



# CHRISTIAN LAWYERS CENTRE LEGAL LINK



Motto: "Defending the Rights of Vulnerable Groups in Society"

**The Honorable Speaker**

**Rt. Dr Chernor Abass Bundu**

**Parliament of the Republic of Sierra Leone**

**Tower Hill**

**Freetown**

**30th June 2022**

Dear Honourable Speaker,

**Request to put on hold the Parliamentary proceedings regarding the proposed Public Elections Act of 2022 to allow for civil society inputs, wider consultations and education of the public.**

Your honor, permit me to stand on existing protocols and to openly commend you for your show of leadership in superintending over the affairs of Parliament and also creating the space for civil society participation in Parliamentary proceedings.

As you are aware, LEGAL LINK is one of the leading civil society organizations that have always cooperated with Parliament in the area of legislative reviews, legal opinions and analysis of proposed bills, research and public sensitization of laws passed by Parliament. Our research and legal opinions presented to Parliament on the Cyber Security Act and that of the Abolition of the Death Penalty Act are good cases in point to reference. It is against this backdrop and our established working relationship that we have deemed it compelling to make this humble request to you and the entire House regarding the proposed public elections Bill 2022.

Honorable Speaker, you will recall that at the middle of this month, the government of Sierra Leone through the Attorney General and Minister of Justice tabled a Bill in Parliament that has the effect of affecting the conduct of public elections in the country in fundamental terms.

This proposed bill entitled 'the public elections Act 2022' seeks to replace the 2012 Public Election Act, a ten-year old law that has helped ensure the smooth conduct of public elections in Sierra Leone. We note Mr Speaker that several changes are being proposed in the new law that may alter the powers of the Electoral Commission under Sections 32 and 33 of the 1991 Constitution of Sierra Leone in conducting of public elections.



As we write you this open letter, we reckon that the pre-legislative discussions on the proposals to change the Public Election Act 2012 have commenced and that the other reading stages have started yesterday hoping to end today.

Mr Speaker, our primary concern over this all important bill is the fact that MPs have tabled the proposed law without public consultations, education and / or expert inputs from key stakeholders such as the Sierra Leone Bar Association, civil society organizations, human rights defenders, elections management bodies, the media etc. As a matter of fact, the full details of the proposed legislative instrument particularly the key areas intended to be amended are still unknown to many people. To make matters worse, copies of the bill had not even been seen by many civil society groups, journalists and human rights defenders we spoke to needless to talk about the vulnerable masses.

Mr Speaker, while we are amongst the privileged few groups to have seen a copy of the proposed law and heartily commend some of the proposals stated therein, such as the 30% safe seats for women in Parliament, opportunities for diaspora voting and the removal of restrictions on naturalized citizens from electoral participation, **we however strongly and vehemently decry the move to introduce a National Identification Number ( NIN) requirement for eligibility to register and participate in the forthcoming 2023 public elections.**

As insignificant and minute this proposal may seem, such could have the proclivity of undermining the democratic rights of thousands of Sierra Leoneans in the 2023 electioneering process and further pose a serious threat to the peace and stability of the country if not handled well.

Honorable Speaker, LEGAL LINK notes that **Section 13(1)(a) of the proposed Public Election Act 2022** makes the inclusion of voter's NIN a requirement of the registration records and by section 25 (1) of the same bill, **"A Registration Officer may, after considering the proof of claim for registration under section 24, refuse to register a person if he is satisfied that the person is not qualified for registration".**

Without any gainsaying, this new requirement provided for in Section 13(1)(a) is a direct attempt to incorporate the National Civil Registration Authority (NCRA)'s registration requirement into the electioneering process and implicitly exclude eligible voters who are neither registered by NCRA or do not have a National Identification Number.

It is worthy to emphasize that the NCRA is an institution created by Parliament in 2016 to carry out the responsibility of registering all citizens and other residents in Sierra Leone, including the allocation of a unique NIN to each registered individual.

In May 2021, the NCRA launched a nationwide registration exercise as part of a new biometric program to digitize and synchronize Sierra Leone's vital social and national records. But despite this campaign, it is believed that more than half the population were unable to register during the period and as a result may be absent in the NCRA database. .

In one of its joint communiqué with the Ministry of Labour, Immigration etc, it was agreed that **'all applications for work permit, resident permit, passport, and other immigration services must include the national identification number issued by the National Civil Registration Authority (NRCA) as a mandatory field,'**

This joint communiqué became effective on 1 June, 2022; exactly three weeks before MPs introduced the proposed Public Elections Act 2022 that also seeks to include the NIN as a mandatory field of the voter register.



Mr Speaker, without any gainsaying, one might be tempted to ask: could this be a coincidence or a grand plan systematically executed to disenfranchise a good number of Sierra Leoneans that may not have gone through the NCRA registration?

Without an express clarification from stakeholders such as NCRA, ECSL and even the government authorities as to the reason for conflicting an NCRA registration requirement with that of a Voter Registration process, it may be safe to state that the addition of the NIN to the voters register in Section 13(1) (a) of the proposed 2022 Public Elections Act could be a voter suppression strategy; aimed at marginalizing a good number of Sierra Leoneans from participating in the forth coming elections.

Mr Speaker, at a time when NCRA has closed down registration to the public regarding NIN, it will be illogical and unfathomable to now pass a law that requires NIN to register for public elections. A law must always look forward and not backwards. It must never have retrospective effects. LEGAL LINK therefore holds the view that this attempt to incorporate technicalities into the electoral framework would not only be unhelpful to mass democratic participation but has the proclivity to stir up violence and undermine the peace and stability of our nation going forward.

We note also that since the tabling of the proposed election law, the call from citizens for MPs to organize public consultations and sensitization in a bid to ensure collective input from the public seem to have fallen on deaf ears.

If trust and credibility of the electioneering process is to be garnered during this pre - electioneering phase, civic engagement, consultations and participation is key in ensuring that genuine public interests are reflected in proposed electoral legislations and policy frameworks.

In our estimation thus far Mr Speaker, your MPs have largely remained silent on the details and implications of the proposed legislation to their constituencies; and it is for all of the above mentioned reasons that we believe the entire parliamentary proceedings on the proposed public elections bill ought to be put on hold pending nationwide consultations, education, sensitization and inputs.

While we anticipate your urgent action, please accept the assurances of our highest regards.

**Yours Faithfully,**



**Rashid Dumbuya Esq**

**Executive Director of LEGAL LINK and former Commissioner for Human Rights in Sierra Leone.**

**Cc: The Attorney General and Minister of Justice**

**The Chief Justice**

**The Clerk of Parliament**

**Opposition leaders in Parliament**

**The National Civil Registration Authority**

**The Electoral Commission of Sierra Leone**

**The Diplomatic and Consular Corps**

**The Sierra Leone Bar Association  
Civil Society Organizations and the Press**