

MARCH 7, 2018
PRESIDENTIAL AND PARLIAMENTARY ELECTIONS
IN SIERRA LEONE

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FINAL REPORT

THE
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EXECUTIVE SUMMARY

Mission Background: The Carter Center deployed a team of four experts in Sierra Leone in February 2018 to monitor key parts of Sierra Leone's 2018 electoral process, including the legal framework, electoral preparations, the general security environment, and the resolution of disputes in the courts. Given the limited size and scope of the mission, the Center's team did not conduct a comprehensive observation of the electoral process as whole, nor of election day voting and counting processes. Due to its limited size and focus, the Center's mission did not issue a preliminary post-election statement. This report focuses on discrete aspects of the electoral process assessed by the expert team, with additional analyses that draw on reports from other international and domestic observation missions. The Center conducts its election missions in accordance with the Declaration of Principles for International Election Observation, which was endorsed by the United Nations in 2005.

Summary

Sierra Leone's March 7, 2018, elections were conducted under a legal framework generally consistent with international standards, and were assessed by international and domestic citizen observers as professionally administered. During the two years preceding the elections, the National Electoral Commission prepared a voter registry and revised constituency boundaries in a credible fashion. The campaign period was generally calm, allowing parties to mobilize supporters and communicate with the general public, although several violent incidents during the campaign period raised concerns.

The elections were the first organized since the end of the civil war in 2002 absent the presence of a United Nations peacekeeping mission and the second under the 1991 constitution in which an incumbent was not a contestant for the presidency. Sixteen parties nominated presidential candidates, 17 nominated parliamentary candidates, and 43 independent parliamentary candidates competed, providing voters with a genuine choice. No presidential candidate received the requisite 55 percent required to avoid a second round.

A runoff has been scheduled for March 27, following a neck-and-neck finish in the first round between the candidates representing the two parties that have dominated the political landscape since independence: the All People's Congress (APC) and the Sierra Leone Peoples Party (SLPP). The March 27 runoff presents a key test of whether the 2018 electoral process will represent an important step forward in the country's post-civil war history. This will require that a relatively peaceful environment be maintained through the voting and counting processes, and that the announcement of final results be credible, with any disputes resolved through established legal channels.

Overview of Key Findings

General Context. Since the civil war ended in 2002, Sierra Leone experienced steady economic growth. However, the economy was severely affected by the 2014-15 Ebola crisis and the 2017 mudslides in Freetown. More generally, Sierra Leone remains near the bottom of the list in most categories covered by the UNDP Human Development Index.



Legal Framework. Despite recommendations from international observers and a Constitutional Reform Commission, the legal framework for the elections has not changed since the 2012 elections. It generally provides a sound basis for conducting a democratic electoral process, but would benefit from several reforms. The constitution guarantees fundamental rights and freedoms but includes several undue limitations on civil and political rights, such as those restricting political party formation and ideology and candidate eligibility.

Boundary Delimitations. In 2016, the parliament increased the number of parliamentary constituencies from 112 to 132. The National Electoral Commission's (NEC's) initial boundary delimitation exercise was widely seen as a transparent, inclusive and professional process, but was subsequently complicated by parliament's 2017 decision to increase the number of districts in Sierra Leone from 14 to 16 and to disamalgamate some chiefdoms. These changes, as well as parliament's revisions to the NEC's final set of proposed boundaries, were widely seen as politicized. In addition, the NEC's decision to allow a maximum 25 percent population deviation amongst constituencies undermined the equality of the vote.

Voter Registration. In 2017, the first ever nationwide civil register was compiled from which the NEC extracted a voter register of 3.178 million citizens. Due to the limited capacity of the newly established National Civil Registration Authority (NCRA), the NEC assumed the lead role in the civil registration exercise. Despite organizational challenges, stakeholders generally expressed confidence in the accuracy of the final voter register.

Party and candidate registration. Seventeen political parties registered with the Political Party Registration Committee (PPRC). While new parties faced an overly bureaucratic and protracted registration process, seven parties were registered between 2012 and 2017, most within the year prior to the 2018 elections. The process for nominating candidates followed the prescribed procedures, although several cases challenging specific candidates for president and parliament were presented before the courts. The number of women participating as candidates was limited, with only two women running for president and women accounting for only 12 percent of parliamentary candidates.

Election Administration. As mandated by the 1991 constitution, the NEC had formal responsibility for the conduct of the 2018 elections. The NEC was widely viewed as a neutral and credible election management body, although many interlocutors noted that it faced immense political and administrative pressures throughout the electoral process. The NEC was proactive in meeting with political actors and other stakeholders to inform them on technical aspects of the process. From a broad perspective, however, the NEC should ensure greater transparency regarding its work, for example by publishing key information regarding its administration of the elections on its website and adopting formal regulations to govern the process.

Campaign Period. According to political party leaders, the freedom to campaign was generally respected, though some cited isolated instances of the authorities interfering in their campaigns or with their supporters. The media provided extensive coverage of the campaign. Both domestic and international media monitors concluded that the ruling party benefited from more positive coverage. The ruling party took advantage of its incumbency, including combining the president's final nationwide tour with campaigning for the ruling party's presidential candidate and with the launch of several large development projects during the run-up to the elections. Sierra Leone's campaign finance requirements



are limited and not well-enforced. Voters and the public at large did not have access to information concerning the campaign finances of electoral contestants prior to the polls.

Promoting peaceful elections. Public institutions, civil society, and international actors actively sought to promote a peaceful electoral process. The PPRC, for example, sought to ensure adherence by the parties to the Political Parties Act and a code of conduct. The PPRC also facilitated the preparation of the Freetown Declaration, which was signed by all the presidential candidates a week before the elections. The Declaration included a pledge to conduct a peaceful campaign and accept the outcome of the elections. To avoid political clashes, the NEC allowed parties to campaign only on allocated days in assigned districts. While the calendar restricted the freedom of parties to campaign in the time and place of their choosing, this step probably reduced the potential for violence between opposing political supporters.

Judicial role in elections. In the weeks preceding the elections, a series of legal challenges were brought before the Supreme Court regarding the eligibility of several presidential candidates. Most notably, the candidate from the National Grand Coalition (NGC) was challenged on the grounds that he had dual citizenship, which is a basis for ineligibility under the constitution. Following a series of technical delays in the proceedings, the court postponed its substantive hearing to March 28, breaching the court's 30-day deadline for adjudication of the case and denying effective and timely remedy of the dispute.

Vehicle ban. A ban on vehicle movement on election day imposed by the police was a politically contentious issue, with most parties signing a memorandum of understanding prepared by the Sierra Leone Police (SLP), but with five parties refusing to sign. One of the parties ultimately challenged the ban in court, arguing that it violated freedom of movement and undermined the right to vote. The Supreme Court summarily dismissed the matter on the day before the election, without due consideration. While the ban may have served to reduce the risk of violence, The Carter Center notes that such a ban is a restriction on rights and freedoms, and hopes that Sierra Leone's democratic norms and institutions will be stronger in the future so that a similar ban is not necessary in future polls.

Election Day. According to the preliminary statements of domestic monitors and international observers, the balloting process provided Sierra Leoneans an opportunity to participate in a meaningful electoral exercise conducted in accordance with international standards. More than 84 percent of those registered turned out to vote, although voting arrangements were not provided for voters in pretrial detention centers, hospitals and long-term care facilities, nor for home-bound voters. According to observers, polling officials were well-trained and organized their often-cramped spaces to facilitate the orderly movement of voters through the casting of four separate ballots. Party agents, domestic monitors, and police were present at polling sites throughout the polling and counting processes. International observer groups reported a few administrative glitches and security-related incidents, including a troubling attempted police raid on the campaign headquarters of the leading opposition party after the polls closed, which reduced SLPP confidence in the Sierra Leonean Police.

Results management. The tabulation process for the presidential election required five days to complete. On March 13, the NEC announced the final results, in which no candidate reached the required 55 percent threshold to win in the first round. The SLPP and APC candidates received, respectively, 43.3 percent and 42.7 percent of the vote, reinforcing the leading position of these two



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parties that have dominated Sierra Leone's political landscape since independence. These results were within the statistically valid range of a Parallel Vote Tabulation (PVT) conducted by the citizen observer organization National Election Watch (NEW), which relied on a sample of 506 randomly selected polling sites. NEW's PVT methodology follows recognized practices and provided a very valuable addition to the process.

Post-election challenges. Prior to the completion of the presidential tabulation process, the NGC and Coalition for Change (C4C) raised concerns in letters to the NEC, alleging various procedural irregularities and asserting widespread fraud. In partial response to these concerns, the NEC ordered recounts of presidential ballots in 154 polling sites but declined to exclude them from the final results. However, results from an additional 221 polling sites were excluded, in most cases because the number of votes cast exceeded the number of registered voters assigned to the polling site.

In the weeks following the release of the presidential and parliamentary results, a narrative critical of the NEC emerged among some political parties, which alleged that the NEC poorly administered the first round, with irregularities in the accounting of ballots and the counting of votes. Some also cited instances of voter intimidation. A lawyer with ties to the ruling APC filed a lawsuit reflecting these concerns, requesting injunctive relief with the Supreme Court on March 20. To date, The Carter Center is not aware of any concrete evidence to support these claims.

Recommendations for second round. With the announcement of final results, the NEC scheduled a second round for March 27, within the mandated 14-day period. With only one race between two candidates, the second round of elections should be easier to administer. However, in light of the concerns that have been raised following the first round, the NEC should consider enhancing controls over the management of excess ballots at the polling centers, expediting the counting and reconciliation processes, and ensuring maximum transparency to the post-election process of tabulation and finalization of results.

Maintaining the peace. Given the winner-take-all nature of the runoff, the perceived stakes for both the APC and SLPP are high and, not unexpectedly, the situation in different regions of the country has become more volatile. Further exacerbating tension and undermining public confidence, the NEC and the Sierra Leonean Police (SLP) issued competing press releases critical of each other's actions. Both the NEC and the SLP should exercise their professional duties, including implementing agreed-upon procedures to protect the integrity of the balloting and counting processes and investigating all incidents of electoral malpractice, in a manner that demonstrates their absolute impartiality. In a more positive vein, women, religious leaders and others in civil society are proactively seeking to impress on party leaders and presidential candidates that they have a critical responsibility to reduce tensions and to insist that their supporters conduct themselves to maintain a peaceful environment throughout the electoral process.



Carter Center in Sierra Leone

The Carter Center has a long history of commitment to West Africa, supporting the region's democratic transformation for more than two decades. The Center has fielded election observation missions throughout the region, including in Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Guinea, Mali, and Nigeria. In Sierra Leone, the Center has deployed election missions for each of the country's post-conflict elections.

The Carter Center first became involved in Sierra Leone in 2002, when it observed the first presidential and parliamentary elections since the end of the country's civil war. A peaceful transition of power in Sierra Leone offered hope to the rest of what was then a conflict-ridden region. The Carter Center fielded a delegation of 22 observers, which was led by former Benin President Nicéphore Soglo and included nine civil society leaders from Liberia and Guinea. The Center's final report concluded that "the electoral process ... enabled voters to freely express their democratic choices and ... the official results reflected the will of the voters. Although the elections were far from perfect, they were characterized by robust political participation, inclusiveness, competence, and dignity."¹

For Sierra Leone's 2007 elections, The Carter Center provided technical assistance to the African Union international election observation mission. Two Center staff members established an office in Freetown, drafted briefing materials, developed a deployment plan, and organized accommodation, transport, and delegation support. The AU mission, however, was responsible for its own observations and assessment of the election. Following the mission, the Center produced an internal report for the African Union with suggestions for the administration of future missions.

The Center was invited to observe the November 2012 elections and dispatched a core team and eight long-term observers from six countries to assess the process. The short-term observation delegation was led by the former president of Zambia, Rupia Banda, and the Carter Center's then vice president for Peace Programs, John Stremlau. The delegation observed election-day processes in all of Sierra Leone's 14 districts. After election day, the Center's long-term observers remained in the country to observe the counting and tabulation processes and post-election political developments, including the resolution of electoral complaints and two election-related trials.

The Center's final report on the 2012 elections found the process to be "generally orderly and transparent and in general accordance with Sierra Leone's legal framework and obligations for democratic elections." Although the Center "noted some limited administrative shortcomings," it reported that "the electoral process was well-conducted by National Electoral Commission officials, that polling staff performed admirably in difficult conditions, and that the people of Sierra Leone turned out in high numbers to cast their ballots freely. The electoral process was conducted with a high degree of transparency."²

¹ The Carter Center, *Observing the 2002 Sierra Leone Elections*, 2002.

² The Carter Center, *Observing Sierra Leone's 2012 Elections: Final Report*, https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/sierra-leone-final-101613.pdf.



2018 Elections

The Carter Center sent a pre-election assessment mission to Sierra Leone in June 2017. The government of Sierra Leone subsequently invited the Carter Center to observe the March 7 polls. A four-person expert team was deployed to Freetown in early February, arriving immediately before the formal campaign period. Originally, the Center had hoped that this team would support the deployment of a full observation mission, including both long-term and short-term observers. However, due to funding constraints, in the end it was not possible to deploy a full mission.

As a result, the Center's team acted as an "expert mission" and focused on several key issues, including the legal framework, the role of the judiciary in the electoral process, the planning and training for the security forces and other actors to maintain peace during the election period, and the role of civil society in promoting the credibility and integrity of the electoral process. The expert team comprised Larry Garber, field office director; Nicholas Jahr, deputy field office director/political analyst; Marla Morry, legal/election analyst; and Jean Lausberg, security analyst.

Election Observation Methodology: Since 1989, The Carter Center has observed 107 elections in 39 countries. Carter Center election observation missions are conducted in accordance with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005 and has been endorsed by more than 50 election observation groups.³ Through observation, the Center provides an impartial, objective assessment of the quality of key aspects of the electoral process and the extent to which it meets the host country's obligations under national and international law.

Historical and Political Background⁴

From Parliamentary Democracy to One-Party Rule

Sierra Leone was granted independence from the United Kingdom in 1961. The country held its first national elections the following year. The Sierra Leone People's Party (SLPP), which had shepherded the country through the previous decade of tutelary rule, emerged victorious. Its only significant opposition was the All People's Congress (APC). Both parties quickly came to rely on ethnic bases, with the SLPP popular among the Mende of the east and south, and the APC popular among the Temne of the north. Elections were held again in 1967, and this time the APC was declared the winner. A military coup followed 48 hours later. Twelve months afterward, noncommissioned officers from the north staged a counter-coup and returned the APC to power, where it would remain for almost the next quarter-century.

In power, the APC transformed the country into a one-party state. By 1991, a rebel group called the Revolutionary United Front (RUF) began what would become a notoriously brutal insurgency in the

³ Declaration of Principles for International Election Observation, October 2005, <https://www.cartercenter.org/documents/2231.pdf>.

⁴ This section of the report is derived from The Carter Center's 2012 election observation report, op. cit. note 2 at p. 10-12.



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south and east. The next year, the army once again seized power, toppling the APC government. Capt. Valentine Strasser became the head of state. In 1996, when Strasser seemed to be retreating on a commitment to hold national elections, one of the coup's other leaders, Capt. Julius Maada Bio, deposed him, initiated peace talks with the rebels, and confirmed that elections would go ahead as planned.

The Return to Multiparty Democracy

The 1996 elections marked the return of multiparty democracy in Sierra Leone. Thirteen parties, including the SLPP and the APC, contested the elections. A former SLPP leader, John Karefa-Smart, formed the United Progressive People's Party and mounted a challenge to the country's more than three-decade-old duopoly.

The RUF insisted that peace precede elections, and rebels launched a campaign of terror to discourage people from going to the polls, cutting off the hands of their victims. Multiple incidents of violence were committed on election day that led to a number of deaths and had the effect of intimidating voters and decreasing participation. As a result, Bio declared that the polls would remain open for a second day to enable more participation in the election. Turnout for the election ultimately reached 50 percent. Since no presidential candidate won a majority, a second round was held. SLPP presidential candidate Ahmad Tejan Kabbah won the second round, with 59.2 percent of the vote to Karefa-Smart's 40.8 percent. In the parliament, the SLPP secured a plurality, winning about 36 percent of the vote, which translated into 29 of 68 seats. The UNPP placed second with 18 seats; the APC was a distant fourth, with five seats.

The war continued throughout Kabbah's first term, and his government was forced to abandon Freetown twice. In 1999, under a peace agreement signed between the government and rebel forces in Lomé, Togo, rebel leaders were given government posts and guarantees of amnesty for their actions during the war. During this period, the U.N. Security Council established the United Nations Mission in Sierra Leone (UNAMSIL), deploying 17,500 peacekeepers and 400 civilian police across the country. Despite the favorable terms of the Lomé Peace Agreement, the RUF continued its military campaign until British troops assisted UNAMSIL in disarming the rebels and helping the government extend its control to areas formerly under RUF control. In January 2002, through a mix of international diplomacy, military action, and civil society protests, Kabbah was at last able to proclaim in Krio: "The war don don."

Postwar Elections and Reconstruction Efforts

Following the end of the war in 2002, elections were scheduled later that year. Eighty-one percent of registered voters went to the polls on election day, returning Kabbah to office with a landslide 70 percent victory over APC flag bearer Ernest Bai Koroma.

In May 2004, Sierra Leone held its first local elections since 1972, along with special polls for the representation of paramount chiefs in parliament. Observers found that both the SLPP and the APC engaged in electoral fraud, including ballot-box stuffing and manipulation of voter lists and tally sheets. The local polls were also undermined by the National Electoral Commission's (NEC's) inadequate financial resources and political interference from the ruling SLPP. Following the elections, the NEC blacklisted 1,098 polling staff suspected of being involved in the irregularities.



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By the time of the next elections in 2007, five years after the end of the war, the peace dividend had failed to materialize and Sierra Leoneans were frustrated. Having served the two terms in office allowed by the constitution, Kabbah stood aside and his vice president, Solomon Berewa, was the SLPP flag bearer. Charles Margai, the nephew of SLPP founder and first prime minister Milton Margai, split from the SLPP and formed the People's Movement for Democratic Change (PMDC). Like Karefa-Smart's UNPP before, the PMDC threatened to overturn Sierra Leone's longstanding duopoly. The APC's presidential candidate was once again Ernest Bai Koroma.

Margai's PMDC cut badly into the SLPP's vote totals throughout the east and south, as well as in the Western Urban region. In the second round, Margai threw his support behind Koroma and the APC. Ethnic voting patterns again prevailed, with SLPP taking the east and south, while APC took the north and, crucially, the west, winning the election with 54 percent of the vote.

In the parliamentary elections, the APC won 59 seats and the SLPP captured 43 seats, while the PMDC secured 10 seats. International observers concluded that the electoral process was largely transparent and well-administered and that the NEC and the Political Parties Registration Commission demonstrated a high level of professionalism.

