



ETHIOPIA

FINAL REPORT

**HOUSE OF PEOPLE'S REPRESENTATIVES
AND STATE COUNCIL ELECTIONS
MAY 2010**

**EUROPEAN UNION
ELECTION OBSERVATION MISSION**

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I. EXECUTIVE SUMMARY

Ethiopia held its fourth elections to the House of People's Representatives (HPR) and State Councils on 23 May 2010. The European Union Election Observation Mission (EU EOM) was present in Ethiopia from 14 April to 21 June 2010, following invitations from the Ethiopian Ministry of Foreign Affairs and the National Electoral Board of Ethiopia (NEBE). The EU EOM was led by Mr. Thijs Berman, Member of the European Parliament. The Mission deployed 170 observers from 25 European Union Member States, as well as, Norway, Switzerland and Canada to all the country's regions, to assess the electoral process against international and regional commitments for elections as well as the laws of Ethiopia. The EU EOM is independent in its findings and conclusions and adheres to the *Declaration of Principles for International Election Observation* commemorated at the United Nations in October 2005. On Election Day, EU EOM observers visited 815 polling stations in every region of Ethiopia to observe voting and counting.

The 23 May 2010 elections were held in a generally peaceful environment, as unanimously called for by all stakeholders. The relatively quiet election campaign by both the opposition and the incumbent, the Ethiopian People's Revolutionary Democratic Front (EPRDF), grew in intensity in the very last stages of the campaign. Although, the National Electoral Board of Ethiopia (NEBE) largely managed the electoral process in an efficient and competent manner, its handling of the consolidation process was less praiseworthy. The electoral authorities failed to dispel the opposition parties' lack of trust in their independence. While several positive improvements were introduced since the 2005 elections, there were negative developments in the practical application of the legal and electoral framework. As a result, the electoral process fell short of international commitments for elections, notably regarding the transparency of the process and the lack of a level playing field for all contesting parties. Insufficient efforts were taken to ensure a more equitable and representative electoral process.

The Ethiopian Constitution and legal framework provided an adequate basis for the conduct of genuine elections in line with international and regional commitments subscribed to by Ethiopia. The Constitution, Electoral Law and other election-related regulations protect political and civil rights and allow for genuine elections, as well as the freedoms of association, assembly, movement and expression. However, the practical implementation of some laws and regulations regarding elections deviated in certain cases from the principles underlying these commitments. The electoral process was therefore constrained, as was the full, non-discriminatory, enjoyment of fundamental rights.

The changes in the legal framework together with the fragmentation of the main opposition forces in the aftermath of the 2005 elections, as well as the imprisonment of leading opposition figures and the departure in exile of one opposition leader, resulted in a cumulative narrowing of the political space within the country. The ruling party's presence throughout the country was unrivalled by opposition parties, especially in rural areas which house up to 80% of the Ethiopian population.

The NEBE administered the elections in a competent and professional manner given its limited resources, overcoming significant technical challenges. However, some shortcomings were noted in the training of polling station staff and in the consistency and coherence of technical information received and aggregated by the electoral authority, such as complete polling station lists, which affected the overall transparency of the process. Insufficient measures were taken to increase the level of trust of some opposition parties in the impartiality and independence of the NEBE.

The NEBE registered 31,926,520 voters for the 2010 elections, out of approximately 37 million eligible citizens according to its own projections. This reflected a relatively inclusive register that included around 5 million more voters than in 2005. Voter registration was carried out in just six weeks, which is a relatively short period. Voter registration took place before the deployment of the EU EOM and was therefore not directly observed by the Mission. The lack of a centralised and computerised national voter register did not allow for any checks for multiple registrations or any audits.

Candidate registration was carried out in an adequate manner. The requirements for candidates were not discriminatory. The NEBE displayed commendable flexibility in agreeing to extend the deadline for candidate registration following a request by the National Joint Council for Political Parties. Unfortunately, it did not do the same for the Somali Region. The introduction of public financing for political party candidates was a positive measure, however, the amount was generally considered insufficient to conduct an effective campaign.

The number of complaints of campaign violations, harassment and intimidation -including cases of violence- voiced primarily by opposition parties and, to a much lesser extent, by the ruling party, increased in the last weeks of the campaign. The volume and consistency of complaints against the ruling party, local administrations and in some cases the police was a matter of concern that must be taken into account in the overall assessment of the electoral process. Beyond the repeated calls for peaceful elections, greater measures to limit possible harassment and intimidation could have been taken by the government and all political parties.

The freedoms of assembly, of expression and of movement were not consistently respected throughout the country during the campaign period, generally to the detriment of opposition parties. All parties favoured door-to-door canvassing, although some rallies were held -mainly by the EPRDF. Campaign activities were generally focused on the last week of the campaign, given most parties' lack of funds.

The media covered the main campaign events in a relatively neutral tone. However, state-owned media failed to ensure a balanced coverage, giving the ruling party more than 50% of its total coverage in both print and broadcast media. The airtime specifically allocated to the electoral campaign for parties and candidates was distributed proportionately to the different candidates. It was observed that the media were often very cautious in their reporting. The jamming of the Voice of America Amharic Service throughout the campaign period, and of Deutsche Welle a couple of days before the elections, reduced the possibility for voters to receive information from a wider range of sources. This was not compensated by other media, as the limited outreach of print and broadcast media reduced their role in providing voters with information to make an informed choice.

The separation between the ruling party and the public administration was blurred at the local level in many parts of the country. The EU EOM directly observed cases of misuse of state resources in the ruling party's campaign activities. The role of the *kebele*'s (administrative unit that comprises rural communities or urban neighbourhoods) which are used to good avail in the development of local communities should be gradually reduced in the electoral process to prevent these situations from occurring. This could also help to increase the level of trust of opposition parties in the process. Even taking into account the inherent advantages of the incumbency, the Mission considers that the playing field for the 2010 elections was not sufficiently balanced, leaning heavily in favour of the ruling party in many areas.

Women are under-represented in the Ethiopian political scene and within the electoral administration. According to data from the NEBE, women constituted 47.8% of registered

voters, slightly beneath their actual demographic weight. Among the candidates for the 2010 elections, women represented around 12% and 15% of candidates respectively for the HPR and the State Councils, which was less than in the 2005 elections. The EPRDF's 30% quota was a positive step to ensure a greater representation of women. The provision of greater public financial assistance to women candidates was a welcome initiative to promote the representation of women.

The NEBE decided to retain exclusive competence in the field of voter education. The EU EOM considers that the voter information provided by the NEBE was generally insufficient and that too often, political parties and local administrations were the main exponents of voter education in rural parts of the country. The exclusion of civil society organisations from voter education, together with the new and more restrictive Ethiopian Charities and Societies Law, limited the potential role of local organisations in the electoral process.

