

GOVERNMENT'S RESPONSE TO RECOMMENDATIONS OF THE CONSTITUTIONAL REVIEW COMMITTEE.

CHAPTER IV - FUNDAMENTAL PRINCIPLES OF STATE POLICY

Government and People

Government accepts the recommendation to include "human dignity" and "equality" to section 5(1) of the 1991 Constitution.

Government notes the recommendation but believes that section 5(2)(b) adequately sets out the organs responsible for national security. It therefore retains the said subsection accordingly.

Political Objectives

Government notes the recommendation but believes that section 6(1) truly represents the political objectives of our country and therefore retains the said subsection accordingly.

Government accepts the recommendation to replace the word "discourage" with "prohibit" as the latter places obligation on the State to take positive or proactive steps to tackle discrimination. Therefore, section 6(2) should be amended accordingly.

Government notes the recommendation but believes the current Anti-Corruption law is fully expansive and has been highly effective in combatting corruption. Therefore, Government retains section 6(5) of the 1991 Constitution.

Economic Objectives

Government notes the recommendation but believes that the Constitution should state broad principles to provide for issues recommended herein to be addressed in other legislations. Further, we now have a Ministry responsible for the environment; there is also the Environmental Protection Act and the implementation of the National Land Policy will give rise to a legislation including Land Management, Country Planning, etc. Therefore, Government retains section 7 of the 1991 Constitution.

Social Objectives

Government accepts the recommendation to expand ideals of the State to include "human dignity". Therefore, section 8(1) should be amended accordingly to read: "The Social Order of the State shall be founded on the ideals of human dignity, freedom, equality and justice."

Provision of Mandatory Healthcare

Government accepts the recommendation to delete the qualifying words "having due regard to the resources of the State" in paragraphs (c) and (d) of section 8(3). Necessary structures will involve policy formulation to help Government address challenges where there are limited resources. Therefore, section 8(3)(c) and (d) be amended accordingly.

Persons with Disability

Government accepts the recommendation to replace the word "disabled" with "persons living with disabilities" in line with international best practice. Therefore, section 8(3)(f) should be amended accordingly.

Social Security and Social Assistance

Government notes the recommendation as Government is currently implementing a social security and safety net program by providing financial and social assistance to persons who are unable to support themselves particularly women and the aged. The National Commission for Social Action law takes care of this and so unnecessary to have a new social objective provision in the Constitution. Therefore, save for the accepted recommendations, Government retains section 8 of the 1991 Constitution.

Educational Objectives

Government accepts the recommendation to delete the qualifying words "as and when necessary". Necessary structures will involve policy formulation to help Government address challenges where there are limited resources. Therefore, section 9(1)(c) should be amended accordingly.

Government accepts the recommendation to delete the qualifying words "as and when practicable" as Government is already implementing it in its Free Quality School Education policy. Government, however, recommends the addition of 'quality' to free in the paragraphs of section 9(2). Government further recommends the merging of paragraphs (b) and (c) of section 9(2) to read: "free, quality and compulsory school education at primary and secondary school levels". Therefore, section 9(2) should be amended accordingly.

Government accepts the recommendation but substitutes 'human rights' with 'civic education', and 'business' with 'entrepreneurship' to read "the Government shall promote the learning of indigenous languages and the study and application of modern sciences, foreign languages, technology, civic education, conflict management, commerce and entrepreneurship". Therefore, section 9(3) should be amended accordingly.

Obligations of the Mass Media

Government notes the recommendation but is of the view that the fundamental freedoms set out in the Constitution are all embracing. In addition, the Freedom of Information Act, 2013 and the recent promulgation of the Independent Media Commission Act, 2020 cumulatively address the recommendation above and therefore should not be included in the Constitution. Therefore, Government retains section 11 of the 1991 Constitution.

Enhancement of National Culture

Government accepts the recommendation to include 'dresses' that promotes Sierra Leonean culture in paragraph (a) of section 12 of the 1991 Constitution. Therefore, section 12(a) should be amended accordingly.

