



**Country report: Sierra Leone
Date submitted: 04 June 2014**

UK Legal Position	Date
Caselaw	
<p>European Court of Human Rights Factsheet: 'Trafficking in Human Beings'</p> <p>Case involving Sierra Leonean trafficking victim refused permission to appeal to ECtHR.</p> <p>Legal principles:</p> <p>Increased recognition of trafficking; Positive Article 4 obligations breached by a destination state's failure to act and a country of origin's failure to investigate.</p> <p>AF: An application on the grounds that deportation would result in the applicant's being forced back into prostitution was ruled inadmissible, as there was insufficient evidence that the police knew or ought to have known.</p> <p>Kaya/Tas: States are to be given a wide margin of appreciation in dealing with deportations of non-national traffickers.</p> <p>Key issues/words: Prostitution, women (YK v UK)</p>	March 2014
UKBA Operational Guidance notes*	
<p>Operational Guidance Note: Sierra Leone</p>	01/06/09
UKBA Country of Origin Reports *	
<p>Country of Origin Information Report: Sierra Leone</p>	23/11/10
US State Department Tier Allocation	
<p>Trafficking in Persons Report 2014</p>	20/06/14



<p>See country narrative on page 340.</p> <p>Tier 2 (2014 TIP)</p>	
<p>1.Groups at risk and types of trafficking</p>	
<p>Women:</p> <p>US State Department. Bureau of Democracy. Human Rights and Labour – Country Report on Human Rights Practices 2013 (see also below. State protection)</p> <p>Keywords: discrimination against women (rape, domestic violence and early/forced marriage); stigma of HIV/AIDS</p> <p>ODI (Overseas Development Institute. UK think tank) report. ‘Violence against women in Sierra Leone: how women seek redress’ODI (Overseas D</p> <p>Summary: Inadequacy of official state legislation to protect women’s rights (ie. customary marriages largely remain unregistered, so wives have no legally enforceable property rights if divorced or widowed); traditions of early marriage, transactional sex in teacher/pupil relationships, societal acceptance of rape within marriage/relationships, finances controlled by men, link between rates of violence against women and low education levels. Also highlights that prostitutes are stigmatised by society for being promiscuous, p.10. The report then breaks down ways to access justice and obstacles faced by women, pointing out that formal justice is not the only prevailing form of redress. Groups at particular risk of violence, women in the north, uneducated women, school girls, female farm workers.</p> <p>Keywords: patriarchal society, gender inequality, violence against women, stigma; obstacles to access to justice.</p> <p>International Rescue Committee report. ‘Let me not die before my time: Domestic violence in West Africa’. </p> <p>Describes prevalence of domestic abuse in Sierra Leone, Liberia and Ivory Coast, exacerbated by economic dependence on men. It describes the barriers to reporting violence (medical certificates, legal fees, poor law enforcement) and the inadequacy of legal remedies. Focus on Sierra Leone p.21</p> <p>Keywords: violence against women, barriers in reporting violence</p>	<p>2013</p> <p>15/03/2013</p> <p>22/05/2012</p>



<p>medical facility they are considered in Sierra Leone to have access to health services; p56 only one specialist in mental health in the country and health staffs even at PHUs are not trained to deal with these cases; p57 Teenage mothers almost always lost their chance of accessing quality education and skills training to attain economic empowerment; The Child's Right Act, 2007, forbids marriage before age 18 but has yet to be fully implemented.</p>	
<p>Keywords: child labour, orphans, education, healthcare provisions, teenage mothers</p> <p>Dissertation by Oludele C. Doherty, California University of Pennsylvania: 'Human Trafficking in West Africa - A Case of Sierra Leone'.</p>	
<p>Summary: Indicates unregistered child births and foster parentage as major factors in why Sierra Leone is a source country for trafficking. Further lack of awareness about human trafficking, poverty, ignorance of methods needed to fight human trafficking. Porous borders and public corruption are contributory factors.</p> <p>(Full dissertation would need to be purchased.)</p>	2013
<p>Keywords: child trafficking, causes of trafficking, public corruption.</p> <p>Africa Review: 'Stranded Sierra Leonean Migrants Repatriated from Libya'.</p> <p>30 Sierra Leoneans trafficked to Libya, promised jobs in the construction and security sectors. Vulnerable because of high youth unemployment in Sierra Leone.</p>	07/06/13
<p>Key issues/words: trafficking routes: Libya, Japan, Haiti, youths</p> <p>UNICEF Fact Sheet: Birth Registration</p> <p>Summary: Difference in registration of births in urban and rural parts of Sierra Leone: 66% to 40%.</p>	19/03/14
<p>Key issues/words: children, birth registration.</p> <p>US Department of Labor's Bureau of International Labor Affairs Report: 'Sierra Leone - 2012 Findings on the Worst Forms of Child Labour'.</p> <p>Children as young as five are engaged in mining, agriculture in rural areas, the fishing industry, domestic labour. They are trafficked internally for forced</p>	2012



