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## 2009 Human Rights Report: Sierra Leone

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

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Sierra Leone is a constitutional republic with a directly elected president, a unicameral legislature, and a population of approximately 6.4 million. In peaceful presidential and parliamentary elections held in 2007, the opposition All People's Congress (APC) won a majority in parliament, and citizens elected party leader Ernest Bai Koroma president. Domestic and international observers characterized the elections as credible and free but noted irregularities that did not affect the outcome. In 2002 the devastating 11-year civil conflict officially ended, and the government, backed by a United Nations peacekeeping force (UNAMSIL), asserted control over the 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 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.

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.

#### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading

## Treatment or Punishment

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

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

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

Police use of excessive force to disperse demonstrators resulted in injuries and death. For example, in September police shot and killed three persons and injured numerous others after the civilians attacked the local police station.

Compared to the previous year, fewer men and women were initiated forcibly 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. Crowds often set upon suspected thieves.

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

There were continued 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 Bureau of Prisons stated that as of October 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 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 reported that, as in the previous year, training and monitoring resulted in a reduction in the number 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. One NGO noted an improvement in nutritional standards, but prisoners continued to receive inadequate portions of food during the year. The Bureau of Prisons received only 2,500 leones (\$0.63) per prisoner per day for food rations; increased food prices throughout the year posed a significant challenge. 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.

Local NGO Prison Watch reported that there was a shortage of prison staff and 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 somewhat improved due to magistrate judges deployed to the districts to process cases.

During the year a total of 36 prisoner deaths occurred allegedly as a result of anemia, respiratory tract infections, pneumonia, 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. 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.

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.

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.

The government permitted family visits to prisoners and detainees regularly during the year. Unlike the previous year, the International Committee of the Red Cross (ICRC) did not provide a message delivery service that allowed prisoners housed in all district prisons to communicate with their families on a quarterly basis.

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

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

The SLP has primary responsibility for maintaining internal order but was poorly equipped and lacked investigative, forensic, and riot control capabilities. The military is responsible for external security; however, the "Military Assistance to

the Civil Power" program provided additional assistance to police in extraordinary circumstances, such as following a police shooting of three civilians near Lungi Airport in September.

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

According to the JSDP, impunity was less of a problem than in the past, 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 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 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.

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

#### Arrest Procedures and Treatment While in Detention

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

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

Detainees have the right of access to family and 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.

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

Lengthy pretrial detention was a problem. According to Amnesty International, as a result of case backlogs, pretrial and remand detainees spent an average of three to five years in pretrial detention before courts examined their cases or filed formal charges. In one case, nine years of pretrial detention was ongoing at year's end. Approximately 60 percent of detainees in prison were in pretrial detention. On November 10, inmates at the prison in Bo engaged in a small-scale riot to protest against their lengthy pretrial detentions and what they considered to be their lack of access to justice. 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.

#### 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 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.

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

Summary dealing cases are limited to low-level military offenses, such as misappropriation of military property, unlawful possession of a firearm, and being absent without leave. The commanding officer determines the punishment, the most severe of which is a 28-day custodial sentence. The court martial hears all civilian and serious military offenses committed by military personnel, as well as cases involving senior officers. The case is tried before a judge and board; the latter determines guilt or innocence, and the former the sentencing recommendation. The court martial hears an average of four cases per year.

The military justice system has an appeals process. For summary dealing, the defendant can appeal for the redress of complaint, which goes to the next senior ranking officer, while appeals in a court martial are heard by the civilian Supreme Court.

Traditional justice systems supplemented the central government judiciary, especially in rural areas. Paramount chiefs maintained their own police and courts to enforce 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 due to government and NGO training of traditional elders and an influx of paralegals.

Trials were generally fair; however, there was credible evidence that corruption influenced many cases. Paramount chiefs acting as judges were notorious for accepting bribes and favoring wealthier defendants, although they showed a greater willingness to discuss issues and refer cases to magistrates than in previous years (see section 4.)

#### Trial Procedures

The law provides for a fair trial; however, in practice, the lack of judicial officers and facilities often produced long delays. Some cases were reported to be adjourned 40 to 60 times. Trials are public, and the accused have a limited right to a trial by jury in the magistrate courts. Juries were drawn from a list maintained by the master and registrar of active and retired civil servants and youth groups; however, the attorney general frequently exercised his power to determine that cases be heard by a judge alone. Defendants generally enjoyed a presumption of innocence. While defendants have the right to be present and to consult with an attorney in a timely manner, access to counsel often was delayed. The law provides for attorneys at public expense if defendants could not afford their own; however, state-appointed attorneys often were overburdened and poorly paid, and indigent detainees usually did not receive legal advice prior to trial. Defendants can confront or question witnesses against them, present witnesses and evidence on their own behalf, and access government-held evidence relevant to their cases. 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 delayed excessively, sometimes for 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 noncapital offenses, such as sacrilege (50 years), larceny (25 years), and larceny and burglary (45 years). Many attributed the inconsistent sentencing to the defendant's ability to pay a fine or bribe.

