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2008 Country Reports on Human Rights Practices - Sierra Leone

Bureau of Democracy, Human Rights, and Labor
February 25, 2009

Sierra Leone is a constitutional republic with a directly elected president, a unicameral legislature, and a population of approximately six million. In peaceful presidential and parliamentary elections held in August and September 2007, the opposition All People's Congress (APC) won a majority in parliament, and citizens elected party leader Ernest Bai Koroma president. Domestic and international observers characterized the elections as credible and free but noted irregularities that did not affect the outcome. In 2002 the devastating 11-year civil conflict officially ended, and the government, backed by a United Nations peacekeeping force (UNAMSIL), asserted control over the 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). In September 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.

The government generally respected the human rights of its citizens. However, there were serious 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; harassment of opposition party supporters by ruling party members; widespread official corruption; societal discrimination and violence against women; female genital mutilation (FGM); child abuse; trafficking in persons, including children; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, there were reports that security and police forces used excessive force, and stole, extorted, and demanded bribes. The Corporal Punishment Act allows up to 36 lashes as punishment. Although NGO sources state that such incidents occurred less frequently than previous years, prison guards reportedly beat prisoners with impunity.

In July an inmate was severely beaten by a prison warden and was taken to the hospital for medical attention. No action was taken against the warden.

No action was taken in any of the 2007 cases involving police use of excessive force.

The trial of the police officer who raped a 10-year-old Liberian refugee in 2006 concluded, but no details were available at year's end.

Police use of excessive force to disperse demonstrators resulted in injuries.

In August police and security officials forcibly dispersed a crowd of protestors at the State House, resulting in several journalists being injured. A joint investigation between police and journalists resolved the matter with the journalists receiving compensation.

During the year men and women were forcibly initiated into tribal secret societies, a process that for women usually involved FGM.

Vigilante violence was common in urban areas, particularly for suspected thieves and unsettled debts. Suspected thieves were often set upon by crowds. In March a thief was murdered by a mob in Eastern Freetown. At year's end no one had been charged for the crime.

There were several reports that Guinean troops along the eastern border harassed local residents.

Prison and Detention Center Conditions

Prison conditions were harsh and sometimes life threatening. Overcrowding was a major problem. The Pademba Road Prison, which was designed to house 324 prisoners, held 1,229, according to Prison Watch, a local independent organization. In some cases, cells measuring six feet by nine feet housed nine prisoners. According to UNIOSIL's 2007 assessment of prisons, corporal punishment, solitary confinement, reduction in diets, loss of visits, and loss of exercise 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, nongovernmental organizations (NGOs) reported that training and monitoring resulted in a reduction of such incidents.

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. Only patients with emergency situations were allowed 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, prisoners often were refused treatment or received inferior care from doctors and nurses in these hospitals because of the social stigma associated with assisting criminals.

Prison Watch reported that there was a shortage of prison staff, and sometimes officers

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

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

Twenty-six prisoner deaths occurred during the year, allegedly as a result of acute malnutrition, lack of hygienic conditions, malaria, and heart failure.

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. During the year the Pademba Road and Kenema Prisons held several infants, most of whom were born in the prison and continued to be detained there with their mothers. While the women's section of the prison in 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.

While an effort was made to prevent juveniles from being detained with adults, minors were regularly imprisoned with adult offenders in Pademba, Bo, Makeni, Kambia, Kenema, and Kailahun. 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 and prosecuting minors. 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. 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 noted by the Justice Sector Development Program (JSDP).

In most cases pretrial detainees were held with convicted prisoners. According to Prison Watch, only 200 of the 1,229 prisoners in Pademba Road Prison had been convicted.

The government permitted family visits, but according to NGO reports, family members had to bribe prison guards to visit in some prisons. The International Committee of the Red Cross (ICRC) provided a message delivery service that allowed prisoners housed in all district prisons to communicate with their families on a quarterly basis.

International monitors, including UNIOSIL and the ICRC, had unrestricted access to the prisons, detention centers, and police holding cells. Additionally, some NGOs such as Prison Watch, JSDP, and Lawyers Center for Legal Assistance (LAWCLA) monitored the prisons. Amnesty International (AI), however, reported that the government refused to grant permission to visit any of the prisons despite several requests.

Since the July incarceration of 21 suspects involved in the country's largest drug trafficking case, the government has denied most requests to visit the Pademba Road Prison.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The SLP has primary responsibility for maintaining internal order but was poorly

equipped and lacked investigative, forensic, and riot control capabilities. The military is responsible for external security; however, the "Military Assistance to the Police Program" provided additional assistance to police in extraordinary circumstances, such as during the local elections.