Duties of the Citizen

Government accepts the recommendation to add the national currency and national pledge to the duties of a citizen in section 13(a) of the 1991 Constitution. In fact, there are provisions in the extant banking laws that support respect for the national currency. Further, Government recommends the addition of "regional" in section 13(b) of the 1991 Constitution. Therefore, section 13 should be amended accordingly.

Fundamental Principles not Justiciable

Government notes the recommendation but believes that the fundamental principles as contained in Chapter II of the Constitution are clear and will continue to serve as a guide in the governance of the State and in law making. Therefore, Government retains section 14 of the 1991 Constitution.

CHAPTER V - THE RECOGNITION AND PROTECTION OF THE FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS OF THE INDIVIDUAL

Renaming the Chapter

Government accepts the recommendation of renaming Chapter III of the 1991 Constitution to read "The Recognition, Protection, and Promotion of Human Rights and Freedoms of the Individual" in line with its international obligations in safeguarding and promoting human rights of its citizenry.

Fundamental Human Rights and Freedoms of the Individual

Government notes this recommendation but is of the opinion that the current section is concise and captures the fundamental tenets of human rights. Therefore, Government retains section 15 of the 1991 Constitution.

Protection of Right to Life

Government accepts this recommendation in support of the Government's belief in the sanctity of life as well as to place the State alongside other progressive countries in the world. Therefore, section 16(1) should be amended accordingly.

Protection from Arbitrary Arrest or Detention

Government accepts the recommendation to reduce the age limit to eighteen years instead of 21 years in line with the age of consent in our jurisdiction. Therefore, section 17(1)(g) should be amended accordingly.

Government accepts the recommendation to amend section 17(3)(a) and (b) to reduce the detention period prior to being brought to court to seven days from ten days for heinous offences and forty-eight hours from seventy-two for other offences, respectively. Therefore, section 17(3)(a) and (b) should be amended accordingly.

Protection of Freedom of Movement

Government accepts the recommendation of curtailing freedom of movement in the interest of 'national security'; that is, national security to be added to section 18(3)(a) of 1991 Constitution. Therefore, section 18(3)(a) should be amended accordingly.

Government notes the recommendation but maintains that freedom of movement is not an absolute right to citizens and may be restricted in the interest of national security, defence, public safety, etc. Therefore, Government retains section 18(3) of the 1991 Constitution.

Protection from Inhuman Treatment

Government accepts the recommendation in conformity with our human rights obligations as the right to be protected from inhumane treatment is absolute and should not be derogated from under any circumstance.

Protection from Deprivation of Property

Government accepts the recommendation of adding national security where necessary in the interest of 'national security'. Government further accepts the deletion of the reference "Legislature of the former Colony and Protectorate of Sierra Leone" as Sierra Leone is now a Republic and therefore the reference appears obsolete." Therefore, save the accepted amendments, Government retains section 21 of the 1991 Constitution.

Protection for Privacy of Home and Other Property

Government accepts this recommendation to include 'national security interest' in section 22(2)(a). It further recommends replacing the word 'handicapped' in paragraph (e) with 'persons living with disabilities' in line with accepted recommendation in section 8(3)(f).

Government notes the recommendation, which goes to legislation for the safeguard of the right to protection, but believes that there are existing legislations that adequately provides for the protection of home, communications, etc.

Provision to Secure Protection of Law

Government accepts the recommendation in section 23(3) of the 1991 Constitution. Therefore, section 23(3) should be amended accordingly.

Government notes the recommendation and is of the opinion that such matters should be dealt with in other legislations such as the Sierra Leone Correctional Services Act 2014 and the Criminal Procedure Act 1965 and not in the Constitution. Therefore, Government retains section 23(10) of the 1991 Constitution.

Protection of Freedom of Conscience

Government accepts the recommendation to include 'the interest of national security'. Therefore, section 24(5)(a) should be amended accordingly.

Protection of Freedom of Expression and the Press

Government notes this recommendation but believes that the existing provision on the same is balanced and adequate. The enjoyment of this right should be exercised within the confines of the law, as an absolute right in this regard may be counterproductive to the peace and security of the State especially in this age of rapidly evolving new media. Therefore, Government retains section 25(1) of the 1991 Constitution.