The next elections were in 2012; presidential, parliamentary, and local government elections were held on Nov. 17. These were the first elections since the civil war that were fully self-administered. Overall, election observers found that the process was conducted credibly and with a high degree of transparency, with party agents, citizen observers, and international observers having access to all stages of the electoral process.

The elections were contested by 10 political parties, with nine parties fielding candidates in the presidential race. Bio, now a retired brigadier, returned to the scene, winning the nomination to be the SLPP's flag bearer; his supporters championed him as the "father of democracy." The number of female candidates participating in the elections was very low and represented one of the most important shortfalls of the 2012 electoral process.

Voter turnout on election day was high, reaching 87.3 percent of registered voters. On Nov. 23, the NEC certified the final results of the presidential election, which indicated that President Koroma of the APC was re-elected with 58.7 percent of the valid votes, ahead of the SLPP's Bio, who garnered 37.4 percent of the votes cast. In the parliamentary elections, the APC captured 67 out of 112 parliamentary seats, consolidating its strongholds in the Northern region and Western Area region. The SLPP suffered a net loss of one parliamentary seat compared to the 2007 elections, while the PMDC lost its 10 parliamentary seats. Only 15 women were elected to parliament, one fewer than in the 2007 parliamentary elections.

While some in the SLPP sought to challenge the results, tensions were alleviated when, on Dec. 3, SLPP candidate Bio visited the Statehouse at the invitation of President Koroma to address the nation and assure the people of Sierra Leone that he was seeking peace and reconciliation. Bio's presence was seen as a tacit acceptance of the elections' results, despite an official petition filed by the party contesting results earlier that week.



Developments Since the 2012 Elections

As Koroma embarked on his second term, Sierra Leone was making significant progress in recovering from the damage of the war. The government's road-building effort continued, with the main roads extended in the east toward Kailahun. New iron mines in the north fed explosive economic growth, and GDP increased 20.7 percent in 2013. However, this growth was almost entirely erased when the Ebola epidemic seized the region. The disease would take the lives of 3,965 Sierra Leoneans, and the economic disruption would linger for several years.

During the 2015-17 period, the political situation in Sierra Leone remained quite uncertain. The opposition parties believed that the ruling party was looking to delay the 2017 elections and seeking to amend the constitution to allow Koroma to serve a third term in office.

In March 2015, Koroma removed Vice President Samuel Sam-Sumana from office. Sam-Sumana had been expelled from the APC earlier that month and, after soldiers reportedly surrounded his home, he sought refuge at the U.S. Embassy. Arguing Sam-Sumana had "abandoned" his duties and that the constitution requires the president and vice president to be members of a political party, Koroma dismissed him. Sam-Sumana's legal challenge to his ouster was in turn dismissed by the Supreme Court in October 2016. A case was subsequently lodged with the Economic Community of West African States (ECOWAS) Community Court of Justice, claiming damages and seeking reinstatement. In November 2017, the ECOWAS court ruled that the termination was illegal and ordered the president to pay damages. The government publicly denounced the decision, claiming the ECOWAS court had no jurisdiction over the matter and declaring that it would defy the ruling.

Koroma launched a constitutional review process in July 2013, establishing an 80-member Constitutional Review Committee (CRC) composed of a broad spectrum of stakeholders. The CRC conducted a three-year, nationwide public consultation process, culminating in the release in January 2017 of a report with 134 recommendations, which were widely lauded for including credible proposals to advance human rights and democracy. However, the APC withdrew from the process before the recommendation's release due to its opposition to many of the proposals, including provisions limiting the president's power. Although the president announced in February 2017 that a constitutional referendum would be held in September prior to the scheduled March 2018 elections, no such referendum was held. Parliament was dissolved on Dec. 7 – three months before the election, as required by the constitution.

According to many observers, the major parties continue to see elections as a matter of mobilizing their respective ethnic bases instead of winning over a broader public. Opinion polling of voters' presidential preferences was virtually nonexistent, but more general opinion polling suggested APC entered these elections in a weakened position, with frustration over the slow economic recovery from the Ebola crisis and the commodity price collapse, as well as the government's handling of recent disasters.

A mudslide in Freetown in August 2017 is believed to have killed as many as 1,000 people, though official estimates provided by the government counted less than half that number dead. With Koroma barred from seeking a third term and the NGC perceived to be mounting a credible third-party challenge, the campaign began in an atmosphere of pronounced uncertainty.



Table 1 Sierra Leone Facts and Figures

Population	6.5 million [UNDP HDR 2016] 7.092 million [Statistics Sierra Leone, 2015 Census]
Ethnic Groups	Mende 31.9%, Temne 31.4%, Limba 8.4%, Kono 5.1%, Koranko 4.4%, Fullah 3.8%, Susu 2.9%, Kissi 2.5%, Loko 2.3%, Mandingo 2.3%, Sherbro 1.9%, Krio 1.3%, Yalunka 0.7%, Krim 0.2%, Vai > 0.1% [Statistics Sierra Leone, 2015 Census]
Languages	English (official), Temne, Mende, Krio
Religions	Islam 77%, Christianity 21.9%, other 0.9% [Statistics Sierra Leone, 2015 Census]
Life Expectancy at Birth	51.3 years [UNDP HDR 2016]
GDP per Capita	\$1,497 (2011 PPP) [UNDP HDR 2016]
System of Government	Constitutional democracy [TCC 2012]
Legal System	English common law & customary law [TCC 2012]

Carter Center Expert Mission for the 2018 Sierra Leone Election: Assessment and Analysis of Key Electoral Issues

As noted above, the Center’s team in Sierra Leone functioned as an “expert mission,” focusing on several key issues, including the legal framework, the role of the judiciary in the electoral process, the planning and training for the security forces and other actors to maintain peace during the election period, and the role of civil society in promoting the credibility and integrity of the electoral process. The expert team conducted meetings and interviews with a wide range of electoral stakeholders. These meetings, together with their reviews of reports and analyses done by other organizations, allowed the expert team to analyze aspects of the electoral process, including voter registration, campaigning, and voter education. The expert mission followed the Center’s standard methodological approach, to assess the degree to which key aspects of the electoral process were consistent with Sierra Leone’s national legal framework and met its obligations for democratic elections under international law. The sections that follow provide summary analyses of key aspects of the electoral process.



Election System

The essence of any electoral system is to translate the will of the people into a representative government.⁵ The type of electoral system is a sovereign choice, though key principles such as the universality and equality of the vote should be respected in any system adopted.

In Sierra Leone, the president is elected for a five-year term, with a two-term limit. A candidate who receives at least 55 percent of the valid votes cast is elected president. If no candidate receives 55 percent, a second round is held between the top two candidates within 14 days following the announcement of results in the first round. The candidate who receives the most valid votes in the second round is elected.

The parliamentary election system is a first-past-the-post system with each electoral constituency returning one member to the unicameral legislature. The outgoing parliament included 112 ordinary members. In May 2016, the parliament approved 20 additional electoral constituencies, increasing the number to 132 seats, to reflect results of the census conducted in 2014-2015, which indicated an increase in population and changes in the population distribution.

In addition to the parliamentary seat directly elected in the constituencies, the parliament also includes seats reserved for paramount chiefs who are indirectly elected into parliament by a select group of chiefdom councilors, with one chief elected for each administrative district (those elections were held a week prior to the March 7 elections).⁶ According to international standards, electoral systems should support direct elections.⁷ The system for election of the paramount chief members of parliament is thus inconsistent with this standard, and a separate national body for paramount chief representatives could be a suitable alternative.

Stakeholders expressed concerns to the Carter Center that the recent census statistics were not accurate and that the population distribution had been politically manipulated to justify the addition of the electoral constituencies, which were mainly in the north, the stronghold of the ruling party. A paper published by the Institute for Governance Reform, a domestic think tank, presented evidence suggesting that the national statistics agency, fully conscious of the prevailing political culture of regional voting patterns and ethnic mobilization of voters by the two leading political parties, allowed partisan interests to influence the census process to favor the ruling party.⁸

While the expert mission did not conduct a thorough analysis of the census, in light of concerns about possible partisan influence, the Center recommends that in the future the census process be conducted with safeguards and independent technical oversight to prevent partisan manipulation.

⁵ U.N., International Covenant on Civil and Political Rights, art. 25(b); International IDEA Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 28

⁶ In most districts, paramount chiefs select one of their peers by consensus, usually after agreement on a rotation system. When no agreement can be reached, elections are conducted in the district among a unique electorate, based on an electoral college of councilors. For details, see the Carter Center's 2012 Final Report at p. 52.

⁷ U.N. (CCPR), Concluding Observations on Hong Kong, (1995), paras. 408-435

⁸ Institute for Governance Reform, *The Credibility of the 2015 Census in Sierra Leone: Will All Heads Be Counted?* January 2015.



Legal Framework

A sound legal framework is essential to the administration of democratic elections and to ensuring that a country upholds its international obligations. The legal framework includes constitutional provisions, domestic laws, regulations and procedures regarding the electoral process. Based on its international commitments, Sierra Leone is obligated to take measures to promote the principles of the rule of law, recognizing that laws must be consistent with international principles of human rights.⁹

Sierra Leone has ratified all major international and regional instruments that relate to human rights and the conduct and inclusivity of democratic elections¹⁰ (see Table 2). The 1991 constitution, amended in 2002, 2008 and 2013, guarantees fundamental rights and freedoms, including equality, non-discrimination, freedom of association and assembly, the right to free movement, and freedom of expression. Voting and candidacy rights for presidential and parliamentary elections are entrenched in the constitution. However, some established limitations to these rights and freedoms, as described below, are not in line with international standards that emanate from international and regional instruments. The 1999 Lome Peace Accord that ended the decade-long civil war called for a constitutional review process, and the postwar Truth and Reconciliation Commission recommended a revision of the constitution to bring it in line with international human rights standards.¹¹

Relevant International & Regional Treaties Signed by Sierra Leone ¹²

Treaty/Declaration	Status	Date
African Charter on Democracy, Elections and Governance	Ratified/Acceded	February 17, 2009
African Charter on Human and Peoples' Rights	Ratified/Acceded	September 21, 1983
African Union Convention on Preventing and Combating Corruption	Ratified/Acceded	December 03, 2008
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	Signed	December 09, 2003
Economic Community of West African States Protocol on the Fight against Corruption	Signed	December 21, 2001

⁹ U.N., ICCPR, art. 2; AU, ACHPR, art. 1; ECOWAS, Protocol on Democracy and Good Governance.

¹⁰ It has signed but not ratified the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

¹¹ Sierra Leone Truth and Reconciliation Commission, *Witness to Truth*, Vol. 2, Chapter 3, http://www.sierraleonetrc.org/index.php/view-the-final-report/download-table-of-contents/volume-two/item/witness-to-the-truth-volume-two-chapter-3?category_id=12.

¹² The Carter Center Obligations & Standards Database, <https://eos.cartercenter.org>.



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Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security	Ratified/Acceded	August 10, 2004
Convention on the Political Rights of Women	Ratified/Acceded (with reservations)	July 25, 1962
Convention on the Rights of Persons with Disabilities	Ratified/Acceded	October 04, 2010
Convention on the Rights of the Child	Ratified/Acceded	June 18, 1990
International Convention on the Elimination of All Forms of Racial Discrimination	Ratified/Acceded	August 02, 1967
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Signed	September 15, 2000
United Nations Convention against Corruption	Ratified/Acceded	September 30, 2004
Convention on the Elimination of All Forms of Discrimination against Women	Ratified/Acceded	November 11, 1988
International Covenant on Civil and Political Rights	Ratified/Acceded	August 23, 1996
International Covenant on Economic, Social and Cultural Rights	Ratified/Acceded	August 23, 1996

The 2012 Public Elections Act (election law), which was in force during the 2012 elections, regulates the conduct of all public elections, and the 2002 Political Parties Act regulates the registration of political parties, as well as the conduct of political parties and campaign finance. Together with the constitution, these acts form the primary legal framework for the conduct of elections.

Despite ongoing reform discussions, the legal framework for the elections has not undergone any changes since the 2012 elections, leaving key gaps and shortcomings in place and the recommendations put forward by international election observation missions unaddressed.¹³ In addition, recommendations for bringing the constitution further in line with international standards related to democratic elections that were put forward by international experts as part of a UN-backed electoral reform process prior to the 2012 elections have not been addressed. Many of the recommendations put forward by these international actors have also been proposed in the Constitutional Review Committee's (CRC) recommendations for constitutional reform, as discussed below. In spite of this lack

¹³ See, e.g., The Carter Center, *op. cit.* at p. 55.



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of reform to address key gaps, the legal framework for the elections provides a broadly acceptable basis for the conduct of democratic elections, if properly implemented and enforced.

The three-year constitutional review process produced 134 recommendations, submitted by the CRC to the government in January 2017. Many of the proposals touch on civil and political rights that are key to a democratic electoral process, some of which had been originally recommended by the postwar Truth and Reconciliation Commission. Several recommendations relate to enhancing political participation for women and persons with disabilities as follows: the state must take legislative and other measures to implement the principle that not more than two-thirds of the members of elective and appointive bodies shall be of the same gender; at least 30 percent of election nominees for each political party in national and local elections must be women; parliament must enact legislation to ensure representation of persons with disability in the parliament and local councils; and political parties must take action to include persons with disability in all their activities and programs, including nomination in national elections.

Other election-related recommendations put forward by the CRC include: repeal of racially discriminatory provisions that require Negro-Africa ancestry to be a citizen (which adversely impacts suffrage rights); facilitate the right to vote of Sierra Leoneans in the diaspora; eliminate parliamentary seats reserved for paramount chiefs that are indirectly elected (and create a separate national representative body for them); change the first-past-the-post parliamentary election system to a proportional representation system, which would facilitate the representation of smaller parties; reduce the requirement for public officials to step down from 12 months before an election to 6 months, and exclude teachers; limit NEC commissioners to two five-year terms and decentralize their work by locating commissioners in the regions; and mandate regional, ethnic and gender diversity in the appointment of NEC commissioners. The recommendations also addressed freedoms for the media and independence of the judiciary, both of which are important institutions in the electoral process.

On Nov. 10, 2017, the government issued a white paper in response to the constitutional recommendations, rejecting 102 of the 134 proposals, including all that concerned the protection of human rights and advancement of democratic principles. The ones supported were mainly cosmetic in nature or claw-backs on existing human rights for national security. The government justified its response on the basis that provisions in the current constitution were adequate or that existing statutes already addressed specific concerns.

The white paper also sought to lower the threshold for a presidential election in a first round from 55 percent to 50 percent +1. As this threshold is not an “entrenched” clause in the constitution, modifying it does not require approval by referendum. Instead, a two-thirds vote of parliament would suffice to amend this constitutional provision.¹⁴ Faced with resistance to the proposal from opposition parties and civil society, which claimed it was a blatant attempt to manipulate the electoral process in favor of the ruling party just three months before the election, as well as the international community, which expressed concerns about changing an election system so close to polling day in contravention of international good practice, the government abandoned its attempt to lower the threshold.

¹⁴ Section 108 of the 1991 Sierra Leone Constitution distinguishes between provisions of the Constitution that can be amended pursuant to a two-thirds vote and those that require a referendum.



Parliament never debated the white paper prior to its dissolution on Dec. 7. A wide array of interlocutors from independent commissions to civil society organizations, many of whom were engaged in the constitutional review process, expressed to The Carter Center mission their deep dissatisfaction with the government's response to the CRC recommendations.

The CRC's recommendations are generally in line with international standards regarding human rights and democracy. However, several recommendations are inconsistent with international good practice, including the recommendation to impose a voting tax on diaspora voters if voting abroad is established and the recommendation to introduce an unduly high threshold of 30 percent for a political party to enter parliament if a proportional representation election system is used. In addition, the recommendations did not go far enough to advance the right to stand in elections, leaving most of the overly restrictive eligibility criteria unaddressed, including dual citizenship and racial ancestry restrictions.

Following the failure of the CRC process, in 2017 a bill was drafted that included some amendments that the NEC, in conjunction with the Law Reform Commission, had submitted to the minister of justice following the 2012 elections. However, the NEC contends the bill did not fully reflect its proposals, and the bill remains pending parliamentary review.

The proposed 2017 bill would provide the NEC (rather than the president) with authority to determine the dates for voter registration exercises and parliamentary and local elections, lower the threshold for presidential elections from 55 percent to 50 percent +1 (though, as noted above, this change would require a constitutional amendment via a two-thirds vote of parliament), and increase sanctions for a wide range of electoral offenses. In addition, the bill includes deadlines for withdrawal of candidates (by end of nomination period) and for changing a voter's address in the register (not less than six months before the election), which are unduly short. Notably, the bill does not reflect many of the changes that would bring the law more closely in line with international standards and good practice and that would address recommendations of previous international election observation missions. Some of these include the repeal of a ban on prisoners' voting rights that does not take into account the severity of the crime committed, and the use of serial numbers on both ballots and stubs that undermines secrecy of the vote.

Under the constitution, the NEC has authority to conduct all public elections and to adopt regulations that form part of the legal framework for the elections. These regulations are submitted to parliament and enter into force 21 days thereafter absent a vote of disapproval. However, the NEC generally did not exercise its regulatory authority, instead adopting only technical procedures. As such, various stages of the electoral process were implemented with limited or no legal rules. For instance, there were no rules related to determining the format of the ballot, allocating the order of contestants on the ballot, and the printing and distribution of ballots. Other examples of unregulated matters include the manner of establishing the campaign calendar, the process for observer accreditation, and the legal framework for presidential runoff elections. This lack of a comprehensive regulatory framework leaves the legal basis for the administration of various aspects of the electoral process incomplete and non-transparent. Though political parties expressed confidence in the NEC in the run-up to the polls, this dynamic could undermine trust in the NEC's credibility in future electoral processes.



The voting procedures adopted by the NEC deviated from the election law in several respects. While the NEC does not have the explicit authority to adopt procedures deviating from the law and such practice is inconsistent with the principle of rule of law, the substance of some of the deviations were in line with international good practices. This included inking the voter's finger after casting of the ballot rather than before, and having voters sign the voter register upon receiving a ballot rather than the polling staff put a mark beside the voter's name. However, some deviations employed were not consistent with good practice, including allowing police and polling staff on duty at a polling center to vote at that center without striking them off from the voter lists in their original polling stations. These procedures created concerns among some political parties that safeguards to prevent multiple voting were absent.