Traditional justice systems continued to supplement extensively the central government judiciary, especially in rural areas, in cases involving family law, inheritance, and land tenure. However, the customary law guiding these courts is not codified, and decisions in similar cases were inconsistent. Paramount chiefs sometimes referred cases to the police to falsely legitimize arrests for civil complaints. 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. Juveniles are afforded few rights in the traditional justice system.

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 of international law committed during the civil war. On October 31, the eight individuals convicted of war crimes by the tribunal were transferred to Rwanda to serve their sentences.

#### 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 the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

The government rarely attempted to impede criticism, although some believed that political figures used sympathetic media outlets to target their opposition. One editor noted an incident in which high-level government officials threatened to sue a paper if it did not retract a critical story. When the paper stood by its reporting, the officials backed down but asked that the paper publish a progovernment article to compensate for the bad press. There were also reports of interference by local government officials in the provinces.

The Attitudinal and Behavioral Change Secretariat, under the purview of the Office of the President, urged musicians to perform songs that would help rebrand the country and discouraged disk jockeys from playing songs critical of the government. This encouraged self-censorship by radio stations concerned about losing their licenses.

More than 88 newspapers were registered with the Independent Media Commission (IMC), and during the year many were published in Freetown, covering a wide spectrum of interests and editorial opinion. Most of the newspapers were independent, and several were associated with political parties. 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. While sometimes subject to official pressure and restrictions, newspapers openly and routinely criticized the government and its officials as well as the opposition parties. Newspapers also libeled individuals.

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

The law criminalizes both defamatory and seditious libel; however, the law rarely was applied. Punishment for first-time offenders can be up to three years' imprisonment, and subsequent seditious libel convictions are punishable by prison terms of up to seven years. The IMC and the Sierra Leone Association of Journalists (SLAJ) continued to lobby parliament without success to amend the law, and the SLAJ filed a lawsuit with the Supreme Court asking it to rule on the law's constitutionality. On November 10, the Supreme Court upheld the libel portions of the law. The ruling makes a future repeal of the law in its entirety difficult since it would give the appearance of executive interference in judicial independence.

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. The APC and the Sierra Leone People's Party (SLPP) set up radio stations; however, the vice president shut them down in the wake of the March riots, since they were used to incite political violence and hysteria (see section 2.b.). The IMC objected to this unilateral action, although the executive branch has the power to make such decisions if national security is at stake. The IMC ultimately approved the decision, and the stations remained closed at year's end. UN Radio provided additional coverage of news and other current events.

#### 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. According to International Telecommunications Union statistics for 2008, less than 1 percent of the country's inhabitants used the Internet.

#### Academic Freedom and Cultural Events

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

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

##### Freedom of Assembly

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

On March 13 and 16, riots occurred outside and within the SLPP party headquarters. Ruling APC and opposition SLPP supporters clashed on both occasions, and APC supporters stormed the SLPP building, destroyed furniture and equipment, and burned vehicles. Women were allegedly raped during the March riots and many criticized police for their perceived inability to handle the event. Some police officers allegedly colluded with the rioters. An independent investigation concluded there was insufficient evidence to prove the rape charges, and complaints made against the police to the CDIID were forwarded to the Department of Public Prosecutions for possible civil legal action. At year's end there were no further developments.

On other occasions police forcibly dispersed demonstrators, resulting in injuries. Police occasionally were unable to control violence, and demonstrators at times attacked police stations.

In September a community angry at perceived police ineffectiveness in handling a recent crime spree attacked a small local station; one officer opened fire on the crowd, killing three. The situation remained under investigation at year's end.

##### 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 the government under the ruling APC denied members of opposition parties the right to demonstrate publicly against government policies.

##### 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. In April a church was burned in Kambia Province, but a subsequent government investigation revealed that the cause of the incident was community-based secular strife, rather than religious intolerance.

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 lapsed during the year.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at <http://www.state.gov/g/drl/rls/irf/>.

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

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

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

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

#### Protection of Refugees

The 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.