Protection of Freedom of Assembly and Association

Government notes this recommendation but is of the opinion that the existing safeguards in the 1991 Constitution pertaining to the protection of freedom of assembly and association are adequate. Further, the existing labour laws provide collective bargaining for employers and employees. Therefore, Government retains section 26 of the 1991 Constitution.

Protection from discrimination

Government accepts the recommendation to draft a new section 27 of the 1991 Constitution to provide for gender inclusivity, protection from discrimination and promotion of the rights and empowerment of women in line with Government's policy.

Enforcement of Protective Provisions

Government accepts the recommendation and retains section 28 of the 1991 Constitution.

Government notes the recommendation but believes that the Judiciary is a competent body with rules of procedure that guides their practice. That a restrictive constitutional position will be cumbersome. Therefore, Government retains section 28 of the 1991 Constitution.

Public Emergency

Government accepts the recommendation to add a new paragraph to section 29(6) stating in clear terms that the right to life, the prohibition of torture, the principles of legality, and the freedom of thought, conscience and religion shall not be derogated from during a State of emergency.

Government notes the recommendation and believes that the current provisions have been applied efficiently as seen during this current corona health pandemics. Any alteration to the status quo risks undermining the purport of the provision. Therefore, Government retains section 29(13) of the 1991 Constitution.

Additional Amendments to Chapter III

Government notes the recommendation but is of the view that such additional chapter is not necessary; the issues raised are already addressed in other legislation including the Environment Protection Act, the Disability Act and the Child Rights Act.

CHAPTER VI: CITIZENSHIP

Government accepts the recommendation to draft a new chapter on citizenship in the Constitution as citizenship is very vital in the government structure of the State and therefore needs to be clearly defined in the most important legislation - the Constitution.

CHAPTER VII: THE EXECUTIVE

Office of President

Government notes the recommendation but believes that replacing the title "supreme executive authority" with chief executive" is a puerile attempt at undermining the Constitutional authority of the President. Therefore, Government retains section 40(1) of the 1991 Constitution.

Government notes this recommendation but believes that they already form part of the functions of the President in the 1991 Constitution and in other legislations. Therefore, Government retains section 40(4) of the 1991 Constitution.

Qualifications for Office of President

Government notes the recommendation but is of the opinion that the word "only" should be inserted in paragraph (a) between 'citizen' and 'of to read: "is a citizen only of Sierra Leone" to prevent holders of dual or multiple citizenships from contesting the Presidency. In addition, Government proposes to amend section 41(d) to read: "... he is a person otherwise qualified to be elected a Member of Parliament, except that the disqualifications set out in paragraphs (b) and (h) of Section 76(1) of this Constitution shall not be applicable to this section". Therefore, save for the amendment, Government retains section 41 of the 1991 Constitution.

Election of President

Government accepts the recommendation for Presidential, Parliamentary and Local Government elections to be held on a fixed date, preferably the second Saturday in March in the election year.

Government accepts the recommendation to have fixed date for inauguration, preferably on 27 April in the election year. However, a person elected to the office of President shall assume that office on the day he/she is declared by the Chief Electoral Commissioner so that there will be no power vacuum. Therefore, section 43 is amended accordingly.

Further, Government believes that the fifty-five percent threshold set for a presidential candidate to be elected has resulted in unnecessary second election with great cost to the economy, peace and security of the nation. Government proposes that a threshold of more than fifty percent of the valid votes cast should suffice for a candidate to be elected President. Therefore, section 42(2) should be amended accordingly.

Incidents of Office

Government notes the recommendation but is of the view that there are presidential privileges that the President should enjoy including personal tax exemption. Therefore, Government retains section 48(3) of the 1991 Constitution.

Vacancy in Office of President

Government accepts the recommendation that loss of political party membership, howsoever arising should not warrant an automatic vacancy in the office of President. Government proposes adding a subsection requiring the party under whose ticket the President was elected to send the resignation or expulsion notice to Parliament for a debate and vote to be taken, supported by two-thirds majority of all the Members of Parliament for the said President to be removed.