The Carter Center recommends that, following the 2018 elections, the next government should closely consider the CRC recommendations and guide an inclusive political process to work toward a new constitution that is fully in line with international standards on civil and political rights and democratic principles, and to institutionalize key objectives of the post-war reconciliation process

In addition, as part of the large review process, the Center recommends that the NEC comprehensively review the election law to ensure that the NEC has the legislative framework necessary to conduct elections in line with international standards and best practices, and that it develop recommendations for amendment to the parliament. Suggested constitutional reforms related to the electoral process include: eliminating representation for the tribal chiefs in the current structure of a one-house parliament; incorporating provisions that guarantee the representation of women in parliament; and reducing to below 15 percent the disparity in the number of registered voters among constituencies. The NEC should also adopt a comprehensive set of regulations that remain in place for each election cycle, to be revised as needed, and that they be published on its website on a timely basis.

Boundary Delimitation

According to international standards, boundary delimitation should be managed by an independent and impartial body representative of the society as a whole to ensure that electoral boundaries do not favor any particular social group or political interest.¹⁵ To ensure the right of equal suffrage is respected, the delimitation of boundaries should seek to ensure that elected representatives represent reasonably equal numbers of constituents.¹⁶

Sierra Leone's newly introduced boundary delimitations do not meet these standards. Although the NEC was broadly commended for conducting a transparent, nonpartisan and consultative delimitation process, its recommended boundaries were later altered during the parliamentary approval process, leaving some districts with a deviation of more than 15 percent from the population average, with many hovering near the NEC maximum 25 percent deviation.

The NEC is constitutionally mandated to conduct a review and revision of the boundaries of the parliamentary constituencies every five to seven years, with parliament providing final approval of the proposed boundaries. In line with the principle of the equality of the vote and international best

¹⁵ EISA and Electoral Commission Forum of SADC Countries, *Principles for Election Management, Monitoring, and Observation in the SADC Region*, p. 13.

¹⁶ U.N. (CCPR), General Comment 25, para. 21



practices, the constitution requires that the number of inhabitants per constituency must be as nearly equal as possible to the total national population divided by the number of constituencies, taking into account such factors as geographical features, density of population, distribution of different communities, and administrative and chiefdom boundaries.

The 2012 election law does not include any provisions further regulating the terms and conditions of the boundary delimitation. Moreover, the NEC did not adopt any regulation on the manner of conducting the boundary delimitation process, leaving the entire process unregulated, other than adopting a legal instrument setting a maximum allowable population deviation for the parliamentary constituencies. In 2008, the NEC established the maximum deviation at 25 percent. Although none of the political parties raised the inequality of constituencies as an issue, the deviation is not in line with international good practice, according to which deviations should not be more than 10 percent, with a maximum of 15 percent acceptable to take into account factors such as those noted above in the constitution.¹⁷

Starting in May 2016, the NEC conducted a boundary delimitation exercise within the constitutional timeframe and revised the boundaries of the 132 electoral constituencies. The population figures used were those from the 2014-15 Provisional Census Report (the final census report came out in January 2017). Political parties and civil society stakeholders highly commended the NEC for conducting a professional, inclusive, and transparent boundary revision process, which included the establishment of Boundary Delimitation Monitoring Committees at national and district levels composed of representatives from election management bodies, national institutions, political parties, local and tribal government, civil society organizations, and professional associations.

In December 2016, the NEC forwarded the proposed boundary revisions to the minister of justice for submission for parliamentary approval. After a delay of several months, for which the minister was criticized, the revision bills were submitted to parliament in March 2017. The next month, parliament rejected the proposals for failing to meet the technical requirements for tabling such instruments. Some interlocutors alleged that these delays were designed to allow the government to ensure that administrative division reforms, which were apparently in the planning stages, served as the basis for the new electoral constituency boundaries.

In May, the parliament created an additional region and two new administrative districts (at the same time, dis-amalgamating 41 chiefdoms). Despite calls by the main opposition party to wait until after the upcoming election to implement the new administrative divisions, the revisions were approved. This obliged the NEC to revise the original boundaries proposals for various parliamentary constituencies. Some interlocutors expressed concern to the Center that these administrative division changes were politically motivated. The two new districts and most of the new chiefdoms are in the north, the stronghold of the ruling party. Some also asserted the timing of the changes was intended to postpone the election until a constitutional referendum could be held to approve the possibility of a third term for the outgoing president.

While the late changes to the administrative boundaries imposed unnecessary strains on the NEC, it managed to revise the affected electoral boundaries in what was widely acknowledged as a timely,

¹⁷ See Council of Europe Venice Commission's 2002 Code of Good Practice in Electoral Matters.



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transparent and inclusive manner and resubmitted the proposal for parliamentary approval in July 2017. During parliamentary deliberations of the submitted bills, the proposed boundaries of various election constituencies were changed mainly by ruling-party MPs in what has been criticized by some interlocutors as a nontransparent manner, and without consultation with the NEC or other stakeholders. Various interlocutors, including political opposition actors and civil society, assert that these parliamentary revisions failed to reflect a technical, nonpartisan approach and that it was another delay tactic. The final boundaries were approved by parliament in August 2017, but the act was never published. While this did not appear to be an impediment to the electoral process, publishing the boundaries would improve transparency for voters and political parties alike.

Based on an analysis of the final population statistics for each of the 132 constituencies, the population sizes range from some 40,000 to more than 67,000. Around 35 percent of the constituencies have a deviation of more than 15 percent from the population average, with many hovering near the NEC maximum 25 percent deviation, and one constituency slightly above.

To ensure that respect for the equality of the vote is guaranteed, the Center strongly encourages the NEC to lower its maximum deviation and to adopt a legal framework governing the boundary delimitation process, including measures for transparency and safeguards against gerrymandering. These steps would bring Sierra Leone's processes in line with international standards and best practices.

Voter Registration

Voter registration is recognized as an important means to ensure the right to vote and should be made available to the broadest pool of citizens possible without obstacles to ensure universal and equal suffrage.¹⁸

Despite several obstacles, including late changes to the administrative boundaries and the political decision to create a new civil registry from which a voter registry would be extracted, political parties and civil society organizations expressed confidence in the accuracy of the final voter registry. The NEC, which has the constitutional authority for registering all eligible voters, successfully fulfilled its mandate to create a comprehensive and accurate voter registry, facilitating the task of a new authority to create a civil registry.

Under the Sierra Leone Constitution, citizens 18 years and older who have been not been declared of unsound mind have the right to vote, provided they are on the voter register. The constitution denies citizenship to persons of non-Negro-African ancestry, a discriminatory provision that particularly impacts the right to vote (and to be elected) for non-Negro communities that have been resident in Sierra Leone for several generations. The election law further disenfranchises all citizens serving a prison sentence; a blanket restriction on voting rights for prisoners is inconsistent with international standards as it does not take into account the severity of the crime committed. In addition, voting arrangements are not provided for those citizens in pretrial detention centers, hospitals and long-term care facilities, nor for homebound voters, effectively disenfranchising those citizens.

¹⁸ U.N., International Covenant on Civil and Political Rights, art. 25(b); AU, African Union Declaration on the Principles Governing Democratic Elections in Africa, art. 1; U.N., United Nations Human Rights Committee, General



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The Constitution mandates the registration of voters under the direction and supervision of the NEC and requires that the voter register be revised and reviewed at least once every three years. Until the 2018 elections, the NEC conducted an active voter registration exercise for each election. In 2012, a biometric registration system was used for the first time. For the 2018 elections, the NEC had intended to conduct a voter registration exercise to update the existing voter register, rather than undertake another full voter registration initiative. However, the NEC had to abandon this plan in 2016 when parliament passed a law establishing a National Civil Registration Authority (NCRA), which was mandated to create and maintain a national civil register.

One of the apparent aims of the initiative to create the NCRA was to establish a comprehensive, accurate and up-to-date civil register to alleviate the need for the NEC to conduct costly voter registration exercises for each election. Following the creation of the NCRA, the government decided that the compilation of the national civil register would be conducted prior to the 2018 elections, and that the voter register would for the first time be extracted from a national civil register. This decision was made despite the lack of a clear legal basis, as the NEC continues to have the constitutional mandate “for the conduct and supervision of the registration of voters.”¹⁹

The nationwide civil registration exercise, scheduled for 2016, was delayed due to the late arrival of biometric machines and the lack of capacity and funding of the newly established NCRA. At the same time, opposition parties and some civil society organizations voiced mistrust in the NCRA to act impartially in fulfilling its mandate to ensure an accurate civil and voter register, citing a lack of genuine independence of the body from a politicized public service. The dates for the civil registration exercise were moved several times from October 2016 to December, then to February 2017, and finally to March 2017. Since the legal deadline for compiling the voter register was approaching, the NEC, with its extensive experience in conducting voter registration exercises, assumed the lead in the civil registration exercise so as to ensure that it had a voter register to extract in time for the 2018 elections. In the meantime, the boundary delimitation proposal submitted by the NEC to the parliament was still pending approval. A Supreme Court challenge was subsequently lodged by ruling party MPs challenging the timing of the voter registration, but the case appears to have been withdrawn prior to the election.

Under the NEC’s guidance, and alongside the NCRA, the civil registration exercise was conducted in two stages at 3,300 registration centers. In the first stage, those of voting age (including persons who were to turn 18 as of the election day) were registered, and in the second stage minors and anyone not registered in the first phase, including noncitizen residents, were registered. The registration exercise used a biometric system, as was done during the 2012 voter registration exercise. While technically the process was one of civil registration, in effect the NEC conducted a voter registration exercise. The first stage took place March 20 - April 30, 2017, and the second stage occurred shortly thereafter.

The registration process was widely reported as chaotic, slow, and cumbersome. These factors were attributed to understaffing and a low capacity of registration staff. The data collected was broader than that needed for voter registration. Citizens waited in line for many hours or had to return the next day. As a result, and following a call from political parties, the NEC extended the legal deadline for the voter

¹⁹ Sierra Leone Constitution, Article 33. Comment No. 25 on “The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” para. 11.



registration period from 15 to 42 days, which parliament approved. Some interlocutors raised concerns that the level of voter education on the registration process was insufficient, especially as there was much confusion among citizens about the coinciding civil/voter registration processes.

According to the NEC and other interlocutors, the biometric equipment used for the 2018 exercise, procured by the government for the NCRA to conduct the civil registration, was not always reliable, with some machines breaking down and data for some registrants not fully captured, particularly photos. Transmission of the data from the equipment to the central server, which was under the NCRA's permanent control, was slow due to low or no internet connectivity.

Early in the first stage of the registration process, the SLPP forwarded many questions to the NEC about the technical and IT aspects of the registration process, raising concerns about the limited transparency in the civil/voter registration exercise. As voter registration is a key aspect of the electoral process, full transparency in the registration process should be provided to ensure that stakeholders are confident in the credibility and accuracy of the final voter register.

After the first registration phase, the NEC extracted the needed voter data from the civil registry's server. However, the transfer of information from the NCRA's database to the NEC's server was slow. Moreover, the NEC discovered that 3,735 records were missing data and that the records of more than 39,000 registrants did not upload at all. While some stakeholders claimed this was a deliberate act and that the data was irretrievable, and called on the NEC to postpone the election, the NEC was able to recapture the records on the equipment or from registration forms, as well as to obtain some of the missing data directly from the registrants during the public exhibition period of the preliminary voter register that took place in August. Only three citizens lodged a court appeal on grounds that they did not appear on the register despite having registered; the NEC was able to show that these voters were on the register.

The final voter register was completed in September 2017, comprising 3,178,663 registered voters. The NEC subsequently distributed voter registration cards to all registered voters. There was a public outcry concerning the nature of the voter IDs, which were much simpler than the 2012 biometric voter ID cards. The NEC explained that, due to lack of funding, they could not provide biometric cards and the cards used for the 2018 elections would eventually be replaced by the NCRA-issued biometric national ID cards.

The voter ID cards indicated the number of the voter's constituency and ward. As a result, when the parliament subsequently changed administrative boundaries leading to modification of the electoral constituency boundaries, the NEC had to reissue 260,000 voter ID cards in December 2017 to inform those voters of the change in their constituency/ward.

The election law requires that the voter register be finalized not less than six months prior to an election, with no updates or changes allowed. While the election law does provide for voters to change their address, the NEC considered the six-month deadline for finalization of the voter register as the effective deadline for changing one's address. This timeframe is unduly long. The Institute for Governance Reform, a domestic think tank, reported that a December 2017 survey confirmed that



about 12.5 percent of registered voters had relocated residence since their registration, and thus had to travel long distances in order to cast their vote.

Following finalization of the voter register, the NEC did an electronic comparison of all registered photos and determined that more than 1,500 duplicate registrations had taken place. The NEC referred these cases to law enforcement for investigation as electoral offenses.

Some interlocutors alleged that the registration centers in the districts of the opposition party's strongholds were deliberately understaffed and ill equipped, and that some registration centers were located far from the registrants' residences, as a means to suppress the registration of opposition voters. The final number of voters registered increased by more than 20 percent (some 500,000 voters) compared to the 2012 elections, with the bulk of those new voters registered in the north, which fueled these claims of political bias. Several political parties raised troubling concerns that the distribution of registered voters was not consistent with the population distribution from the census completed only two years earlier, fueling the earlier claims that the census statistics on which the boundary delimitation process were based were politically manipulated.

The NEC forwarded electronic copies of the final voter register to all political parties though it did not publish the register on its website. No parties raised concerns about the credibility of the register. It also provided parties and civil society groups with information about the status of the number of voter ID cards that had not been picked up. Citizens were allowed to pick up their IDs until March 3; as of Feb. 20, some 165,000 IDs (5 percent) had not been claimed. Although the card was not required by law in order to vote, the NEC announced that those without voter ID would have to wait until the late afternoon when the polls are not busy to allow time for poll workers to otherwise check their identity.

Overall, the NEC played a critical role in the creation of a biometric civic registry, from which a voter registry was extracted. Despite the obstacles faced by the NEC during the voter registration exercise, some 500,000 voters were added to the rolls. Political parties and civil society groups broadly voiced confidence in the accuracy of the final voter register.

In future elections, the NCRA will be charged with maintaining a national civil register from which the voter register will be extracted. Given stakeholder concerns regarding the NCRA's credibility, impartiality and capacity, The Carter Center recommends that the parliament enhance the body's institutional independence through legislative measures, employ capacity-building and confidence-building measures, and guarantee the NCRA sufficient funding. These steps will help ensure that the civil register continues to be a comprehensive, accurate, up-to-date, trusted data source from which a credible and comprehensive voter register can be extracted. The NCRA should also prioritize the adoption of measures to ensure the privacy of citizens' and voters' data collected through the biometric civil/voter registration process, in accordance with international best practices.



Party Registration

International standards for party registration indicate that party registration regulations and deadlines should be clear and specific. States must protect the right and opportunity of every citizen to be elected, and that right may only be subject to objective and reasonable restrictions.²⁰

The Sierra Leonean Constitution and the Political Parties Act prohibit political parties from having “aims, objectives and programs” that are in contravention of or inconsistent with the constitution and ban parties that have any connection to or that are formed for the sole purpose of securing or advancing the interests of a particular tribal or ethnic group, religion, community or geographic area. In addition, parties must prove they have registered offices in each province’s headquarter town and in the Western Area, and new parties must resubmit evidence of their offices within 60 days of the election. The apparent intention of these provisions is to minimize political discord and national disunity, and not to suppress political freedoms. However, the provisions that ban parties formed to advance interests of tribal, ethnic group, religious, or community interests are contrary to international standards regarding the freedom of association and the formation of political parties. In this respect, these provisions unduly restrict party formation and activities, curtailing the right to associate and assemble and freedom of speech. Related, these conditions also limit political pluralism, insofar as they hinder formation of smaller parties, such as those that represent certain communities or groups of citizens.

The constitution establishes the Political Parties Registration Commission (PPRC) as an independent body responsible for registration of political parties. The Political Parties Act extends the PPRC’s mandate to monitor the conduct of political parties and their accountability to their membership and the electorate, to promote political pluralism, and to mediate intra- and interparty disputes. However, the PPRC’s mandate is not supported by enforcement powers, not even for breaches of campaign finance rules, except for the far-reaching recourse of applying to the Supreme Court for cancellation of the party’s registration for any breaches, regardless of the severity of the violation. A bill that has been pending for several years is aimed at enhancing the regulatory and enforcement powers of the PPRC, though the legality of some of its provisions are questionable, including a requirement that parties operate for a minimum period as a condition to contest elections.

Seven new political parties were registered following the 2012 elections, most in the year ahead of the 2018 elections, an unprecedented number in the country’s history. However, this was not without excessive bureaucratic delays and obstacles. The protracted process left these newly formed parties uncertain as to whether they would be registered prior to the 2018 elections, and fostered the belief that the obstacles and delays were politically motivated, designed to dissuade parties from finalizing their registration and contesting the upcoming elections.

²⁰ U.N., ICCPR, art. 25; AU, AfCHPR, art. 13

**Flag Bearers & Parties**

Name	Political Party	Acronym
Mohamed Bah	National Democratic Alliance	NDA
Julius Maada Bio	Sierra Leone People's Party	SLPP
Josephine Claudius-Cole	Unity Party	UP
Kandeh Baba Conteh	Peace and Liberation Party	PLP
Saa Kabuta	United National Peoples Party	UNPP
Samura Kamara	All People's Congress	APC
Mohamed Kamarainba Mansaray	Alliance Democratic Party	ADP
Charles Margai	People's Movement For Democratic Change	PMDC
Gbandi Ngobeh	Revolutionary United Front Party	RUFP
Samuel Sam-Sumana	Coalition for Change	C4C
Jonathan Patrick Sandy	National Unity and Reconciliation Party	NURP
Mohamed Sowa-Turay	United Democratic Movement	UDM
Musa Tarawally	Citizen's Democratic Party	CDP
Victor Beresford Williams	Republic National Independent Party	ReNIP
Kandeh Konteh Yumkella	National Grand Coalition	NGC
Patrick O'Dwyer	National Progressive Democrats	NPD

The PPRC does not have a deadline to issue a final decision on party registration applications and, until formally registered, a party is prohibited to engage in any political activity. In practice, the cumbersome process undermines the principle of political pluralism and the freedom to associate. New parties reported that it took up to nine months to receive the decision on their registration. At various stages, the PPRC placed obstacles that further delayed the registration. Several formal objections against the NGC's registration were lodged at the PPRC concerning the party's logo and use of multiple colors. The PPRC decided the colors were likely to confuse the electorate with other parties and advised it to select a different color before authorizing its registration in October 2017.



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The PPRC refused to register one political party, the People's Democratic League (PDL), a social democratic movement. PDL submitted an application in August 2016, which was denied more than a year later. The grounds for the decision have not been made public, but according to the PPRC, other interlocutors, and news reports, the party was denied on grounds that the ideology presented in the party constitution was not legally compliant with the country's constitution, that it criticized the APC and SLPP when those parties threatened to lodge a court case, and that it did not have the necessary number of party offices. The PDL was asked to redraft its constitution, and it responded by issuing a public statement alleging that the PPRC's refusal of its registration was politically motivated and urging the registration process to allow for the emergence of a party that genuinely represents the interests of the masses to provide real choice for the electorate.