There were fewer cases of police brutality during the year, 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 were frequently not present or chose not to intervene when crowds beat alleged thieves. There were numerous instances in which police refused to make arrests when warranted, or arrested persons without charge for civil causes, such as alleged breach of contract or failure to satisfy debt, in exchange for kickbacks.

During the year there were still many who feared the SLP, particularly traffic officials who were notorious for harassing motorists, taking bribes at checkpoints, falsely charging motorists with violations, and impounding vehicles to extort money. Police also accepted bribes from criminal suspects in exchange for dropping charges and/or having their rivals arrested and charged with crimes.

According to the JSDP, 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 complaints against police officers. There was also a Police Council, composed of the vice president, minister of internal affairs, inspector general, and others who accepted written complaints against police officers. The CDIID facilitated all hearings and trials related to police officer complaints. An appeals process was available. After disciplinary measures by the CDIID were issued, the SLP officer was subject to the civilian court if criminal action was involved. SLP newsletter published disciplinary action against officers.

Between January and July CDIID received 1,273 complaints countrywide, resulting in at least 176 officers being either 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 land owners or businessmen to extort money.

Police continued to receive professional, leadership, and human rights training, and new recruits received a six-month introductory course before deployment. The SLP retained a full-time UN technical advisor and a number of UN Civil Police advisors. As a result of training programs during the year and the introduction of community policing conducted by the Department for International Development, the Commonwealth, and the JSDP, professional conduct of the police force improved.

Until its mandate ended in September, UNIOSIL worked with the JSDP to implement its strategic plan and develop a training program to enhance the SLP's capacity to provide security for the presidential and parliamentary elections.

Arrest and Detention

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

Once arrested, a detainee must be told the reason for arrest within 24 hours, and a case must be charged to court within 72 hours, or in the case of serious crimes, within 10 days. According to LAWCLA, remanded prisoners were routinely brought to court on a weekly basis to be re-remanded to bypass the legal restrictions.

Detainees have the right of access to family and legal representation; however, due to a lack of financial resources, only 10 percent of inmates had access to legal representation. Lawyers were generally allowed unrestricted access to detainees; however, during the year lawyers representing accused drug traffickers in a high-profile case publicly claimed that they had limited opportunities to meet with clients. Although the constitution provides for legal aid, there were only 10 state counsels serving the entire country, and they were only available for more serious criminal cases. Regular family visits were permitted with the frequency and duration of the visits varying from prison to prison. According to NGO reports, however, family members were required to pay bribes to gain visitation rights.

There were provisions for bail, and there was a functioning bail system; however, the bail regime was rigorous, excessive, and inconsistent.

Lengthy pretrial detention was a problem. According to AI, as a result of case backlogs in the courts, pretrial and remand detainees spent an average of three to five years in pretrial detention before courts examined their cases or filed formal charges. Approximately 60 percent of the country's detainees in prison were in pretrial detention. According to the Open Society Initiative for West Africa, remand prisoners frequently changed their pleas from "not guilty" to "guilty" to be removed from the remand section to the better areas of the prison.

Amnesty

Unlike in the previous year, the president granted no amnesties.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision; however, the judiciary at times was subject to government influence and corruption. The Sierra Leone Bar Association complained in September that high-level political interference was impacting the higher and lower courts' decisions, although no specific cases were cited.

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 20 lawyers practicing outside of Freetown, access to justice remained limited for most citizens.

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

Trial Procedures

The law provides for a fair trial; however, in practice, the lack of judicial officers and facilities often produced long delays. Trials are public, and the accused have a limited right to a trial by jury in the magistrate courts. Juries were drawn from a list maintained by the master and registrar of active and retired civil servants and youth groups; however, the attorney general frequently exercised his power to determine that cases be heard by a judge alone. Defendants generally enjoyed a presumption of innocence. While defendants have the right to be present and to consult with an attorney in a timely manner, access to counsel often was delayed. The law provides for attorneys at public expense if defendants could not afford their own; however, state-appointed attorneys often were overburdened and poorly paid, and indigent detainees usually did not receive legal advice prior to trial. Defendants can confront or question witnesses against them, present witnesses and evidence on their own behalf, and access government-held evidence relevant to their cases. Trials were generally fair; however, there was credible evidence that corruption influenced many cases. A majority of cases on the magistrate level were prosecuted by police officers, many of whom had little or no formal legal training. Although the law provides defendants with the right to appeal, the appeals process was excessively delayed, sometimes over two years.