Mental or Physical incapacity

Government accepts the recommendation. Therefore, section 50 of the 1991 Constitution should be amended accordingly.

Misconduct by President

Government notes the recommendation but considers that the current provision in section 51 of the Constitution conferring the power on Members of Parliament (the representatives of the people) is adequate. Therefore, Government retains section 51 of the 1991 Constitution.

Vice President

Government accepts the recommendation that loss of political party membership, howsoever arising should not warrant an automatic vacancy in the office of Vice President. Government proposes adding a subsection requiring the party under whose ticket the Vice President was elected to send the resignation or expulsion notice to Parliament for a debate and vote to be taken, supported by two-thirds majority of all the Members of Parliament for the said Vice President to be removed. Therefore, section 54(8) of the 1991 Constitution is amended in line with the provisions relating to the removal of the President.

Vacancy in the Office of Vice-President

Government proposes the same provisions relating to a vacancy in the office of the President to apply to that of the Vice President. Therefore, section 55 of the 1991 Constitution should be amended in line with the provisions relating to the removal of the President.

Establishment of Office of Attorney-General and Minister of Justice

Government accepts the recommendation to separate the office of the Attorney-General and Minister of Justice. The Attorney-General shall be the principal legal adviser to the Government but not a Minister.

The Government further proposes that the age for qualification for appointment as Attorney-General be reduced from twenty years to fifteen years and be subject to Parliamentary approval. Therefore, section 64 should be amended accordingly. That where a Minister of Justice is appointed, he or she shall have a seat in the Cabinet. Solicitor-General

Government notes the recommendation but is of the opinion that a Parliamentary approval of the Solicitor-General is unnecessary, as he is only the principal assistant to the Attorney-General. Therefore, the Committee retains section 65(7) of the 1991 Constitution.

Government further proposes that the age for qualification for appointment as Solicitor-General be reduced from fifteen years to twelve years. Therefore, section 65(3) should be amended accordingly.

The Director of Public Prosecutions

Government notes the recommendation but is of the opinion that such an increase in age is unnecessary. Therefore, the Government retains section 66(7), (8) and (10) of the 1991 Constitution.

Government further proposes that the age for qualification for appointment as Director of Public Prosecutions be reduced from fifteen years to twelve years. Therefore, section 66(3) should be amended accordingly.

Secretary to the President

Government notes the recommendation but believes that the current provisions in the Constitution are adequate and have worked well. Therefore, the Government retains section 67(2)(a) of the 1991 Constitution

Secretary to the Cabinet

Government notes the recommendation but believes that the current provisions in the Constitution are adequate and have worked well. Therefore, Government retains section 68 of the 1991 Constitution.

Secretary to the Vice-President

Government notes the recommendation but believes that the current provision in the Constitution ensures accountability and has worked well. Therefore, Government retains section 69(2) of the 1991 Constitution.

Office of Paramount Chief

Government notes the recommendation but is of the opinion that the existing provisions in the Constitution and other laws governing the institution of Chieftaincy have worked well and should be retained. Therefore, Government retains section 72 of the 1991 Constitution.

CHAPTER VIII-REPRESENTATION OF THE PEOPLE

Registration of Voters

Government accepts this recommendation and therefore retains section 31 of the 1991 Constitution

Electoral Commission

Government notes the recommendation but believes that the administrative structure and workings of the Electoral Commission do not lend themselves to residency of Electoral Commissioners in the regions. Government further proposes adding "National" before "Electoral Commission" to read, "National Electoral Commission".

Government notes the recommendation but is of the opinion that the existing provisions have worked well. Government is of the view that the composition of the Electoral Commission should be a Chief Electoral Commissioner and such other members as Parliament may by law prescribe.

Government accepts the recommendation. Therefore, Government retains section 32(3) of the 1991 Constitution.

Government notes the recommendation but believes that age considerations in the Public Service must have limits or caps to make room for younger generations to aspire to higher public office. Therefore, Government retains section 32(7) of the 1991 Constitution.