The provisions for complaints related to voting, counting and consolidation were significantly strengthened in the last five years. Nonetheless, the EU EOM considers that further measures must be implemented to ensure that they provide the opportunity for effective legal remedy on election-related complaints, in light of opposition parties' lack of confidence in the independence and neutrality of the judiciary and the police. Additionally, the channels for complaint adjudication should be rationalised to avoid that offences go unpunished.

Election Day unfolded in a generally peaceful and orderly manner, with a high voter turnout. Secrecy of the vote was respected despite minor irregularities. The EU EOM observed an inconsistent application of procedures especially at the opening and closing of polling stations. Party agents, mainly from the EPRDF, and domestic observers were present in the majority of observed polling stations. Polling procedures were assessed positively by EU EOM observers in 87% of visited polling stations, while closing and counting were assessed positively in 66% of cases. In 25% of observed polling stations copies of results forms were not given to party agents and in nearly half, results were not posted outside the polling station, thereby compromising the transparency and credibility of the counting process.

The NEBE announced provisional results less than 48 hours after polling stations closed, thanks to a parallel system of communication allowing for the aggregation of polling station results at the national level. The consolidation process at constituency level was considered very problematic according to EU EOM observers. In 27% of cases observed, polling station results were different to those previously recorded by observers at polling stations. In several cases, incomplete or incorrect forms from polling stations were corrected or completed at constituency electoral offices. The transparency of the process was considered unsatisfactory in 40% of observed cases. Certain essential forms for the correct transmission of results to the national level were not filled in numerous constituencies.

A number of rallies against a very critical Human Rights Watch report followed the announcement of provisional results on the elections, which also served as victory celebrations for the EPRDF. At these rallies, banners were also visible carrying slogans against the EU EOM, suggesting that the Mission had "a political agenda" against the ruling party. Official results were released on 21 June and were accepted by most parties. *Medrek* and the AEUP rejected the results and unsuccessfully presented requests to the NEBE calling for nation-wide re-elections. Both parties appealed the NEBE decision at the Federal Supreme Court (FSC). The FSC confirmed the NEBE's decision.

The ruling party and its partner parties won 544 of the 547 seats to the HPR and all but four of the 1,904 seats in the State Councils. The participation rate was of 93.4%. An independent

candidate and a candidate from one of the main opposition coalitions, the Ethiopian Federal Democratic Unity Forum (*Medrek*) won seats to the HPR. A candidate from a relatively smaller party, the Argoba People's Democratic Organisation (APDO), won the third seat. The APDO won three State Council seats. The All Ethiopian Unity Party (AEUP) won one State Council seat. The results indicate that the EPRDF has a practically absolute control over both the lower legislative chamber and the State Councils.

A comprehensive list of suggestions and recommendations is included at the end of this Final Report for consideration by the relevant authorities in order to promote further improvements in certain areas of the election process. Key recommendations include:

- Measures are necessary to increase the participation and capacity of opposition parties, as well as the broadening of political space in Ethiopia. The return of exiled opposition leaders as well as the release of imprisoned opposition leaders would be important steps in this direction, restoring confidence in the democratic process. The financing of political parties and of election campaigns could be reviewed together with the implementation of capacity-building programmes for political parties, their members and their candidates.
- Steps should be taken to ensure a clear separation between the ruling party and the state and to avoid the misuse of state resources during the campaign. The NEBE should be provided with sufficient resources to reduce the need to resort to local administrative structures in electoral activities gradually, with a view to create an independent and trustworthy election management body. This would help to prevent the occurrence of abuses of power and use of state resources at the local level. Furthermore, this measure could improve the level of confidence of many opposition parties in the electoral process.
- The voter register should be computerised for future electoral processes to allow for the implementation of essential safeguards to ensure its accuracy, as well as greater transparency by providing copies of the voter register to all political parties. The NEBE could consider the creation of a permanent and national voter register.
- The NEBE should take measures to increase the transparency of the electoral process and improve the perception that some opposition parties have of its impartiality. These measures should include publishing and communicating all electoral information to the contesting parties. The NEBE should also review some Election Day procedures, notably the design of forms and the training provided to polling station staff and constituency electoral officers to improve the consolidation process.

II. INTRODUCTION

The European Union Election Observation Mission (EU EOM) was present in Ethiopia from 14 April to 21 June 2010, following invitations from the Ethiopian Ministry of Foreign Affairs and the National Electoral Board of Ethiopia (NEBE). The EU EOM was led by Mr. Thijs Berman, Member of the European Parliament. The Mission deployed 170 observers from 25 European Union Member States, as well as Norway, Switzerland and Canada to all the country's regions to assess the electoral process against international and regional commitments for elections as well as the laws of Ethiopia. The EU EOM is independent in its findings and conclusions and adheres to the *Declaration of Principles for International Election Observation* commemorated at the United Nations in October 2005. On Election Day, EU EOM observers visited 815 polling stations in every region of Ethiopia to observe voting and counting.

III. POLITICAL BACKGROUND

A. Political Context

The introduction of a democratic multi-party system, enshrined in the Constitution of the Federal Democratic Republic of Ethiopia adopted in December 1994 by an elected constituent assembly followed the defeat of the Derg regime in 1991. Since 1995, periodic elections have taken place in Ethiopia every five years. On 23 May 2010, Ethiopian citizens were called upon to elect the members of the House of People's Representatives (HPR) and the members of the Regional State Councils in all the country's regions. State Council elections were held in 2008 for the Dire Dawa and Addis Ababa City Administrations, after opposition parties refused to take up the seats they had won in 2005, and were therefore not held in 2010.

The 2010 elections were profoundly marked by the memory of the events that surrounded the 2005 elections. In May 2005, the country held what are generally considered the most contested elections in Ethiopian history. Irregularities on Election Day and in the consolidation process sparked public protest that turned to violence and repression, leading to the deaths of around 200 persons. After a lengthy and *ad hoc* complaints investigation process and re-elections in certain constituencies, the National Electoral Board of Ethiopia (NEBE) released final results in September 2005. The opposition won 170 of the 547 seats in the HPR, and 137 out of 138 seats in the Addis Ababa City Council. Moreover, the main opposition coalition called for a boycott of parliament and civil disobedience to protest against alleged electoral fraud. In November 2005, many opposition leaders were arrested, together with human rights advocates and journalists as well as thousands of civilians. In December 2005, 131 persons were charged with capital offences, including "outrages against the Constitution." Most were pardoned and released from prison 18 months later.

