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REPUBLIC OF SIERRA LEONE ARMED FORCES

SEXUAL HARASSMENT, EXPLOITATION AND
ABUSE POLICY

By Command of the
Defense Policy Committee

18 April, 2023

MINISTRY OF DEFENCE
TOWER HILL
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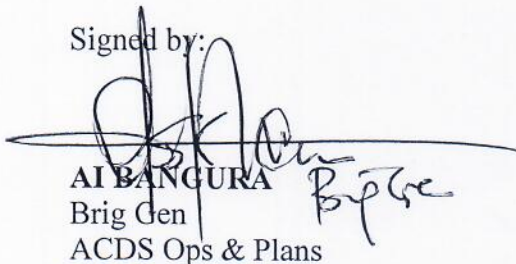
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Signed by:


AIBANGURA
Brig Gen
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Authorized to sign on behalf of the Defence Council

Dated: 18 April 2023

Issue 1.0

April 2023

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MINISTRY OF DEFENCE/THE REPUBLIC OF SIERRA LEONE ARMED FORCES
SEXUAL HARASSMENT, EXPLOITATION AND ABUSE POLICY 2023

INTRODUCTION

1. Issues of Sexual Harassment, Exploitation and Abuse (SHEA) are now topical issues within the workplace worldwide and the MOD/RSLAF is no different. The Government of Sierra Leone on 23rd August 2012 enacted the Sexual Offences Bill which explicitly addresses issues of SHEA. The MOD/RSLAF on 17 March 2013 promulgated the Sexual Harassment Policy to complement the effort of government. It has been realized that the Sexual Harassment Policy is inadequate to deal with other sexual offences like sexual exploitation and abuse; hence a review of the policy was sanctioned by the RSLAF Chain of Command to remedy the situation. The review of this policy is therefore to strengthen the MoD/RSLAF Sexual Harassment Policy in order to further implement laws and policies that are complement the aspiration and meeting international protocols. The MOD/RSLAF will not tolerate any form of SHEA against service personnel or members of the general public. Sexual offences constitute an act of serious misconduct that attracts stringent disciplinary measures. Sexual offences in all their forms must be eradicated in the Ministry of Defence and the Republic of Sierra Leone Armed Forces to create a safe secured environment for females in the force.
2. The MOD/RSLAF support normal social relationships, freedoms of expression and the rights of service personnel. It also recognizes that power and authority exist implicitly or explicitly between service personnel. Where one person has power or authority over another, implicitly or explicitly, there is potential for SHEA issues to arise. When power differentials exist amongst or between members of the MOD/RSLAF those holding positions of authority must respect the power with which they are entrusted. An inappropriate sexual relationship may create a negative work environment for others and give rise to a complaint under this Policy.
3. The leadership within the RSLAF is committed to providing a workplace that is free from sexual intimidation and exploitation. Sexual offences in the workplace are against both military and civil laws and the code of conduct thus will not be tolerated within the MOD/RSLAF. This Policy is meant to complement existing rules and regulations. Any person who, in good faith, brings forward a claim of sexual exploitation, sexual abuse or sexual harassment is entitled to protection from retaliation or discrimination.


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4. Any act of retaliation or discrimination against victims and claimants shall be considered misconduct requiring appropriate action including disciplinary action.
5. Making a false allegation of sexual harassment, sexual abuse or sexual exploitation willfully, knowingly and maliciously shall be considered misconduct and subject to disciplinary action.
6. This Policy therefore repeals and replaces the extant Sexual Harassment Policy as it combines Sexual Harassment, Exploitation and Abuse as one. Sexual Exploitation and Abuse were not part of the extant Sexual Harassment Policy. This was a grave oversight that is be cured by this Policy.

PROBLEM STATEMENT

7. Over the period, the RSLAF has been perceived as a male dominated institution, limiting the gender characteristics of the force. In recent times and drawing from best practices particularly from international instruments like the UNSCR 1325, 1820, the RSLAF became focused in addressing the gender imbalance in the force. This consideration has increased female participation in all RSLAF operations. Therefore, the current composition of the force has the potential to attract an increase in SHEA cases. Hence, this Policy seeks to address the conduct of RSLAF personnel in order for the force to remain professional.

