

2015 Sri Lanka General Parliamentary Elections

Interim Report

Mission Profile

To observe the 2015 Parliamentary Elections in Sri Lanka, ANFREL deployed 16 independent election observers that hailed from 12 organizations and 12 countries across Asia. The observers deployed to 6 provinces across the country on 6th August 2015 to observe the pre-election period, election day, and counting process. The mission's objective is to assess the conduct of elections and, by doing so, support the cause of Electoral Democracy in Sri Lanka. ANFREL relies on a methodology which adheres to the Declaration of Principles for International Election Observation and is guided by the Bangkok Declaration on Free and Fair Elections among other International Instruments focused on Elections.

ANFREL was founded in 1997 with a mission to promote and support democratization at national and regional levels in Asia through Election Observation and Support for Observers and Electoral Processes via Capacity Building, Research, and Advocacy.

For more information about ANFREL please visit www.anfrel.org

Introduction

The Asian Network for Free Elections (ANFREL) held a press conference on the 19th of August to deliver findings from its Election Observation Mission of the 2015 Sri Lankan Parliamentary Elections. ANFREL is happy to report that, broadly speaking, our observers found that the country continues to make significant strides in developing its electoral system and is building peaceful, mature election standards. While there remains room for improvement, ANFREL is encouraged by the continued improvement observed in the Election System and hopes to continue to support the country's democratic growth and Electoral development.

Campaign Environment

The campaign environment for the 2015 General Parliamentary Elections was largely characterized as peaceful and broadly in line with campaign regulations enforced by the Election Department and Police. Only a few serious incidents of violence were observed during the entire campaign period. A majority of the complaints received by the Department of Elections were related to violation of campaign laws such as posting of posters in prohibited places and distribution of leaflets, etc. ANFREL observed a not insignificant number of poster and signs up but, by and large, the police and local Election Department offices did their best to fairly enforce those regulations on all parties.

Both the department of elections and the police did a laudable job in regulating campaign activities and enforcing the laws. They were seen to have effectively responded to most of the

complaints lodged in their respective offices. The routine cleaning and removal of posters by the police greatly contributed to the orderly campaign situation in most provinces in Sri Lanka.

ANFREL wants to express its appreciation to all government agencies and political parties that respected the rules of the game. Their willingness to generally follow the rules creates an environment conducive to holding elections with integrity. While not completely free from such incidents, this campaign period was marked by significantly fewer complaints about the neutrality of government offices and staff.

However, restrictions on campaign activities are also seen by some as a potential detriment to the political parties' supposed role of informing voters of their candidacy and platforms. Given the present regulations which significantly limit candidates' ability to post signs and posters or conduct mobile vehicle campaigns, candidates are left primarily with door-to-door campaigning or more expensive methods such as buying mass media advertisements to advance their candidacy. Such options are expensive however and disadvantage smaller political parties and candidates with less resources.

A well implemented campaign finance regulation that includes regulations on political donations and expenditures could help level the playing field for such candidates. Such a law was espoused by various stakeholders as an important electoral reform measure that would level the playing field while helping to promote transparency and accountability among political parties and elected officials.

Overall, election stakeholders, including the voters themselves, feel satisfied with the present situation given the stark contrast between now and the past. The current environment provided for wider democratic space for the people to express their opinion and to exchange ideas regarding the country's political and electoral situation without fear.

Security Situation

The security situation leading to election day, barring a few isolated but tragic exceptions, was notable for its favourable conditions to holding peaceful elections. The 2015 Parliamentary elections were generally peaceful and voters felt more secure given the absence of widespread violence that defined previous elections in Sri Lanka.

In the northern province, the security situation was much improved. Things there were seen to be nonviolent and peaceful as there were no serious threats observed.

However, despite the significant improvements in the elections' security, many voters are still haunted by past experiences as seen by some incidents of voters still afraid to speak freely and shopkeepers' practice of closing their shops during and after election to take precaution for possible cases of post-election violence.