Human rights NGOs noted wide disparities in sentencing patterns from district to district. There were numerous cases in which sentences imposed were grossly disproportional to the offenses. Many prisoners were serving excessively long sentences for non-capital offenses, such as sacrilege (50 years), larceny (25 years), and larceny and burglary (45 years). Many attributed the inconsistent sentencing to the defendant's ability to pay a fine or bribe.

Traditional justice systems continued to supplement extensively the central government judiciary, especially in rural areas, in cases involving family law, inheritance, and land tenure. However, the customary law guiding these courts is not codified, and decisions in similar cases were inconsistent. Paramount chiefs acting as judges were notorious for accepting bribes and favoring wealthier defendants. Local chieftains at times exceeded their mandates and administered harsh punishments.

There are a number of civil laws and customary laws that discriminate against women, and many traditional courts continued to ignore the rights of women regarding family law and inheritance.

Trials continued before the Special Court for Sierra Leone (SCSL) of those bearing the greatest responsibility for crimes against humanity, war crimes, and other serious violations against international law committed during the civil war.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

The constitution and law prohibit such actions, and unlike in the previous year, the government generally respected these prohibitions in practice.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

The government rarely attempted to impede criticism. However, reporting on press conditions, the Society for Democracy Initiative noted that its members received telephonic death threats for several weeks. The calls were not traced to members of the government and an investigation was inconclusive.

More than 50 newspapers were published in Freetown during the year, covering a wide spectrum of interests and editorial opinion. Most of the newspapers were independent, and several were associated with opposition political parties. Reporting was often politicized and inaccurate, in large part because of poor journalistic skills, insufficient resources, and lack of professional ethics. Corruption among journalists was widespread. Newspapers openly and routinely criticized the government and its officials, as well as opposition parties, but also libeled individuals.

International media could operate freely but were required to register with the Ministry of Information and Broadcasting and the Independent Media Commission (IMC) to obtain a license. Nine new local newspapers registered with the IMC during the year. Although the IMC instituted stricter registration requirements, there were no cases of local or international media being denied registration.

On August 13, security forces attacked and beat several journalists for allegedly criticizing the SLP's handling of a party fracas outside the State House between members of the opposition APC and the ruling Sierra Leone People's Party (SLPP). Following an investigation, the journalists were compensated (see section 1.c.).

The Public Order Act of 1965 criminalizes both defamatory and seditious libel; however, the law was rarely applied. Punishment for first-time offenders can be up to three years' imprisonment, and subsequent seditious libel convictions are punishable by prison terms of up to seven years. The IMC and the Sierra Leone Association of Journalists continued to lobby parliament to amend the act without success.

The IMC regulated independent media organizations and demonstrated independence from government influence. During the year the IMC considered multiple government claims of libel or false reporting in various newspapers, but rejected government requests to close the media outlet. The IMC also received increased libel complaints from the public, largely due to increased public confidence and awareness of the organization.

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 over 45 government and private radio and television stations provided domestic news and political commentary. The APC and the SLPP set up radio stations; however, there were calls from different sectors of the society to ban them as they continued to broadcast propaganda that could incite violence such as libeling political party leaders. UN Radio provided additional coverage of news and other current events.

The 2007 case against Philip Neville, editor of the *Standard Times*, was dropped after the newspaper published a retraction.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. There were at least five Internet service providers in the country. In Freetown there were many Internet cafes but few in rural areas due to infrastructure constraints.

Academic Freedom and Cultural Events

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

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

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

Occasionally, police forcibly dispersed demonstrators, resulting in injuries. Police were sometimes unable to control demonstration violence, and demonstrators at times attacked police stations.

In the run-up to the July local elections, police clashed with demonstrators protesting allegations that SLPP supporters had defaced the president's portrait.

In August police used tear gas and forcible means to end a clash between SLPP and APC members.

In November students from a high school in Freetown attacked a police barrack after police used excessive force on a student accused of assaulting an officer. The incident resulted in a number of injuries to both police and students.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice; however, there were some reports that under the ruling APC, members of opposition parties lost or were denied government jobs and government benefits.

b. Freedom of Religion

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

Societal Abuses and Discrimination

There were no reports of discrimination against members of religious groups.

There reportedly was a small Jewish community; there were no reports of anti-Semitic acts.