It is significant that several new parties were registered for the 2018 elections, and the party registration process was generally inclusive. However, the PPRC's role in registering parties appears to allow the introduction of seemingly arbitrary and bureaucratic obstacles to political party formation and registration, and should be reviewed in advance of future elections. As noted above, the legal provisions that ban parties formed on the basis of tribal, ethnic group, religious, or community interests are contrary to international standards regarding the freedom of association. While these provisions are intended to inhibit the development of divisive tribal or ethnically based parties that might threaten national unity, Sierra Leone should consider alternative political and legal means to achieve that goal.

Candidate Nomination and Registration

International standards protect one's right to stand for election and to participate freely in the government of his or her country.²¹ The right to be elected is a universal right requiring that states ensure that their citizens have the opportunity to stand for elected office, free from unreasonable restrictions.²²

Sierra Leone's Constitution establishes the eligibility requirements for presidential and parliamentary candidates and includes a number of criteria that are not in line with international standards on non-discrimination and the right to stand for election. Presidential candidates must be nominated by a political party, excluding the right for independent candidates to contest. At least one presidential candidate claimed to have formed a new party for the sole purpose of contesting the election, while stating that she would have preferred to run as an independent.

Individuals can also be excluded from running in parliamentary and presidential elections for several reasons that appear unduly restrictive. These include excluding persons who are naturalized Sierra Leone citizens, have dual citizenship, are not fluent in the English language, are disqualified from their profession, or have declared bankruptcy, among other conditions. Individuals who have not resigned from the public service at least 12 months prior to the election, a seemingly unnecessarily protracted period and regardless of the level of position, are also excluded (though a constitutional provision exempts government ministers according to a 2016 Supreme Court decision).

²¹ ICCPR, Art. 25(b) and African Charter on Human and Peoples' Rights, Art. 13.1.

²² UN [CCPR: General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service \(Art. 25\)](#), para 15.



Despite these restrictions, the candidate registration process generally allowed for competitive contests. Sixteen presidential candidates nominated by political parties were approved to run. Seventeen political parties nominated 752 parliamentary candidates, and 43 independent candidates were registered. Only the APC and SLPP ran a full slate of parliamentary candidates, while the NGC ran in almost all constituencies. Only six parties nominated candidates in more than 25 percent of the constituencies. Four presidential candidates were also running for a parliamentary seat. There was an average of five candidates per ballot. The number of youth candidates (those 18-35 years old) reportedly increased by 50 percent compared to the 2012 elections.

In the year leading up to the 2018 elections, the PPRC monitored the national party conventions at which presidential nominees were chosen for compliance with the parties' constitutions. While the PPRC did not report any irregularities, several lawyers allegedly affiliated with various parties lodged challenges with the courts, alleging that various parties did not comply with their own constitutions in the selection of presidential and parliamentary candidates. The high court dismissed four cases challenging the selection of parliamentary nominees, including against the SLPP. In addition, the selection of the APC's presidential candidate, who was handpicked by the outgoing president at the party's convention, was widely believed not to be in compliance with the party's constitution. The PPRC was publicly criticized for not addressing this matter.

Both APC and SLPP organized highly contentious processes for nominating their presidential candidates. After reportedly courting more than a dozen contenders, outgoing President Koroma unilaterally anointed Minister for Foreign Affairs & International Cooperation Samura Kamara as his chosen successor. Critics argued that the move violated the party's constitution. The SLPP designated Julius Maada Bio to lead the SLPP once again into the elections. His opponents within the party alleged they suffered serious intimidation at the party convention. A number of SLPP members broke away to form a new party, the NGC, in support of the presidential ambitions of former senior U.N. official Kandeh Kolleh Yumella.

Many who felt they had been unfairly excluded by the APC and SLPP launched independent candidacies for parliament, leading to 43 independent candidates, a larger number than in the past. Former Vice President Samuel Sam-Sumana also founded a new political party, the Coalition for Change (C4C), as did former APC Minister Musa Tarawally, who established the Citizen's Democratic Party (CDP).

For the 2018 elections, the APC insisted that the constitutional ban on dual citizens be enforced for the first time in any election in the country's history, as it intended to challenge the eligibility of the NGC candidate. This significantly impacted various parties' candidate nominations, including the APC's, as many dual citizens, including sitting MPs, had expressed interest in nominations.

The amount of the nonrefundable candidate registration fees, established by a 2012 NEC statutory instrument (10,000,000 leones for parliamentary candidates and 100,000,000 for presidential candidates, i.e., \$1,300 and \$13,000 U.S. dollars), was a politically contentious issue. Opposition parties and civil society groups called for lowering the fees, which were criticized as exorbitant, not in line with the country's economic situation and not affordable for all citizens. These criticisms were credible in light of Sierra Leone's low annual gross domestic product and as compared with fees in other countries



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in the region. Such high candidate registration fees unduly restrict the right to be elected, and are especially burdensome on and hinder the participation of women and youth in elections.

In 2017, after consultations with political parties, the NEC submitted an amended statutory instrument to parliament with lowered fees (3,000,000 for parliamentary nominees, or \$400, and 30,000,000, or \$4,000, for presidential nominees), but in October the instrument was thrown out on technical grounds. The NEC resubmitted the proposal but parliament failed to consider it prior to its dissolution in early December, raising allegations that the two main parties opposed the lowered fees because it would facilitate candidate registration for smaller parties and independent parliamentary candidates. Soon after, the government decided to subsidize the difference between the existing and the proposed fees, as it had done in the 2012 elections.

Smaller parties regarded even the subsidized fee as still too high to allow for an inclusive candidate registration process, disadvantaging the poorest in society, particularly women, and noted that it impacted the number of candidates they were able to nominate. Some parties chose to pay the fees of all or some of their nominees. The ruling party paid for all of its candidates' fees, while the main opposition party paid for the fees of its women candidates and the NGC paid the fees for its youth and women nominees.

The Carter Center recommends for future elections that the fee be revised to reflect the economic reality of the country. In addition, a revised law might include provisions for a refundable fee if the candidate receives a certain reasonable percentage of votes cast in the election, and for alternatives to the registration fee, such as presenting a certain reasonable percentage of voters' signatures collected in support of the candidate.

According to the NEC's procedures on nomination of candidates for the 2018 elections, the deadline for political parties to submit lists of approved candidates was January 10, and the period for nomination of each presidential and parliamentary candidate was January 17-26. The late nomination period may have also negatively impacted the timeliness of the court's adjudication of challenges to the presidential nominees, with the decisions all delayed until after the election.

Nominations for parliamentary candidates were submitted at the district-level offices and to the NEC headquarters for presidential nominees. Parliamentary candidates could not be nominated in more than one constituency, though candidates could contest both the presidential and parliamentary elections. Through efforts of the PPRC, the parties agreed to submit their nominations to the NEC on specific days in an attempt to avoid clashes between parties visiting the NEC offices at the same time. The PMDC reported that one of its parliamentary candidates was unable to register as it was also the APC's nomination day and riled APC supporters crowded the entrance to the NEC. While serving a notable aim, limiting the nomination period for each party to one prescribed day unduly restricts candidate registration. Security measures should allow parties and candidates to safely register their nominations without hindrances.

The NEC rejected one vice presidential candidate nominated by UNPP because he was under 40 years old, and the party substituted a new candidate. Voters and candidates, meanwhile, had the right to object to a candidate's provisional registration by Jan. 27, following publication of the provisional list of



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nominees. Objections to parliamentary nominees are submitted to the district returning officer, whose decision can be appealed to the NEC headquarters. The possibility to challenge the NEC's decision is only by way of post-election petition challenging the results.

Some eight parliamentary nominees were challenged in various districts on grounds of ineligibility due to dual citizenship, non-resignation or late resignation from public service. These included an APC challenge to an NGC candidate who was also the party's presidential candidate on the basis of dual citizenship. All objections were denied at the district level and on appeal to the NEC on grounds of lack of evidence. The NEC issued its decisions on most of the appeals weeks after the legal deadline of Jan. 30, and the decisions were not made public. Challenges to the NEC's registration of presidential nominees are lodged with the Supreme Court; four such applications were filed.

Some interlocutors reported cases of nominees paying political parties for their nomination, and there were firsthand credible reports of some candidates being offered large financial incentives to withdraw from the race. Three independent parliamentary nominees formally withdrew their nominations, one after the ballot had been printed. The election law does not regulate the withdrawal of candidates or provide a deadline for withdrawal. The NEC's procedure on candidate nominations established a withdrawal deadline of Feb. 25, which was effectively after ballots had been printed. The NEC decided that the candidate's name would be manually struck off the ballot, voters informed, and any ballots for the candidate invalidated. International good practice encourages the adoption of legal provisions that harmonize the timing of the stages of the election administration.

The manner in which the parties and candidates are placed on the ballots is not regulated in the election law or NEC instruments. While some parties had preferred a lottery to be conducted, the NEC decided that the order would be alphabetical.

The Carter Center recommends that the NEC adopt a regulation governing all issues related to the ballot — including format, order, security features, printing, and distribution — to provide a legal basis for any decisions related to the ballots that will contribute to greater stability, transparency, and credibility in the electoral process.

Women's Participation as Candidates

The State shall take all appropriate measures to eliminate discrimination against women in political and public life, and, in particular, shall ensure women, on equal terms with men, the right to be eligible for election to all publicly elected bodies.²³ As a member state of ECOWAS, Sierra Leone shall take all appropriate measures to ensure that women have equal rights with men to be voted for in elections, to participate in the formulation of government policies and the implementation thereof, and to hold public offices and perform public functions at all levels of governance.²⁴

²³ [UN Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW), Art. 7.

²⁴ [ECOWAS: Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security](#), Art. 2(3).



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Inclusion of women candidates in the electoral process was particularly low. Only two of the presidential candidates were women (12 percent) and four vice presidential candidates were women, which marked an improvement from the 2012 elections, when no women contested the presidential elections. One hundred women ran for parliamentary seats, a mere 12.5 percent of all candidates, which was the same percentage of women that competed in the 2012 elections and was slightly lower than the percentage of female MPs in the outgoing parliament.

Of the five parties that nominated more than 100 candidates, the NGC and APC nominated the most women, 13 percent. Eight women candidates ran independently, making up 19 percent of all independent candidates. Some women ran as independents after parties withdrew their nominations subsequent to the submission of the party list to the NEC. Women aspirants reported that there is limited opportunity for women to find a place in the main parties, which are the main source of campaign funds.



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Table 4 MP Candidate Figures by Gender per Party

Party	F	M	Total	% Women
APC	15	117	132	11%
ADP	8	27	35	23%
CDP	9	100	109	8%
C4C	13	116	149	10%
NDA	1	5	6	17%
NGC	16	111	127	13%
NPD	3	15	18	17%
NURP	0	1	1	N/A
PLP	1	2	3	33%
PDP	0	5	5	N/A
PMDC	5	20	25	20%
RNIP	0	3	3	N/A
RUFP	0	3	3	N/A
SLPP	11	121	132	8%
UDM	0	2	2	N/A
UNPP	1	3	4	25%
UP	7	9	7	44%
Total Parties	90	660	752	12%
Total Independent	8	35	43	19%
TOTAL	98	695	793	12%

The low number of women nominees was a critical shortcoming for the 2018 elections and reflected a lack of genuine political will to bring more women into the political sphere. It failed to contribute to the aim of 30 percent representation for women in the national legislative body, a widely used international benchmark, albeit one still far short of the international obligation for equitable representation of women and de facto political equality.

The Carter Center strongly encourages the adoption of legislation, and ideally a constitutional amendment, that includes provisions that will bring about women's equal participation in politics. In this respect, adoption of the long-awaited Gender Equality Bill that guarantees women's equal political participation is encouraged.



Election Administration

An independent and impartial election management body that functions transparently and professionally is recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic process and that other international obligations related to the democratic process can be met.²⁵ The election management body is responsible for ensuring that the electoral process is in compliance with Sierra Leone's obligations for democratic elections and human rights. The body also should ensure accountable, efficient, and effective public administration as it relates to elections.²⁶

The NEC administered the election under intense political pressure, a lack of independent financial resources, and a compressed electoral calendar. It was widely commended for the initial boundary delimitation exercise, for ensuring that the civil and voter registration exercise was completed, and for engaging regularly with the political parties and civil society. However, the NEC should consider steps that would provide for increased transparency, including the public posting of a comprehensive electoral calendar, meeting minutes, and using its website to disseminate information regarding the voter registry, final candidate lists, election day procedures, and information regarding electoral complaints and decisions.

Structure

The National Electoral Commission (NEC) is composed of a chief electoral commissioner (chairman) and four other members, who are appointed for five-year terms by the president after consultation with political party leaders and approved by parliament. Two of the current members are women. The 2018 elections were the first held under the leadership of the current chairman, Mohamed Conteh, who has been a long-standing commissioner. Each of the commissioners in practice is responsible for a different region in the country. The law also provides for district returning officers and regional returning officers located in the district and regional centers respectively. For the 2018 elections, there were 3,300 polling centers headed by a polling center manager and 11,122 polling stations within the polling centers, each headed by a presiding officer and staffed by six other poll workers.

While the NEC is granted independence under the constitution, the framework for appointment and dismissal does not sufficiently ensure the commissioners independence, as they are appointed by the president and the grounds for dismissal are unduly broad, including "misbehavior." According to the NEC and widely reiterated by opposition parties and civil society groups, the NEC faced mounting politically motivated pressures from the state throughout the electoral process. These pressures included an audit of the NEC's 2018 election-related spending, which was initiated by the Ministry of Finance in 2017 and which threatened to withhold the NEC's weekly funding, and an ongoing investigation of the NEC by the Anti-Corruption Commission initiated 10 months prior to the election, during the boundary delimitation and voter registration exercises. Some interlocutors noted that the corruption investigation was not transparent and flared up when controversial issues arose. The NEC reported that the investigation hindered preparations for the elections.

²⁵ UNHRC, General Comment No. 25, para. 20.

²⁶ AU, ACDEG, art 32(1)



The NEC's operational independence was also challenged by a failure to transfer financial resources in a timely manner, among other issues. Despite a commitment of the government to fully fund the 2018 elections, the amount requested by the NEC was not approved and the international community had to cover the difference. Moreover, the government delayed transfer of funds to the NEC early in the election period in 2017, which especially affected NEC's voter registration initiative and required its suppliers to provide their services on credit. Under pressure from the international community, the government started providing funds to the NEC. These funding delays were cited by interlocutors as an attempt to delay the election to allow for a constitutional referendum that would include a presidential third term. During this timeframe, a ruling party MP and supporters called for the resignation of the NEC chairman, accusing him of incompetence, while sections of the media called for restructuring of the NEC to purge some middle and senior management personnel. The chairman and the deputy also received death threats.

The NEC enjoyed a high level of trust from political parties and civil society. NEC Chairman Conteh was widely praised for his efforts in resisting government pressures, working relatively effectively under intense scrutiny and with limited resources, and being responsive to the concerns of political parties and other stakeholders. At the same time, most of the NEC's decisions are not subject to judicial review. The only decisions that can be appealed to court are those related to voter registration, candidate nominations, and the election results. Even those NEC decisions that directly affect electoral rights, such as the right to stand as a candidate, are not appealable. This shortcoming leaves many aspects of the administration of elections under the final authority of an administrative body, without judicial oversight and access to effective legal remedy, which is inconsistent with international standards and best practices. The Carter Center recommends that the election law establish a mechanism for challenging the NEC decisions and actions in court on a timely basis.

Electoral Calendar

Under the constitution, the date of parliamentary elections is decided by the president in consultation with the NEC, while the presidential election date is determined by the NEC in consultation with the president. The decision of the 2018 election date was challenging, with delays in the announcement due to the president's indecision. At the end of 2016, National Election Watch, a civil society election monitoring group, issued a public statement urging the scheduling of the election to allow for advance planning, especially the conduct of voter registration.²⁷ Three months later, the President set March 7, 2018, as the date for the parliamentary elections. The NEC's subsequent decision to hold the presidential election on the same date, which was justified as economically efficient, resulted in the presidential election taking place about 10 days past the constitutional deadline.

The late announcement of the election date left the NEC with a tight timeframe for election preparations, especially for the voter registration exercise. Some interlocutors noted that several aspects of the NEC's preparations were delayed, including the registration of candidates and printing of ballots. Apart from the time pressure on the election administration, the delay also placed uncertainty

²⁷ NEW Press Release, November 28, 2016, <http://www.nationalelectionwatchsl.org/wp-content/uploads/2016/08/NEW-Press-Release-28th-Nov-Final-NEW-call-on-NEC-for-Election-date.pdf>.



on aspiring candidates who were public servants as they had to step down not less than 12 months prior to the election. A lack of capacity at the NEC may have also contributed to the late timing of the preparations, which left little room for unexpected exigencies and for election officials and stakeholders to become familiar with the election day and tallying procedures that were adopted late in the process. Though not required by law, the NEC produced an election calendar, which includes concrete dates for some key stages of the process. However, it was not comprehensive, leaving out important deadlines, for example, in the design, printing and distribution of ballots; hiring and training of election officials; accreditation of observers; announcement of results; and holding of any second round.

Transparency

As mentioned above, international standards underscore the need for transparency in electoral bodies to prevent corruption, including meetings of election bodies.²⁸ Despite some outreach efforts to electoral stakeholders, transparency at the NEC was limited, a key shortcoming in the election administration.

The election law does not generally mandate transparency of the election administration, and the NEC did not employ broad transparency measures. The NEC sessions may be closed or open, and in practice they were all closed. Moreover, there are no requirements for publishing information on the NEC's website concerning the decision-making process (e.g., session minutes), statutory instruments (e.g., resolutions, regulations and procedures) and other relevant data. The website does not include much of this information and documentation. While lack of capacity to maintain an up-to-date, comprehensive website may play a role, the general default seems to be to keep information out of the public domain. As a result, stakeholders resorted to submitting letters to request information and raise concerns. In this respect, the SLPP was particularly active, corresponding with the NEC on matters related to the integrity of the electoral process, seeking information on safeguards related to ballots, voting and counting, and the results management process. The NEC was generally responsive to these requests for information.

The international community encouraged the NEC to engage regularly with political actors and other stakeholders as a confidence-building measure. The mechanism employed for responding to parties and stakeholders' requests for information and clarifications was regular meetings (at first biweekly, then weekly as the election approached) to which all political parties and relevant civil society organizations were invited. As observed by members of The Carter Center team, these meetings did not always provide comprehensive, clear, and consistent information, though parties and other stakeholders were appreciative of the NEC's efforts to respond to their questions, provide information, and listen to their concerns.