The violence that erupted after these elections remained foremost in the minds of most Ethiopians. The desire for a peaceful and non-violent electoral process was a common denominator for all contesting political parties and stakeholders in 2010. For many stakeholders, the peacefulness of the 2010 elections, compared to 2005, was a critical factor in their assessment of the process.

The signing of the Electoral Code of Conduct for Political Parties (ECCPP) represented a significant development in the Ethiopian political context. The ECCPP was signed on 30 October 2009 by the Prime Minister together with the leaders of the Ethiopian Democratic Party (EDP), the Coalition for Unity and Democracy Party (CUDP) and the All Ethiopian Unity and Democracy Party (AEUP); most Ethiopian parties later signed it. In January 2010, the Code was adopted as law. Its new legally binding, nature somewhat weakened its original consensual and voluntary character.

B. Main Political Actors

Of the 79 political parties registered by the NEBE, 63 decided to compete in the 2010 elections, either nationally or regionally. However, only five parties presented a significant number of candidates nation-wide for the HPR elections. Even taking into consideration the financial limitations of most political parties, the EU EOM considers that most Ethiopian political parties, with the exception of the EPRDF, are poorly organised, inexperienced, under-funded and lacking internal discipline, notably at constituency level. The presence of most opposition parties at grass-roots level is extremely reduced, especially in rural areas that house around 80% of the electorate.

The political arena in Ethiopia has been dominated by the Ethiopian People's Revolutionary Democratic Front (EPRDF) since it ousted the Derg regime in 1991. The EPRDF, which was created in August 1989, includes four regional organisations¹ and several associated, or partner parties in the remaining regions of the country. The EPRDF is headed by an executive committee, chaired by the current Prime Minister, Mr. Meles Zenawi. The EPRDF is the only truly national political movement, both in scope, and in terms of its organisation and party discipline, which extends down to all of the country's *kebeles* (administrative unit that comprises rural communities or urban neighbourhoods). The EPRDF and its partner parties won 492 of the 547 seats in the 1995 elections, which fell to 482 after the 2000 elections and to 377 after the more contested 2005 elections. The EPRDF won a landslide victory in the local elections held in April 2008. In 2010, the EPRDF presented 501 candidates for the HPR elections and 1,349 for the State Council elections.

The dismemberment, following splits, mergers and the emergence of new parties, of the leading opposition coalitions from the 2005 elections diluted their potential strength. The opposition was further weakened by the departure in exile of one leader, with particularly belligerent views which do not ease the way to dialogue, and the imprisonment of main opposition leaders. Several parties and personalities issued from the two main coalitions in 2005, the Coalition for Unity and Democracy (CUD) coalition and the United Ethiopian Democratic Forces (UEDF) formed new parties, whilst other leading figures opted to run individually in 2010 through their own parties.

The most vocal opposition against the government came from the Ethiopia Federal Democratic Unity Forum (*Medrek*). This coalition grouped eight political parties, of which many were associated to parties or leaders of the 2005 CUD and UEDF coalitions, including its chairperson, Pr. Beyene Petros, of the Ethiopian Social Democratic Party (ESDP).² *Medrek* is a relatively new opposition force, formed in June 2008 and registered at the NEBE in September 2009. *Medrek* experienced serious difficulties in coordinating its actions and establishing a powerful presence in all the regions. The coalition walked out of inter-party talks negotiating the Electoral Code of Conduct for Political Parties (ECCPP) in September 2009, alleging that the EPRDF refused to discuss the fundamental issues at stake. Although *Medrek* has not signed the ECCPP, its constituent parties indicated that they would abide by it. The coalition presented 487 candidates for the HPR elections and 861 for the State Council elections.

In June 2008, the former CUD coalition vice-chairperson, Ms. Birtukan Mideksa, was elected as party chairperson of the new Unity for Democracy and Justice (UDJ) party. Ms. Birtukan Mideksa was arrested in 2005, convicted of attempting to overthrow the constitutional order and sentenced to life imprisonment. She was pardoned in 2007 after allegedly signing a letter regretting her actions and vowing not to repeat them. At the end of December 2008, she was re-arrested on charges of violating the conditions of her pardon following statements made while outside the country. The legality of the revocation of her pardon is disputed.³ Her detention is

¹ The Tigray People's Liberation Front (TPLF), the Amhara National Democratic Movement (ANDM), the Oromo People's Democratic Organisation (OPDO) and the Southern Ethiopia People's Democratic Movement (SEPDM). Its partner parties include: the Afar National Democratic Party (ANDP), the Somali People's Democratic Party (SPDP), the Beneshangul-Gumuz People's Democratic Party (BGPDP), the Gambella People's Unity Democratic Movement (GPUDM) and the Harari National League (HNL).

² The other parties in the coalition were: Unity for Democracy and Justice (UDJ), the Oromo Federalist Democratic Movement (OFDM), the Union of Tigrayans for Democracy and Sovereignty (ARENA), the Southern Ethiopia People's Democratic Union (SEPDU), the Oromo People's Congress (OPC), the Ethiopian Democratic Unity Movement (EDUM), and the Somali Democratic Alliance Forces (SDAF).

³ According to Article 16 of the Pardon Proclamation 395/1996, a pardon can only be revoked in the following two cases: 1) for sufficient grounds before the pardon is granted and accepted by the grantee, or 2) if the

considered as arbitrary by the United Nations Working Group on Arbitrary Detention. Engineer Gizachew Chiferaw held the leadership of the party during the recent campaign period.

The All Ethiopian Unity Party (AEUP) was formed by Mr. Hailu Shawal after losing legal control of the former CUD coalition. The AEUP's participation in the negotiations for the signing of the ECCPP was criticised by more hard-line opposition parties. The AEUP later declared its disappointment over the manner in which the EPRDF handled the Joint Councils for Political Parties. The AEUP presented 319 candidates for the HPR elections and 691 for the State Council elections.

Among the other significant political parties contesting the 2010 elections, the Ethiopian Democratic Party (EDP), chaired by Mr. Lidetu Ayelew, formerly from the CUD coalition, was moderate in its criticism of the government. The party presented 230 candidates for the HPR elections and 280 for the State Council elections. After a judicial battle against his former allies, Mr. Ayele Chamiso was awarded the name of the former CUD coalition. The current CUD Party presented 133 candidates for the HPR elections and 137 for the State Council elections.

The remaining parties contesting the 2010 elections presented fewer candidates, and mainly within the context of the State Council elections. All of these remaining political parties are relatively small and were unlikely to receive any significant proportion of the popular vote. A total of 34 independent candidates also contested the parliamentary election and 11 ran for the State Councils.