An application filed in 2006 to the Inter-Religious Council for official recognition of the approximately 20 Jews in Makeni remained pending at year's end.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

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

The constitution and law provide for the 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 admitted refugees, returnees, and other persons to move regularly between the two countries; however, there were reports that 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.

Internally Displaced Persons (IDPs)

No officially registered IDPs remained. During the year, the last remaining settlement for war-wounded persons and their families closed in Grafton, which subsequently housed persons officially settled on the land on a permanent basis with the help of the government.

Protection of Refugees

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

The 2007 Refugee Protection Act, which entered into force during the year, provides for refugee status, as defined by international convention, to be granted to eligible asylum seekers. UNHCR worked with government authorities to develop standard operating procedures for refugee status determination.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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

The government 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.

On December 31, the UNHCR declared the cessation of refugee status for Sierra Leonean refugees, citing legal and social reforms and progress in fundamental rights and freedoms since the civil war. UNHCR announced that Sierra Leonean refugees remaining outside the country after December 31 would no longer be entitled to claim international protection as refugee. During the year, the government, with UNHCR, facilitated the repatriation of Sierra Leonean refugees wishing to return home before the cessation of their refugee status.

There were no further developments in the 2007 sexual abuse case of two Liberian refugee minors or the rape of host community minors by a refugee in Tobanda Refugee Camp.

Two lawyers were kept on retainer by UNHCR during the year to represent victims of rape; however, few were willing to pursue legal action because of cultural pressure from elders and community members. UNHCR worked closely with the Network Movement for Justice and Democracy in educating refugees and the host community through educational workshops focused on sexual and gender-based violence.

The case was concluded against a police officer who raped a 10-year-old Liberian refugee near the Liberian border at Zimmi in 2006, but details of the outcome of the case were unavailable.

There were no reports of discrimination against refugees with regards to employment, access to social services, and arbitrary arrest.

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

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

Elections and Political Participation

Domestic and international observers characterized the July 5 local elections as generally free and fair, although there were irregularities that did not affect the final outcome.

During the year there were multiple reports of harassment and intimidation of members of opposition parties. In other instances, independent and female candidates were forced to drop out of the race due to intimidation by APC and SLPP supporters.

There also were reports of voter coercion by party bosses and traditional leaders. The Political Parties Registration Commission (PPRC) reported one case of a family being banished by a paramount chief in Kambia until after the election cycle.

In peaceful presidential and parliamentary elections held in August and September 2007, the opposition APC won a majority in parliament, and party leader Ernest Bai Koroma was elected president with 54 percent of the vote. There were multiple reports of harassment and intimidation of members of opposition parties. There were also reports of voter coercion by party bosses and traditional leaders. Domestic and international observers characterized the elections as generally free and fair, noting that irregularities did not affect the outcome.

The PPRC, which governed the behavior of political parties, did not sanction any political party for inappropriate behavior despite numerous complaints of abuse.

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. The election of paramount chiefs at times exacerbated ethnic tensions.

Women are permitted to vote, but there were numerous allegations that their votes were dictated by husbands or other patriarchal figures. Of the 124 parliamentary members, 16 were women. Four women held cabinet positions. There were four female judges out of seven judges on the High Court, and the acting chief justice is a woman. Three out of six judges on the Court of Appeal were women.

Only citizens can vote, and the Citizenship Act restricts the acquisition of citizenship at birth to persons of "patrilineal Negro-African descent." 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. While a small percentage of the Lebanese population was naturalized, some insisted that naturalization implied second-class citizenship and refused to vote.

Ethnic affiliations have traditionally 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 have traditionally supported the APC, the country's other ethnic minority groups had no strong political party affiliations. The new cabinet consisted of 12 Temnes, three Mendes, one Fullahs, and three Krios.

Government Corruption and Transparency

Corruption in the executive, legislative, and judicial branches was widespread. Official corruption was exacerbated by low salaries and a lack of accountability. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem.

The Anticorruption Commission (ACC) made little progress in curbing corruption during the year or in improving transparency. Many observers complained that the work of the ACC's investigations department was politicized and ineffective. However, on September 1, a new ACC Act came into force with new offenses, tougher penalties, and broader prosecutorial powers. The law expands the appointed members of the Advisory Committee to include representatives of civil society, professional bodies, religious organizations, educational institutions, and the media. It also broadens the mandate of the ACC Board to annually assess the work of the Commission.