In Commitment 7 of Sierra Leone's 2016 National Action Plan for the Open Government Partnership, the NEC committed to promote transparency and accountability in the management of elections, and specifically to publish online the voter register and constituency boundaries information.²⁹ However, the voter register was never published online and the boundary delimitation information posted was not the most up-to-date.

²⁸ U.N., UNCAC, art. 13(1)(a); AU, Convention on Corruption, art 12(2); ECOWAS, Protocol, art. 34(2)

²⁹ Republic of Sierra Leone, Mid-Term Self-Assessment of the National Action Plan, <http://www.ogi.gov.sl/report/OGP%20SELF%20ASSESSMENT%20REPORT%202017.pdf>.



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A group of citizens lodged an access to information request for the final candidate lists and lists of all polling stations and centers, which under the election law were to be made publicly available not later than 15 days before the election but could not be found on the NEC's website. Other key information could not be readily found on the NEC's website, including the election calendar, procedural manuals on voting, counting and tallying, list of accredited observers, and decisions on complaints and appeals.

In line with Sierra Leone's commitment toward open governance and as a key tool to ensuring credible elections, the Center recommends that the NEC adopt a range of additional measures to enhance transparency to increase public perception of its independence and willingness to be held accountable.

To ensure a transparent, fair and impartial process, civil society organizations and opposition parties urged the NEC to adopt clear and objective criteria and safeguards for the vehicle permitting process related to the election day vehicle movement ban imposed by the SLP. However, the NEC declined to articulate the rationale for accrediting those vehicles that would be allowed to travel on election day and failed to publish a list of all institutions' vehicles that had been accredited, further limiting transparency in the process. Considering the politically contentious nature of the vehicle movement ban, the NEC should have provided the highest level of transparency in the vehicle accreditation process to maintain public trust in the election administration and in the credibility of the electoral process.

Ballot Security

According to international standards, states should put in place safeguards to ensure that voters are unable to register or vote more than once.³⁰ Sensitive election materials should be stored securely throughout the voting process.³¹

Ballot security was a politically controversial issue. The ballots and other sensitive election materials were printed in South Africa, with the assistance of the international community. In early February, 10 political parties submitted a joint resolution to the NEC urging it to disclose details about the printing of ballot papers, including the printing company, contract details, ballot paper quantities, serial numbers assigned, and shipment details, as well as the arrangements for the party's observation on the arrival in country of voting materials, their movement to the NEC's warehouse, and their distribution to the district centers. The ballots arrived in country in late February.

The high number of excess ballots printed raised particular concerns among parties and other stakeholders. The election law does not establish a maximum percentage of excess ballots to be printed (i.e., the number of ballots over and above the number of registered voters). The NEC decided to print 3,759,100 ballots, more than 18 percent excess ballots. The NEC explained to stakeholders that the number of excess ballots was needed to cover the procedure established for polling staff, police, and other security officials to vote at the polling center where they were on duty. However, taking into account those numbers of personnel, the excess ballots provided to polling centers was significantly above the required number. The NEC also noted its desire to cover the most extreme exigencies, including the loss of large numbers of ballots in the distribution process.

³⁰ U.N., Human Rights and Elections, para. 68

³¹ CoE (Venice Commission), Code of Good Practices, sec 1.3,2.2,3.3-5 (explanatory report)



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The controversy over excess ballots was exacerbated by the fact that the voting and counting procedures manual did not provide for reconciliation and accountability of the excess ballots. Moreover, the NEC's decision to put the excess ballots under the control of the polling center manager, a position not established under the law, for distribution to presiding officers on an as-needed basis, rather than under control of the presiding officers, also raised stakeholders' concerns. Several opposition parties requested information on the procedures for handling these ballots. In response, the NEC provided parties with supplementary information on the reconciliation process for the excess ballots.

The Carter Center recommends that for future elections transparent accountability measures for all ballots be put in place. In addition, consideration could be given to having the law establish a maximum percentage of excess ballots, taking into account a balance between possible exigencies and the need to maintain a credible process.

Voter Education

International standards require all eligible voters to be informed of their electoral rights before, during, and after election day.³²

Insufficient voter education was consistently noted by interlocutors, with a lack of NEC funds being the primary cause, while many NGOs and other institutions contributed in a limited way to the voter education efforts. Interlocutors noted that voter education materials were distributed particularly late in the election cycle, in part due to the delays in government funding early on in the election period, and that the information was only basic, including posters on the candidates and how to vote. This was one area that stakeholders noted had much room for improvement, especially given the high illiteracy rate in the country, the conducting of multiple types of elections on the same day, and the number of invalid ballots in past elections. In a positive step and with international assistance, the NEC employed district voter education and training officers, all with disabilities, to work with disabled groups in the districts.

Persons with Disabilities

International election standards call for accommodations to be made for people with disabilities, and polling places must be accessible to peoples with disabilities.³³ Accommodation for persons with disabilities (PWD) has been given particular importance in Sierra Leone as many people were left disabled as a result of the decades-long civil war; the number of PWDs in the country is, however, not known.

In 2015, the NEC adopted a disability policy for ensuring the right to election participation for PWDs. The policy is a positive step and addresses issues such as working toward a national census of PWDs and list of voters with disabilities, providing voter education and information on all aspects of electoral process and results that is accessible to PWDs, training and sensitizing for polling officials on issues related to PWDs, and provision of assistive tools to facilitate voting for PWDs. In addition, the NEC in collaboration with the National Commission for Persons with Disabilities, conducted an assessment on access to the

³² U.N., Human Rights and Elections, para. 75; U.N. ICCPR, art 25(b); OAS, ACHR, art. 23; U.N., UDHR, art 21(3); U.N., ICERD, art. 5(c); AU, ACDEG, art. 4

³³ U.N., CRPD, art. 29



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electoral process for PWDs that culminated in recommendations for electoral institutions, political parties and civil society.

The 2011 Persons with Disabilities Act provides that all public buildings must be made accessible for persons with disabilities within five years of the adoption of the act, or 2016. However, this objective has not been widely achieved, including for polling stations. The NEC conducted an assessment, with assistance from the international community, to identify those polling stations that were the most wheelchair inaccessible and some were provided with ramps. However, the NEC acknowledged that many polling stations would remain not fully accessible. In a positive step, the NEC reintroduced the provision of tactile ballot folders to polling stations to facilitate blind voters for the 2018 elections. Measures and public funding to enhance the political participation of persons with disabilities in future elections, including the accessibility of all polling stations and NEC offices for wheel-chair bound citizens (as well as access to buildings of law enforcement and the judiciary as key institutions in the electoral process), and voter education for the hearing and visually impaired is strongly encouraged.

Election Campaign

Equitable treatment of candidates and parties during an election, as well as the maintenance of an open and transparent campaign environment, are important to ensuring the integrity of the democratic election process. Sierra Leone's legal framework and its international and regional commitments create obligations related to campaign periods, including the right to freely express opinions and to participate in public affairs.³⁴

Legal Framework

The election law has limited rules regarding the campaign. There are various non-binding codes on campaign conduct signed by political parties and candidates, including the NEC's code of election campaign ethics, the signing of which is a precondition for candidate registration, and a PPRC code of conduct for political parties, candidates and supporters. While the codes include some provisions that are suitable for inclusion in the law, other provisions are more appropriate for a non-binding code of conduct. For example, a provision in the PPRC code of conduct commits signatories not to use the media to complain against other parties, the PPRC and the NEC.

International good practice indicates that campaign rules that concern legitimate restrictions should be incorporated into the legislation to ensure their enforceability. In addition, the ban on use of state resources for campaigning would benefit from further elaboration, as it is a serious malpractice. While there is an extensive list of electoral offences, misuse of state resources is not included, making the ban unenforceable.

The NEC and PPRC have overlapping mandates to handle campaign-related complaints. The NEC's mandate emanates from the election law, while the PPRC's campaign code of conduct establishes a complaint process to the PPRC. These institutions do not have deadlines for handling such complaints or enforcement powers, although the PPRC can initiate court proceedings to de-register political parties that violate the terms of their registration, even for the smallest infractions. There is also no legal

³⁴ ICCPR, art 19(2); ACHPR, art. 13(2); ICCPR, art. 19; ACHPR, art. 13.



requirement for the NEC and PPRC to forward complaints or information on campaign-related electoral offences to law enforcement for investigation and possible prosecution.

The election law includes provisions that unduly restrict freedom of expression in the campaign process, in that it requires political actors in their campaigning to “respect and take into account the Fundamental Principles of State policy set out in the constitution”, and to “carry out the campaign in keeping with ethical and moral standards and the respect due to the other candidates and political parties and the electorate.” To “insult or defame” other parties and candidates is also prohibited, while under the 1965 Public Order Act, defamation is criminalized, punishable by prison terms of three to seven years. Under the Political Parties Act, public servants are prohibited from engaging in any political activities or speech, including within the 12 months after stepping down from their position. These types of restrictions are contrary to the constitutionally protected freedom of expression and are inconsistent with international standards. Moreover, freedom to disseminate ideas that may challenge the constitutional order and principles and to deliver criticism of other parties and opponents is fundamental to a democratic electoral process.

The official campaign period is established by the NEC. For the 2018 elections, the NEC established a 30-day campaign period, from February 4 – March 5, with a legally mandated campaign silence period on March 6. Campaigning prior to the start of the official period is prohibited. The PPRC has a role in monitoring campaign activities for compliance with the political parties’ code of conduct and, in December 2017, re-activated the District Code Monitoring Committees in all districts, as well as a national committee, composed of representatives from political parties, civil society, and law enforcement.

The election law requires the NEC to create a campaign calendar in consultation with political parties and candidates, which sets out a schedule of campaign events (rallies, processions, marches) to be held by the contenders. It is an election offense to hold any campaign event outside of the calendar, subject to a minimum fine of 20,000,000 Leone or a prison term of not less than five years. While the campaign calendar was to set out the precise locations, days and times for events, the NEC instead created a calendar that banned events except on certain days in certain districts allocated to parties. The days and districts were allocated by lottery for the parties, while independent candidates were left out and given only one day each in their respective constituencies. This approach discriminated against independent candidates.

During the campaign, the PPRC issued a statement calling on parties to comply with the calendar and urging the police to remain vigilant and charge anyone caught violating it. This strict calendar was also imposed in previous elections with the apparent aim to prevent political violence and was seemingly accepted by the parties. However, such a strict approach is inconsistent with the law as written, and curtails the freedom of assembly. While the violence prevention intentions are clear and understandable, the restrictions are inconsistent with international obligations for democratic elections. In the future, Sierra Leone should aspire to conducting elections without needing such restrictions.

There were apparent differing understandings amongst stakeholders about whether the calendar was a ban on all types of campaign activities (including door to door campaigning) or just public campaign events, e.g. rallies, processions. The NEC did not clarify this matter. There were reports alleging that



some parties sold their campaign days to other parties and that the ruling party did not adhere to the calendar, holding campaign events on its off days without repercussion. This type of practice is concerning as it creates an uneven playing field in the campaign or the perception thereof. Some parties raised concerns that the calendar violated their campaign freedoms and that the randomized schedule was not conducive to running an efficient campaign as the days and districts were not assigned in a logical manner to allow for timely and cost-effective campaign tours. The C4C reported that, on its allotted campaign days, scheduled events at the public stadiums were cancelled by the authorities in Makeni and Freetown.

On Jan. 8, the PPRC issued a statement calling on the ADP to remove all posters and billboards bearing Islamic connotation from public places within 48 hours on grounds that it contravened the constitutional prohibition against political parties using any reference connected to any religion. The posters included the campaign slogan “Allah is One.” The ADP publicly announced it would defy the order. The PPRC subsequently publicly apologized for its statement, which had implied a connection between terrorism and Islam, but did not backtrack from its orders to take down the posters. Also on Jan. 8, the PPRC called on the C4C to desist from using the national colors in its campaign and the NGC was ordered to “harmonize its colors and to desist from using individual colors during their political activities” (related to using some colors connected to other parties) on grounds that these actions violated the terms and conditions of its registration, which prohibit parties from using the national colors or colors of other registered parties.

In mid-February, the PPRC issued a statement calling on the APC to remove all banners and posters that carry the slogan “Krios for APC” from public places on grounds it contravened the constitutional prohibition against parties aligning with any particular tribal group. The call came after sections of the Krio community said they were deeply offended by the ruling party’s misrepresentation of the political loyalty and support of the Krios as a tribal group. The APC did not heed the call and the posters were seen up until election day, including a large one on the Supreme Court premises.

The election law generally provided the electoral contestants an opportunity to organize their supporters and communicate with the public. The NEC and PPRC utilized various legal and consultative mechanisms to encourage a peaceful campaign, although these mechanisms at times also affected freedom of expression and freedom of assembly. The Carter Center recommends a post-election review to assess whether, for future elections, less restrictive mechanisms can equally serve the broad goal of maintaining the peace and preventing violence.

Campaign Activities

Due to the limited size and scope of its mission, The Center did not observe campaigning in a systematic manner. However, the Center experts met with representatives of four of the six largest parties (measured by the number of candidates nominated by the party for parliament), and three smaller parties, including one of the women presidential candidates. The Center’s interlocutors reported they were campaigning via door-to-door efforts, large-scale rallies, and marches. Parties, particularly the APC and SLPP, regularly distributed branded t-shirts, caps, and other items.



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The campaign period officially began on Feb. 4. However, the majority of parties, including APC and SLPP, initiated campaign activities well in advance of the official start date. By mid-January, Freetown was plastered with campaign posters, billboards, and flyers, which were also in evidence outside the capital. Candidates were moving about the country, holding de facto campaign events. President Koroma undertook a “farewell tour” of the country in December 2017, accompanied by the APC’s presidential and vice-presidential candidates, which prompted concerns regarding an abuse of state resources in support of the ruling party’s campaign.

The Center’s team encountered campaign events organized by APC and SLPP in the capital on several occasions. For the most part, these events were peaceful and consisted of marches and processions converging in mass rallies downtown. A significant exception occurred before the official start of the campaign period, on Jan. 28, the day assigned to APC to formally nominate its candidates. The major parties’ nomination days became rallies by another name, and on APC’s nomination day, a confrontation between youth “cliques” mobilized by the party for the occasion resulted in several stabbings and at least one death.³⁵

Three debates organized by a consortium of organizations featured candidates from the six parties that fielded more than 25 candidates for parliament. The debates were carried live on television, radio and through streaming on the internet. Presidential candidates participated in the three-hour-long, first debate. The second and third debates, respectively, included candidates under 35 and women candidates. The parties not invited to participate, not surprisingly, objected to their exclusion. Including 17 parties would have made the process unwieldy and reduced its impact. While quality public opinion surveys do not exist in Sierra Leone, various interlocutors viewed the debates as a commendable initiative to focus attention on critical policy issues confronting the nation.

The use of state resources for campaigning was a common concern raised by opposition parties and civil society organizations. In the months leading up to the elections, the outgoing president undertook an official presidential “thank you” tour countrywide. The tour was apparently used as a campaign opportunity, which used public resources, vehicles and staff, with the events featuring the APC’s presidential candidate alongside the president. Opposition parties accused the president of misuse of state resources to pay for his nationwide campaigning, apparently costing millions of dollars, and deliberately skewing the playing field. The PPRC and NEC were publicly criticized for not addressing this apparent transgression. International good practice indicates that state or public resources should not be used to support a particular party. Given these guidelines, and the concerns about instances of the misuse of government resources, The Carter Center recommends that the PPRC and NEC implement stronger and more proactive measures to address these concerns in future elections.

Some interlocutors also raised concerns about the excessive amount of money spent by the ruling party in its campaign efforts, claiming the government had obviously funded the campaign. There were also assertions that the Chinese government had contributed to and participated in the ruling party’s campaign, with claims that Chinese monies had been traced to the supply and distribution of campaign

³⁵ Africa Review, The Challenges of Policing Sierra Leone Elections, February 25, 2018, <http://www.africareview.com/news/The-challenge-of-policing-Sierra-Leone-election/979180-4319192-glbhn/index.html>.



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materials and the printing of official party banners and posters, and that Chinese officials were seen distributing valuable giveaways to gain favor with the ruling party.³⁶

Concerns were raised about paramount chiefs openly supporting the ruling party. While not legally banned, this is prohibited under the PPRC's code of conduct as well as the 2013 Code of Ethics and Service Standards for Chiefs which requires their political neutrality. This was considered by stakeholders to be an abuse of their role as traditional leaders in light of the extreme influence they have over their community members. In this respect, a balance between the rights of all citizens to engage in political activity and the abuse of office and resources in the campaign process should be sought in both the law and practice.

There were reports that minors were used by political parties for various campaign activities, including distribution of campaign materials, and in some cases supplied with alcohol and drugs. This led to a public statement by a UNICEF representative that denounced the involvement of minors in political activities as a violation of the rights of children.

Allegations of campaign vote buying were raised by interlocutors, citing instances of various parties' giving away goods to gain voters' support, and noting that the ruling party's giveaways were especially excessive. These giveaways could be seen during the parties' campaign rallies. The line between party campaigners and attendees at campaign events was blurred as campaign processions through the streets included thousands of people, with reports that many were paid with cash or giveaways in exchange for their show of support.

In January, the government issued a temporary ban on conducting female genital mutilation, which is widely practiced in the country, to prevent political actors from paying for the cutting ceremony to gain political support, which apparently is a common practice.

Several political parties claimed that the police misused their powers in the election process, including assertions that the police provided uneven protection at party offices and rallies, with the ruling party receiving substantial police protection and opposition parties either no or little protection. Interlocutors also raised allegations about discriminatory application of the law, with the police detaining unruly supporters of opposition parties but not those of the ruling party, as well as arbitrary arrests of opposition supporters. During the campaign period, the leader and presidential candidate of the ADP had been awaiting trial for several months on charges of small arms possession, which the party claimed were politically motivated and part of a larger intimidation campaign that included firebombing of the party's headquarters in mid-2017. Several civil society organizations publicly condemned the actions against the party.

The election campaign provided opportunities for parties to organize and to communicate with voters. The three debates enhanced the electoral process and should serve as a precedent for future elections. However, to address concerns about the partisan use of government resources during an election

³⁶ The Sierra Leone Telegraph, Chinese in APC Campaign, February 14, 2018, <http://www.thesierraleonetelegraph.com/chinese-in-apc-campaign-leader-and-chairman-for-life-must-give-answers/>.



campaign, The Carter Center recommends specifying proscribed activities in the legal framework and empowering the NEC and PPRC to examine allegations of government abuse.

