



SIERRA LEONE

THE DETERIORATION STATE OF HUMAN RIGHT SITUATION IN SIERRA LEONE

**National Centre For Human Rights
and Development (NaCFoHRD)**

**Submission to the UN Human Rights Council for
the Third cycle Universal**

**Periodic Review on Sierra Leone, April –May,
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Executive summary

The report titled “*deteriorating human rights situation in Sierra Leone*” is a national civil society UPR report compiled by the National Centre For Human Rights and Development (NaCFoHRD) on the implementation of the recommendations received by the Government of Sierra Leone (GoSL) during the second cycle Universal Periodic Review (UPR) in 2016 in Geneva, Switzerland. The report is a submission to the United Nations Human Rights Council for the third cycle UPR review of the Government of Sierra Leone. (GoSL)

The report highlights key recommendations that have not been given the requisite attention by the state since the second cycle UPR review in 2016. The report also take into cognizance the government of Sierra Leone effort in implementing a substantial number of the UPR recommendations that were accepted and noted by the government since the second cycle UPR.

The report is divided into four main parts:

Part One of the report gives the introduction, international human rights instruments, justification, methodology and national human rights framework

Part two entails the human rights on the ground

Part Three talks about recommendation for the state under review which are as the followings:

Independency of the judiciary and Access to Justices

- Separate the Ministry of Justice from that of the Office of the Attorney-General(AG)
- Executive arm of government to stop interfering into the work of the judiciary
- To put in place the required measures to safe guard the complete independence of the judiciary in line with United Nations(UN) Basic Principles on the independent of the judiciary
- Improve on the welfare of all high court judges both past and those recently appointed.
- Sitting magistrates to be appointed in every district in the country.

Arbitrary arrest and detention

- To instruct the police and other national intelligence agencies to cease unlawful arrest and detention of members of opposition parties, media and civil society activists
- Ensure that independent human right monitors have access to detention centres throughout the country

Freedom of expression, association and assembly

- To ensure that all Sierra Leoneans including but not limited to members of opposition parties, civil society activists, journalists, human right activists and those perceive to be government opponents are able to freely enjoy and exercise their right to freedom of expression, assembly, association without fear of intimidation, detention, arrest or harassment.
- To refrain from harassment and oppression of members of opposition parties and their families.

Right to Life and Death Penalty

- To ensure that all alleged cases of Police shooting and killings of innocent civilians in Mile 91, Mile 14, Sahn Malen, Sierra Leone Correctional Service, Lunsar, and Makeni are all properly investigated by the Police Independent Complain Board (IPCB) and perpetrators brought to book.
- To train the Sierra Leone police on the UN minimum standards on the use of fire arms and light weapons;
- Ratify the second optional protocol to the International convention on civic and political right which aim at the abolition of the death penalty
- Allow families and lawyers of those in life imprisonment frequent access to the prison to visit their relatives;
- Remove completely from the Sierra Leone police the operational division (OSD) as was recommended by the Truth and Reconciliation Commission (TRC).

Right to education and health

- Provide more learning and teaching materials
- Improve on the welfare of teachers
- Improve on infrastructure of schools by building more classrooms
- Provide basic feeding for both primary and secondary schools
- Strengthen the monitoring of all schools across the country by improving on the inspectorate division of the Ministry of Basic and Senior Secondary Schools (MBSS)
- Improve on conditions of services of all health worker
- Developing of a National Health Policy (NHP)

Impunity for human right violation

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- To submit or left over or overdue report to the UN Human Right Committee
- Investigate all allegations of killing(s) or torture and any ill-treatment(s) and to hold those accountable for such violations.
- ***To allow the total independency of the national human right institution in line with the Paris principles.***
- ***To extend a standing invitation to the United Nations special procedure to accept existing request for access, in particular from the United Nations Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the UN special Rapporteur on extra judiciary, summary or arbitrary executions.***
- Ratify outstanding human rights treaties, including the convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, International Convention for the Protection of All Persons from Enforced Disappearance, and African Charter on Democracy, Elections and Governance
- Make a declaration pursuant to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights that would allow direct access for individuals and NGOs to the court.