During the year the government developed and approved a five-year national action plan to combat corruption and ministries began including anticorruption activities into their strategic plans. Besides passing the revised law, the ACC has taken several steps to implement the action plan, including an internal restructuring to improve its effectiveness, conducting sensitization campaigns with the public and government ministries, and enforcing whistleblower protection measures.

Corrupt procurement practices were a problem, and several ministries, including the Ministry of Health and Energy, were under investigation. During the year 10 cases of corruption were forwarded to the Ministry of Justice for authorization to prosecute; five received authorization, and five were pending at year's end.

The new ACC law also provides for public officers, their spouses, and children to declare their assets and liabilities to encourage integrity in public life. The president declared his assets the day the law came into force, and all other public servants are required to declare their assets before year's end.

There is no provision in the law for public access to government information; however, the government at times provided access to citizens and noncitizens, including foreign media.

4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

The National Forum for Human Rights (NFHR) served as an umbrella organization for human rights groups in the country. There were 41 human rights NGOs 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, 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, the ICRC, and UN human rights officers monitored trials and visited prisons and custodial facilities during the year; however, AI reported that the government refused to grant permission to visit any prisons, despite multiple requests.

The National Human Rights Commission, which became operational during the year,

generally operated without government interference; however, government agencies were slow to support the commission, and it was also hampered by lack of funds. The commission published a report on the status of human rights which recommended, among other things, increased funding for agencies and NGOs involved in human rights and making the protection of women's and children's rights a priority.

The Parliamentary Human Rights Committee was active in protecting human rights, and it operated without government or party interference. The committee's resources were limited, but it received support from the UN Nations Development Program and the UNHCR.

The trial before the SCSL in The Hague of former Liberian president Charles Taylor resumed in January and was ongoing at year's end. In an appeals judgment issued February 22, the SCSL upheld the July 2007 convictions of Alex Brima, Brima Kamara, and Santigie Kanu, senior commanders of the AFRC. In the first such finding in an international court, the appeals judgment stated that acts of forced marriage should be considered different from acts of sexual slavery and must be considered a crime against humanity in their own right.

In a May 28 appeals judgment, the SCSL reversed the October 2007 conviction of Allielu Kondewa of the Civil Defence Force (CDF) for enlisting child soldiers, and his and CDF Moinina Fofanah's convictions for using collective punishment. However, Kondewa and Fofanah received new convictions for murder and inhumane acts for crimes against humanity. Their sentences were lengthened to 15 years for Fofanah, and 20 years for Kondewa.

The trial phase of the case against RUF leaders Issa Sesay, Morris Kallon, and Augustine Gbao ended August 5. At year's end judgments were pending.

Recommendations of the Truth and Reconciliation Commission (TRC), established to provide a forum for publicly airing the grievances of victims and the confessions of perpetrators during the civil war, were being implemented. The Human Rights Commission continued its work, including ensuring enforcement of the Child Rights Bill and three gender bills, and there was increased use of its human rights violations reporting system. The government took steps to implement a reparations program for the victims of the conflict, as recommended by the TRC. Efforts were underway to establish a trust fund for war victims. However, many NGOs continue to be disappointed at the slow implementation of some of the TRC recommendations, such as the trust fund, identification database of war victims, and splitting of the attorney general and minister of justice positions, requiring constitutional reform.

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

5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, tribe, sex, place of origin, political opinions, color (although citizenship is generally limited to persons of "patrilineal Negro-African descent"), or creed; however, the government did not effectively enforce these provisions, and a number of legal acts and customary laws contravene these constitutional provisions.

Women

The law prohibits rape, which is punishable by up to 14 years' imprisonment; however, rape was common and viewed more as a societal norm than a criminal problem. The law does not specifically prohibit spousal rape. Cases of rape were underreported and indictments were rare, especially in rural areas; this reluctance to pursue justice for women, combined with a lack of 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 were documented of children as young as a few months old. 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.

During the year FSU recorded 1,186 cases of sexual assault. Of these cases, 437 perpetrators were charged, while 555 are still under investigation. The International Rescue Committee (IRC) reported that at least 25 cases resulted in convictions, with perpetrators receiving sentences between 18 months to seven years. Rape cases were frequently 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, and neighbors. The JSDF noted an increase in adolescent boys as perpetrators.

Medical and psychological services for rape victims were limited. Rape victims were required to obtain a medical report to file charges, and most government doctors still charged up to 35,000 leones (approximately \$11.50) per report, which was prohibitively expensive for most victims. The IRC ran 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 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 to five years old, with the youngest client being only one year old at the time of the incident.