Government notes the recommendation but is of the opinion that such provision will be superfluous as the Anti-Corruption law (as amended) mandates public officers to declare their assets and liabilities upon assuming office.

Government notes the recommendation but believes that the Chieftaincy Act, 2009 is expansive enough and lays bare the roles of different actors in the conduct and supervision of paramount chieftaincy elections. Therefore, Government retains section 33 of the 1991 Constitution.

Political Parties Registration Commission

Government accepts the recommendation as the Commission performs regulatory functions as part of its mandate. Therefore, section 34(1) should be amended accordingly.

Government notes the recommendation but considers that the Political Parties Registration Commission (PPRC) should focus on its core mandates of registering and providing oversight for the operation of political parties. Therefore, Government retains section 34(4) of the 1991 Constitution.

Registration and Conduct of Political Parties

Government accepts the recommendation in line with the Gender Equality and Women's Empowerment policy on inclusivity. Therefore, section 35(2) should be amended accordingly. Government further proposes amending section 38 of the 1991 Constitution to provide for proportional representation to achieve women's participation in public elections.

CHAPTER IX –THE LEGISLATURE

Establishment of Parliament

Government notes the recommendation but believes that the 1991 Constitution reflects a hybrid system of government. Therefore, Government retains section 73(1) of the 1991 Constitution.

Members of Parliament

Government notes the recommendation but is of the view that the current composition of the Parliament enables Paramount Chiefs to participate in the legislative process. Government considers a second chamber unnecessary. Therefore, Government retains section 74 of the 1991 Constitution.

Government notes the recommendation but is of the opinion that this issue should be addressed in another legislation and not in the Constitution.

Introduction of Proportional Representation

Government accepts the recommendation of having Members of Parliament to be elected in accordance with the system of proportional representation as bye elections have been held at a great cost to the economy, peace and security of the nation. However, the threshold should be left to the Electoral Commission to work out and not stated in the Constitution.

Removal of Paramount Chiefs from Parliament

Government notes the recommendation but is of the opinion that the existing provisions in the Constitution and other laws governing the institution of Chieftaincy have worked well. Therefore, Government retains the prevailing provisions.

Establishment of National House of Chiefs

Government notes this recommendation but is of the opinion that the provisions dealing with the composition of Parliament are adequate. Therefore, creating a National House of Chiefs is unnecessary. Therefore, Government retains the prevailing provisions.

Disqualifications for Membership of Parliament

Government accepts the recommendation to reduce the time for public officers to resign to contest from twelve months as provided for section 76(1)(b) to six months. Therefore, section 76(1)(b) should be amended accordingly.

Government notes this recommendation but believes that the current provision is adequate. That a person can be adjudged as such without being referred to as "clinically" lunatic. Therefore, Government retains section 76(1)(c) and (d) of the 1991 Constitution.

Further, Government proposes to delete section 76(1)(h) of the 1991 Constitution as it appears to be ambiguous.

Tenure of Seats of Members of Parliament

Government notes the recommendation but is of the opinion that the current provisions are adequate. Therefore, Government retains section 77(k) of the 1991 Constitution.

Government notes the recommendation but is of the opinion that the current provisions are adequate. Therefore, Government retains section 77(l) of the 1991 Constitution.

Government notes the recommendation but is of the opinion that the current provisions are adequate. Therefore, Government retains section 77(n) of the 1991 Constitution.

Government notes the recommendation but is of the opinion that the current provisions are adequate. Therefore, Government maintains section 77 of the 1991 Constitution.

Further, Government proposes adding subsection (1) to section 77 since there is already a subsection (2) of the same.

The Speaker

Government accepts the recommendation of electing a Speaker of Parliament. Therefore, section 79(1) of the 1991 Constitution is amended in its original form.

Government notes the recommendation but believes that the current position is efficient and has been employed successfully through several lives of Parliament. Therefore, Government retains section 79(2) of the 1991 Constitution.