Finally part four entails references.

List of Acronyms

ACHPR	African Court for Human and Peoples' Right
AG	Attorney General
APC	All Peoples Congress Party
CESCR	Convention on Economic Social and Cultural Rights
CERD	Convention on the Elimination of Racial Discrimination
CID	Criminal Investigation Department
CAT	Convention Against Torture

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CEDAW	International Convention on the Elimination of all Forms of Discrimination Against Women
CSO	Civil Society Organization
FQE	Free Quality Education
FCC	Freetown City Council
GAAS	Government Approved and Assisted schools
GoSL	Government of Sierra Leone
HRCSL	Human Rights Commission of Sierra Leone
IPCB	Independent Police Complain Board
ICCPR	International Convention on Civil and Political Rights
MBSS	Ministry of Basic and Senior Secondary School
NHP	National Health Policy
NGO	Non-Governmental Organization
NEC	National Electoral Commission
NaCFoHRD	National Centre For Human Rights and Development
SLP	Sierra Leone Police
SGVB	Sexual Gender Based Violence
SLPP	Sierra Leone Peoples Party
TRC	Truth and Reconciliation Commission
UPR	Universal Periodic Review

INTRODUCTION

LOLLOW UP TO THE SECOND REVIEW

Since the Government of Sierra Leone second UPR in 2016, NaCFoHRD mid-term UPR report indicates that the human rights situation of the country has drastically gone bad and most of the recommendations accepted by the government haven't been given the required attention.

The Government of Sierra Leone continue to down play the strategic importance of integrating human rights values in the day to day operation of the state.

There is for example continues interference by the state with the operations of the judiciary which form the third arm of the government. This situation

has completely brought a breakdown in the governance system in the country. ***Also, the Human Rights Commission of Sierra Leone (HRCSL) operations in the country has become questionable by substantial number of people due to the fact that the commission doesn't seem to be operating independently as required by its statutory provisions enshrined in the HRCSL Act of 2004.***

Freedom of expression, disrespect for the Rule of Law and the law enforcement agencies especially the Sierra Leone Police (SLP) continue to commit range of human right violations with impunity among which you have the shooting and killing of innocent civilians in the country including 31 prisoners who were shot and killed while in custody at the Sierra Leone Correctional Service (SLCS) in Freetown, Sierra Leone in May, 2020.

Rape and sexual gender based continue to increase in the country owing to the fact that.....

Also unlawful sacking of public officials without due regard to the due process of the law is now a common phenomenon in the country. Harassment, intimidation and unlawful detention of members from opposition parties has become a common practice.

Economic social and cultural rights continue to be violated by the government. Provisions of basic health, water, education, energy, food and shelter facilities poses great treat to the lives of the citizens especially women and children in the rural communities in the countries. Pregnant women (including girls) and lactating mothers continue to suffer from poor health treatment due to lack of better health professionals' and facilities in the country.

Gender inequality, violence against women, Sexual Gender Based Violence (SGBV) is on the increase in the country. Female genital mutilation of underage girls is prolific in the country especially in the rural communities.

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

Among the recommendations that were accepted by the Government of Sierra Leone in 2016, the government has made tremendous efforts in signing almost all the nine fundamental human right treaties and has reported on five among the seven ratified treaties viz CERD, CESC, CEDAW, CAT, and ICCPR.

However reporting on the CERD (12 years) and CESC (with 20 year) still poses a huge challenges in the realization of Economic, Social and Cultural rights which account for 75% of the country's lack of basic economic and social amenities such as safe drinking water, poor housing facilities, poor health conditions/facilities, poor educational facilities, high rate of maternal health and infant mortality rate in the country.

The Government of Sierra Leone has also failed both in the first and second cycle review to rectify and domesticate the second optional Protocol on the International Convention on Civil and Political Rights (ICPPR) even though government did accept to give the required attention needed to the ratification of this Protocol on International Convention on Civil and Political rights which deals with the abolition of the death penalty. The death penalty is still in the laws books of the country and there are prisoners on the death roll in the country.