<p>begging, forced labour and commercial sexual exploitation. Temporary shelters available but limited funding for law enforcement, and long shelters for VoT's are unavailable. Sierra Leone's constitution prohibits forced and compulsory labour. No mechanism for coordinated child protection. It is reported that some traffickers are presently being prosecuted.</p> <p>Key issues/words: children, exploitation, labour, agriculture, diamond mines, and street children.</p>	
<p>2.Risk on Return (e.g other risks)</p>	
<p>3.State protection</p>	
<p>General human rights issues:</p> <p>US State Department, Bureau of Democracy, Human Rights and Labour – Country Report on Human Rights Practices 2013</p> <p>Keywords: prison conditions, police corruption, access to justice (legal representation, detention on remand, fair trials), discrimination against women (rape, domestic violence and early/forced marriage); stigma of HIV/AIDS</p> <p>‘Amnesty International Annual Report 2012 - Sierra Leone’</p> <p>Keywords: death penalty, justice system, domestic violence, sexual violence, freedom of expression, maternal health, prison conditions, political violence</p> <p>Amnesty International Annual Report 2013: Sierra Leone.</p> <p>Keywords: death penalty, justice system, police & security forces, healthcare, women’s rights, corporate accountability</p>	<p>2013</p> <p>24/05/2012</p> <p>25/05/2013</p>
<p>Legislation in Sierra Leone:</p> <p>Sexual Offences Act 2012</p> <p>Person under 18 cannot consent, marriage is not a defence. Published in Sierra Leone Gazette Vol. CXLIII, no.60.</p> <p>Legal Aid Act 2012</p>	<p>01/11/2012</p>



<p>Persons with Disability Act 2011</p> <p>Prohibits discrimination in employment, provides free healthcare</p> <p>Local Courts Act 2011</p> <p>Being an Act to provide for the establishment and operation of Local Courts, the administration of justice in the provinces and for other related matters.</p> <p>Domestic Violence Act 2007</p>	<p>23/08/2012</p> <p>05/05/2011</p> <p>27/10/2011</p> <p>26/07/2007</p>
<p>Healthcare:</p> <p>The Lancet: Sierra Leone's Free Health-Care Initiative - Work in Progress</p> <p>Summary: problems with provision of drugs and the impact of poor infrastructure, particularly on maternal health; also the aggravating factors of early and frequent pregnancies and low use of contraceptives which are cultural norms. Sierra Leone described as one of most deadly places to give birth. One in five children die before age of five. Improvements in sanitation, poor medical infrastructures, difficult for rural population to access medical care.</p> <p>Keywords: healthcare, infrastructure, maternal health</p> <p>Global Network of People Living with HIV: Global Criminalisation Scan - Sierra Leone</p> <p>Provisions on HIV transmission – anyone who is HIV+ must take reasonable steps not to spread it, with troubling implications for mother to child transmission</p> <p>Keywords: HIV, criminalisation</p> <p>Concord Times (Freetown): 'Sierra Leone - No Water and Electricity At Rokupa Government Hospital'</p> <p>Hospital in the capital deprived of water and electricity.</p> <p>Keywords: healthcare provision, infrastructure</p> <p>WHO MIND: 'Mental Health in Development - Sierra Leone'</p>	<p>19/01/13</p> <p>03/09/12</p> <p>15/01/14</p>