Campaign-Related Violence

Incidents of election-related violence and intimidation occurred on several occasions when APC or SLPP ventured into areas that have historically been considered the other party's stronghold. APC officials alleged that on the evening of Jan. 26, the party's nomination day, SLPP partisans in Pujehun marched through town throwing stones at the homes of APC supporters and threatening to kill them. Almost a month later, during a Feb. 20 campaign stop in Kamalo (Karene), the birthplace of APC presidential candidate Kamara, SLPP alleged its presidential candidate was attacked by APC supporters. (APC officials denied the allegation.) That same day, former Vice President Samuel Sam-Sumana's C4C claimed his campaign day in his home district of Kono ended in a clash, which resulted in eight people injured and a vehicle burned.

Following these incidents, a wave of election-related violence and intimidation rippled across the country. The NGC reported that eight of its supporters in Port Loko were detained in late February by the SLP on trumped-up charges. Multiple secondary sources reported clashes between party supporters in Bo and Kenema during the evening of Feb. 27. Although it is unclear which parties were involved, both towns are traditionally SLPP strongholds, and APC had campaigned in Bo that day. Injuries were reported in Kenema. The most serious clashes were reported the following day in Waterloo, near Freetown. This was also an APC campaign day, and SLPP alleges that the ruling party's MP candidate for a local constituency celebrated the occasion by leading supporters in an attack on the home of their district chair in which two vehicles were burned.

The Institute for Governance Reform also reported inter-party clashes in Koinadugu and Kambia around this time, noting that in these incidents "all opposition parties involved... are blaming the incumbent regime for starting the violence." The IGR went on to note "a pattern of attacks on opposition party offices that has gone unpunished since 2009."³⁷

In spite of several serious incidents of violence, the campaign provided political parties an adequate opportunity to present their respective platforms to the general public. For the most part, the campaign was conducted in a peaceful manner, although during the final week before the election several incidents of violence hindered freedom of assembly for several parties. For all political activities, and particularly during election campaigns, The Carter Center recommends that the SLP provide adequate security for all parties and conduct effective investigations of all violent incidents.

³⁷ Institute for Governance Reform, Briefing Pack for the 2018 Elections (sent via e-mail to International Observers on March 6, 2018).



Campaign Finance

The state is obligated to take measures to prevent corruption, particularly in the context of campaign financing.³⁸ The regulation of campaign finance should enforce a transparent process in which all political parties and candidates are treated equally. While the authorities have the legislative mandate to impose restrictions on campaign finance, very little was done to stem the flow of money or resources during the 2018 elections. Steps should be taken to implement a comprehensive campaign finance framework, so as to allow greater controls and to create a more even playing field for all political parties.

A limited framework for party and campaign finance is set out in the Political Parties Act. Not later than 21 days after an election is called, political parties are required to submit a statement of assets and liabilities to the PPRC. In spite of this requirement, no parties had submitted the statement for the 2018 elections and the PPRC did not enforce the requirement. Public funding for party and campaign activities is not provided and the source of funds is limited to monetary or in-kind donations by eligible voters. This leaves smaller parties with little money to campaign, especially in light of the country's poor economic situation. Opposition parties noted that the advantages and alleged abuses of the incumbency are therefore magnified. There is no limit on amount of donation to a political party or requirements to disclose donation information, and the PPRC has not exercised its express authority under the Political Parties Act to adopt regulations limiting donations and requiring disclosure so as to minimize the influence of money in the political process.

There are no campaign finance reporting requirements prior to election day, limiting citizens' right to information about financial support for candidates, and limiting voters' ability to make an informed choice prior to casting their vote. There is no limit on campaign spending, and several analysts speculate that the 2018 election campaign was the costliest in post-war Sierra Leone. Within 60 days after the announcement of results, parties and independent candidates are required to submit a detailed statement of campaign expenditures, but this is not subject to audit by the PPRC or other independent authority with the requisite authority and capacity.

The lack of a framework to submit, have audited, and publish comprehensive information on campaign finance, on both donations and expenditures, at regular intervals significantly limits transparency in the elections. The Carter Center recommends that a comprehensive framework on campaign finance be developed that ensures the highest level of transparency in campaign finance, including prior to election day. Commensurate penalties for breach of campaign finance rules and reporting requirements should be established.

Role of Media

The media play an indispensable role during democratic elections by educating voters and political parties about major issues, thus giving them access to information so they can make a truly informed decision. Sierra Leone's regional commitments indicate that in order to promote equality, political

³⁸ Treaty obligations established the general requirement and indicated that states shall promote transparency in public decision-making as a means of combating corruption. U.N. Convention Against Corruption, arts. 18 and 13; African Union Convention on Corruption, art. 7; UNCAC, art. 7



parties and candidates must have access to the public media on a nondiscriminatory basis and that public service media should ensure that the public receives adequate and balanced information during election periods.³⁹ This includes ensuring that women candidates are able to secure equal media coverage to their male counterparts.

There is limited regulation of the media in coverage of the campaign. The election law provides only that the state-owned Sierra Leone Broadcasting Corporation (SLBC), which operates a TV station and a radio network, must ensure equal air time is given to each candidate and political party during an election period, and that not less than 30 minutes of airtime must be allocated to each candidate and party. Media is regulated by the Independent Media Commission (IMC), whose members are by law appointed by the president acting on the advice of the Sierra Leone Association of Journalists (SLAJ), and subject to the approval of parliament. However, SLAJ reported that the current members of the IMC were appointed without consultation and are ostensibly ruling party activists. Nonetheless, according to several interlocutors, the IMC has generally demonstrated independence from the government. A Media Code of Practice, which includes provisions on fairness in political reporting, is the self-regulating instrument enforced by the IMC which can impose fines, suspensions, and closures.

There are more than 20 regularly published newspapers, approximately 40 radio stations – more than half of which are community stations – and two television stations. Most newspapers are independent, though many rely on political funds, which impacts their content, and some are more directly associated with political parties. The print media routinely criticize both the government and opposition parties.

Radio is the most important and widely accessed medium for obtaining information, due to the low literacy rate, which is estimated at less than 50 percent of the adult population, and the high cost of print and TV media. Independent radio outlets also rely on political funds. Internet usage was at just 2 percent of the population in 2014, and thus the role social media played in the 2018 campaign was very limited.

Some interlocutors raised concerns that media outlets face government pressure on content and that the criminal libel law is used to intimidate journalists. Some parties noted media outlets must be paid to provide news coverage. According to the EU's media monitoring of the 2018 election campaign, "During the campaign period, the monitored media regularly covered the election process and candidates in a variety of programmes. The presidential debate gave voters the opportunity to compare political platforms of six key candidates."⁴⁰ However, media monitors concluded that the ruling party benefited from more positive coverage.

When citizens criticized the election day vehicle movement ban on social media, the Inspector General of Police warned the public, media, and political parties to cease commenting on the ban, suggesting that court action was the only legitimate means to challenge the ban. Notably, in the weeks leading up to the election, one social media user, a university student, was charged for alleging the police had accepted a bribe to commit election fraud. Citizens were informed that the police would increase

³⁹ AU, Declaration on Principles on Freedom of Expression in Africa, art. 6; AU, Declaration on the Principles Governing Democratic Elections in Africa, art. IV.5.

⁴⁰ European Union Election Observation Mission, Preliminary Statement, March 9, 2018, https://eeas.europa.eu/sites/eeas/files/eu_eom_sierra_leone_preliminary_statement090318_1.pdf.



surveillance of social media by its Cyber Forensic Unit to identify such transgressors. The authorities' response raises concerns about restrictions on the freedom of expression and is especially troubling as slander and libel remain criminalized for all persons, regardless of public profile, and are charged, contrary to international standards. The Carter Center encourages the authorities to foster a climate in which dissenting political expression and criticism of authority are tolerated, especially during an electoral period.

Role of Civil Society

According to public international law, all people have the right to participate in the public affairs of their country.⁴¹ This includes the right of citizens to participate in nongovernmental organizations as well as to participate in citizen observer organizations and contribute to voter education efforts.⁴² Through these means, civil society can play an essential role in upholding an electoral process that is accountable and in which all participants can have confidence.

Sierra Leone has an active civil society and a plethora of nongovernmental organizations, which are involved with a range of civic, religious, development, human rights and other activities. For elections, many of the organizations form coalitions of often overlapping organizations to implement programs involving voter education, peace and conflict prevention, voter registration, election campaign and election day monitoring. The specific programs are often funded by external donors seeking to enhance the peacefulness and quality of elections in Sierra Leone. Many of the umbrella coalitions existed in previous elections, even as they sought to incorporate advances in technology into their repertoire of undertakings for the 2018 elections. Sierra Leone civil society organizations operate freely, are well-respected, and contributed significantly to the conduct of the electoral process.

The National Elections Watch (NEW) was established in 2002 and today represents a coalition of 375 organizations. For this election, they monitored the voter registration, distribution of voter ID, and boundary delimitations processes, and the role of the media during the campaign⁴³. Most notably, they recruited more than 11,500 volunteers to serve as election day poll monitors.⁴⁴ In addition, NEW selected 506 polling sites in a random sample to provide a rapid assessment of the quality of election day procedures and projection of results in the presidential election. Ultimately, 98 percent of the NEW

⁴¹ U.N., International Covenant on Civil and Political Rights, art. 25(a); AU, African Charter on Human and Peoples' Rights, art. 13(1); U.N., Universal Declaration of Human Rights, art. 21(a).

⁴² U.N., United Nations Human Rights Committee, General Comment No. 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service," para. 11; U.N., Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 124.

⁴³ See NEW Press releases issued during 2017 and 2018, <http://nationalelectionwatchsl.org/category/press-release/>.

⁴⁴ NEW Press Release, March 6, 2018, <http://nationalelectionwatchsl.org/wp-content/uploads/2018/03/NEW-2018-PRE-ELECTION-STATEMENT-.pdf>.



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sample sites provided the requisite data soon after the close of the polls, and their projection fell within a statistical range of less than 1 percent of the official NEC results that were announced on March 13.⁴⁵

NEW was part of the Standing Together for Democracy Consortium, which also included the Campaign for Good Governance, the Independent Radio Network, the Institute for Governance Reform, 50/50 Group, and two international organizations, the Westminster Foundation for Democracy, and Search for Common Ground. Each of the organizations sponsored specific activities related to the elections and provided mutual support in ensuring the broadest impact. Another coalition, which included the Sierra Leone Association of Journalists, Africa Young Voices network, the PPRC, NEC and the Standing Together for Democracy Consortium, organized the candidate debates.

Several civil society organizations focused their attention on violence prevention. They trained peace volunteers, who would monitor rallies and other events, and seek to mediate when disputes erupted. The peace monitors also disseminated peace messages through a variety of media. A couple of organizations also established “situation rooms,” where volunteers collected information regarding incidents occurring in different parts of the country and often triggered direct mediation efforts by the organization’s leaders with the relevant authorities. The West Africa Network for Peacebuilding (WANEP) and the Women’s Situation Room (WSR) both sought to project the solidarity of women across West Africa and beyond in promoting peace through vigilance and activism.

As in previous elections, Sierra Leone’s active civil society played multiple roles in contributing to the electoral process before, during, and after election day and they serve as a tremendous resource for the country. Specifically notable are the proactive efforts of multiple organizations to develop creative approaches to preventing violence in different regions of the country.

Security Sector

In accordance with obligations in public international law, potential voters must have the ability to vote without intimidation or coercion, and security personnel must play a constructive role in providing protection to voters, candidates, and electoral management body personnel.⁴⁶

The Carter Center expert mission sought to understand the planning and training processes employed by Sierra Leone’s security forces, and how their efforts had an impact on the ground. Preventing violence before, during and after an election is both essential for the conduct of a credible process and a major challenge for many countries.⁴⁷ While civil society organizations may play an important contributory role in lowering tensions and mediating disputes, the security sector inevitably must play the critical role.

⁴⁵ NEW Press Releases, March 12 and 14, 2018, <http://nationalelectionwatchsl.org/wp-content/uploads/2018/03/PROJECTION-OF-RUN-OFF-1.pdf> and <http://nationalelectionwatchsl.org/wp-content/uploads/2018/03/NEW-PROJECTION-AGAINST-NECS-OFFICIAL-RESULTS.pdf>.

⁴⁶ AU, Convention on Corruption, art. 4; U.N., UNCAC, art. 18; U.N., Human Rights and Election, para. 94-97; EU, Handbook (Ed. 2), p. 52

⁴⁷ USAID, Best Practices in Electoral Security, January 2013, https://www.usaid.gov/sites/default/files/documents/2496/Electoral_Security_Best_Practices_USAID.pdf.



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For the most part, the security forces provided an environment that allowed parties and candidates to campaign and to organize. However, several incidents of violence marred the campaign. The security forces failure to pursue vigorous investigations resulted in a corresponding loss of confidence among the parties most affected.

Elections in Sierra Leone have been characterized by violence, intimidation, and assault, not only against political opponents but also against the wider populace and, in several cases, have been marred by allegations of election rigging. However, in 2012, Sierra Leone was widely acclaimed for conducting free, fair, and credible elections. The security sector played a significant role in providing the enabling environment for the conduct of these relatively peaceful elections.

To consolidate the gains made in strengthening democracy and fostering peace in the country, a 2014 National Security Council (NSC) directive called for establishing an Integrated Election Security Planning Committee (IESPC) under the auspices of the National Security Coordinator and the National Security Council Coordinating Group (NSCCG). The IESPC was tasked with providing a framework within which security sector institutions could be adequately prepared and resourced to perform elections security-related duties with professionalism, gender sensitivity, impartiality, and credibility. The objective was to ensure a safe and secure environment exists for all stakeholders, particularly the vulnerable and marginalized. The IESPC also coordinated international assistance that sought to advise and support national authorities and institutions.

An important achievement in the development of an integrated security plan for the 2018 elections was the National Election Threats Assessment, a comprehensive 2017 exercise involving more than 800 respondents from all sectors of Sierra Leone society. This led to the development of a district risk map, which served as a guide for the deployment of security resources before, during, and immediately after the elections. The essence of the district risk mapping was to highlight potential hotspots around the country and to guide prioritization with respect to the limited resources available to the sector.

The district risk mapping exercise identified several potential threats associated with vehicle movement, including the use of government vehicles under the control of the ruling party to transport party militants, who could be perceived as intimidating prospective voters on polling day; the use of vehicles by marshals to transport government ministers; and the use of vehicles to transport unaccredited political functionaries. Notwithstanding these concerns, the IESPC Election Security Strategy did not include any recommendation to ban vehicle movement. The only reference regarding this issue is under Preferred Outcome: “Free and unhindered movement of voters.”

A training manual was developed by the IESPC to guide actors within the National Security Architecture (NSA) in their conduct during the elections. The manual defines “security” as the state of being free from danger or threat. Security is described as a crucial condition in the context of elections — it assists in establishing an enabling environment that is conducive to holding a democratic poll. This training material was designed to help all security personnel know their responsibilities during the entire electoral process and work together in the provision of security. A total of 3,400 security personnel were trained during the period preceding the election, or about 25 percent of the SLP’s total force.



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The Sierra Leone security sector began preparing for the elections a couple of years in advance and developed well-conceived plans and training programs for addressing potential security challenges. The newly appointed Inspector General, who serves as head of the SLP, sought to impress on his subordinates the importance of remaining neutral in their interactions with all political actors. During the early weeks of the campaign, the SLP seemed to have internalized the planning and training. However, the SLP was severely faulted by opposition political parties and civil society actors for not credibly investigating several incidents of violence during the two weeks preceding the election. As election day approached, complaints against the SLP became more vocal, with the leading opposition party questioning the SLP's neutrality.

Role of the Judiciary in the Electoral Process

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process.⁴⁸ Voters and other electoral stakeholders must be given, and must perceive that they possess, a voice in the quality of the electoral process if the process is to retain credibility. Timely and effective resolution of disputes is critical in ensuring that the right to an effective remedy and right to a fair and public hearing are realized.⁴⁹

Given the prominent roles played by the Supreme Courts in recent elections, including in Kenya and Liberia, The Carter Center mission directed attention to the role of the Sierra Leone judiciary in the electoral process. This involved reviewing carefully the constitutional, legal and regulatory framework related to the judiciary, soliciting perspectives on the independence of the judiciary in Sierra Leone, and observing firsthand the various challenges heard by the Supreme Court during the week before the election.

The impartiality of the Sierra Leone judicial system was questioned by many opposition parties and independent observers. The Supreme Court's failure to expedite election-related cases created uncertainty among the election administrators, contesting parties, and the general public as election day approached. Although, the court's decisions relating to the presidential candidates did not preclude any of those challenged from participating in the election, this uncertainty may have impacted the race.

Background

Various courts in Sierra Leone have jurisdiction over election-related matters regarding challenges to candidate nominations, cases against the authorities alleging abuse of power in the electoral process, prosecution of electoral offences, and petitions against the election results. The independence of the courts is key to ensuring an electoral process is conducted in a legal manner and that cases concerning election matters are handled impartially and on a timely basis, without the influence of politics or pressure from the government of the day. A wide array of interlocutors reported that there is deep public distrust in the courts to handle cases in an unbiased and timely manner, free of corruption and

⁴⁸ AU, African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, art. 2(i); U.N., United Nations Human Rights Committee, General Comment No. 32, para. 27.

⁴⁹ U.N., Human Rights and Elections, para. 75.



politics. The president's constitutional power to select members of the judiciary and the government's role in overseeing the judiciary plays into this distrust, as do the apparent political connections of some judges, including those sitting on senior-level courts.

The courts are not provided with any funds in the state's election budget. In preparation for the 2018 election, the judiciary was provided with international assistance to increase its capacity for handling the various types of election-related cases. In collaboration with the Judicial and Legal Training Institute, almost 30 all judges and 35 magistrates in the country were trained on the management and adjudication of election-related cases, both pre- and post-election petitions and electoral offenses. Some 50 lawyers were also trained. Other international assistance provided to the judiciary during the election period included the establishment of a centralized electronic case management system to assign matters and maintain case dockets, as well as the provision of vehicles and office space. Several months before the election, the chief justice made a public statement that election cases would be prioritized by the courts and handled on an expedited basis.

Court Challenges to Presidential Candidate Nominations

The High Court and Supreme Court have jurisdiction with respect to challenges to candidate nomination. The High Court has jurisdiction related to any challenges to MP candidate nominations, but these are only to be lodged to the court as part of a post-election petition challenging the MP results. Challenges to presidential candidates must be lodged with the Supreme Court within seven days of formal nomination and must be decided within 30 days. This deadline however is not harmonized with the Supreme Court rules of procedure and does not ensure that the court's decision is made before election day. The law is also unclear as to what actions the NEC should take if a court disqualifies a presidential candidate, whether before or after the election. Three cases were lodged with the Supreme Court in the pre-election period challenging three presidential candidate nominations, none of which was satisfactorily considered or resolved within a reasonable timeframe with respect to the election date. While international standards indicate that courts should act expeditiously in addressing election-related cases, in the context of the three challenges brought against presidential candidates, it is possible that the court's delays may have helped avoid serious tensions that, which might have erupted had the court ruled to disqualify any of the candidates.