Clerk of Parliament-Parliamentary Service Commission

Government notes the recommendation but is of the opinion that the Parliamentary Service Commission was established by the Parliamentary Service Act, 2007 and considers its inclusion in the Constitution unnecessary. Therefore, Government retains section 82(1) of the 1991 Constitution.

Government notes the recommendation but is of the opinion that the Clerk of Parliament is appointed before the composition of the Parliamentary Service Commission. Therefore, the President cannot consult with a non-existent Commission at the time of appointment but rather with the Public Service Commission. Therefore, Government retains section 82(1) of the 1991 Constitution.

Sessions of Parliament

Government notes the recommendation but believes that the current position in the Constitution has worked very well. Therefore, Government retains section 84(2) of the 1991 Constitution.

Sittings of Parliament

Government notes the recommendation but is of the opinion that the authority conferred on the President under this provision has been exercised judiciously and sparingly; therefore considers the recommendation redundant. Therefore, Government retains section 86(1) of the 1991 Constitution.

Unqualified Persons sitting or voting

Government notes the recommendation but believes such a situation will not occur, and even where it does, the criminal law regime will take care of such situation. Therefore, Government proposes to delete section 92 of the 1991 Constitution.

Committees of Parliament

Government notes the recommendation but is of the view that the current provision that sets out the different Committees and such other Committees as the rules of procedure may prescribe and section 93(1)(h), give effect to the recommendation and as such render it unnecessary. Therefore, Government retains section 93(1) and (2) of the 1991 Constitution.

Government accepts the recommendation pertaining to section 93(3) of the 1991 Constitution. Therefore, section 93(3) should be amended accordingly.

Parliamentary Privileges–Avoiding Double Jeopardy

Government notes the recommendation but believes the current provision affords adequate safeguards as to what should obtain in the event of defamation by a Member of Parliament. Therefore, Government retains section 99(3) of the 1991 Constitution.

Government notes the recommendation but is of the opinion that the procedure in the current subsection has worked efficiently. Therefore, Government retains section 99(4) of the 1991 Constitution.

Government notes the recommendation but maintains that the current provision is adequate. Therefore, Government retains section 99(5) of the 1991 Constitution.

Immunity for Publication of Proceedings

Government accepts the recommendation to delete "or otherwise in want of good faith" in section 103 of the 1991 Constitution as "maliciously" implies "in want of good faith". Therefore, section 103 should be amended accordingly.

Mode of Exercising Legislative Power

Government notes this recommendation but is of the opinion that section 23 has adequate safeguards against the making of retroactive laws. Therefore, Government retains section 106(5) of the 1991 Constitution.

Alteration of this Constitution

Government notes the recommendation but believes that a change to the status quo will undermine the efficiency of Parliament. Therefore, Government retains section 108(2)(b) of the 1991 Constitution.

Government notes the recommendation but is of the opinion that the current provision deals with the conduct after review and not the conduct before or during review. Further, that issues arising from any referendum and the referendum itself should be dealt with by the Electoral Commission. Therefore, Government retains section 108(5) of the 1991 Constitution.

Establishment of Office and Functions of Auditor-General

Government notes the recommendation but believes the practice has worked well in the past. Therefore, Government retains section 119 of the 1991 Constitution.

CHAPTER VII-THE JUDICIARY

Establishment of the Judiciary

Government notes the recommendation but is of the considered view that the Chief Justice is responsible for all the functions canvassed - administrative, financial and supervisory and therefore considers it is unnecessary for the same to be included in the Constitution. Therefore, Government retains section 120(1) of the 1991 Constitution.

Government accepts the recommendation to replace the term 'inferior' in section 120(4) of the 1991 Constitution with the term "subordinate" and also "traditional" to "local". Therefore, section 120(4) should be amended accordingly.

Government notes the recommendation but is of the considered view that such amendment is unnecessary. Therefore, Government retains section 120(9) of the 1991 Constitution.

Composition of the Supreme Court

Government accepts the recommendation to increase the number of Supreme Court Justices to "... not less than seven other Justice of the Supreme Court...". Therefore, section 121(1)(b) of the 1991 Constitution should be amended accordingly.