PURPOSE

8. This Policy is to ensure that female service personnel work in a conducive environment and free from sexual harassment, exploitation and abuse in the discharge of their duties. Therefore, this Policy intends to provide guidelines that will regulate the conduct of all RSLAF personnel in relation to SHEA related issues. Hence, the aim of this SHEA document is to provide the corresponding regulations with a view to having an RSLAF that is cohesive, professional and provides a safe and secured environment of female personnel.

OBJECTIVES OF THE POLICY

9. The objectives of this policy include:
 - a. To ensure the RSLAF maintains a zero tolerance to all forms of SHEA.
 - b. To train and create awareness on SHEA across RSLAF.
 - c. To monitor and evaluate all SHEA related issues across RSLAF.
 - d. To report and investigate on SHEA offences.


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- e. To re-enforce the RSLAF Gender and Fraternization Policies.
- f. To complement all national and international instruments related to SHEA.
- g. To award punishment to violator (s).
- h. Ensuring measures including all but not limited to providing protection to SHEA victim(s) where possible.

DEFINITIONS

10. For the purpose of this Policy, the following terms are contextually defined:
- a. Sexual Harassment. All unwelcome sexual advances. This includes but not limited to any unwelcome repeated requests for sexual favours and other verbal, non-verbal or physical conduct of a sexual nature, showing pornography, or other offensive sexual materials such as sexual comments, jokes of a sexual nature within all RSLAF establishment and operations.
 - b. Sexual Exploitation. The inducement, incitement, coercion and compelling of another person to undertake a sexual activity through abuse of the position of vulnerability, deferential power, dependence or trust. Sexual Exploitation includes, but not limited to exploiting material, monetary, social, psychological and political advantages to induce the person to engage in a sexual activity.
 - c. Sexual Abuse. Any action or plan of action of a sexual nature that coerces, threatens or forces the person to engage in a sexual activity (penetrative and non-penetrative) that they would not otherwise have engaged in and often without been able to give their consent.

WHAT CONSTITUTES SEXUAL HARASSMENT

11. Unwelcome action, unwelcome, sexual advances, requests for sexual favours and other verbal or physical conduct of sexual nature constitute sexual harassment when an individual's work performance or create an intimidating, hostile, or abusive work environment.
12. Unwelcome actions such as the following are inappropriate and, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment:
- a. Sexual pranks, or repeated sexual teasing, repeated unwelcome phone calls, sexual jokes, or innuendo, in person or via any communication platform.


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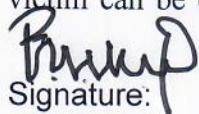
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- b. Verbal abuse of a sexual nature.
- c. Touching or grabbing of a sexual nature.
- d. Repeatedly standing too close to or brushing up against a person.
- e. Persistent unwelcomed request to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (commanders and superiors in particular should be careful not to pressure their subordinates to socialize).
- f. Giving gifts or leaving objects that are sexually suggestive.
- g. Repeatedly making sexually suggestive gestures.
- h. Making or posting sexually demeaning or offensive pictures, images, cartoons or other materials in the workplace.
- i. Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

WHAT CONSTITUTES SEXUAL EXPLOITATION AND ABUSE

13. The following constitute sexual exploitation and abuse:
- a. An employment decision affecting that individual is made because the individual submitted to or rejected the conduct. Submission to the conduct even if the conduct was consensual is sexual exploitation and a misconduct.
 - b. Giving gifts or leaving objects that are sexually suggestive;
 - c. Providing assistance or aid of any kind, including food, clothing and lodging, in exchange for sexual favours.
 - d. Offering promotion, courses, training or UN deployment opportunities in exchange for sexual favours.
 - e. Threatening to withhold assistance or aid of any kind in exchange for sexual favours.
 - f. Forcing a young soldier (male & female) to engage in sexual acts.
 - g. Certain behaviours such as conditioning promotions, awards, training or other job benefits upon acceptance of unwelcome actions or a sexual nature, are always wrong and may amount to sexual exploitation which by itself is unacceptable and punishable.
14. A victim of Sexual Harassment, Exploitation and Abuse can be a man or a woman. The victim can be of the same sex as the harasser or exploiter. The harasser or exploiter can be a