The most prominent case was lodged on Feb. 5 challenging the eligibility of the NGC's presidential candidate, Kandeh Yumkella on grounds that he was either a dual citizen, was no longer a Sierra Leone citizen, or that he was a naturalized citizen. Yumkella publicly acknowledged that he had been a dual citizen, but claimed that he renounced his U.S. citizenship. While stakeholders widely understood the case as a political strategy of the ruling party to disqualify Yumkella, the case raised a number of legitimate legal and factual questions. Applying the Supreme Court's technical rules, the matter was unduly protracted, which was problematic in view of the time-sensitive nature of this pre-election dispute. The first hearing took place on Feb. 28, three weeks after the case was filed, and was adjourned to March 2 and further adjourned to March 5 on technical grounds. The NGC, in an apparent delay tactic, then requested that two judges on the panel step down for potential conflict of interest. The request was granted and the hearing was postponed until March 6, at which time the case was further adjourned on technical grounds until March 28, a date that corresponds to the last day assigned for the second round in the NEC's calendar. The court's handling of the case left it in breach of the 30-day



adjudication deadline and the matter without effective timely resolution. Given the result of the first-round election, with Yumkella not advancing to the second round, the court may now declare the case moot.

On Feb. 26, a case was lodged with the Supreme Court requesting leave to file an application beyond the legal deadline to challenge the nomination of the APC's presidential candidate and to decide the substance of the case on an expedited basis. The case was widely seen as a political response to the case against the NGC candidate, and was lodged several weeks after the deadline for challenging presidential candidate nominations. The petition alleged the APC's candidate was ineligible on the grounds that he was a dual citizen, a public official who had not stepped down more than 12 months before the election, and his selection at the party's convention did not comply with the party's constitution as he had been handpicked by the outgoing president. The applicant claimed the late filing was due to awaiting evidence from the UK government on the defendant's citizenship. The request was first heard on March 1 and on technical grounds postponed to March 5, at which time the court reserved its decision, leaving the matter unresolved prior to election day and without effective and timely resolution.

The third Supreme Court case challenged the nomination of the NDA's presidential candidate on grounds that he had been nominated at the party's convention in November 2015 in contravention of an injunction that barred holding the convention pending a court case between the party's two factions. The first hearing in the Supreme Court took place on March 2, more than one month after the case filing and beyond the 30-day legal deadline for the court's decision. The hearing was then adjourned until March 5 due to the lack of courtroom space as another hearing was scheduled for the same courtroom. Following the hearing on March 5, the court issued its decision, dismissing the application on grounds that it related to another pending High Court case, which the court ordered to be finalized on an expedited basis.

Court Case on Vehicle Movement Ban

The Sierra Leone Police (SLP) imposed a ban on vehicle movement throughout election day, citing concerns about potential election day violence (with exceptions for NEC-accredited vehicles for parties, observers, media outlets and NGOs, essential service providers, and commercial and government transport for voters to get to polling stations.) Following the SLP's announcement of the ban at the end of January, politically charged negotiations toward an MoU between the police and political parties took place over several weeks with broad-based political and civic pushback, with the police intent on enforcing the ban whether or not all parties signed the MoU. In a concerted effort to show their support for a peaceful election, most parties eventually signed the MoU (even those that openly expressed mistrust of the police). However, several opposition parties, including the SLPP, NGC, and PMDC, and various civil society organizations and human rights activists denounced the initiative, with some parties and activists going so far as calling on citizens and supporters to defy the ban.

Those opposed to the ban cited a lack of trust in police impartiality, reflective of the general public's distrust of law enforcement, and claimed the ban had not been sufficiently justified as a necessary security measure. Further, they argued it was intended to facilitate the ruling party, which has access to state-owned vehicles, to engage in electoral malpractice, and that the ban unconstitutionally restricted freedom of movement and undermined the right to vote. On March 1, the PMDC lodged a complaint to



the High Court challenging the vehicle ban on grounds that it had not been justified by the police as a necessary security measure and violated the constitutionally protected freedom of movement. On March 5, the Sierra Leone Bar Association issued a public statement that the legal basis for the vehicle ban in the Police Act, as cited by the Inspector General of Police in his February announcement of the details of the ban, had been repealed years earlier and that the ban violated freedom of movement. On the same day, following a brief hearing, the High Court issued an interim injunction barring the police from further public dissemination of information about the vehicle ban as contained in the MoU until the following day's session. The next day, without substantive hearing, the court summarily rejected the application and set aside the interim injunction, leaving the ban in force. In doing so, the court denied due process, and its brief written reasoning revealed that it failed to sufficiently consider legitimate legal arguments, including the question of the constitutionality of the ban.

While containing security risks is a critical element in any electoral process, under international standards this aim does not supersede fundamental rights and freedoms except in limited circumstances. Restrictions imposed during an election, such as the vehicle ban, require special scrutiny, given their potential to limit full democratic participation. At the same time, in the context of a volatile electoral environment with heightened risks of conflict, some limits on freedom of movement might be warranted as a temporary extraordinary measure. Sierra Leone's recent history of conflict certainly provides reason to consider deviations from standards. However, the country and its people need to overcome their reliance on such restrictions to mitigate risks of violence.

The Carter Center recommends that in future elections, the authorities exercise due restraint in imposing any measures that impede citizens' rights and freedoms. At the same time, if risks of electoral violence persist, the PPRC, political parties, and other stakeholders should work together to negotiate voluntary agreements and codes to help ensure a peaceful electoral process, even including vehicle bans or other restrictions, if necessary, based on broad consensus of stakeholders.

Electoral Offences Court

The election law provides for the establishment of an Electoral Offences Court as a division of the High Court, and the constitution empowers the chief justice to determine the number and location of the judges to sit on that court. The mandate of the court is to try any criminal offenses established in the election law, which includes a broad range of offences related to voter registration, candidate nomination, campaigns, voting and counting, and tabulation. There is a right to appeal a conviction to the Court of Appeal. In September 2017, the Electoral Offences Court was established. The head of the High Court appointed 10 judges in October and an 11th judge in January 2018. A senior judge from the Court of Appeal was appointed as supervisor of the court. One judge was assigned to each of Bo, Kenema, and Makeni, with two in Kono, and the remaining judges assigned to the Western Area with headquarters in Freetown.

The Electoral Offences Court made a policy decision that it would take jurisdiction over any crime related to elections, even if not strictly an electoral offense. Thus, cases involving hooliganism or assaults that occur at campaign rallies, which typically are dealt with by magistrates, would be referred to this court. The Sierra Leone Bar Association had an initiative offering pro bono work for persons



charged with election offenses, with a focus on vulnerable persons. The Electoral Offences Court has the power to invalidate an election result if it determines there is a reasonable presumption that the commission of an electoral offense affected the results.

All trials must be concluded within six months of the establishment of the court. As the court was formed in early September, all cases had to be finalized only a few days after election day, providing limited time for investigation and prosecution of crimes committed in the days prior to the election or related to voting, counting, tabulation, and announcement of results. By the time the Electoral Offences Court was to be dissolved, there were no reports that any cases had been tried, including for the perpetrators of reported clashes during the campaign that took place in parts of the country. In addition, the investigation of more than 1,500 cases of double voter registration forwarded by the NEC to the police months before the election did not lead to any prosecutions. These issues raise concerns about the efficiency of the police in the conduct of election-related investigations and the limited duration of the Electoral Offences Court's mandate.

While the concept of electoral offenses courts is sound, their ineffectiveness during this election cycle suggests that they are not serving their intended purpose. The Carter Center recommends a review of the Electoral Offence Court legal framework and operational structure, including considering an amendment to the law that would ensure the duration of the court's mandate is sufficient for handling electoral offenses that are prosecuted after election day.

Post-election Court Cases

Challenges to the parliamentary election results can be lodged to the High Court within 21 days of the announcement of results, which may include objection to the nomination of a parliamentary candidate. The High Court decision can be appealed within 14 days to the Court of Appeal, which makes the final decision. The Supreme Court has final jurisdiction over challenges to presidential results, which are to be lodged within seven days. The courts do not have any deadlines for adjudication of cases, which can lead to the anomaly of a president being sworn into office while a case challenging the results is pending. The Carter Center recommends that Sierra Leone adopt the international best practice of requiring post-election cases to be resolved within an established deadline that ensures proceedings are not unduly protracted. This avoids indefinite uncertainty of the results that can raise political tensions and potentially lead to conflict.

Election Day

The quality of voting operations on election day is crucial to determining how closely an election falls in line with its democratic obligations. According to Sierra Leone's international and regional commitments, all citizens should enjoy the right to universal and equal suffrage, subject only to reasonable and objective limitations.⁵⁰ A core obligation under international law is that elections shall be held by secret ballot, which is recognized as a means of ensuring that the will of the

⁵⁰ U.N., International Covenant on Civil and Political Rights, art. 25(b); U.N., United Nations Human Rights Committee, General Comment No. 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to



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people is expressed freely and that a cast ballot cannot be connected with a voter to avoid intimidation and political retribution.⁵¹

As noted above, given the limited size and scope of the mission, the Center's team did not conduct a comprehensive observation of the electoral process as whole, nor could it provide a robust assessment of election day voting and counting processes. Nonetheless, the Center's experts did visit polling stations in Freetown and surrounding areas on election day to gain impressions that could be compared against those from the larger observation missions.

Voting

The polls were scheduled to open at 7 a.m. on March 7 and, according to NEW, more than 80 percent had opened by 7:30.⁵² Polling centers were located in schools, churches, and, in smaller villages, in an open area. According to the NEC, there were between one and a maximum of 14 polling sites per polling center, with each polling site managed by seven NEC officials. International and domestic citizen observers reported that NEC officials organized the often quite cramped space in a manner that facilitated, to the best extent possible, the smooth flow of voters through the process of casting four ballots and the presence of multiple party agents and domestic monitors.

According to the polling procedures, prior to entering the polling site, a voter should have his/her left index finger checked for indelible ink. Upon entering the polling site, voters present their registration card to an election official, who finds the person's name in the voter registry. The official should then read the voter ID number aloud. A second election official should then stamp blank presidential and parliamentary ballots on the back and show the voter how to mark and fold the ballots. The voter should then proceed to a cardboard booth that provides privacy to mark the ballots with a pen or stamp for fingerprint, fold the ballots and deposit them in the appropriate ballot boxes. The voter should then be given ballots for the mayor and local council races, mark them and place them in their appropriate boxes. The last step of the process was for the voter to place his/her left index finger in a bottle of indelible ink.

The consensus of domestic and international observers, consistent with impressions from the Center's team in Freetown, was that the NEC officials were well-trained and conducted themselves in a professional manner and worked effectively in often difficult conditions. According to observer groups, in virtually all polling sites, there were at least three-party agents, one NEW monitor and often a monitor from another Sierra Leonean organization. The SLP reportedly was present at all polling centers and, for the most part, did not enter the polling sites.

According to observer organizations, queues were long in the morning at many polling centers, but by mid-afternoon the lines were moving quickly. Women with babies and the elderly reportedly were allowed to proceed to the head of the line. While efforts were made to accommodate differently abled

Equal Access to Public Service," para. 21; U.N., Universal Declaration of Human Rights, art. 21(3); IPU, Inter-Parliamentary Union Declaration on Criteria for Free and Fair Elections, art. 2(6).

⁵¹ IPU, Inter-Parliamentary Union Declaration on Criteria for Free and Fair Elections, art. 2 (7)

⁵² NEW Press Statement on the Voting Process, March 7, 2018, <http://nationalelectionwatchsl.org/wp-content/uploads/2018/03/STATEMENT-ON-THE-VOTING-PROCESS.pdf>.



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voters, observers noted that the physical constraints at many polling centers posed serious challenges. Nonetheless, the NEC reported a high turnout of more than 84.7 percent. Polls closed at 5 p.m. after all voters in line had voted.

In terms of administrative procedures, the ballot accounting procedures appeared weak. Observers reported that contingency ballots were not always kept in a secure place and that presiding officers at polling centers were often unclear when asked about materials transfer forms and contingency ballots. The ballot boxes also were not uniform, with some having only two seals as opposed to the prescribed four seals.

The election day vehicle ban reportedly was enforced by the police and respected by the political parties. Roads were empty, except for authorized vehicles. Buses plied main thoroughfares in Freetown and provided a means of transportation for many citizens. Similar to its report on the 2012 elections, once again The Carter Center urges Sierra Leone to take steps to build a more robust democratic society founded on norms of non-violence and coexistence, so that in future elections such a ban will not be considered necessary.⁵³

Overall, observers reported that the Sierra Leone security sector performed very well across the country. The SLP, with the support of officers of other security services, was visible at polling centers. In general, the security services presence was reported as non-intrusive with respect to the election operations.

However, there were reports of two serious election day incidents that took place in Freetown in the late afternoon. At the Brookfields polling center, near the center of Freetown, eyewitnesses reported that an APC deputy minister arrived in a government vehicle and was confronted by SLPP party agents, who questioned what he was doing there. An SLPP local candidate then arrived with food for the SLPP agents, which led to further confrontation. The police, including the quite distinctive Quick Reaction Force, were called to the scene and sought to quiet the commotion. The scene was cleared with only those required to be inside the polling center during the closing of the polls allowed to remain.

The second incident involved an attempt by the SLP to enter the home of the SLPP presidential candidate, which also served as a party headquarters, after the close of polls. According to the police, they were searching for equipment that would allegedly be used to hack the tabulation process, without apparent warrant. A crowd of SLPP supporters gathered to prevent entry and the military sent reinforcements. A tense situation was calmed through several hours of mediation efforts by the head of the Commonwealth Observer Group, former Ghana President John Mahama. He was later joined by the head of the Eminent Women's Group, who insisted that the police must have a valid warrant to enter Bio's residence. While the legal basis for the raid was not substantiated and the political context only reinforced SLPP suspicions, the SLP inspector general publicly defended the police actions and stated that they acted professionally and in accordance with the rule of law. Given the limited trust among SLPP supporters and the SLP, the SLP commanders have the challenge of rebuilding trust and confidence with the SLPP before the run-off election.

⁵³ TCC 2012 report, p. 38-39, 92.



Counting and Tabulation

According to observers, most polls closed at 5 p.m. or shortly thereafter if voters were waiting in line. The election officials — in the presence of party agents, domestic monitors, and international observers — then began an extensive counting and reconciliation process. The procedures required that polling officials confirm that each ballot box contained ballots that were properly stamped and that had been deposited in the appropriate box, then count the number of ballots in the box and the unused ballots to ensure that the numbers were consistent with the total number of ballots that had been received. They then were to count the ballots, first for president, then parliament, then mayor and last local council, and record the results on the results and reconciliation form, with a copy posted at the polling site. Overall, the counting procedures as prescribed were onerous. According to observer groups, they were not always strictly applied or were applied in the wrong order.

Following the count, the materials were collected and brought to a district returning office, where they were collected and then delivered to one of five regional tally centers for tabulation. The centers were designed so that the results from each district would be entered into a computer, with multiple checks to ensure that the inputted numbers were accurate. Observer groups reported that accredited observers were allowed in the center, but were kept in restricted areas, making direct observation difficult.

The NEC indicated prior to the election that tabulation for the presidential election would take four to seven days. However, in response to concerns raised during the 2012 elections, the NEC agreed to release results progressively, following tabulation of 25, 50 and 75 percent of the results from each district. In a March 8 press release, the NEC reported that “data entry is underway, and accuracy will take precedence over speed.”⁵⁴ The following morning, an NEC press release showed the percentages that had been inputted for each district, with variances ranging from 0 percent for Kambia district to 77 percent for Western Area Urban.⁵⁵ Later in the evening, the NEC issued an update showing that the slowest district, Pujehun, had now inputted 43 percent of the results.⁵⁶ Yet the NEC still declined to release results, without offering an explanation of why it was deviating from the announced plan. Finally, at 1 p.m. on March 10, the NEC released the results of the first 25 percent tabulated for each district, which showed the APC and SLPP candidates well in front of all the other candidates, but neither in a position to achieve the 55 percent required to avoid a runoff.⁵⁷

As described earlier, NEW designed a PVT based on a sample of 506 polling sites. By early morning on March 8, NEW had received results data from 98 percent of the sample points. As shared with the international observer missions, the data showed that: a) no candidate would cross the 55 percent threshold; b) the APC and SLPP candidates were running neck and neck, with each receiving more than

⁵⁴ NEC Official Statement, March 8, 2018, http://necsl2018.org/wp-content/uploads/2018/03/NEC_Statement_0803.pdf.

⁵⁵ NEC Official Statement, March 9, 2018 <http://necsl2018.org/wp-content/uploads/2018/03/9th-March-2018-Press-Statement.pdf>.

⁵⁶ NEC Official Statement, March 9, 2018 <http://necsl2018.org/wp-content/uploads/2018/03/Statement-PM-9-March.pdf>.

⁵⁷ NEC Official Statement, March 10, 2018 <http://necsl2018.org/wp-content/uploads/2018/03/First-Progressive-Announcement-of-Presidential-Elections-Results-10th-March-2018.pdf>.