Despite the passage of the Domestic Violence Bill in 2007, 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. During the year FSUs noted that 2,738 women reported domestic violence. Of these cases, 360 perpetrators were charged and 1,434 were under investigation at year's end. The FSU does not maintain conviction rate statistics, but NGO reports indicate that few perpetrators were convicted due to poorly trained prosecutors and out-of-court settlements. Awareness of the Domestic Violence Act has resulted in an increase in reported cases in urban areas around the country; however, most human rights organizations note that domestic violence continues to be most prevalent and largely underreported in the northern provinces.

According to UNICEF, 85 percent of women felt that domestic beating was justified for actions such as going out without telling a husband, neglecting the children, refusing sex, or burning food. Women suspected of marital infidelity often were subjected to physical abuse. Because husbands could claim monetary indemnities from their wives' partners, beatings often continued until the women named several men, even if there were no such relationships. There were also reports that women suspected of infidelity were required to undergo animistic rituals to prove their innocence.

Prostitution was widespread and not prohibited by law; however, prostitutes sometimes were arrested and charged with loitering or vagrancy. Many women and girls, particularly those displaced from their homes and with few resources, resorted to prostitution to support themselves and their children.

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

The 2007 bill on customary marriages and divorce empowers either spouse to acquire property and guarantees that gifts, payments, or dowries upon marriage are non-

refundable allowing women in unhappy marriages to divorce without being forced to make decisions based on paid dowries.

The 2007 Devolution of Estate Act provides for intestate succession including the transmission of property to the deceased's spouse and/or children as well as to single persons who cohabited with the deceased for 10 or more years. The Ministry of Social Welfare, Gender, and Children's Affairs finalized their action plan for the implementation of the Gender Acts in October. However, paramount chiefs and local magistrates had not been given the forms or training to register people under the Customary Marriage Act and none of the Acts had been implemented by year's end.

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, such as the Gender Acts of 2007, apply in customary as well as formal courts, but customary judges had limited to no legal training and often were unaware or could choose to ignore formal laws. Chiefs sometimes colluded with men to forcibly evict women and children from their homes or subject them to arbitrary detention. In some cases chiefs imposed arbitrary and exorbitant fines, imprisoned women unlawfully in their homes or "chiefdom jails," and expelled them from the community. Their rights and status under customary law varied significantly depending upon the ethnic group to which they belonged, but was routinely inferior to that of men. Under customary law women's status in society is equal to that of a minor. A woman was frequently perceived to be the property of her husband, to be inherited on his death with his other property. In rural areas polygyny was widespread; UNICEF estimated in 2007 that 43 percent of women were involved in polygynous unions. All women in the Western (Freetown) Area, which is governed by general law, had a statutory right to own property in their own names. Women in the provinces, which are governed by customary laws that vary from chiefdom to chiefdom, did not.

In the Temne ethnic group, women could not become paramount chiefs, subordinate chiefs, or chiefdom authorities; however, in the Mende tribe, there were several female leaders. Efforts by international and domestic NGOs to promote female candidates during the run up to July local council elections resulted in the election in every council of at least one female representative.

Women did not have equal access to education, economic opportunities, health facilities, or social freedoms. In rural areas women performed much of the subsistence farming and had little opportunity for formal education. Women also experienced discrimination in access to employment, credit, pay for similar work, and owning and/or managing 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 complained that the ministry lacked the resources, infrastructure, and support of other ministries to effectively handle its projects assigned. The ministry routinely relied on the assistance of international organizations and NGOs to help combat women's rights violations.

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

Children

The government was committed to improving children's education and welfare; however, it lacked the means to provide basic education and health services.

Although birth registration was not universal, lack of registration did not impact access to public services.

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 other 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 this.

Sexual violence against children was a problem, and the government took few steps to address the issue. The FSUs received training in dealing with sexual violence against children, and cases of child sexual abuse were generally taken more seriously than adult rape cases. However, in many cases of sexual assault against children, parents accept payment instead of taking the perpetrator to court due to difficulties dealing with the justice system.

No law specifically prohibits FGM, and it was practiced widely and supported by politicians and community members. UNICEF and other groups estimated that 80 to 90 percent of women and girls had been victims of the practice; however, some local groups believed that this figure was overstated. FGM was practiced on girls as young as five years old, and UNIOSIL reported cases in which one and two-year-old children 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.

In October a 10-year-old girl in Port Loko District died as a result of FGM. At year's end the SLP were still investigating.

