

ELECTORAL LEGAL REFORM

The National Electoral Commission (NEC) identified electoral legal reform as a priority area in its restructuring process; thus forming part of its Electoral Reform Matrix (seven steps) in the 2005 – 2009 electoral cycle. Reforming the electoral laws and regulations continued to form an integral part of NEC's 2010 – 2014 strategic plan.

As part of the Government of Sierra Leone (GoSL) and international partner's support to the electoral process in Sierra Leone, UNDP hired international and national legal consultants in March 2006 and June 2010 to undertake a comprehensive review of the legal framework (Jessie Pilgrim, Reginald Fynn Jr, Victoria Stewart-Jolley, Marla Morry), all of whom made draft recommendations for review. The recommendations addressed all aspects of the electoral framework and process, including the structure of legal frame work.

The reviewed legal instruments revealed short comings in the electoral and political party legal frameworks. The Electoral legal Reform project is geared towards reviewing elections related laws to achieve the following:

- to bring the legal frame work for elections in line with international standards and best practice;
- to consolidate all elections related laws and provisions into a single document to enhance ease of reference;
- to address shortcomings and gaps in the election laws.

Following the three –day consultative workshop on the proposed legal reform held at the British Council from 29th -31st March 2011, a Technical Committee was established for the review of the electoral laws and to move forward with the legal reform process.

Composition of the Committee

- The National Electoral Commission;
- The Law reform Commission;
- The Law Officers' Department;
- The Ministry of Internal Affairs;
- The Ministry of Local Government and Rural Development;
- The Sierra Leone Bar Association;
- The Independent media Commission;
- The Political Parties Registration Commission;
- The United Nations Integrated Peace building Mission in Sierra Leone (UNIPSIL).
- Civil Society Representative

Two (2) major aspects of the reform process:

1. Review of proposed amendments to electoral legislations:

The Technical Committee on Electoral Legal Reform held its Inaugural Meeting on the 5th May 2011 and continued until 8th August 2011 for this phase of the legal reform process.

Members considered recommendations both from Mornoma & Fynn Legal firm and the aforementioned Workshop; constitutional and other relevant legislations from other jurisdictions (e.g. Nigeria, Ghana, The Gambia, Uganda, etc) and international best practice.

Topics were identified for each session and presentations made on each topic by researchers and comments sought from members. The Technical Committee submitted the final copy of its report on the proposed amendments to NEC on the 31st August, 2011. The Board of Commissioners of NEC considered the Technical Committee's recommendations on the 2nd August 2011. Nearly all the recommendations were approved by the Commission (with minor amendments/ comments). Information sharing with stakeholders, including political parties, on legal reform, was successfully held at Miatta conference centre on the 3rd October, 2011.

2. Consolidation of Electoral Legislations

Meetings of the expanded Technical Committee on the consolidation of electoral legislations began on the 17th August on to the end of December 2011. The consolidation and drafting process (including the proposed amendments) was completed in December 2011. The draft consolidated legislation and cabinet paper on the said bill has been submitted to Cabinet by the Attorney General and Minister of Justice for their approval. It is expected that the Bill will be addressed by Parliament early in 2012.