<p>Summary: physical distance to health facilities a barrier to care, distribution skewed towards urban centres (p24), current legislation on mental health is the 1902 Lunacy Act, stigma of mental health problems (p27), shortage of healthcare workers (p29) - only one psychiatrist, two psychiatric nurses and one psychiatric hospital in Sierra Leone (p29), Map of Healthcare Services in SL (p32), no psychiatric services available at any general hospitals in SL (p35). Number of people affected by mental illness is significant. Centre for victims of torture closed in September 2014. Some counseling centers, one under threat of closure due to limited funds.</p> <p>Keywords: mental health, healthcare provision</p>	<p>March 2012</p>
<p>Mental Health Atlas 2011 - Sierra Leone. Department of Mental Health and Substance Abuse. World Health Organization.</p> <p>Mental health policy and mental health plan exist, but no dedicated mental health legislation. Only 1 psychiatric hospital with 200 beds.</p> <p>Keywords: mental health, healthcare provision</p>	<p>2011</p>
<p>Sierra Leone Ministry of Health and Sanitation Mental Health Policy and Strategic Plan 2012</p> <p>Summary: This report acknowledges that mental health is a neglected area. There is one psychiatric hospital in Sierra Leone, which is described as grossly understaffed and outdated.</p> <p>Keywords: Mental healthcare</p>	<p>10/10/2012</p>
<p>Amnesty International: 'At a Crossroads - Sierra Leone's Free Healthcare Policy'</p> <p>Disparities between rural and urban maternal health services; quality of care often substandard, and many women continue to pay for essential drugs which should be free. Healthcare is often denied where women are unable to pay. Good personal accounts in this report. Corruption in provision of free health care is reported.</p> <p>Keywords: healthcare, rural/urban divide, costs, limited access for women and girls.</p>	<p>06/09/2011</p>



<p>Access to justice:</p> <p>Reports by the Centre for Accountability and Rule of Law (CARL):</p> <p>Justice and Law Enforcement Institutions Failing Victims of Sexual and Gender-based Violence: An Analysis of the 2011 FSU report on Bambali District</p> <p>Report describing the problems with police reporting, access to justice and very low conviction rates for sexual and domestic violence</p> <p>Protecting Women’s Rights: SWGI’s Funding Helps in Recruiting and Training Community-Based Monitors in Kambia</p> <p>Problems with implementation of gender equality legislation</p> <p>Registration of Customary and Divorce Act and Early/Forced Marriage: Its Implications on our girls and society</p> <p>Impact of recent legislation on women’s rights and early/forced marriage, explains loopholes in the law and how application in practice has been slowed by social customs</p> <p>Addressing Sexual and Gender-Based Violence in Sierra Leone: A Commentary on the Disruptive Role of Community Chiefs in Promoting Justice and Accountability</p> <p>Limited influence of national legislation compared with chiefs and customary law; the obstacles to reporting domestic violence (ie. fining the complainant, publically humiliating the claimant, the practice of husbands filing counter-complaints)</p>	<p>25/03/2012</p> <p>10/01/2014</p> <p>20/07/2012</p> <p>15/06/2012</p>
<p>Shelters and victim protection:</p> <p>UCLA School of Law International Justice Clinic and AIDS-Free World: ‘Safety denied - Victim and Witness Protection in Sexual Violence Cases’ Sierra Leone, page 23 onwards.</p> <p>Keywords: clash between formal and informal justice; no formal witness protection; concerns about the FSU (sexual violence police unit), safe houses (one is Freetown), contradictory legal principles, cultural attitudes to sexual violence. Limited access to a lawyer, out of court settlements prevalent, institutional barriers to prosecution of sexual offences.</p>	<p>20/05/11</p>



Campaign organisation for greater political representation and participation by women in Sierra Leone. They carry out training, research and campaigning. They have published the Gender Laws 2007 and have produced CD recordings of the legislation to improve access.

[Graceland Sierra Leone](#)

Support for women suffering from domestic/gender based violence, economic empowerment of women; counselling and medical assistance

[LAWYERS \(Legal Access through Women Yearning for Equality, Rights and Social Justice\)](#)

Advocacy group, providing legal advice. No website, but mentioned in a number of studies and articles:

[Timap for Justice](#)

Provides free legal services. Offices are in Freetown and in rural areas.

[Dignity Association](#)

Campaigning for LGBTI rights, psychological and medical support for gay Sierra Leoneans.

[Community Advocacy and Development Movement \(CADEM\)](#)

No website. Offered grants for education at all levels 2009/2010, received funding from the Fund for Global Human Rights in 2011 so presumably still active.

[Defence for Children Sierra Leone](#)

Legal assistance and counselling (?) for child victims of domestic violence, or children in vulnerable situations/in conflict with the law. Also monitoring. Branches in Freetown and 4 in the provinces.

[Amazonian Initiative Movement" \(AIM\)](#)

Shelter for women at risk of FGM/C, capacity of 15, no further information



[Don Bosco Fambul](#)

Based in Freetown, NGO supporting homeless children (rehabilitation) and advice for girls being forced into marriage. [The director has said that trafficking is a major cause of homelessness for children in Freetown.](#)

[Faith Alliance Against Slavery and Trafficking \(FAAST\).](#)

Group of international Christian organisations working against human trafficking, with a branch in Sierra Leone.