IV. LEGAL & ELECTORAL FRAMEWORK

A. Legal Framework

The legal framework governing the House of People's Representatives (HPR) and State Council elections provides an adequate basis for the conduct of genuine and democratic elections in line with international and regional commitments subscribed to by Ethiopia. The Ethiopian Constitution and election-related legislation ensure the protection of political rights and guarantee fundamental freedoms such as those of association, assembly, movement and expression. The right to vote and to be elected in periodic elections, through universal and equal suffrage by secret vote are also established in the Constitution, as well as the right to access justice and legal remedies together with the right to a fair trial. Nevertheless, the implementation of laws, regulations and directives regarding elections deviated in certain cases from the principles underlying these commitments. This created constraints on the electoral process and more particularly on the full enjoyment of fundamental civil and political rights.

The HPR and State Council elections are governed by the 1994 Constitution of the Federal Democratic Republic of Ethiopia and a number of proclamations: the Amended Electoral Law (532/2007), the Political Parties Registration Proclamation (573/2008), the Electoral Code of Conduct for Political Parties (662/2009), the Proclamation to Establish the Procedure for Peaceful Demonstration and Public Political Meeting (3/1991), the Registration and Regulation of Charities and Societies Proclamation (621/2009), the Anti-Terrorism Law (652/2009), the Freedom of the Mass Media and Access to Information Proclamation (590/2008) and provisions

pardon was delivered or accepted on grounds of fraud or deceit. According to the government, the pardon was not granted on grounds of fraud or deceit and the revocation of the pardon was based solely on her denial to request the pardon. Ms. Birtukan Mideksa and her lawyers, claim that the denial of a pardon is not a legally valid reason for revocation and that she was not given the opportunity to prepare her defence. The pardon proclamation specifies that when there is cause for revoking a pardon, the grantee shall have prior written notice and may submit a response within 20 days of receiving the notice.

of the 2004 Criminal Code. There are also several directives and regulations issued by the National Electoral Board of Ethiopia (NEBE), such as: the Directive on the Registration of Candidates (1/2009), the Directive on the Registration of Electors (2/2009), the Directive on Voting, Counting and Announcement of Results (5/2010), the Regulation concerning the Procedure for Determining the Apportionment of Government Financial Support to Political Parties (5/2009), the Regulation on the Organization and Procedure of Grievance Hearing Committees Established by the Board at every Level During Elections (1/2009) and the Regulation on the Code of Conduct for the Mass Media and Journalists for Reporting on Elections (6/2010).

B. Universal and Regional Commitments

The Federal Democratic Republic of Ethiopia has ratified all major treaties containing international and regional commitments for elections of which the most relevant are the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the 1966 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the 1952 Convention on the Political Rights of Women (CPRW), the 1981 African Charter of Human and People's Rights (ACHPR) and its Protocol on the Rights of Women. Furthermore, Ethiopia is politically committed to the 2002 African Union Declaration on Principles Governing Democratic Elections in Africa and has ratified the 2007 African Charter on Democracy, Elections and Governance, which is still not in force.

C. Electoral Legislation

Most of the laws and regulations governing the 2010 elections were adopted after 2005, therefore, these were the first general elections held under this new framework. The new regulations introduced certain positive changes, such as, for example, the limitation of 1,000 registered voters per polling station and the delivery of official copies of results sheets to party agents. The creation of new mechanisms, bodies and deadlines for the settlement of election-related disputes was another significant innovation. However, the practical implementation of provisions regarding equal rights to be elected and the equality of the vote, among others that are highlighted in this report, were inadequately addressed.

Some of the legal instruments adopted in the last few years, notably the Mass Media Law, the Charities and Societies Proclamation, and the Anti-Terrorism Law appear aimed at increasing the potential for holding peaceful elections. Although for example, the Anti-Terrorism Law was not applied during the electoral process, these legal instruments raise serious concerns as to their impact on the effective exercise of fundamental freedoms. These laws have curtailed the operation of relevant national stakeholders disengaging them from the process. This is notably the case of the media and NGOs, who should play an important role in ensuring the transparency of the electoral process.

The enactment as law of the Electoral Code of Conduct for Political Parties (ECCPP) made it binding for all political parties, regardless of whether they had signed it or not, with the notable exception of membership of Joint Councils for Political Parties (JCPP) which is limited to signatories of the Code of Conduct. Moreover, the shared jurisdiction between the judiciary, the NEBE structures and the JCPPs in dealing with allegations and in the investigation of election-related offences created confusion as to the appropriate channel to obtain legal remedy.

D. The Electoral System

In accordance with the country's federal system, where power is shared between central government and the Regional States, Ethiopian general elections normally combine elections to the Parliament's lower house, the House of People's Representatives (HPR), and to the nine State Councils and two City Administrations.⁴ The country's upper chamber, the House of Federation, is composed of representatives of the country's nations, nationalities and peoples, nominated by the respective State Councils, in proportion to their population.

According to the Constitution, the HPR can have up to 550 seats, although since its enactment it has maintained the number at 547. A first-past-the-post majority system is used to elect the members of the HPR for five-year terms, by direct, popular and secret suffrage from single-member constituencies. Although the Electoral Law does not establish a specific system for Regional State Council elections, in practice they follow a simple majority system, but with multi-member constituencies. Voters cast the same number of votes as there are seats in their constituency and the candidates with the largest amount of votes in their constituency gain seats to the State Council. The NEBE determines the number of seats per constituency based on regional laws. The transparency of the process would improve if there were to be a public document that clearly collates the composition of State Councils throughout the country. As in most purely majoritarian systems, electoral outcomes are not representative of the spectrum of political alternatives in the country.

E. Delimitation of Constituency Boundaries

The delimitations of the country's current 547 constituencies have not been reviewed since they were first established in 1995. Article 103 of the Constitution requires that the NEBE submit a proposal to the HPR every ten years, based on a census to be carried out by the National Census Commission. Although some *kebeles* opted in local referenda to be administratively linked to different districts, their number is relatively insignificant. Given the demographic changes in the country in the last 15 years, the number of voters per constituency now varies significantly. As a result, while the national average of voters per constituency is approximately 53,500, average approximate numbers of voters per constituency vary from just over 40,000 in the Beneshangul-Gumuz Region, to nearly 130,000 in the Afar Region. This element of the electoral framework thereby fell short of the requirement that all votes be equal, as established in Article 26.3 of the Electoral Law which states that "each vote shall carry equal weight" and in the International Covenant of Civil and Political Rights (ICCPR).⁵

F. "Special" Minority Constituencies

In accordance with the principle established by the Constitution and the Electoral Law, 22 seats in the HPR are reserved for ethnic minority populations. There are therefore 22 "Special" Minority Constituencies. In some regions, arrangements for minority ethnic groups also apply in State Council elections, where varying proportions of seats are reserved to minorities. The Electoral Law states that, "the list of [special minority] constituencies shall be decided and

⁴ The country's nine regions are: Afar, Amhara, Beneshangul-Gumuz, Gambella, Harari, Oromia, Somali, the Southern Nations, Nationalities and People's Region (SNNPR) and Tigray. The two City Administrations are Dire Dawa and Addis Ababa.