In 2007 the parliament passed the Child Rights Act, which makes it illegal to subject anybody under the age of 18 to harmful treatment, including any cultural practice which dehumanizes or is injurious to the physical and mental welfare of the child; however, the act does not explicitly address FGM. The act prohibits marriage of girls under the age of 18, including forced marriage, as did the 2007 Act on registration of customary marriages and divorce. Despite the new legislation forced child marriage continued to be a problem. UNICEF estimated that 62 percent of females under the age of 18 were married.

The Child Rights Act also provides for the creation of family courts and child committees at the local government level. As of October the FSU reported 136 cases of child cruelty, of which nine had been charged in court. There were no convictions.

Child prostitution continued to be a problem. A UNICEF analysis of Freetown and Bo indicated that over half of the street children survived through prostitution.

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

According to UNICEF, there were 48 residential homes for orphans. The quality of care at the facilities varied, but met most minimum standards. Each facility provided at least one meal a day, some health care, and some type of education.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country.

The country continued to be a source, transit point, and destination for internationally

trafficked persons. The majority of victims were women and children, and the majority of traffickers were family members or friends who lured victims from their home villages with false promises of education, caretaking, or employment. Orphaned children were the most vulnerable population for trafficking. There was no evidence of trafficking through employment agencies, organized crime, or marriage brokers.

Reports indicated that women and children were trafficked from the provinces to work in the capital as laborers and commercial sex workers and to diamond areas for labor and sex work; persons were trafficked from neighboring countries for domestic and street labor and for commercial sex work; persons were trafficked out of the country to destinations in west Africa, including Liberia, Nigeria, Cote d'Ivoire, Guinea, Guinea-Bissau, and the Gambia for labor and sexual; exploitation; persons were also trafficked to Lebanon, Europe, and North America; and the country served as a transit point for persons trafficked from elsewhere in west Africa and possibly the Middle East. According to a center for street children, 80 to 90 percent of the cases they dealt with involved internal trafficking.

A person convicted of trafficking can be sentenced to up to 10 years in prison. During the year FSU reported 38 cases of human trafficking, of which more than half were girls under the age of 16. Of the cases reported, 12 individuals were charged with trafficking but none were convicted.

There were no further developments in the 2007 case of two minors, Abu Bakarr Koroma and Nasira Mansaray, who were arrested for trafficking a five-year-old boy.

A number of government agencies are responsible for combating trafficking, including the SLP, Ministry of Social Welfare, Gender and Children's Affairs, the Immigration Department, and the Office of National Security. The government assisted in reintegrating trafficking victims when requested; however, there were no known requests for assistance with international investigations or extraditions.

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.

A shelter for trafficking victims, run by the International Organization for Migration, has been operational since late 2006 and provided safe haven, medical care, counseling, and reintegration for over 145 victims of trafficking during the year. There were gaps in the services they were able to provide due to limited funding and the lack of shelter facilities outside of Freetown.

Government officials continued to work with NGOs on trafficking-related issues and attended NGO training sessions on trafficking. The Ministry of Social Welfare, Gender, and Children's Affairs and the SLP publicly supported NGO anti-trafficking efforts. However, the trafficking secretariat, established by the 2005 law, had yet to be funded, and the three-year work plan developed by the antitrafficking task force remained largely unfunded.

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

The law does not prohibit discrimination against persons with physical and mental disabilities. No law mandates accessibility to 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. A few private agencies and organizations provided job training for such persons.

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. Despite the sizeable numbers of persons disabled by polio, there was little government assistance to this group.

Psychiatric patients at the Kissy Mental Hospital were usually restrained by being chained to their cots for the first few weeks of treatment due to the lack of soft restraints.

Some of the many individuals maimed in the civil war, or who had their limbs amputated by rebel forces, received special assistance from local and international humanitarian organizations. Such programs involved reconstructive surgery, prostheses, and vocational training to help victims acquire new work skills; however, amputees complained that they did not receive sufficient assistance compared to former combatants, who received aid through the demobilization process. In response to TRC recommendations, the government accepted in principle the need to develop an aid program for war wounded, amputees, and victims of sexual violence; however, assistance to these groups remained limited and mostly funded by outside entities.

National/Racial/Ethnic Minorities

The ethnically diverse population consists of about 18 ethnic groups of African origin, many of whom spoke distinct languages and were concentrated outside urban areas. In addition there are 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 constituted 10 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 both with the former SLPP and current APC ruling parties.

Ethnic clashes between Limbas and Mandingos resulted in injuries and property damage, including killed livestock and burned homes and villages.