Through partner organisation [World Relief](#) they provide support for victims of trafficking in Sierra Leone through churches, and try to raise awareness

Research focussed NGOs:

[Network Movement for Justice & Development](#)

Human rights civil society development and advocacy organisation, including monitoring of public services. Reports focus on the impact of mining on communities and governance.

[Centre for Accountability and Rule of Law \(CARL\)](#)

Reports on domestic violence, cultural norms and access to justice

Economic activity:

[IRIN: 'SIERRA LEONE - Women, debt and detention'](#)

11/10/12

Key issues/words: Women, children, State protection, debt criminalisation

Criminalisation of even small debts leads to women and their children being imprisoned.

[Avocaid: 'Women, Debt & Detention - An Exploratory Report on Fraudulent Conversion and the Criminalisation of Debt in Sierra Leone'](#)

July 2012

Debt is one of the most frequently charged criminal offence based on the [Larceny Act 1916](#) (p.8, 2009) and applies in particular to women who may find that petty trading is 'the only economic activity open to most women' due to high illiteracy rates, p.8; also describes the delays in accessing justice in the Sierra Leonean system, pp.9-11and disproportionate numbers



of remand prisoners, p.12 Highlights issues with legal representation – low levels of legal representation (5-10% prisoners, 2010) p.13; majority of lawyers and judges based in Freetown and poor access to bail, which can be dependent on property as surety and/or available only after bribes paid to clerks p.14. Civil actions for debt are often prosecuted criminally, p.18 and criminal actions are initiated by complainants to prompt payment, p.19. Policemen are often bribed by complainants to bring charges against debtors, p.20. Law Reform Commission Officers doubt that legislation will improve this systemic problem, p.21. Highly varied fines and sentencing, p.24

Microfinance, p.26: high interest rates and strict repayment schedules can lead to default; 11 467 active borrowers in 2011, including many women. Sometimes used for emergencies rather than investment as there is a lack of government services.

Stigma is associated with prison in Sierra Leone p.31-2; to the extent that some women feel too ashamed to return to their communities.

Keywords: criminalisation of debt; marginalization and criminalization of women, access to justice; bribery/access to justice; microfinance/women’s employment; stigma

4.Internal relocation

Excerpt from *Decentralisation, Democracy and Development in Sierra Leone: Recent Experience from Sierra Leone*, ed. Yongmei Zhou, World Bank Country Study 2009, p.120 (adapted from Dale, 2007):

“There are frequent references in the literature to what Richard Fanthorpe refers to as the ‘extreme localization of criteria of identity and belonging’ in rural Sierra Leone (Fanthorpe 2001, 372). ‘Stranger’ status can persist for generations and often is ascribed to or adopted by individuals whose ethnic identity is different from that of an area’s original inhabitants (indigenes)... Strangers in a community must frequently form indigenes such as marriage or the patronage system to gain some benefits of citizenship (Reno 2003).”

Longer analysis on areas where the ethnic balance has shifted because of group migration, and resulting tension.

Keywords: internal migration, ethnic divisions

01/06/2009



[UN Human Rights Council: Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt; Addendum: Mission to the Republic of Sierra Leone](#)

23/12/2013

Many Sierra Leoneans believe in witchcraft. 'Witches' locked up by local courts, chained up indefinitely, lynched, **formal criminal code still contains provisions against the exercise of magical powers**, those accused are often from poorest strata of society or vulnerable: elderly women, those with intellectual or psychosocial disabilities, or those with 'strange' behaviour (paras 40-42).

Implementation of Local Courts Act 2011 - bifurcation of courts functioning under statute and customary laws still persists in practice, leading to problems safeguarding habeas corpus and human rights (para 48).

Keywords: Cultural attitudes to strangers, stigmatization, traditional practices; State protection

[Country of Return Information Project Country Sheet: Sierra Leone - Bo and Kono District](#)

01/08/2007

Summary: All travel to chiefdoms is by land - during rainy seasons roads become impassable; poro secret societies restrict travel during the initiation season for non-initiates; corruption of the Police; shortage of accommodation in some of the chiefdoms; problems facing single women when seeking to rent accommodation - asked to bring a man to stand guarantor for them; high corruption rate in health provision; cost of treatment high and inaccessible to the poor. No social security available to the majority of Sierra Leoneans.

Keywords: Internal relocation, infrastructure, police corruption, single women, health, travel restrictions, communications infrastructure, adoption fraud, availability of housing, women.