⁵ Article 25 of the ICCPR, United Nations Human Rights Commission, General Comment, No. 25, paragraph 21, emphasises the principle that "within the framework of each State's electoral system, the vote of one elector should be equal to another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group."

announced to the public by the House of Federation upon the study and report of the [National Electoral] Board submitted to the House of Federation.” The Constitution states that the particulars for these constituencies shall be determined by law. The allocation of Special Constituencies took place at the same time as the delimitation of all constituencies in 1995. The NEBE study was shared with the EU EOM, but the Mission was unable to obtain any subsequent decision by the House of Federation. The absence of a clear, collated legal or procedural reference limited the extent to which implementation could be assessed and damaged the transparency of the electoral process.

In some cases, the implementation of Special Constituency elections was rather complex. For example, in the Harari Special Constituency, voting took place both in Harari and in 12 polling stations in Addis Ababa and other towns around the country. Votes from these polling stations were added to the Special Constituency results at NEBE headquarters. The necessary review of constituency delimitations to ensure greater equality of votes should also review the delimitation of Special Constituencies, as well as their relevance and fairness. In a country composed of around 80 ethnic groups, the Special Constituency system should be justified on demographically accurate grounds.

V. ELECTION ADMINISTRATION

A. Structure and Composition of the Election Administration

The National Electoral Board of Ethiopia (NEBE) was established in 1993 by Proclamation 641/1993, as an independent and autonomous organ responsible for administering all elections and referenda in the country. Its mandate is set out in Article 103 of the Constitution and in the Electoral Law, and includes the establishment of the legal, regulatory and operational framework for the conduct of all aspects of the electoral process. The NEBE may also annul election results and order re-elections where it finds that there have been electoral violations that could affect the results or create irregularities in the electoral process as a whole.

Most opposition parties repeatedly questioned the NEBE's neutrality. At the local level there was a problematic overlap, in some cases, between the activities and stances of electoral officials, government and ruling party figures. As a whole, opposition parties' allegations of NEBE bias must be assessed within their generalised mistrust of most public bodies. However, the NEBE could have ensured a better provision of technical information to the public and political parties, in order to demonstrate transparency and improve the perception that opposition parties had of its work. Such information should have included complete and consistent lists of constituencies, polling stations and registered voters.

The NEBE is headed by a nine-member board appointed by the House of People's Representatives (HPR), following recommendation by the Prime Minister. A new Board was appointed in 2007 and initiated a restructuring programme that included the replacement of a large number of its personnel. It is regrettable that one current member of the Board is simultaneously the President of the Federal Supreme Court, the ultimate body of appeal against NEBE decisions. The NEBE has a five-tier structure including the Board and a Secretariat at headquarters, 11 permanent regional offices, around 43 zone branches, 547 temporary constituency electoral offices and some 43,500 polling stations.

The NEBE Board at national level was very cooperative with the EU EOM and showed a high degree of professionalism. In most cases, this cooperation was also extended at regional and constituency electoral offices across the country.

B. The Administration of the Elections

The NEBE largely managed the significant technical challenges of electoral preparations, beginning in good time and demonstrating impressive organisational capacities given its resources. The successful and timely distribution of polling materials throughout the country was one such achievement. However, adequate security arrangements were often lacking and it was unfortunate that the only available locations for storing materials was often within local administration offices, which were perceived and indeed were within the control of the ruling party.

Constituency electoral offices were generally competent. However, the fact that most electoral offices were staffed by government employees did not improve some opposition parties' level of confidence in their willingness or ability to be impartial. In addition, the most consistent and effective communication seemed to be directly between constituency offices and the NEBE headquarters, raising the question of whether optimum use was made of the existing regional offices.

The five-member polling station committees officially commenced their duties on 8 January 2010, when they began voter registration. Polling staff were in most cases selected by their respective constituency electoral offices. Despite the existing criteria for selection, there was a lack of clarity as to the selection process, which increased opposition parties' mistrust in the neutrality of polling staff. Nonetheless, the EU EOM assessed that the majority of polling staff in observed polling stations were impartial on Election Day.

All electoral officials were trained following a "cascade" method in two rounds, the first focusing on voter registration and the second on actual Election Day procedures. Whilst the training at the NEBE headquarters was of a high quality, the level of training observed by the EU EOM for polling station staff was inconsistent and often considered to be deficient in terms of length and methodology.

C. Polling Stations

In line with an increased number of registered voters and a new limit of 1,000 voters per polling station, the total number of polling stations rose significantly, from some 33,000 in 2005 to around 43,500 for the 2010 elections. Opposition parties expressed a lack of confidence regarding this increased number, which was not countered by a clear and accessible document listing all polling stations in the country. Although the NEBE provided the EU EOM with lists of polling stations for every region in the country, these were frequently incomplete or inconsistent with the lists provided by constituency electoral offices. No accurate and complete list or figure of polling stations was therefore provided to either observers or political parties, contrary to the transparency required of an electoral process. Many opposition parties complained that with the larger number of polling stations they would not be able to recruit sufficient party agents. In this respect, the NEBE's willingness to extend the deadline for party agent registration was a welcome decision.

D. Public Observers

The role of "public observers" was fraught with procedural problems and attendant mistrust from many opposition parties. The EU EOM considers that public observers were inadequately equipped for the effective and impartial discharge of their duties and that did they did not contribute to the transparency or confidence in the process.

Public observers are community members mandated to observe and if necessary comment or intervene in a number of elements of the electoral process, including voter and candidate registration, distribution of materials, polling, counting and consolidation. There are five public observers for each polling station and three for each constituency electoral office. Two public observers form part of Grievance Hearing Committees at polling stations, regional and constituency electoral offices.

Procedures for electing public observers⁶ require that all political parties be notified, but there were widespread reports that this did not occur, and that some public observers were selected rather than elected. This fuelled inadequately dispelled suspicions regarding the independence of public observers. Although public observers received training, their considerable powers of intervention were not adequately supported by any specific attention given to their level of training and competence.