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superior, co-worker of the same or junior rank. If you are not sure whether certain behaviour constitutes sexual harassment, exploitation or abuse, you should discuss this with one of the Gender Focal Officers or the Appropriate Superior Authority (ASA).

PROTECTION OF WHISTLEBLOWERS

15. Personnel who observe and report incident of SHEA (herein known as whistleblower) must be protected by the MOD/RSLAF and their identity should remain a closely guarded secret. The report by whistleblower is not a formal report. All whistle-blowers must benefit from the ethical norm of anonymity. Commanders and supervisors who having been informed by whistleblower about occurrences of SHEA and fail to protect the identity of the whistleblowers and give them the necessary protection will be considered to be in violation of this Policy and shall attract the necessary disciplinary action. However, if it is proven that the whistleblowing was as a result of malice, disciplinary action will be taken against that whistleblower.

SCOPE OF APPLICATION

16. This Policy applies to all service personnel including civilian personnel of the MOD/RSLAF. Nothing in this Policy shall affect the application of provisions contained in national policy or legislation, or in any international convention, treaty or other instrument in force in Sierra Leone that are in line with the prohibition of SHEA.

PROHIBITION OF SEXUAL HARASSMENT EXPLOITATION AND ABUSE

17. All service personnel are prohibited from engaging in or condoning behaviour that constitutes sexual harassment, sexual abuse and sexual exploitation to their colleagues, supervisors, supervisees or the general public, whether on or off duty. SHEA constitute an offence and an act of serious misconduct and are therefore grounds for disciplinary measures, including dismissal and imprisonment.

OPTIONS FOR REMEDIES

18. The following options are available:

- a. A Board of Inquiry (BOI),
- b. a gender focal point,


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- c. the JPU or a special investigation committee should investigate all cases of SHEA and report findings.
19. Findings will be forwarded to the ASA, Legal Department and the Head of the Gender and Equal Opportunities Office. The Legal Department in consultation with the Head of the Gender and Equal Opportunities Office will determine and recommend action to the SHEA Board. The SHEA Board shall review, determine and recommend appropriate action to the Chain of Command for implementation. If someone has a complaint made against them and is proven to have committed SHEA, disciplinary action must follow.
20. The disciplinary action will depend on the circumstances of the case but can range from counseling the offender to termination of the offender's employment depending on the degree of seriousness and in accordance with the applicable national law. The following sanctions can be applied to cases of SHEA;
- a. Reprimand
 - b. Severe Reprimand
 - d. Loss of Rank or seniority
 - e. Compulsory Retirement
 - f. Dismissal
 - g. Imprisonment
21. If a civilian member of the Ministry of Defence is reported or reasonably suspected of committing SHEA, he/she must be speedily investigated and the disciplinary action taken by the appropriate civilian administration.

THE SEXUAL HARASSMENT EXPLOITATION AND ABUSE BOARD

22. The SHEA Board (SHEAB) will be set up by this Policy to deal with all issues of SHEA within the MOD/RSLAF. It will approve or make final decisions on the recommendations made by the Legal Directorate and the Head of the Gender and Equal Opportunities Office on issues of SHEA. The RSLAF chain of command must act on those recommendations not later than 10 working days. Failure to act on the recommendations will be deemed as a failure of command. The SHEAB will consist of the following:

- a. Head of the Gender and Equal Opportunities Office - Chairperson


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- b. One ACDS (to be selected by CDS) - D/Chairman
- c. The Director G/EO
- d. One civilian staff of MOD (to be selected by the DG)
- e. RSLAF Executive Personnel in Security Sierra Leone (WISS SL)
- f. The Chief of Staff HQ JFC
- g. The Chief of Personnel HQ JFC.
- h. The Director of Defence Personnel
- i. One Female personnel from the MOD/RSLAF (to be selected by CJF)
- j. One WO/SNCO
- k. Co-opt Member (s) as deemed by the CDS
- l. Director/ SO1 Gender and Equal Opportunities - Secretary

DUTIES OF SEXUAL HARASSMENT EXPLOITATION AND ABUSE BOARD

23. The SHEAB in collaboration with the Head of the Gender and Equal Opportunities Office oversees the implementation and reviews of the MOD/RSLAF SHEA Policy. All service personnel shall be made aware of the role of the SHEAB and Gender Focal Points (GFP) and on how to contact them.

24. A quorum of the Board will be 7 personnel and the most senior (not below the rank of a Colonel) shall act as Chairman of the proceedings of the Board. The Board should meet at least once quarterly which is mandatory and should meet whenever there are serious issues of SHEA to be dealt with. This includes;

- a. Review of SHEA cases.
- b. To review procedures for prevention and responding to SHEA.
- c. To implement processes for an accountable and effective system for victims.

25. The Head of the Gender and Equal Opportunities Office has oversight responsibility for all gender issues within the RSLAF. The SHEAB in collaboration with Head of the Gender and Equal Opportunities Office will therefore have oversight responsibility for all SHEA cases within the MOD/RSLAF.


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FILING COMPLAINTS OF SEXUAL HARASSMENT EXPLOITATION AND ABUSE

26. Service personnel are encouraged to report any case of SHEA as soon as possible to a Gender Focal Point officer, a Commanding Officer, Officer Commanding, the JPU, a supervisor, a member of the SHEAB or the Head of the Gender and Equal Opportunities Office. It is usually most effective although not required that the official be within the service personnel or civilian staff supervisory chain. Complaints of SHEA should be investigated within two weeks and report forwarded to the Chain of command. Any extension MUST be sanctioned by the SHEAB otherwise; it will be deemed a violation of this Policy thus disciplinary shall be taken against defaulter. Effort should therefore be taken to expedite all aspects of the complaint procedure to ensure they are dealt with in a prompt manner.

27. All complaints made shall be treated confidentially and with sensitivity. Any service personnel or civilian staff who believes he or she has been a target of SHEA is encouraged to report the matter promptly. In cases of sexual harassment, the victim may inform the perpetrator orally or in writing that such conduct is unwelcome and offensive and must stop. If the Service personnel do not wish to communicate directly with the offending person, or if such communication has been ineffective, the service personnel have multiple avenues for reporting allegations of sexual harassment and/or pursuing resolution.

28. A service personnel should contact any focal point, member of the SHEAB, a commander or supervisor or the Head of Gender about a complaint of SHEA. Within a week, the person contacted should set up a confidential meeting to discuss the complaint. The meeting would involve the complainant and one or more persons of the complainant's choosing.

29. Commanders and supervisors who observe, are informed of, or reasonably suspect incidents of possible SHEA must immediately investigate such incidents and report to the chain of command. Failure to report and investigate such incidents to the chain of command will be considered a violation of this Policy and may result in disciplinary action. The Head of the Gender and Equal Opportunities Office should provide guidance as needed on investigating and handling the potential SHEA.


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30. Within the SHEAB procedures, the service personnel may choose between two options for filing a grievance. Informal Complaint is only applicable to Sexual Harassment whilst Formal Complaint could be used in Sexual Harassment, Sexual Exploitation and Sexual Abuse.

a. An Informal Complaint: An informal complaint is any complaint that the service personnel does not wish to do in writing. Those offences dealt with informally are those that can be addressed through discussion. In an informal complaint, the investigation committee or responsible commander or supervisor does not consider disciplinary action, but will meet with the complainant to discuss the grievance and should advise the complainant about his/her rights and responsibilities; listen to and obtain information about the complaint; explain the complaint system (differences between formal/informal complaints) and try to resolve the issue (through possible counselling, mediation, intervention, training, etc). However, all cases of informal resolution must be documented and report sent to Head of the Gender and Equal Opportunities Office. Informal ways of dealing with sexual harassment can include the following action;