Security forces, especially the police, have to be commended for performing their duty of maintaining peace and order. The absence of political pressure paved the way for the Police to act more independently while also regaining the people's trust and confidence. It is important

than gains observed in police independence and neutrality are institutionalized and consolidated so as to become part of a new norm.

Postal Voting/Advanced Voting

The casting of postal votes for the parliamentary elections was generally smooth and peaceful though marred by low turnout in some areas observed and an unpredictable schedule for when postal voting would be possible. There were no major incidents recorded during the scheduled postal voting days, both during the first and second phase.

However, ANFREL hopes that the scope of postal voting, known usually as advance voting elsewhere, can be expanded to include other professions such as medical providers, Citizen Election Observers, journalists, and other groups who have difficulty going to polling stations on election day.

Citizens Unable to Vote

Eventually, Sri Lanka will hopefully consider allowing advance voting to include Sri Lankan citizens working abroad. Sri Lanka has a quite significant number of overseas workers who are disenfranchised. Many countries have taken steps, and good systems exist, to allow for the expansion of the franchise to include overseas workers. Over sixty countries allow citizens some form of overseas voting and ANFREL believes, as Sri Lanka moves forward, it should consider a suitable system to allow its citizens overseas to vote.

Additionally, there are significant numbers of people that were displaced during the war that haven't moved back or aren't able to move back to their original area and for whom the rate of voter registration is quite low. Many of these groups still want to vote in their original area or haven't been fully integrated, electorally, in their new area. Greater outreach by Civil Society and the Election Commission to address people in such situations would do a great deal of good.

Election Administration

The Department of Elections (DE), the key institution tasked to administer the electoral exercise in Sri Lanka, earned and enjoys a high level of trust from various stakeholders, including civil society organizations, political parties and candidates, and the people themselves.

The 19th amendment to the constitution is a welcome development in this same regard as it empowered the department to more independently carry out its functions. The Department has demonstrated its strong commitment to fairness by implementing rules to promote a level playing field and peaceful campaigning.

The Department has also raised the bar for enhancing transparency and accountability by opening its doors to civil society organizations and by allowing both domestic and international monitoring bodies to closely monitor the entire electoral process, including counting. Such behaviour is consistent with a mature Election Department that trusts its own management and understands how to build trust in the system.

Civil Society Organizations

The strong presence of citizen observers in Sri Lanka helped boost the confidence of voters to participate and express their will through the ballots. Encouragingly, CSOs advocating for free and fair elections coordinated some of their efforts to effectively achieve the goal of holding free and fair elections in the country.

Moreover, civil society organizations (CSOs) in Sri Lanka feel that there is greater democratic space for them to carry out their capacity building and advocacy campaigning. ANFREL encourages continued Civil Society Advocacy via campaigns like the March 12th Movement and additional civic and voter education efforts in addition to future monitoring.

Media

The media were believed by most interlocutors to be by and large more professional and more free to report and investigate without intimidation or interference from a higher power. Still, it's important that media hold itself to high journalistic standards of impartiality and fairness in their reporting.

This is particularly true for Government media because, as a public good supported by taxpayer money, must maintain balanced and fair reporting. Public media can also play an important role in levelling the playing field by providing airtime for less well-known candidates, particularly those that don't have the advantage of incumbency.

Cooling Period

The two-day cooling period before election day was largely quiet and peaceful. The campaign's formal end was generally respected by the contending political parties and candidates with generally isolated cases of soft campaigning such as vehicles still carrying posters and stickers of candidates and a few signs being left up. The consistent enforcement of law by the Sri Lankan police lead to a more orderly and disciplined environment during the cooling period.

Election Day

Election Day was marked by an improved atmosphere and more orderly voting when compared to January's Presidential Election. High turnout was significantly higher than past Parliamentary Elections as well, showing a voting public that felt both safe and eager to participate in the Electoral Process.

There were some minor inconsistencies and hiccups observed in terms of polling station administration, the process for checking in voters, and the process for opening and sealing of ballot boxes, etc. While none of these appeared to have a very significant influence on the general Polling Station Administration, more training for Polling Station staff will ensure a smoother Voting Experience with shorter queues for voters.