E. Voter Education

The NEBE's mandate includes the provision of voter education, either directly or through other organisations. For the 2010 elections, the Board opted to retain exclusive competence in this field. The Board prepared material and disseminated it through regional and zonal offices, as well as through the media, drama and posters. Nonetheless, *kebele* administrations remained a prime source of information for citizens, which was problematic given the significant doubts about their impartiality. A poorly communicated nation-wide programme of voter education was held on the weekend prior to Election Day. This effectively limited political parties' possibilities to campaign on the last weekend before the elections, as all political campaigning was prohibited on these days. Although in terms of turnout on Election Day, the effectiveness of voter education for the 2010 was notable, citizens' understanding of the process was found lacking. In a country with a relatively high illiteracy rate and low levels of education, the opportunity for voters to make a free and informed choice was in part compromised by the limited extent to which they were able to access impartial information.

VI. VOTER REGISTRATION

A. The Right to Vote

The right to vote is established in the Constitution and the Electoral Law. Eligibility requirements are consistent with the principle of universal suffrage and do not include unduly discriminatory restrictions, in line with international and regional commitments. Ethiopian nationals over the age of 18 are entitled to register in the constituency where they have lived for the last six months. Citizens serving a prison sentence may not register. At the polling station where they wish to register, citizens must produce some form of identity or have their identity confirmed by electoral officials, public observers or through traditional means. Registered citizens are given a voter's card, which includes their personal details, but does not include a photograph.

⁶ Articles 9 and 11, Directive Concerning the Procedure for the Activities of Public Observers and Representatives of Political Parties and Private Candidates, Directive 3/2009. At a meeting called by the polling station Chief Electoral Officer and after notification of political parties, the (unspecified) nomination of 10 candidates is followed by a show of hands among the citizens to be registered at the relevant polling station. The five nominees with the most votes are elected; the other five remain as reserves. Constituency-level public observers are elected by all those nominated in the constituency.

There is no provision in the Ethiopian legal and electoral framework to facilitate the exercise of voting rights for Ethiopians living abroad. The creation of specific constituencies for these Ethiopian citizens, together with out-of-country registration and voting in embassies and consulates could be considered for future elections. Given that the Constitution sets the number of seats in the HPR at 550, and that there are currently 547 constituencies in Ethiopia, the three remaining seats could be used to represent Ethiopians living abroad.

B. Voter Registration⁷

Voter registration procedures are relatively flexible and inclusive, although insufficient to ensure the accuracy and reliability of the voter register. A new voter registration exercise is undertaken for each electoral cycle. For the 2010 elections, voter registration was carried out nation-wide, between 9 January and 17 February 2010, except for the Somali Region where it began soon after. According to the NEBE, a total of 31,926,520 voters, of whom 15,252,240 were women, registered in 2010. There was an increase of over 5 million registered voters compared to around 25,600,000 voters registered for the 2005 elections. Of the current approximate population of 80 million people in Ethiopia, the NEBE's projection was that 37 million people were eligible to register to vote.

For a country with such a large and dispersed population, the voter registration period was relatively short. Although there was a provision for displaying voter registers locally to enable complaints or corrections, this was also very short (five days) and preceded the end of registration, which meant that only provisional versions were displayed. A longer voter registration period, and possibly a permanent national voter register could be considered for future elections.

No single national voter list was ever compiled. The numbers of voters registered at each polling station were summarised at the constituency electoral offices, after which the figures were sent to the NEBE headquarters, where they were added to provide a national summary. The national summary listed the total number of men and women registered in each constituency but did not allow for any crosschecking or the application of safeguards. For example, it was impossible to check for multiple registrations. Inconsistent figures were produced for all regions, significantly after the close of voter registration, when figures should have been confirmed. The failure to collate and disseminate clear, consistent and detailed figures on registered voters per constituency damaged the transparency and credibility of the process.

The lack of objective safeguards against multiple registration and existing voting procedures are inadequate to prevent possible attempts at fraud. Although it is forbidden to vote without being on the polling station voter list, so long as identity is confirmed in person (by a polling station committee member, public observer or other respected person), it is possible to vote without a voter card, which is normally the only required proof of identity. As such, the only safeguards against potential multiple voting are the correct application of indelible ink on voters' fingers, and confidence in the local officials' impartial implementation of procedures.

The Electoral Law provides for higher education students and some military personnel to register and vote where they live and work, as voters in their constituency of origin. According to the NEBE, voter registration was carried out at 111 colleges and military camps throughout the country, accounting for 231,269 of the country's voters. The NEBE managed the significant

⁷ Voter registration took place before the EU EOM was deployed in the country and was therefore not directly observed by the Mission.

logistical challenge of issuing and retrieving ballots for potentially several hundred constituencies in each registered institution. Moreover, this system reduced the transparency of the results consolidation process, as student and military personnel votes were added to their relevant constituencies only at the NEBE headquarters. Furthermore, they were only meant to be published if they produced changes in the overall results for individual constituencies. In addition, for reasons of national security, the NEBE was unable to release details of polling stations inside military barracks, raising the question of whether polling should take place in locations that cannot be freely accessed and observed.

VII. REGISTRATION OF CANDIDATES AND POLITICAL PARTIES

A. Registration of Political Parties

The NEBE is responsible for the registration of political parties. The legal provisions for the registration of political parties in Ethiopia are reasonable and in line with international and regional commitments regarding the freedom of association.⁸ The EU EOM was not informed of any significant concerns regarding political party registration. The Political Parties Registration Proclamation regulates party registration and entitles all Ethiopians over the age of 18 to form and be members of a political party. Organisations who preach hatred and enmity amongst nationalities, who attempt to overthrow the government by force or who seek political change through violence are barred from registering as political parties. Decisions on registration can be appealed against at the Federal Supreme Court.

B. Registration of Candidates

There are no major discriminatory or unreasonable requirements to register as a candidate for either the HPR or the State Council elections. Candidates to both bodies must be at least 21 years old at the time of registration, be Ethiopian nationals and be versed in the working language of the regional state of their candidature. It is further required that candidates be residents of the constituency for at least two years, or be born there. Individuals who have been deprived of their political rights, who are serving prison sentences or who are certified as mentally ill or insane are not eligible to register as candidates. Independent candidates must additionally produce at least 1,000 endorsement signatures. The law allows civil servants to be candidates, whereas judges, soldiers and police officers are required to resign from their posts.⁹

However, the Electoral Law limits the maximum number of candidates per constituency to 12.¹⁰ If there are more than 12, priority is given to candidates presented by political parties. Independent candidates are therefore at a disadvantage. Furthermore, the provisions for public

⁸ In line with Articles 22 and 25 of the ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 26: "The right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is an essential adjunct to the rights protected by Article 25." See also Article 10 of the ACHPR and the African Union Declaration on the Principles Governing Democratic Elections in Africa, IV. Elections: Rights and Obligations, paragraph 5: "Every citizen shall have the freedom to establish or to be a member of a political party or Organisation in accordance with the law."