JUSTIFICATION

Chapter three (3) of the Constitution of Sierra Leone make provision for the promotion and protection of human rights of the citizens of Sierra Leone. It was against that backdrop that the National Centre For Human Rights and Development (NaCFoHRD) as a human rights network was formed by a group of human rights and development practitioners with proven track record in the field of human rights and development. The network was formed in May 2018 immediately after the Presidential, Parliamentary and Local Government elections which brought a paradigm shift in the political landscape of Sierra Leone.

NaCFoHRD is legally registered with the Freetown City Council as a non-profit and non-governmental Community Based Development human rights organization under the Local Government Act (Assumption of Functions) Regulation 2004. Registration as a national Non-Governmental human rights organization with the Ministry of Planning and Development and the Office of the Registrar General is on-going.

METHODOLOGY

This mid-Term UPR Review report strategically focuses on reporting on the implementation of the 177 recommendations received by the Government of Sierra Leone. The scope of the report cover almost all the 177 recommendations accepted by the government and the 33 recommendations noted. ***This report was prepared by the National Centre for Human Rights and Development (NaCFoHRD) and our*** civil society partners in Sierra Leone.

Additionally, this report borrows data from the report prepared by the Government of Sierra Leone at Inter-Ministerial level. Various methods were use to collect date from our field officials and host of civil society and human rights organizations. The draft report was shared among twenty media houses, forty Civil Society Organizations (CSO) and ten Ministries, Departments and Agencies (MDAs) electronically for their inputs, comments and validation.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

The constitution of Sierra Leone chapter three (3) guarantees the human rights of every citizen of the country. Human Rights are also guaranteed in

Sierra Leone by the international human rights treaties that the Government of Sierra Leone has ratified. In theory human rights are seen been respected but in practice human rights are violated with gross impunity and the President of Sierra Leone give deaf hears about them.

The constitution of Sierra Leone was reviewed by the past government and is still waiting to be passed into law in the country. Promises made by the current government to complete the review process of the Sierra Leone constitutions have yield no dividend. Hundreds of Sierra Leoneans has asked several questions on many occasions on the statue of the review constitution but concrete answers have not been given by the current government. As it stands now the constitutional review process is yet to be completed in the country. Laws have been into Parliament bypassing the provisions set in the constitution on procedures that should be followed in passing such bills into law for lack of constitution.

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

INDEPENDENCE OF THE JUDICIARY

Recommendation 111.136-111.152 Calls to the Government for a complete Judiciary reform, independency of the Judiciary, protection of human right defenders, access to justice, addressing length of trials, reduction of overcrowding in prison, harassment of human right defenders etc etc.

Status of implementation

While the Government of Sierra Leone is making frantic efforts in judiciary reforms and making sure that the judiciary is independent and access to justices by making sure that the executive arm of the government does not

interfere with the operations of the Judiciary, NaCFoHRD observed the following with respect to the implementation of the aforementioned recommendations:

- *That the provisions made in the Human Rights Commission of Sierra Leone Act of 2004 were disregarded by the Government of Sierra Leone in 2018 were sitting commissioners of the Commission were unconstitutional removed from office without following the due process of the law.*
- *Sacking of people in offices with security of tenure of office with no regard to the constitutional provisions and statutes that guarantee those people holding office for a specific period of time. E.g The removal from office of the former Anti-Corruption Commissioner and Ombudsman from office*
- *Passing into law the three instruments for the establishment of the Commission of Inquiry which contravene section 150 of the 1991 constitution*
- *The unconstitutional act of imposing the Speaker of Parliament on the Majority party in Parliament*
- *The removal of ten sitting members of Parliament on 31st May, 2019 from the opposition All Peoples Congress (APC) party by judiciary orders without no due regard by the court to the due process of the law*
- *The petition case brought by the APC against 33 Sierra Leone Peoples Party (SLPP) Members of Parliament which have not been assigned for hearing by the Judiciary.*
- *His Excellency the President declaration of rape and sexual penetration a national emergency and called for life imprisonment of offenders without parliament amending the provisions of the sexual Offenses Act, 2012.*
- *The appointment of the Chief Justice without taking into consideration section 135 of the 1991 constitution which states that the Judicial and legal Service Commission meets and then recommends a name for the appointment of the Chief Justice.*
- *The appointment of the National Electoral Commission (NEC) Commissioner Sothern Province of Sierra Leone in breach of section 32(3) of the constitution and more importantly without consultation with the leaders of ALL registered political parties.*