Jurisdiction of the Supreme Court

Government notes the recommendation but believes the current proviso is adequate and does not warrant the proposed amended. Therefore, Government retains section 122(1) of the 1991 Constitution.

Appeals to the Supreme Court

Government notes the recommendation but believes the current provision includes appeals from a judgment of a court martial, which has similar jurisdiction to that of the High Court of Justice. Therefore, Government retains section 123(1) of the 1991 Constitution.

Enforcement of the Constitution

Government notes the recommendation but retains section 127(4) of the 1991 Constitution

Composition of the Court of Appeal

Government accepts the recommendation to increase the number of Justices in the Court of Appeal to "... not less than nine ...". Therefore, section 128(1) of the 1991 Constitution should be amended accordingly.

Government notes the recommendation but believes that the current provision regarding the presiding in the Court of Appeal is adequate and should be maintained. Therefore, the Government retains section 128(2) of the 1991 Constitution.

Government accepts the recommendation for the Chief Justice, instead of Parliament, to create divisions of the Court of Appeal as may be necessary. Therefore, section 128(4) of the 1991 Constitution should be amended accordingly.

Government notes the recommendation but is of the opinion that the tenets of democracy and transparency be preserved. Therefore, Government retains section 128(4)(c) of the 1991 Constitution.

Jurisdiction of the Court of Appeal

Government accepts the recommendation. Therefore, section 129(2) of the 1991 Constitution should be amended accordingly.

Composition of the High Court

Government accepts the recommendation to increase the number of Justices in the High Court to "... not less than fifteen ...". Therefore, section 131(1) of the 1991 Constitution should be amended accordingly.

Jurisdiction of the High Court

Government notes the recommendation but believes that the deletion is unnecessary as the import of the word stems from practice. Therefore, Government retains section 132(1) in the 1991 Constitution.

Government notes the recommendation but believes the current provision is adequate. Therefore, Government retains section 132(2) of the 1991 Constitution.

Government accepts the recommendation. Therefore, section 132(4) in the 1991 Constitution should be amended.

Supervisory Jurisdiction of the High Court

Government accepts the recommendation to change the word 'inferior' to 'subordinate' in section 134 of the 1991 Constitution. Further, Government proposes to change the word 'traditional' to 'local' in the same. Therefore, section 134 should be amended accordingly.

Appointment of Judges

Government notes the recommendation but believes the current provision is adequate and should be maintained. Therefore, Government retains section 135(4) of the 1991 Constitution.

Government further proposes that the age requirement for appointment as a Judge of the Superior Court of Judicature in section 135(3) be amended as follows:

- (a) the Supreme Court, for not less than fifteen years;
- (b) the Court of Appeal, for not less than twelve years;
- (c) the High Court of Justice, for not less than ten years

This is in line with best practice in other common law jurisdictions in Africa.

Judicial Vacancies

Government notes the recommendation but believes the current provision is adequate and should be maintained. Therefore, Government retains section 136(4) of the 1991 Constitution

Government notes the recommendation but is of the view that the current provision is adequate as it gives the Justice whose appointment has expired or is being revoked sufficient time to dispose of cases he was dealing with. Therefore, Government retains section 136(6) of the 1991 Constitution.

Tenure of Office of Judges

Government notes the recommendation but believes that the prevailing provisions should be maintained. Therefore, Government retains sections 137(1) and 137(2) of the 1991 Constitution.

Government notes the recommendation but believes the current age requirement applies to other public officers and should be maintained. Therefore, Government retains sections 137(2) of the 1991 Constitution.

Government notes the recommendation but is of the opinion that the current provision be maintained. Therefore, Government retains section 137(3) of the 1991 Constitution.

Government notes the recommendation but believes that the current provision be maintained. Therefore, Government retains section 137(4) of the 1991 Constitution. However, the phrase "for statement misconduct" should be changed to "for stated misconduct".

Government notes the recommendation but believes that the current provision be maintained. Therefore, Government retains section 137(6) of the 1991 Constitution.