⁹ In accordance with Articles 2 and 3 of the ICCPR, Article 5 of the ICERD, and Articles 4 and 7 of the CEDAW. Article 25 ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 15: "Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation," and paragraph 16: "Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory." See also the African Union Declaration on the Principles Governing Democratic Elections in Africa, 2002.

¹⁰ Article 49 of the Amended Electoral Law, Proclamation 532/2007.

financing of political campaigning exclude independent candidates. Steps should be taken to ensure that the equal rights of all citizens to be elected are respected regardless of whether they run under a political party platform or as independent candidates.

Candidates enjoy immunity from arrest during the electoral process, except in cases of *flagrante delicto* for serious offences. In all other circumstances, candidates may only be prosecuted after the announcement of results. Elected candidates will be held accountable for any alleged crimes committed during the elections after their immunity is lifted. Unfortunately, this legal provision was not always respected during the 2010 electoral process.¹¹

Candidate registration started on 25 December 2009 at the constituency electoral offices. Following a series of complaints presented at the National Joint Council for Political Parties by several political parties, alleging that their candidates were being pressured into withdrawing; the NEBE extended the deadline for candidate registration to 22 February 2010, and allowed for an additional five-day "tolerance" period. The flexibility showed by the NEBE in this regard helped to provide greater pluralism in the electoral process. According to the NEBE, 2,188 candidates were registered for the HPR and 4,746 candidates for the various State Council elections. This is a significant increase of approximately 18% and 26%, respectively, compared to the 2005 elections.

Only eleven complaints were raised before Grievance Hearing Committees (GHC) regarding candidate registration, mainly for the non-fulfilment of language criteria or the failure to provide the required documents in due time. All complaints and appeals regarding candidate registration were adequately resolved. The Federal Supreme Court (FSC) received three cases in appeal of NEBE or GHC decisions regarding candidate registration and candidacy symbols; it upheld the previous decisions.

In the Somali Region, candidate registration was held simultaneously to voter registration, over a period of 21 days starting on 19 March. Despite requests from some regional parties, who later boycotted the process,¹² the candidate registration period was not extended as it had been in the rest of the country. After some initial confusion and contrary to previous elections, it was decided that elections to the HPR in the Somali Region would be held on the same day as in the rest of the country. State Council elections were held seven days later, on 30 May. However, the fact that candidate registration took place after the official beginning of the election campaign reduced the length of the campaign in the Somali Region, compared to the rest of the country. Although this harmonisation of polling days is positive, the EU EOM considers that the principle of equality was not adequately respected in the candidate registration process and the campaign period in the Somali Region.

VIII. ELECTION CAMPAIGN AND PRE-ELECTION ENVIRONMENT

A. Background to the Election Campaign

The official campaign period began nearly three months before Election Day, on 9 February, and ended with a 48-hour campaign silence period. The law provides that all political parties have the right to conduct their campaigns freely and on a level playing field. Campaign regulations establish basic principles such as, the right of equal access to public places to hold rallies and to post campaign materials, as well as equitable access to the media. They also prohibit the use of inflammatory, defamatory or insulting language or incitement to public

¹¹ For further details, please refer to section X. *Human Rights and Women's Participation*.

¹² For further details, please refer to section VIII. *Election Campaign and Pre-election Environment*, C. *Candidate Withdrawal*.

disorder, violence or intimidation and any defacement or removal of election material. In terms of campaign rallies, no prior permission is required from District Commissioners; the police should merely be informed of such events in the interest of public order. There are also legal provisions prohibiting the use of state resources for purposes other than what is required in public office.

B. Overview of the Election Campaign

The election campaign was held in an atmosphere characterised as timid, low-key and more quiet than calm. Nonetheless, the campaign picked up momentum in the very last week, although it failed to generate genuine enthusiasm amongst the majority of the population. All contesting parties reiterated their unanimous desire to hold peaceful elections. However, different interlocutors reported numerous accusations of pressure and intimidation against the ruling party, local administrations and the police, and to a lesser extent against opposition parties during the campaign period. A few cases of potentially politically motivated violence occurred in certain regions, notably in Oromia and Tigray. The exact details and circumstances of many of these actions remained unclear at the time of writing.

The number of allegations of political violence, harassment and intimidation is a serious matter of concern. These allegations were mainly, but not exclusively, made by opposition parties against the ruling party, local administrations and the police. Most of the more virulent campaign rhetoric was concentrated between the EPRDF and *Medrek*, who accused each other of various campaign violations.¹³ EU EOM observers regularly reported on the fear that opposition candidates expressed regarding the consequences of their political activities. Although there is no substantive evidence to corroborate most of the allegations, they are at least indicative of a heightened level of tension between opposition and ruling party forces in numerous parts of the country. EU EOM observers considered the frequent filming of opposition rallies by filming crews from the Information and Communication Bureau of the Government's Office for Communication as potentially intimidating. In general, the Mission believes that beyond the repeated calls for peaceful elections, insufficient measures were taken to protect the right to campaign in an environment free from threats and intimidation throughout the country.

Different interlocutors attributed the subdued tone of the political campaign to a series of factors. The lingering memories of the 2005 elections certainly acted as a powerful disincentive for political activism among the population. The lack of funds for most political parties was also recurrently mentioned as a reason for the apparently low-key campaign, given the tactical decision to reserve funds for the latter stages of the campaign. Furthermore, the public declarations by the Prime Minister warning that legal actions would be taken after the electoral process against those who had violated the ECCPP, was a concern for some opposition leaders. This could be seen as limiting candidates' freedom of speech, their freedom to campaign and their right to be elected, as enshrined in Article 38 of the Ethiopian Constitution.

The favoured method of campaigning was door-to-door canvassing. Most political parties considered it the most cost-effective strategy given their lack of funds. The limited influence of mass media throughout the country reduced its potential impact on the campaign. Many opposition parties considered the EPRDF's strategy of door-to-door campaigning as inauspicious. Although the reported collection of voters' details, questions on political loyalty and chain-based recruitment of allegiances are entirely within the limits of legality, some parties

¹³ The EPRDF accused *Medrek* of being "troublemakers" and of being opposed to the holding of peaceful elections given their refusal to sign the ECCPP. They were also often accused of campaigning in prohibited places (such as markets) and of destroying campaign materials and of engaging in "politics of hatred."

alleged that overzealous local political cadres in certain areas exerted pressures. A few opposition parties indicated that such pressures were tantamount to intimidation.

The EPRDF ran the most effective and visible political campaign, with the support of the largest crowds at its rallies and an overwhelming number of campaign posters around the country. As the incumbent, the EPRDF focused its campaign on extolling the successes of its 19 years in power in terms of the country's economic development and significant progress in infrastructures. Opposition parties' campaigns were far more modest. Opposition parties did not manage to convey convincing alternative programmes of government and to a certain extent most of their campaigning was based on criticism against the government and the EPRDF.