The National Centre for Human Rights and Development observed that the above mentioned acts were inconsistent with the provisions made in the law books of Sierra Leone and the Judiciary didn't take any action.

FREEDOM OF EXPRESS, DEATH PENALTY, LIFE TO LIFE, ARBITRARY ARREST AND DETENTION AND HUMAN RIGHTS COMMITTED WITH IMPUNITY BY STATE SECURITY

(Recommendation 111.157-111.165) These recommendation calls for government to take drastic actions by the government to prevent citizens' right to life, freedom of expression, refrain from arbitrary arrest, removal of

public order act, criminal and seditious libel law.

STATUS OF IMPLEMENTATION

Freedom of Expression

Some of these recommendations to some extent have enjoyed the support of the government of Sierra Leone. Example part 4&5 of the Public Order Act of 1965 which deals with the seditious label law have been removed from the 1965 Public Order Act.

NaCFoHRD welcomed this remarkable effort made by the present government of His Excellency Brigadier Dr Julius Maada Bio for the removal of part 4&5 from the 1965 Public Order Act which has the seditious and criminal libel laws. Today media practitioners and civil society activists are at liberty to carry out their work without hindrance.

However, some part of the Public Order Act of 1965 especially part three(3) is still use by the Sierra Leone Police(SLP) to prevent peaceful protect which is considered by NaCFoHRD as prevention of freedom of expression in the country.

Death Penalty and Right to Life and human rights committed with impunity by state security

The death penalty is still in the law book of Sierra Leone. Only a moratorium has been passed to limit it use but does not prevent it use by the state

While the Government of Sierra Leone has made great effort in passing a moratorium on the death penalty Police continue to shoot and kill civilians with impunity. From May 2018-September 2020 NaCFoHRD observed that forty three (43) innocent Sierra Leoneans especially youths were allegedly shot and killed by security personnel's in the country. Examples of the aforementioned killings are as follows:

- Pademba Maximum Prison in Freetown -31 Prisoners shot and killed including a Prison Officer in May 2020.
- Makeni Bombali district and the Provincial headquarter town of North East region of Sierra Leone-5 people allegedly killed by the combine force of the Sierra Leone Police and the Sierra Leone Arms Forces.
- Lunsar- Northern part of Sierra Leone one (1)person allegedly killed by the Sierra Leone Police
- Tombo- Western Area Rural District (WARD-C) of Freetown Sierra Leone 2 youths shot and killed by the Sierra Leone Police.
- Loko Masamah- Northern Part of Sierra Leone one person allegedly shot and 1 killed by the Sierra Leone Police
- Tonko Limba-1 killed,
- Granfton-1 killed.

Total number of people allegedly shot and killed by the Sierra Leone Police total to forty-three (43).

No security officer has ever been arrested and brought to book for above mentioned killings. The Independent Police Complaint Board has on several occasions promised to investigate some of these killings none of their promises made have been fulfilled. Instead innocent civilians are arrested and detained and charged to court leaving behind the security personnel's to work out freely.

Arbitrary Arrest and Detention

International development partners especially the European Union Delegation in Sierra Leone and the British government are making numerous contributions both technical and financial to improve on the government system in the country, yet still the issue of arbitrary arrests poses a great challenge towards national development. Unlawful arrest and detention of civilians especially members from opposition parties by the government is a common practice in recent past in the country.