- (1) The aggrieved person may want to deal with the problem by him/herself but may try to seek advice on possible strategies from a commander or supervisor or a member of the SHEAB on how to deal with the issue without disclosing the name of the alleged harasser.
- (2) An aggrieved person may ask their supervisor to speak to the alleged harasser on their behalf. The supervisor should privately convey their concerns and reiterate SHEA policy without assessing the merits of the case.
- (3) A complaint is made, the harasser admits the behaviour, and the issue if minor is resolved through conciliation or counseling of the harasser. On serious cases, the complaint will then be required to become formal even against the wishes of the victim.

b. A Formal Complaint: This procedure assumes that informal resolution of the grievance has been unsuccessful (Sexual Harassment) or is inappropriate Sexual Exploitation and Abuse). A formal complaint of SHEA should be in writing and must be made to a Gender Focal Point, the JPU, a Commander or Supervisor, a member of the SHEAB or the GEOO. All formal complaints will however be referred to the Head of the


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Gender and Equal Opportunities Office who should in turn inform the chain of command for prompt investigation.

31. Steps for dealing with formal cases are as follows;

- a. Complaint made to the chain of command (depending on the choice of the complainant) and Head of the Gender and Equal Opportunities Office informed.
- b. Investigation and report done within two weeks.
- c. Findings sent to SHEAB and Head of the Gender and Equal Opportunities Office.
- d. Head of the Gender and Equal Opportunities Office and Legal Department meet and make recommendations to the SHEAB within one week.
- e. SHEAB meets to deliberate and approve/disapproves recommendations and forward to the chain of command.
- f. The chain of command to approve/disapprove and gives a directive on the matter within one month.
- g. All parties to the complaint will be informed of the outcome of the complaints. Guilty personnel will be given a period of two weeks in which to appeal or seek redress.
- h. The investigation and appropriate disciplinary/administrative action of all SHEA complaints must not last more than one month. Extension of this period MUST be sanctioned by the SHEAB. Otherwise it will be deemed a violation of this Policy thus disciplinary action must be taken.

DUTIES OF COMMANDERS AND SUPERVISORS

32. The following are duties of commanders and supervisors:

- a. Making sure that all service personnel and civilian workers under their supervision understand that SHEA in all its forms will not be tolerated in all MOD/RSLAF establishment and working environment.
- b. Take early corrective measures to deal with behaviour which may create a negative and hostile environment.
- c. Ensure all service personnel to report any incidents of SHEA of which they are aware, following the established reporting mechanisms and guidelines.
- d. Prevent all forms of SHEA in the workplace.
- e. Take prompt action if there is reason to believe SHEA exists.


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f. If a commander or supervisor feels that a reported incident might constitute SHEA and the nature of the complaint is outside of their expertise, he or she will refer the matter to the chain of command for the attention of the Head of the Gender and Equal Opportunities Office and the Legal Directorate.

g. All cases should be handled in a confidential manner to protect the rights of all those involved.

RESPONSIBILITIES OF PERSONNEL (MILITARY AND CIVILIANS)

33. All personnel are expected to respect the rights of others and never encourage or engage in SHEA. If any personnel become aware that a co-worker is being sexually harassed, exploited or abused, they can help to prevent it by offering support to the person undergoing the SHEA. This can be done by:

- a. Offering to act as a witness if the person suffering from SHEA decides to report the incident;
- b. Refusing to join in with any SHEA activity and backing complainant or supporting them to say no.