The Polling Station Design, wherein the Senior Polling Officer is seated behind the voting booths, raises concern in the long term over whether a compromised official in that position could abuse his desk position. ANFREL fully recognizes the situation which led to the decision to have desks there but hopes that, eventually, Sri Lanka could consider allowing voters more privacy as concerns decrease about voters taking ballots out of the Polling Station.

ANFREL was very encouraged by the notable presence of Party Agents, particularly the two largest parties but also others, and Citizen Observers, in particular PAFFREL, that were all in the majority of PSs where we observed.

Voters with Special Needs

Voters with limited mobility or those requiring special assistance were totally reliant on the skills and capacity of Polling Officials to help them up stairs or help them mark their ballots. In the future, Polling Stations should be equipped with ramps or selected on the basis of not requiring the climbing of steps. Additional training and sensitization for Polling Officials together with accommodation in Polling Station selection and design can broaden the participation rate of Sri Lanka's population requiring special assistance to vote.

Electoral System

A wide variety of stakeholders expressed dissatisfaction with the current electoral system. While ANFREL does not make specific prescriptions for electoral system reform, we can confirm the significant desire among many Sri Lankans to change the current system, as was seen in debates about what would have been the 20th Amendment before the election. Going forward, ANFREL hopes that all stakeholders can review the current system and make improvements if necessary that come out of an inclusive process that includes the voices of the entire spectrum of Sri Lankan society.

The current rather complex system, mainly because of the large constituencies, but also because of restrictions on signs and posters, is quite expensive and lends itself to massive campaign expenditures and the favouring of wealthier candidates and parties.

The preferential voting system was a common source of complaints, with candidates arguing that it leads to divisions within parties and others adding that it's rather difficult for voters to remember and understand their preferences and it only allows them to vote for candidates within a single party. It's

Another complaint expressed by voters was the tendency for candidates to come from outside their district. If this is a significant enough concern by voters, officials could consider a residency requirement that would ensure that a representative of a particular area would be an actual local person from that area.

Counting

ANFREL's partial observation of counting revealed a fairly well managed system, even if it counting takes longer here due to the ballot/electoral system. Transport to the Counting Center

Afghanistan – FEFA; Bangladesh – FEMA, ODHAKAR; Cambodia – COMFREL, NICFEC; East Timor – Women Caucus; Indonesia – KIPP, JPPI, Perludem; India – Lokniti, Japan – InterBand; Mongolia – Women for Social Progress (WSP); Nepal – NEOC, NEMA; Pakistan – FAFEN; Philippines – IPER, PPCRV, NAMFREL; Singapore – Maruah; South Korea – PSPD; Sri Lanka – PAFFREL; Taiwan – CCW; Thailand – PollWatch

was done by buses with armed police guards and Senior Polling Officers from the Polling Center.

Recommendations

- 1) Enact and enforce Campaign finance regulations to level the playing field
- 2) Revisit the 20th amendment and review existing electoral system to see if there is an opportunity to make improvements to current electoral system
- 3) Give more access for persons with disabilities by providing more training to Polling Station staff and choosing/creating Polling Stations suitable for differently abled persons. Additional training and sensitization for Polling Officials together with accommodation in Polling Station selection and design can broaden the participation rate of Sri Lanka's population requiring special assistance to vote.
- 4) More training for Polling Station staff will ensure a smoother Voting Experience for voters with shorter queues.
- 5) Conduct more voter and civic education by the Election Department as well as Civil Society. Invalid ballots are still a problem in many areas which reveals a need for more voter education.
- 6) Consider Expanding professions able to use Postal Voting/Advance Voting. Professions in addition to those Government Workers already covered that have to work on Election day should be able to vote.
- 7) Study and, depending on feasibility, implement a system to include the significant numbers of voters living and working abroad. This could be done through the advanced voting system at Embassies abroad or by adopting one of the many types of successful systems used across the world.