



SUBMISSION OF A POSITION PAPER BY HUMAN RIGHTS COMMISSION OF SIERRA LEONE (HRCSL) ON THE BILL ENTITLED THE CONSTITUTION OF SIERRA LEONE (AMENDMENT) ACT 2025

9th June, 2026

Introduction

The Human Rights Commission of Sierra Leone is the statutory National Human Rights Institution established by Act (No. 9) of 2004 with a mandate to protect and promote the human rights of all in Sierra Leone. Among its many functions, Section 7 (2) (d) of the Act, provides that the Commission shall “advise the Government concerning draft legislation, which may affect human rights”. In this regard, HRCSL makes the following submission on the Bill entitled "the Constitution of Sierra Leone (Amendment) Act, 2025. The Commission notes the progressive provisions which seek to promote electoral justice, fairness and inclusivity in the electoral process and thus enhance democracy, the rule of law and human rights. Below are some of the Commission’s observations and recommendations on certain provisions in the Bill for consideration by the Legislative Committee in Parliament.

International and Regional Commitments

As a UN member State, Sierra Leone is committed to the principles of the Universal Declaration of Human Rights (UDHR). Article 21 (1) and (3) of the UDHR provide that “*Everyone has the right to take part in the government of his country, directly or through freely chosen representatives*” and that “*the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures*” respectively. Article 8 of the said Declaration provides that “*everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.*” On the other hand, Government ratified the International Covenant on Civil and Political Rights (ICCPR) on 23rd August 1996 and Article 25 (b) provides that everyone has the right “*to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors*”. Furthermore, Sierra Leone signed and ratified the African Charter on Democracy, Elections and Governance on 17th June 2008, 17th February 2009 respectively and Article 13 provides for election related matters.



RECOMMENDATIONS OF HRCSL ON THE CONSTITUTIONAL AMENDMENT BILL 2025

1. SECTION 32 EXTANT LAW (Page 2)

(3) HRCSL notes that the creation of a “Search and Nomination Committee” for purposes of nominating members of the Electoral Commission is a welcome development as it will enhance inclusivity, fairness, transparency and integrity of the nomination process. However, the Commission is of the view that the respective organizations, instead of the President, should appoint their representatives to the Search and Nomination Committee. This will create a fair process with less suspicion.

HRCSL therefore recommends that the preamble to the Section be drafted as follows:

“There shall be a Search and Nomination Committee, whose members shall be appointed by their respective organizations and such Committee shall be coordinated by the Attorney General and Minister of Justice, whenever a vacancy exists.”

Subsection 7 (c) (i) & (ii) Page 4

The term of office of the Commissioner specified in this provision makes for security of tenure which fosters institutional stability and continuity in the electoral administration. However, the age of retirement versus a valid appointment which goes beyond that retirement age may breed confusion in the operations of the Commission.

HRCSL therefore recommends that a sub-paragraph be added as thus:

Notwithstanding subsection 7 (c) (i) & (ii), a member of the Commission who attains the age of 65 years while his appointment subsists beyond the 65 years mark, should be allowed to complete his remaining term.

2. SECTION 34 OF EXTANT LAW (Page 5)

(2) In respect of this Section, we repeat our recommendation supra relating to the Search and Nomination Committee.

3. SECTION 35 OF EXTANT LAW (Page 5)

HRCSL welcomes this provision as it reinforces government’s commitment to promoting the rights of women and guaranteeing their participation in public life in fulfilment of its obligations under regional and international human rights instruments, the UPR recommendations of 2021 and as provided for in the GEWE Act 2022.

6 & 7. SECTION 41 & 42 OF EXTANT LAW (Page 7)



The addition and eligibility of an independent candidate to contest in presidential elections ensures that no one is disenfranchised. It enhances broader political participation of all, including minorities.

HRCSL however notes that the inclusion of a financial muscle as a condition precedent to run as an independent candidate-“sufficient financial capacity” is exclusionary if not discriminatory in effect and therefore should be expunged from the law. The nomination fees for all presidential candidates vying under political parties should apply equally to independent candidates.

7. SECTION 42 OF EXTANT LAW (Page 8)

Paragraph (e) (ii)

HRCSL notes that the minimum 20% of two thirds of districts in the country may consequently lead to run-off elections which was in fact what the drafters of this Bill sought to address.

Therefore HRCSL recommends that the threshold be reduced to a minimum of 15% instead of 20%.

Paragraph (g): Three days is insufficient to file a Petition before the Supreme Court.

HRCSL therefore recommends that this period be extended to 14 calendar days. This recommendation also applies to the provision relating to the Chief Justice’s role to inform the Chief Electoral Commissioner as stated in paragraph (h).

Paragraph (o) ***HRCSL recommends that a provision be added for an aggrieved party to file a Petition against the outcome of the run-off election within 14 days before the Supreme Court.***

7. Section 42 OF EXTANT LAW

HRCSL recommends that a subsection be added thus:

In any case, a person duly elected as President shall be inaugurated and sworn into office within 90 days from the date he was declared President so as to ensure a proper transition process.

10. SECTION 53 (5) OF EXTANT LAW (Page 12)

(6) (a-f)



HRCSL welcomes these provisions and they should be read in tandem with the recommendation relating to the transition period of 90 days as recommended above.

11. SECTION 54 (8) (Page 13)

(8) HRCSL notes that this is an opportunity to clearly address the case of the former Vice President who was sacked by the President following an allegation of the loss of party membership.

HRCSL therefore recommends that the expression, “the loss of party membership ALONE (emphasis ours) shall not remove a sitting President or Vice President from office”, should be completely removed from the law. It should not be one of the conditions for removing a President or Vice President from office.

14. SECTION 76 OF EXTANT LAW (Page 15)

(2) (f) The Commission recommends that instead of an omnibus provision as in “*any other offence*”, the expression “*summary offences*” which bear a minimum punishment of 12 months be used to replace the omnibus expression.

Conclusion

HRCSL commends the leadership of the Political Parties in Parliament and the Office of the Attorney-General and Minister of Justice for creating room for open dialogue and citizens’ participation into the Constitutional review process. We remain hopeful that if these recommendations herein proffered are factored into the law they will serve the greater interest of all as a people.

Signed:

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FOR: HRCSL