Dr. Sylvia Blyden (Former Minister of Social Welfare Gender and Children Affairs) and a 19 years old child rights activist Hussain Muckson were arrested and detained in May, 2020 for more than 21 days at the Criminal Investigation Department (CID) in Freetown, Sierra Leone contrary to section 17 sub section(2) and (3) of the 1991 constitution of Sierra Leone.

Also the Former Minister of Defence and later Internal Affairs Minister in the past government (Rtd) Major Paolo Conteh was arrested and detained for more than 22 days at the Criminal Investigation Department in Freetown Sierra Leone on an allegation of attempted treason but was later found not guilty by the state contrary to section 17 sub section (2) and (3) of the 1991 constitution of Sierra Leone.

The former Major of Freetown City Council(FCC) George A. Williams and who others(all of whom are members from the Opposition All Peoples Congress Part-APC)were also arrested and detained in prison for more than six months on an allegation of murder.

Journalist Sallieu Tejan Jallon-the Proprietor of Times News Paper in Sierra Leone was unlawfully arrested and detained at the Criminal Investigation Department for basically seeking clarification from the Chief Minister on an allegation of \$1.5 Million dollars bribe paid to him by a mining company in the country.

RIGHT TO HEALTH AND RIGHT TO EDUCATION

This covers recommendation 111.177-111.189 and recommendation 111.190- 111.204 and call on government of Sierra Leone to improve and expand on health care system, implementation of the national health strategic plan, ensuring quality and free health care to vulnerable people, improvement in education for girls, women and persons with disability and human right education. These recommendations to a large extent enjoy the support of the government of Sierra Leone.

STATUS OF IMPLEMENTATION

While the government of Sierra Leone has made tremendous effort in improving on health and education in the country, government is still challenged in providing the required health and educational facilities and infrastructure for vulnerable people in the rural communities. Government have developed key national documents such as the nursing and mid-wifery policy (2016, reproductive health policy) 2017 and the national nursing and mid-wifery strategic plan 2019-2023) these and many other related national health policies have greatly helped to improve on the health situation in the country.

Also recently the Government of Sierra Leone under the Ministry of Health and Sanitation has strengthen the health system by recruiting more than two thousand health workers and is also anticipating to recruit more than four thousand(4,000) nurses, increased the budget for the procurement of Free Health Care drugs in 2018 to 10%,2019 to 15% and 2020 to 20% and established an operationalised medical store for the effective and efficient supply of drugs in the country and reviewed the Free Health Care Policy.

But more need to be done to improve on the health system in the country as NaCFoHRD observed that:

- ***There is poor health service delivery in the country especially in rural communities***
- ***There is no national health policy in the country***
- ***Poor condition of service for health workers***
- ***Most government officers do not truth our health system and do not use our hospitals for medication***
- ***Poor health governance system(poor coordination, collaboration and cooperation among health workers)***

On education, government of Sierra Leone has introduced the Free Quality Education (FQE) which is geared towards providing free quality education (FQSE) for 1.5 million children especially pupils in Government Assisted and Approved Schools (GAAS) in the country. The government of Sierra Leone has increased it budgetary allocation for education from 12 to 21% in 2019 and from 21% to 22% in 2020 respectively.

Also the government has divide the Ministry of education into two ministries, established ten technical and vocational training institutes to enhance technical and vocational education in the country,30% salary increment for all teachers and radical inclusion of all children to go to school including pregnant girls and cabinet approval for students loan schemes.

However, the educational sector in the country is hugely challenged as the human resource capacities remain unmotivated. Even though there is an increase in the national budget to 21%, yet still education remain financially challenge. Some of the challenges faced in the educational sector are as follows:

- Poor infrastructure
- More schools have over the estimated 50 pupils per class
- Extra charges still exist
- Schools not getting the books promised by the government on time due to bad road network
- 2,205 requests for replacement of teachers have not been properly addressed. 1402 have been processed and 1,304 have received pin codes.
- Discrimination amongst male and female as to who should be given greater consideration especially male dominated societies
- Exclusion of pregnant girls from attending school
- Poor accommodation especially sitting accommodation in government assisted school
- Not enough learning and reading materials
- High rate of dissatisfaction among teachers for their poor condition of service(s)
- Corporal punishment still practice in schools especially in the rural communities
- Poor water and sanitation in schools
- Wages and benefit of teachers very low

