporters sans Frontières

SLBC Sierra Leone Broadcasting Service STD Sexually Transmitted Disease

STC Save The Children

TB Tuberculosis

TI Transparency International

UN United Nations

UNAIDS

Joint United Nations Programme on HIV/AIDS

UNCRC

UN Committee on the Rights of the Child

UNESCO United Nations Educational, Scientific and Cultural Organization

UNHCHRUnited Nations High Commissioner for Human RightsUnited Nations High Commissioner for Refugees

UNICEF United Nations Children's Fund

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UNIOSIL United Nations Integrated Office in Sierra Leone

UNIPSIL United Nations Integrated Peacebuilding Office in Sierra Leone

UNODC United Nations Office on Drugs and Crime

USAID United States Agency for International Development

USSD United States State Department

WFP World Food Programme
WHO World Health Organization

Annex E

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