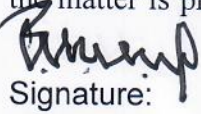
WHAT PERSONNEL CAN DO IF THEY ARE UNDERGOING SHEA

34. The following can be done if personnel feel they are being SHEA:

- a. If possible, promptly inform the offender directly or in writing that their behaviour is an offence and they would be reported.
- b. If unable to do so as stated above, immediately inform your immediate superior or commander or contact the Head of the Gender and Equal Opportunities Office or one of the SHEA Contact officers who will deal with the complaint.
- c. Always keep a record of or diary of incidents noting what happened, how, when, where and the names of witnesses.

DUTIES OF THE D HEAD OF THE GENDER AND EQUAL OPPORTUNITIES OFFICE

35. If the Head of the Gender and Equal Opportunities Office receives an allegation of SHEA, or has reason to believe SHEA is occurring, it will take the necessary steps to ensure that the matter is promptly investigated and addressed; all cases should be handled in a confidential

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manner. If the allegation is determined to be credible, the Department will ensure immediate and effective measures to deal with the issue. The Department is committed to ensure action if it learns of possible SHEA even if the individual does not wish to file a complaint.

36. The Head of the Gender and Equal Opportunities Office is the main contact point for questions or concerns about SHEA. Gender Focal Points Officers and members of the SHEAB can be the first point of contact due to proximity. The Head of the Gender and Equal Opportunities Office however has responsibility to oversee investigations of alleged SHEA. The Head of the Gender and Equal Opportunities Office must be committed to ensure that all investigations of SHEA are conducted in a prompt, thorough and impartial manner.

37. The Head of the Gender and Equal Opportunities Office will seek to protect the identities of the alleged victim and alleged perpetrators except as reasonably necessary (for example, to complete an investigation successfully). The Office will also take the necessary steps to protect whistleblowers from retaliation. It is a violation of this Policy to retaliate against whistleblowers who have reported possible SHEA.

38. Service personnel and civilian workers who have been found by the Head of the Gender and Equal Opportunities Office to have subjected other service personnel to SHEA will be subject to disciplinary or other appropriate management action. Disciplinary action will be appropriate to the circumstances ranging from a reprimand to dismissal from the service and/or imprisonment. A verbal or written admonishment for some sexual harassment conduct may be considered.

CONFIDENTIALITY

39. Confidentiality applies to all reporting and communications when dealing with SHEA cases. Violators of this principle may face disciplinary action. An accusation of SHEA can be potentially defamatory, especially if confidentiality is not observed and a person's reputation is unfairly damaged. Discussions, information and records related to complaints will remain confidential. Minimal documentation will be kept and all correspondence must be marked with appropriate 'Privacy Markings and the letters or documents intended exclusively to be opened by the Addressee and not a clerk or someone else.


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40. All documentation and details of SHEA enquiries and grievances will be sent to the Head of the Gender and Equal Opportunities Office for safe keeping.

TIMELINE

41. Except in exceptional circumstances, a formal complaint may not be made later than six months after the date of an alleged SHEA. It is also prudent for cases of SHEA to be dealt with within one month.

IMPLEMENTATION

42. The leadership of the MOD/RSLAF shall ensure that appropriate human and financial resources are allocated to facilitate the implementation of the provisions outlined in this Policy. Trainings shall be conducted for members of the SHEAB, commanders and supervisors in the MoD/RSLAF to ensure that the MOD/RSLAF service personnel and leadership are aware of the provisions of this Policy.

43. A Training of Trainers Programme will be put in place, and trainers will then conduct regular workshops to ensure that all service personnel are aware of the Policy.

44. An information campaign will be implemented to publicize the Policy within the MOD/RSLAF, across government and the general public.

ENFORCEMENT

45. The Head of the Gender and Equal Opportunities Office will establish a mechanism to monitor the Policy on SHEA. The Head of the Gender and Equal Opportunities Office will be responsible for ensuring the implementation of the Policy and will submit quarterly and annual reports to the leadership who shall review and evaluate them with a view to improving performance.

REVIEW OF THE POLICY

46. The policy will be reviewed from time to time; as the need arises, but within the period of three years, to ensure alignment with the dynamics within the RSLAF and the Sierra Leonean society at large.


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