RECOMMENDATIONS FOR ACTIONS BY THE STATE UNDER REVIEW

The National Centre for Human Right and Development (NaCFoHRD) call on the Government of Sierra Leone (GoSL) to:

4.1. Independency of the judiciary and Access to Justices

- Separate the Ministry of Justice from that of the Office of the Attorney-General(AG)
- Executive arm of government to stop interfering into the work of the judiciary
- To put in place the required measures to safe guard the complete independence of the judiciary in line with United Nations(UN) Basic Principles on the independent of the judiciary
- Improve on the welfare of all high court judges both past and those recently appointed.
- Sitting magistrates to be appointed in every district in the country.

Arbitrary arrest and detention

- To instruct the police and other national intelligence agencies to cease unlawful arrest and detention of members of opposition parties, media and civil society activists
- Ensure that independent human right monitors have access to detention centres throughout the country

Freedom of expression, association and assembly

- To ensure that all Sierra Leoneans including but not limited to members of opposition parties, civil society activists, journalists, human right activists and those perceive to be government opponents are able to freely enjoy and exercise their right to freedom of expression, assembly, association without fear of intimidation, detention, arrest or harassment.
- To refrain from harassment and oppression of members of opposition parties and their families.

Right to Life and Death Penalty

- To ensure that all alleged cases of Police shooting and killings of innocent civilians in Mile 91, Mile 14, Sahn Malen, Sierra Leone Correctional Service, Lunsar, and Makeni are all properly investigated by the Police Independent Complain Board (IPCB) and perpetrators brought to book.
- To train the Sierra Leone police on the UN minimum standards on the use of fire arms and light weapons;
- Ratify the second optional protocol to the International convention on civic and political right which aim at the abolition of the death penalty
- Allow families and lawyers of those in life imprisonment frequent access to the prison to visit their relatives;
- Accept request by family members of the dead bodies of prisoners and detainees or to make known the burial place and give reasonable access to the burial site.
- Remove completely from the Sierra Leone police the operational division (OSD) as was recommended by the Truth and Reconciliation Commission (TRC).

4.5. Right to education and health

- Provide more learning and teaching materials
- Improve on the welfare of teachers
- Improve on infrastructure of schools by building more classrooms
- Provide basic feeding for both primary and secondary schools
- Strengthen the monitoring of all schools across the country by improving on the inspectorate division of the Ministry of Basic and Senior Secondary Schools (MBSS)
- Improve on conditions of services of all health worker
- Developing of a National Health Policy (NHP)

4.6. Impunity for human right violation

- To submit or left over or overdue report to the UN Human Right Committee
- Investigate all allegations of killing(s) or torture and any ill-treatment(s) and to hold those accountable for such violations.
- To allow the total independency of the national human right institution in line with the Paris principles.
- ***To extend a standing invitation to the United Nations special procedure to accept existing request for access, in particular from the United Nations Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the UN special Rapporteur on extra judiciary, summary or arbitrary executions.***
- Ratify outstanding human rights treaties, including the convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, International Convention for the Protection of All Persons from Enforced Disappearance, and African Charter on Democracy, Elections and Governance
- Make a declaration pursuant to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court

on Human and Peoples' Rights that would allow direct access for individuals and NGOs to the court.

References

NaCFoHRD's third cycle UPR submission to the UN Human Rights Council

1. National Centre for Human Rights and Development Mid-Term Review report to the UN Human Rights Council on the implementation of the UPR recommendations by the Government of Sierra Leone
2. Government of Sierra Leone Mid-Term UPR report to the UN-Human Rights council
3. NaCFoHRD 2019 Annual Report on the State of Human Rights in Sierra Leone
4. Human Rights Commission of Sierra Leone UPR third cycle report