The law provides for refugee status as defined by international convention to be granted to eligible asylum seekers. The UNHCR worked with government authorities to develop standard operating procedures for refugee status determination.

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

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

The government 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.

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.

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

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

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

#### Elections and Political Participation

In peaceful presidential and parliamentary elections held in August and 2007, the opposition APC won a majority in parliament, with party leader Ernest Bai Koroma elected president. 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 Political Parties Registration Commission (PPRC), which governed the behavior of political parties, does not have the authority to sanction any political party for inappropriate behavior. It received ten inter- and intra-party complaints during the year and acted as a mediator to address the problems. The PPRC can only use moral suasion to convince people and parties to act according to agreed-upon guidelines, such as the parties' constitutions.

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

Women are permitted to vote, but husbands or other patriarchal figures are known to influence their decisions. Of the 124 parliamentarians, 16 were women. Women held two of the 20 cabinet positions. There were four female judges out of seven judges on the High Court, and the chief justice was a woman. Three out of six judges on the Court of Appeal were women. Only citizens can vote, and the law 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 during a previous period of government leniency, some insisted that naturalization implied second-class citizenship and refused to vote.

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.

#### Section 4 Official Corruption and Government Transparency

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 and in improving transparency by enforcing the new offenses, tougher penalties, and broader prosecutorial powers of the law.

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

Corrupt procurement practices were a problem, and several ministries were under investigation during the year. In September the ACC released a report with a number of recommendations for the Ministry of Education noting in particular the presence of "ghost teachers," aid mismanagement, and illegal charges.

On November 4, the ACC indicted the Minister of Health and Sanitation, Sheiku Tejan Koroma, on three charges of corruption, including abuse of public office, abuse of public position, and failure to comply with government procurement laws and policies. At year's end the minister was on administrative leave while the court addressed the matter. This was the first time the ACC had indicted a sitting member of government or used the abuse of public office and public position as offenses.

On December 21, a press release from State House announced that the commissioner general of the National Revenue Authority was ordered on leave pending an investigation by the ACC. There were no further developments at year's end.

During the year the ACC recovered more than two billion leones (\$500,000) from public officers and private business officials as settlement for corruption-related cases. Many cases either were settled out of court, or defendants chose to pay fines rather than face a custodial sentence. The ACC also convicted prominent government workers, including education officials and the former ombudsman. During the year a total of 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 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 in 2008, and all other public servants were required to declare their assets before year's end. While this process was significantly delayed, most government agencies complied fully by 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.

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

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

The 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, 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. The commission's annual report on the status of human rights recommended, among other things, abolishing the death penalty, repealing the Public

Order Act, allowing the IMC to operate without interference, introducing a temporary court to address case backlogs, increasing 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 focused on keeping human rights issues on the parliamentary agenda, paving the way for the passage of amended laws and ratification of international conventions, and doing public outreach.

The trial before the SCSL in The Hague of former Liberian president Charles Taylor resumed in January and was ongoing at year's end.

The trial phase of the case against Revolutionary United Front leaders Issa Sesay, Morris Kallon, and Augustine Gbao ended in 2008, and the judgment delivered in February found Sesay and Kallon to be guilty on 16 counts and Gbao guilty on 14 counts of war crimes, crimes against humanity, and other serious violations of international humanitarian law. The October 26 appeals judgment upheld all 16 counts against Sesay and Kallon but overturned Gbao's conviction for collective punishments. The appeals court also found Gbao not guilty of one of the two attacks on UN peacekeepers. The judgment did not impact the sentences of 52, 40, and 25 years for Sesay, Kallon, and Gbao respectively.

Recommendations were being implemented 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. The Human Rights Commission continued its work, including efforts at enforcement of the Child Rights Bill, and three gender bills. 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 continued to be disappointed at the slow implementation of some of the TRC recommendations, such as the trust fund and separating the positions of attorney general and minister of justice, which would require a constitutional amendment.

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

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

Citizenship is generally limited to persons of "patrilineal Negro-African descent," but the law otherwise prohibits discrimination based on race, tribe, sex, place of origin, political opinions, color, or creed. However, the government did not effectively enforce these provisions, and a number of legal acts and customary laws contravene these constitutional provisions.

#### Women

The law prohibits rape, which is punishable by up to 14 years' imprisonment; however, rape was common and viewed more as a societal norm than a criminal problem. The law does not specifically prohibit spousal rape. Cases of rape were underreported and indictments were rare, especially in rural areas. 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.

During the year 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. 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 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 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 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 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.

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. During the year 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 statistics on conviction rates, but NGO reports indicate few perpetrators were convicted due to poorly trained prosecutors and out-of-court settlements. 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.