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.

Other Societal Abuses and Discrimination

The law prohibits discrimination based on actual, perceived, or suspected HIV status; however, persons with HIV/AIDS were stigmatized in society. There was no official discrimination against HIV/AIDS positive persons.

The law prohibits homosexual acts, and there was official and societal discrimination based on sexual orientation. Many homosexuals concealed their sexual orientation.

6. Worker Rights

a. The Right of Association

The law allows workers to join unions of their choice without prior authorization or

excessive requirements; however, civil service, police, and members of the armed services are prohibited from joining unions. The law allows unions to conduct their activities without interference, and the government generally protected this right; however, by year's end the government had not granted a bargaining certificate to the Civil Servant's Union, whose application had been on file since 1986. According to the Ministry of Labor, approximately 35 to 40 percent of workers were unionized, including mainly agricultural workers, mineworkers, and health workers.

Unions have the right to strike, although the government could require 21 days' notice, and workers exercised this right in practice. The law does not prohibit retaliation against strikers, even for a lawful strike.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and the government protected this right in practice. Collective bargaining must take place in trade group negotiating councils, each of which had an equal number of employer and worker representatives. Collective bargaining was widespread in the formal sector, and most enterprises were covered by collective bargaining agreements on wages and working conditions. No reliable data was available on the percentage of workers covered by collective agreements.

The law does not prohibit antiunion discrimination against union members nor employer interference in the establishment of unions; however, during the year there were no reports of such occurrences.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, including by children; however, the government did not effectively enforce the law, and forced and bonded child labor remained a largely unquantifiable problem. Under the Chiefdom's Council Act, individual chiefs may impose forced labor as punishment and have done so in the past; however, there were no reported occurrences during the year. Chiefs also may require villagers to contribute to the improvement of common areas, a practice that occurred in rural areas. There is no penalty for noncompliance.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits forced and bonded labor by children; however, the government did not effectively enforce the law, and child labor remained a problem due to strong tradition and high levels of extreme poverty. Almost half of children aged 14-15 years were engaged in some form of child labor, but the rate varied from 27 percent in urban areas to 57 percent in rural areas. The law limits child labor, allowing light work at age 13, full-time work at age 15, and hazardous work at age 18. The law states that children under 13 should not be employed in any capacity; however, enforcement was not effective.

Children aged 15 may be apprenticed (provided they have finished schooling) and employed full-time in non-hazardous 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.

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

In rural areas children worked seasonally on family subsistence farms. Children also

routinely assisted in family businesses and worked as petty vendors. Adults engaged a large number of street children to sell, steal, and beg. Because the adult unemployment rate remained high, few children were involved in the industrial sector or elsewhere in the formal economy.

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

There were reports that children whose parents sent them to friends or relatives in urban areas for education were forced to work on the street. There also were reports that adults asked orphanages for children to be used as household help.

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

In remote villages, children are made to carry heavy loads as porters resulting in stunted growth and development. Children are also engaged in sand mining, fishing, hawking, mining, and prostitution. Some of the children who were hired by employers outside the country may have been victims of trafficking.

The Ministry of Labor was responsible for enforcing child labor laws. The Ministry of Mineral Resources enforced regulatory prohibitions against the worst forms of child labor. The ministry also was charged with protecting children working in the diamond mining areas; however, enforcement was not effective.

An initiative called "chiefs as champions for children" used traditional leaders to advocate for children's rights. The Freetown City Council contributed non-financial support to programs that provide free schooling and services to at-risk youth.

e. Acceptable Conditions of Work

The national minimum wage, covering all occupations, including in the informal sector, was set at 25,000 leones (approximately \$8.30) per month, which did not provide a decent standard of living for a worker and family. The Ministry of Labor is responsible for enforcing the minimum wage, but it lacked the resources to effectively do so, and compliance was difficult to monitor in the informal sector. Most workers supported an extended family, often including relatives who had been displaced by the insurgency in the countryside. It was common to pool incomes and to supplement wages with subsistence farming and child labor.

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

The Ministry of Health and Sanitation was responsible for setting and enforcing health and safety standards. Although the government set these standards, it lacked the funding to enforce them properly. Trade unions provided the only protection for workers who filed complaints about working conditions. Initially, a union could make a formal complaint about a hazardous working condition; if this complaint was rejected, the union could issue a 21-day strike notice; however, no such actions were reported during the year. If workers were to remove themselves from dangerous work situations without making a formal complaint, they risked being fired.

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