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40 percent of the vote; and c) no other candidate was likely to receive more than 7 percent of the vote. NEW debated whether to release the information publicly, as had been promised, and ultimately decided at mid-day on March 9 to release a somewhat confusing statement, which concluded that “based on our data a runoff is sacrosanct.”⁵⁸

The NEC announced the final results on March 13 and scheduled the run-off for March 27, within the 14 days allowed by the constitution.⁵⁹ In response to letters sent to the NEC by NGC and C4C, and its own rules, NEC ordered recounts of 154 ballot boxes, which were ultimately included in the count, and excluded 221 ballot boxes for various irregularities, most notably more votes cast than registered voters. According to the NEC, 2.67 million ballots were cast in the presidential race, with 5.1 percent of these ultimately determined to be invalid ballots,⁶⁰ most often because the ballot included more than one mark or the signed name of the voter. The NEW projected results tracked within half a percentage point for all candidates on the NEC final results.⁶¹

Table 6. NEC Results

Candidate	NEW - 7 MAR 10PM	ME 95%	NEC 25% - 10 MAR 1:30 PM	NEW-NEC 25% Difference	NEC 50% - 10 MAR 6PM	NEW-NEC 50% Difference	NEC 75% - 11 MAR 6PM	NEW-NEC 75% Difference	NEC FINAL - 00 MAR 0PM	NEW-NEC FINAL Difference
Kamara	42.92%	2.81%	44.60%	1.7%	43.20%	0.28%	42.57%	-0.35%	42.70%	-0.22%
Mansaray	1.10%	0.28%	1.10%	0.0%	1.00%	-0.10%	1.03%	-0.07%	1.10%	0.00%
Samana	3.32%	1.04%	3.30%	0.0%	3.40%	0.08%	3.43%	0.11%	3.50%	0.18%
Tarawally	0.45%	0.09%	0.40%	0.0%	0.40%	-0.05%	0.45%	0.00%	0.50%	0.05%
Bah	0.42%	0.19%	0.30%	-0.1%	0.30%	-0.12%	0.33%	-0.09%	0.30%	-0.12%
Yumkella	6.77%	0.98%	6.60%	-0.2%	6.70%	-0.07%	6.95%	0.18%	6.90%	0.13%
O'Dweyer	0.16%	0.03%	0.10%	-0.1%	0.20%	0.04%	0.17%	0.01%	0.20%	0.04%
Sandy	0.10%	0.02%	0.10%	0.0%	0.10%	0.00%	0.09%	-0.01%	0.10%	0.00%
Conteh	0.17%	0.05%	0.10%	-0.1%	0.20%	0.03%	0.17%	0.00%	0.20%	0.03%
Margai	0.52%	0.38%	0.40%	-0.1%	0.40%	-0.12%	0.38%	-0.14%	0.40%	-0.12%
Williams	0.09%	0.02%	0.10%	0.0%	0.10%	0.01%	0.10%	0.01%	0.10%	0.01%
Ngobeh	0.43%	0.05%	0.40%	0.0%	0.50%	0.07%	0.50%	0.07%	0.50%	0.07%
Bio	43.05%	3.08%	42.00%	-1.1%	43.10%	0.05%	43.33%	0.28%	43.30%	0.25%
Sowa	0.20%	0.04%	0.20%	0.0%	0.20%	0.00%	0.23%	0.03%	0.20%	0.00%
Kabuta	0.12%	0.03%	0.10%	0.0%	0.10%	-0.02%	0.12%	0.00%	0.10%	-0.02%
Cole	0.16%	0.04%	0.10%	-0.1%	0.10%	-0.06%	0.15%	-0.01%	2.00%	1.84%

By March 20, the NEC had announced parliamentary results in 125 constituencies, with APC candidates winning 63 seats, SLPP candidates 46 seats, C4C candidates eight seats, NGC candidates four seats, and independents four seats, with seven seats still pending.⁶²

⁵⁸ NEW Projects a Run-Off for the 2018 Presidential Elections in Sierra Leone,

<http://nationalelectionwatchsl.org/wp-content/uploads/2018/03/PROJECTION-OF-RUN-OFF-1.pdf>.

⁵⁹ NEC, Statement from NEC Chairperson and National Returning Officer on the Results of the Presidential Election Held on 7th March 2018, <http://necsl2018.org/wp-content/uploads/2018/03/FINAL.pdf>.

⁶⁰ NEC Release, March 14, 2018, <http://necsl2018.org/wp-content/uploads/2018/03/District-Breakdown.jpg>.

⁶¹ NEW Election Results Projection Against NEC Official Results, <http://nationalelectionwatchsl.org/wp-content/uploads/2018/03/NEW-PROJECTION-AGAINST-NECS-OFFICIAL-RESULTS.pdf>

⁶² Africa News, Sierra Leone's ruling APC secures parliamentary majority with 63 seats, March 20, 2018, <http://www.africanews.com/2018/03/20/sierra-leone-s-ruling-apc-secures-parliamentary-majority-with-63->



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Post-Election Developments

In the days after the election, the general public anxiously awaited the official announcement of results. However, the parties, through the reports of their agents, had a good idea of their relative performance. The NGC and C4C presidential candidates both seemed stunned by their poor performance. The SLPP also alleged that their party agents had been kicked out of polling sites in APC — controlled areas and other irregularities, even as it knew that its presidential candidate would be competing in the second round. APC supporters, meanwhile, were reportedly surprised that their presidential candidate was running neck and neck with his SLPP counterpart and what that might portend for the second round.

On Saturday, March 10, after the NEC's announcement of 25 percent of the official results, clashes broke out in Freetown and tensions were reported high in several other regions of the country. In response, under the auspices of an initiative by the eminent personalities associated with the Women's Situation Room, three of the leading candidates, Kamara (APC), Yumkella (NGC) and Sam-Sumana (C4C), issued public statements urging their supporters to refrain from violence and to respect the outcome of the elections, which were shown on television and posted on social media. Bio (SLPP) declined to make a statement, claiming the APC candidate was not sincere, as evidenced by his refusal to condemn attacks committed by APC activists against the homes and property of SLPP supporters.

On March 19, NEW issued a statement expressing its concerns over the rising tensions:

National Election Watch (NEW) is worried about political parties fanning tribal incitements with the use of hate speech and inflammatory statements. This ugly situation has already degenerated into widespread violence and stakeholders publicly intimidating citizens perceived to be their opponents. The current political intolerance so far exhibited undermines the tenets of participatory democracy together with free, fair and credible elections. ... NEW calls on Dr. Samura Wilson Kamara of the All People's Congress (APC) and Brig. (Rtd.) Julius Maada Bio of the Sierra Leone Peoples Party (SLPP) to publicly condemn all forms of political intolerance, hate speech, regional and tribal intimidation and violence going on across the country.⁶³

On March 19, President Koroma convened a meeting with NEC, PPRC, SLP and other security officials to discuss the upcoming runoff. According to reports of the meeting, NEC acknowledged that "political parties as well as ordinary citizens had raised concerns of widespread irregularities and malpractices that took place during the March 7 polls."⁶⁴ Koroma commented "that it is the responsibility of the government to guarantee the security of the state and to ensure a peaceful and smooth transition. The president urged NEC to ensure that the conduct of the elections is transparent, acceptable and at the end of the day reflects the will of the people."⁶⁵ He then announced agreement on a series of steps, including the involvement of security personnel "in the transportation of voting materials from the

seats/?utm_source=Media+Review+for+March+20%2C+2018&utm_campaign=Media+Review+for+March+20%2C+2018&utm_medium=email.

⁶³ NEW Press Release, March 19, 2018, <http://nationalelectionwatchsl.org/wp-content/uploads/2018/03/INTOLERANCE-PRESS-STATEMENT-20-3-2018.pdf>.

⁶⁴ CocoRioko, "NEC Updates President Koroma on the March 27th Run-off," <https://cocorioko.net/nec-updates-president-koroma-on-the-march-27-run-off-election/>.

⁶⁵ Id.



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airport to polling centres, tally centres down to Freetown.”⁶⁶ While Koroma presented this step as designed to enhance the integrity of the runoff, SLPP supporters viewed increased involvement of the security sector in the election process with considerable suspicion.

Relations between the NEC and SLP, meanwhile, became increasingly contentious. On March 21, the NEC issued a press release accusing the SLP of “unwarrantedly” entering NEC premises to interrogate NEC staff and obstruct them from doing their work.⁶⁷ The SLP Inspector General responded in a press statement that the SLP’s Criminal Investigation Division is currently investigating more than 200 election-related cases, including some involving NEC staff, who have already been charged in court.⁶⁸ On March 20, an APC— affiliated lawyer filed a petition with the Supreme Court seeking an injunction to preclude further announcement of results by the NEC and to restrain the NEC “from conducting the Presidential Election scheduled for March 27, 2018 pending the hearing and determination of this application.” No specific evidence was cited in the petition justifying the request for an injunction.⁶⁹ As of March 22, the Court had taken no action in response to the petition.

Role of International Observers

As is common today for elections in Africa, several experienced institutions, in addition to The Carter Center, dispatched missions for the Sierra Leone elections, including the African Union, ECOWAS, Commonwealth, European Union and the Electoral Institute for Sustainable Democracy in Africa (EISA). These organizations, which all abide by the Declaration of Principles for International Election Observation, collaborated on the issuance of a joint pre-election statement, and the heads of delegation met for a debriefing on the day after the election.⁷⁰ The heads of delegation included four former presidents of African countries: former South African President Kgalema Motlanthe (African Union); former Interim President of Liberia Amos Sawyer (ECOWAS); former Ghana President John Mahama (Commonwealth); and former Nigerian President Goodluck Jonathan (EISA).

In their preliminary statements, these delegations all agreed that the balloting process had been well-organized and the NEC staff had been well-trained. The statements also commended the work of the NEC and PPRC, as well as the political parties and police, for their efforts in ensuring a peaceful and orderly process. All noted that the process was on-going, with the tabulation process underway, the results yet to be announced, and challenges yet to be filed and adjudicated, and promised to continue their monitoring activities through these still-to-be-completed phases.

⁶⁶ Id.

⁶⁷ NEC Press Release, March 21, 2018, <http://necsl2018.org/wp-content/uploads/2018/03/Official-Statement-21st-March-2018.pdf>.

⁶⁸ SLP Press Release, March 22, 2018, <http://police.gov.sl/wp-content/uploads/2018/03/PRESS-STATEMENT-22-MARCH-2018.pdf>.

⁶⁹ Sierra Leone Telegraph, Sierra Leone Electoral Commission dragged to the High Court, March 20, 2018, <http://www.thesierraleonetelegraph.com/sierra-leone-electoral-commissioner-dragged-to-the-high-court/>.

⁷⁰ “Communique Issued at the Pre-Election Meeting of Heads of International Observation Mission”, March 7, 2018, https://www.cartercenter.org/resources/pdfs/news/peace_publications/democracy/sierra-leaone-030618.pdf.



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As expected, there were also differences in nuance among the statements. ECOWAS, which offered the first assessment on the day after the election, commented:

The preparation of the 2018 elections, the conduct of the electioneering campaign, as well as the processes on Election Day, up until the release of the results of the four elections by the responsible officials at the polling stations, were free, fair, and credible. The vast majority of the qualified Sierra Leonean population who wished to do so was provided the required space to exercise their constitutional rights to vote or to be voted for.⁷¹

The African Union applauded

the people of Sierra Leone for their commitment to upholding democracy as demonstrated by their patience and civil conduct on Election Day. Based on its observations and findings, the AUEOM considers the 7 March 2018 elections as largely peaceful and transparent until now. The AUEOM concludes that the 2018 general elections were generally conducted in line with the national legal framework as well as the regional, continental and international standards for democratic elections.⁷²

The European Union, however, was slightly more critical, headlining its statement with the following quote: “Well-conducted elections provided voters a wide choice although the campaign was marred by intimidation.”⁷³ The EU also provided an assessment of the media, which was based on a content review of seven media outlets during the month preceding the election, and criticized the use of government resources by the ruling party for campaigning.

The Commonwealth, while stating that the “electoral environment on Election Day was conducive to the free exercise of the people’s franchise and basic freedoms were respected,” referenced the events at the SLPP headquarters, commenting that “although we were able to de-escalate this situation, the disproportionate response coupled with the lack of trust in this institution is of concern, particularly as the process continues.”⁷⁴

EISA also offered a word of caution, stating that “the process up until the end of the first day of tallying has so far been conducted substantially in line with sub-regional, continental and international standards, although there is room for improvement, especially in the legal framework to further level the playing field.”⁷⁵

⁷¹ GNN Liberia, “ECOWAS Releases Sierra Leone 2018 General Elections Preliminary Declaration”, March 8, 2018, <http://gnnliberia.com/2018/03/08/ecowas-release-sierra-leone-2018-general-elections-preliminary-declaration/>.

⁷² <https://au.int/en/pressreleases/20180309/preliminary-statement-7-march-2018-general-elections-republic-sierra-leone>.

⁷³ “Preliminary Statement: 7 March 2018 General Elections in the Republic of Sierra Leone”, March 9, 2018, https://eeas.europa.eu/sites/eeas/files/eu_eom_sierra_leone_preliminary_statement090318_1.pdf.

⁷⁴ Commonwealth, “Sierra Leone General Elections 2018: Commonwealth Observer Group Interim Statement”, March 7, 2018, <http://thecommonwealth.org/sites/default/files/inline/Chair%20-%20Interim%20Statement%20-%202018%20Sierra%20Leone%20-%20Final.pdf>.

⁷⁵ EISA, “EISA Election Observation Mission to the 2018 Election in Sierra Leone”, Preliminary Statement, March 9, 2018, <http://www.eisa.org.za/pdf/sie2018eom1.pdf>.



The presence of several professional and high-profile delegations positively impacted the environment in which the electoral process unfolded. The geographic reach and analytic focus of these delegations before, during, and after election day ensured that all aspects of the electoral process were subject to scrutiny. The collaboration and coordination of the delegations represents best practice, ensuring consistent messages are presented to the Sierra Leone authorities and the general public, while leaving room for in-depth areas of focus by individual missions. Equally important, the serious engagement of several former African presidents provided a constructive example for Sierra Leone leaders, including the incumbent president, who is leaving office after serving two terms.

At the same time, the delegations were sensitive to concerns that have been raised in recent elections, including in Kenya, about some standard elements of election observation missions. One key example concerns the issuance of a preliminary statement two days after the elections, even though key parts of the process were on-going. The timing of such statements is fraught with the prospect of seeming to offer a premature assessment that may later have to be walked back. At the same time, the public, the media, and international audiences all expect to hear early reports from the observer missions, and could possibly misinterpret any delays in making preliminary reports.

Furthermore, the failure to issue statements following election day could preclude an opportunity to calm tensions and to offer an assessment on critical components of the electoral process that have been completed. In the case of Sierra Leone, the observer groups have remained vigilant during the post-election period, with at least one organization publicly condemning the violence while urging the parties to maintain civility and to avoid inflammatory speech.⁷⁶

Summary Assessment

In spite of several aspects of the legal framework that are inconsistent with international standards, Sierra Leone's March 7, 2018 election provided a competitive and inclusive environment and generally conformed with international standards. Parties had an opportunity to present their platforms to the public through rallies and media, and voters were able to choose from among a wide selection of candidates. The NEC provided effective administration, and the general atmosphere, with some notable exceptions, was generally peaceful. The election results were tabulated in a transparent fashion and the outcome in the presidential race clearly necessitated the scheduling of a second round between the two leading candidates.

Given the perceived stakes, tensions within Sierra Leone are expected to crest during the runoff period. The NEC should ensure that the election is credibly administered, and that there is maximum transparency in all phases, especially including the post-election counting, tabulation, and finalization of results. The political parties, civil society and the SLP must all act to ensure that violence is avoided. It is particularly important for the party leaders and presidential candidates to make clear public statements instructing their supporters to maintain a peaceful environment throughout the process, ideally in joint public appearances.

⁷⁶ Relief Web, "Africa Union condemns the violence ahead of the second round presidential election in Sierra Leone", March 20, 2018, <https://reliefweb.int/report/sierra-leone/african-union-condemns-violence-ahead-second-round-presidential-election-sierra>.



Following the elections, and allowing for the exhaustion of legal challenges, a new government will be formed and a new legislature will be seated. All parties will have an obligation to ensure that the tensions that emerged during the election period dissipate and that Sierra Leone continue on a democratic path, while addressing key economic and social obstacles to development.

Recommendations

The Center respectfully offers the following recommendations in the hopes that they help inform the process of constitutional and electoral reforms in Sierra Leone.

To the Parliament/Government:

1. A comprehensive review of the electoral legal framework should be conducted to address gaps and inconsistencies identified by the NEC, political parties, civil society organizations, and other stakeholders during the 2018 election cycle, and to ensure that the NEC has the legislative framework necessary to conduct elections in line with international standards and best practices. The consultative process should build on the work performed by the Constitutional Reform Commission and the electoral reform bills submitted by NEC and should begin as soon as the new parliament is seated.
2. The National Civil Registration Authority's institutional independence should be enhanced through legislative measures, and capacity-building and confidence-building measures should be employed, with sufficient funding to ensure that the civil register represents a comprehensive, accurate, up-to-date, trusted data source from which the voter register can be extracted. Priority should also be given to adopting measures to ensure the privacy of citizens' and voters' data collected through the biometric civil/voter registration process, in accordance with international best practices.
3. The existence of legal and bureaucratic obstacles to political party formation and registration in the current law and practice should be simplified, with clear deadlines established for approving or rejecting a party's registration application.
4. The fee structure for candidate nominations should be revised to reflect the economic reality of the country and to address the special obstacles that hinder the equal participation of women. A revised law might include provisions for a refundable fee if the candidate receives a certain reasonable percentage of votes cast in the election, and for alternatives to the registration fee, such as presenting a certain reasonable percentage of voters' signatures collected in support of the candidate.
5. A comprehensive framework on campaign finance should be developed that ensures the highest level of transparency in campaign finance, including prior to the election day. Commensurate penalties for breach of campaign finance rules and reporting requirements also should be established.
6. The law should be amended to ensure the duration of the Electoral Offences Court's mandate is sufficient for handling of electoral offenses including those that are prosecuted after the election day.
7. Legislation, and ideally a constitutional amendment, that include provisions promoting women's participation in politics should be adopted. In this respect, adoption of the long-awaited Gender Equality Bill that guarantees women's equal political participation is encouraged.



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8. The SLP's capabilities and commitment to provide adequate security for all parties and to conduct effective investigations of all violent incidents should be enhanced.
9. The election law should establish a mechanism for challenging on a timely basis the NEC decisions and actions in court.
10. The adoption of legislation or internal judicial rules that require post-election cases be resolved within an established deadline that ensures proceedings are not unduly protracted.
11. The law should establish the maximum percentage of excess ballots, taking into account a balance between possible exigencies and the need to maintain a credible process, and that transparent accountability measures for all ballots be put in place.
12. In future elections and assuming there is a justifiable need, the PPRC, rather than the SLP, should accept the lead role in facilitating negotiations among the police, political parties, and other stakeholders regarding any restrictions on freedom of movement, including an election day vehicle ban, to ensure that a balance is drawn that achieves the widest consensus possible and has the least impact on fundamental freedoms.

To the NEC:

1. The NEC should adopt a comprehensive set of regulations that remain in place for each election cycle, to be revised as needed, and they should be published on its website on a timely basis.
2. The NEC (and PPRC) should adopt a proactive approach in regulating the use of government resources in support of any political party or candidate in future elections.
3. The NEC should adopt regulations governing all issues related to the ballot— including format, order, security features, printing and distribution— to provide a legal basis for any decisions related to the ballots that will contribute to greater stability, transparency, and credibility in the electoral process.

To the political parties:

1. Communicate messages reinforcing the importance of peaceful, democratic competition.
2. Disassociate from all acts of violence, intimidation and harassment and hold supporters accountable for violating the policy.
3. Strengthen internal processes and structures that promote the political participation of women, youth, persons with disabilities, and other special-interest groups, including in party decision-making and leadership positions.