According to the United Nations Children's Fund (UNICEF), the majority 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 occasionally 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.

Women and men generally were free to decide the timing, number, and spacing of their children: 70 percent of women and couples who practiced family planning made independent decisions, while 30 percent reported that other influences and pressures, such as family and religion, were determinant factors. The Ministry of Health and Sanitation reported 128,000 new clients for family planning services, and long-term and permanent treatments, such as intrauterine devices (IUDs) and tubal ligation, increased in popularity. Statistics showed, however, that the contraception prevalence rate

ranged from 8 to 20 percent, and of the women using family planning methods, 51 percent did not discuss it with their partners.

The Ministry of Health and Sanitation and NGOs did their best to meet the demand for oral contraceptives, but government shipments frequently were pilfered. Rural women and families rarely were served by outreach teams. Organizations also battled misconceptions about family planning, particularly in rural areas; many parents believed contraceptives would prevent pregnancy later in life and refused treatment for their sexually active teenage children.

Approximately 25 percent of women gave birth in hospitals, according to a 2008 government study, and 45 percent were delivered by a health professional. Urban mothers were more than twice as likely to receive medical assistance during delivery as rural mothers (67 versus 33 percent). However, few hospitals in each district offered the full array of obstetric and postpartum services. Most women did not have access to transportation to make regular doctor's visits or lived in locations where few services were offered. Women also rarely had equal access to family finances, and male partners did not always see pre- and post-natal care as a priority.

Women were more frequently diagnosed than men with sexually transmitted infections and HIV/AIDS because they were tested as part of their obstetric care. Men were more likely to wait for testing until they exhibited physical symptoms. There was an active government campaign to test more women during the prenatal period.

The law on customary marriages and divorce empowers either spouse to acquire property and guarantees that gifts, payments, or dowries upon marriage are nonrefundable, allowing women in unhappy marriages to divorce without being forced to return dowries.

The law provides for intestate succession including the transmission of property to the deceased's spouse and/or children as well as to single persons who cohabited with the deceased for 10 or more years. One noticeable problem with the law was its definition of "property" as mutually owned land; since land outside of Freetown is often communal or family property, it was difficult to prove that a couple owned the land together and that the wife thus had a right to it.

Throughout the year the Ministry of Social Welfare, Gender, and Children's Affairs rolled out its action plan for the implementation of the law, but little progress was made beyond sensitization. At year's end the government had not given the forms or training to paramount chiefs and local magistrates to register persons under the law, nor had it implemented any of the Acts.

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. A woman is frequently perceived to be the property of her husband, to be inherited on his death with his other property. In rural areas polygyny was widespread; UNICEF estimated in 2007 that 43 percent of women were involved in polygynous unions. All women in the Western (Freetown) Area, which is governed by general law, had a statutory right to own property in their own names. However, women in the provinces, which are governed by customary laws that vary from chiefdom to chiefdom, did not.

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

Women did not have equal access to education, economic opportunities, health facilities, or social freedoms. In rural areas women performed much of the subsistence farming and had little opportunity for formal education. According to a 2008 government survey, 66 percent of women had never been to school, compared 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 complained that the ministry lacked the resources, infrastructure, and support of other ministries to handle effectively its assigned projects. The ministry routinely relied on the assistance of international organizations and NGOs to help combat women's rights violations.

Women were active in civic and philanthropic organizations. Domestic NGOs, such as 50/50, the Forum for African Women Educationalists, and the Women's Forum, raised awareness of 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

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.

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.

Sexual violence against children was a growing problem, and the government took few steps to address the issue. The FSUs are trained in dealing with sexual violence against children, and cases of child sexual abuse generally were taken more seriously than adult rape cases. However, in many cases of sexual assault against children, parents accept payment instead of taking the perpetrator to court due to difficulties dealing with the justice system, fear of public shame, and economic hardship. Although the FSUs were seen to be improving their ability to prevent and respond to cases, the conviction numbers remained very low.

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. UNICEF and other groups estimated that 80 to 90 percent of women and girls had been victims of the practice. 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 successfully rescued several girls in Bo and Kenema who were about to be forcibly mutilated.

The investigation into the October 2008 death of a 10-year old girl in Port Loko District claimed that there was no proof that FGM caused the death.

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. 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. UNICEF estimated that 62 percent of females under the age of 18 were married.

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

#### Trafficking in Persons

The law prohibits trafficking in persons for all purposes; 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, care, 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. NGOs reported that boys increasingly were becoming victims but were generally unnoticed because they were not the targets of sexual exploitation. However, boys were more likely than girls to attempt to escape from traffickers or seek help.