Government notes the recommendation but believes that the current provision be maintained. Therefore, Government retains section 137(7) of the 1991 Constitution.

Government notes the recommendation but believes that the current provision be maintained. Therefore, Government retains section 137(9) of the 1991 Constitution.

Government notes the recommendation but believes that the current provision be maintained. Therefore, Government retains section 137(10) of the 1991 Constitution.

Remuneration of Judges

Government notes the recommendation but believes that the current wording in the 1991 Constitution preserves public trust and prevents possible conflicts of interest. Therefore, Government retains section 138(4) of the 1991 Constitution.

Judicial and Legal Services Commission

Government accepts the recommendation to make the Judicial and Legal Services Commission fully functional but considers the expansion of the membership to include only the Financial Secretary. Therefore, section 140(1) of the 1991 Constitution should be amended accordingly.

Government notes the recommendation but considers it unnecessary. Therefore, Government retains section 140(1)(a) of the 1991 Constitution.

Government accepts the recommendation only to the extent of including the Financial Secretary as a member of the Judicial and Legal Service Commission. Therefore, Government retains section 140(1) (a)-(f) of the 1991 Constitution, with the addition of new sub paragraph to provide for the inclusion of the Financial Secretary.

Government accepts the addition of the Financial Secretary and amends section 140(3) of the 1991 Constitution accordingly.

Government notes the recommendation but believes that the current provision is adequate.

Therefore, Government retains section 140(3)(a) of the 1991 Constitution.

Government notes the recommendation but is of the opinion that such a person can be removed under the current provision. Therefore, Government retains section 140(3)(a) and (b) of the 1991 Constitution.

Appointment of Judicial and legal Officers

Government notes the recommendation but is of the opinion that the current provision is adequate. Therefore, Government retains section 141(1) of the 1991 Constitution.

Appointment of Court Officers

Government notes the recommendation and is of the opinion that the current provision is adequate. Therefore, Government retains section 142(2) of the 1991 Constitution.

Fees of Court, etc.

Government notes the recommendation but believes that the current provision is adequate. Therefore, Government retains section 143 of the 1991 Constitution.

Alternative Dispute Resolution Mechanism

Government accepts the recommendation in principle and notes its existing legislation on Arbitration which is currently being reviewed and is also preparing a Mediation Bill which is to be presented to Parliament shortly. Government therefore prefers these matters to be addressed in separate legislation and not in the Constitution.

CHAPTER XI: LOCAL GOVERNMENT AND DECENTRALISATION

A Local government and decentralisation system that is well structured, resourced (financially, logistically and personnel wise) is part of governance architecture. It serves to ensure and promote community development, efficient and effective service delivery at the local level.

To this end and to secure and protect the local governance system Government proposes an entrenched clause in the new constitution.

CHAPTER XIII: NATIONAL SECURITY

National security is crucial for the survival and sustenance of the State of Sierra Leone like for any other country. There is need to ensure that National security issues are clearly defined in the new Constitution.

Government proposes a new chapter dedicated to defining the structure, principles, coordination, financing, coordination and safeguarding in the Constitution.

CHAPTER IV: THE PUBLIC SERVICE

The Public service is a catalyst for the translation of policies, legislation and related tools into programmes for the facilitation of State management.

Government proposes a new chapter on the public service specifying the public service institutions and agencies that form part of the public service and makes provision for legislation to be enacted to detail matters relating to the governance, functions and membership of the Public service.

CITIZENSHIP

Government proposes a chapter on citizenship detailing how citizenship can be acquired (by birth, naturalisation, marriage or adoption) as well as addressing concerns over dual citizenship with relevant safeguards to protect issues of national loyalty arising from dual citizenship and the circumstances in which it may be revoked.

LOCAL COURT

Government proposes that Local Courts be provided with a structure under the Ministry of Justice to enhance its efficient and effective operations.



SIERRA LEONE GOVERNMENT

CABINET WHITE PAPER

**CABINET WHITE PAPER ON THE
REVIEW OF THE 1991
CONSTITUTION OF
SIERRA LEONE
ACT NO. 6 OF 1991**

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