Reports indicated that women and children were trafficked from the provinces to work in the capital or in diamond areas as laborers and commercial sex workers. Persons were trafficked from neighboring countries for forced domestic and street labor, forced begging, and for sexual exploitation. Persons were trafficked out of the country to destinations in West Africa, including Liberia and Nigeria for labor and sexual exploitation; persons were also trafficked to Lebanon, Europe, and North America; and the country also served as a transit point for persons trafficked from elsewhere in West Africa. 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 could be sentenced up to 10 years in prison. During the year the FSUs 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 Abdul Aziz Bandu was sentenced to 22 years for trafficking, harboring, and sexually exploiting three girls in Bo. 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, including the SLP, Ministry of Social Welfare, Gender, and Children's Affairs, the Immigration Department, and the Office of National Security, are responsible for combating trafficking. The government assisted in reintegrating trafficking victims when requested. 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.

The country's only shelter for trafficking victims, run by the International Organization for Migration, closed during the year due to lack of funding, negatively impacting the efficacy of the victim referral network. The shelter had served 24 victims at the time of closure.

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 antitrafficking efforts. However, the trafficking secretariat established by the 2005 law was yet to be funded, and the three-year work plan developed by the antitrafficking task force remained largely unfunded.

The State Department's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

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

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.

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.

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

Ministry of Social Welfare, Gender, and Children's Affairs is meant to provide policy oversight for issues impacting people with disabilities but has limited capacity to do so.

Some of the many individuals maimed in the civil war, including those 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 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 and current APC 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.

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

The constitution does not offer protection from discrimination based on sexual orientation. A law from 1861 still in force prohibits male homosexual acts; however, there is no legal prohibition against female-to-female sex. The 1861 law carries a penalty of life imprisonment for indecent assault upon a man or 10 years for 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.

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. There were unofficial reports of beatings by police and others, particularly targeting men dressed as women, but formal complaints were not filed due to fear of reprisal. Lesbian girls and women were also victims of "planned rapes" that were initiated by family members in an effort to change their sexual orientation.

Social discrimination based on sexual orientation occurs in nearly every facet of life for known gays and lesbians, and many choose to have heterosexual relationships and family units to shield them. In the areas of employment and education, sexual orientation is the basis for abusive treatment, which has led individuals to leave their jobs or courses of study. It is difficult for gays and lesbians to receive the health services they need, due to fear that their confidentiality rights would be ignored if they were honest about their ailments; many choose not to be tested or treated for sexually transmitted

infections. Secure housing is also a problem, both for young and mature gays, lesbians, bisexuals, and transgender persons. Gay children frequently are shunned by their families, leading some to turn to prostitution to survive. Adults can lose their leases if their sexual orientation becomes public.

#### Other Societal Violence or Discrimination

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

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.

#### Section 7 Worker Rights

##### a. The Right of Association

The law allows workers to join unions of their choice without prior authorization or excessive requirements; however, it prohibits civil service employees, police, and members of the armed services from joining unions. The law allows unions to conduct their activities without interference, and the government generally protected this right; however, in some private industries employers were known to intimidate workers to prevent them from joining a union. By year's end the government had not granted a bargaining certificate to the Civil Servants' Union, whose application had been on file since 1986. According to the Ministry of Labor, approximately 35 to 40 percent of workers in the formal economy were unionized, including mainly agricultural workers, mineworkers, and health workers. Unions have the right to strike, although the government could require 21 days' notice, and workers exercised this right in practice. The law does not prohibit retaliation against strikers, even 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. Under the law, individual chiefs may impose forced labor as punishment and have done so in the past; however, there were no reported occurrences during the year. Chiefs also may require villagers to contribute to the improvement of common areas, a practice that occurred in rural areas. There is no penalty for noncompliance.

#### d. Prohibition of Child Labor and Minimum Age for Employment

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

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.

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

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

The Freetown City Council contributed non-financial support to programs that provided 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 (\$6.35) per month, which did not provide a decent standard of living for a worker and family. The Ministry of Labor is responsible for enforcing the minimum wage, but it lacked the resources to do so effectively, and compliance was difficult to monitor in the informal sector. Most workers supported an extended family. It was common to pool incomes and to supplement wages with subsistence farming and child labor.

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

The Ministry of Health and Sanitation was responsible for setting and enforcing health and safety standards. Although the government set these standards, it 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. Workers who removed themselves from dangerous work situations without making a formal complaint risked being fired.

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