C. Candidate Withdrawal

According to the NEBE, 72 candidates withdrew during the campaign period, often alleging intimidation and harassment as well as financial constraints and perceived bias in the local NEBE structures. Relatively small political parties withdrew completely,¹⁴ and four regional parties in the Somali Region boycotted the elections altogether.¹⁵ In Central Tigray, the AEUP withdrew its candidates, claiming a lack of financial support from its headquarters. As a result, the ruling party stood alone in 36 constituencies, 16 in the Somali Region, three in Amhara Region, five in the Southern Nations Nationalities and Peoples' Region (SNNPR), one in Tigray and 11 in Oromia. The potential for choice among the electorate and the representative nature of the process was therefore reduced in these constituencies.

D. Use of State Resources

The use of public resources (federal, regional, municipal or other) for a particular party's campaign is prohibited in Article 14 of the ECCPP, within the context of "Abuse of Power." Nonetheless, EU EOM observers witnessed the use of such resources in the ruling party's campaign throughout the country, mainly in Oromia, the Somali Region and Tigray. Similarly, the Mission observed a blurring of the distinction between the ruling party and local administration, which were often perceived and referred to by citizens as being one single entity. Ruling party propaganda on public administration buildings, civil servants wearing ruling party propaganda while on duty, the loading of EPRDF campaign posters in local administration vehicles, the use of local administration offices to coordinate campaign activities, housing of ruling party offices in local administration compounds (which often housed NEBE offices) and the stockpiling of EPRDF posters within local administration installations were all directly observed by the EU EOM. These practices provided the incumbent with an unfair advantage in the campaign as well as further blurring the already faint distinction between the state and the ruling party.

Different interlocutors voiced allegations of abuse of power by public authorities, including the bartering of food aid in exchange for political loyalty, mainly using the "safety net" programme, especially in the Tigray Region. The EU EOM could not confirm these allegations. Opposition candidates also complained about obstacles from local authorities in obtaining transport, office rental and accommodation, thereby compromising, among other fundamental freedoms, their right to be elected. Although opposition parties often referred to a nation-wide strategy orchestrated by the ruling party, they also considered that these attitudes could be due to individually motivated actions of overzealous local politicians and administrators. In this

¹⁴ The Afar Liberation Front (ALF), the Afar Revolutionary Democratic Unity Front (ARDUF), the Afar National Revolutionary Democratic Front (ANRDF).

¹⁵ The Somali Democratic Alliance Forces (SDAF), the Del Wabi People's Democratic Movement, the Dube and Degine National Democratic Party and the West Somali Democratic Party.

respect, the EU EOM considers that the role of local administrative authorities within the organisation and implementation of the electoral process should be gradually reduced. This would help to increase the level of trust of all parties in the transparency and neutrality of the electoral process.

E. Campaign Finance

Public financing of political parties for election campaigning, a novelty in Ethiopian federal elections, was established according to the Political Parties Registration Proclamation and the NEBE Regulation Concerning the Procedure for Determining the Apportionment of Government Financial Support to Political Parties. Funds were allocated based on the number of elected representatives in the federal houses, the number of candidates fielded and the number of women candidates. This formula proportionately favoured those parties already represented in the HPR, and ignored independent candidates. According to NEBE sources, over 13 million Birr were allocated.¹⁶ Most opposition parties considered that the received amounts were insufficient to conduct an effective campaign. Some opposition parties repeatedly complained about delays in the disbursement of these funds.

Political parties also financed their campaign efforts through their usual sources of incomes. As regulated by the Political Parties Registration Proclamation, these can include membership fees and donations or grants from Ethiopian nationals and corporations. Donations and grants from foreign nationals, organisations, governments or political parties are prohibited, as are those from religious organisations, terrorist organisations or anonymous sources. The financial contributions of the Ethiopian diaspora were reportedly less significant than in the 2005 elections, possibly due to the more restrictive conditions imposed by the Political Parties Registration Proclamation. The EPRDF benefited from greater financial resources, from the contributions of its large membership base as well as substantial financial support from the private sector.

IX. MEDIA AND ELECTIONS

A. Media Environment

The emergence of a vital though highly polarised media environment followed the liberalisation of the media sector in 1991. However, the relationship between the government and the private press has been marred by mutual mistrust. The 1992 Press Law, allowed the authorities to detain journalists without charges, and several journalists were arbitrarily detained in the years that followed its enactment. The media environment in Ethiopia experienced one of its most vibrant periods in the run-up to the 2005 elections, especially in the written press. Extensive coverage was given to opposition parties, although often with a very clear bias.¹⁷ In the aftermath of the 2005 elections, many journalists were detained and left the country after their release. Several newspapers were also closed down in this period. The current media environment is far less vibrant but is also less polarised.

Although newspapers and television channels are available in many urban areas, radio stations are the only media with a significant, albeit limited, influence throughout the country. Despite the development of the private sector, the Ethiopian media environment is still largely dominated by state-owned media. The state runs the only nation-wide television network, with

¹⁶ Approximately 720,000 Euros.

¹⁷ For further details, please refer to "Final Report EU EOM Legislative Elections Ethiopia 2005," http://ec.europa.eu/external_relations/human_rights/election_observation/ethiopia/final_report_en.pdf.

several regional branches, a nation-wide radio station, some local radio stations and a number of publications. The extent of privately owned broadcast media coverage is limited, often reduced to Addis Ababa and its surrounding area. The only exception is *Radio Fana*, which operates nation-wide on medium waves. A number of newspapers, some of which are independent, circulate in many urban areas. The state-owned telecommunications monopoly, the Ethiopian Telecommunications Corporation (ETC) controls the country's only internet server. Access to certain Internet sites is occasionally blocked, notoriously for websites run by some segments of the Ethiopian diaspora.

Foreign radio stations also operate in the country, namely Voice of America (VOA) and Deutsche Welle, who both broadcast in Amharic. Nonetheless, unfavourable reports by foreign media sources are not well received by the authorities. The signal of VOA Amharic Service has been jammed since February 2010. In the absence of an international legal instrument to fight against VOA's supposedly "defamatory" editorial line, the media regulatory body, the Ethiopian Broadcasting Authority (EBA) justified such measures as the only way for the nation to prevent foreign interests from undermining the country's stability and development. Deutsche Welle's (DW) signal also experienced disruptions two days before Election Day, but resumed normal broadcasting soon after the elections. While this incident was originally justified by DW as a "technical problem," it later referred to the incident as an intentional violation of the right to freedom of information. Similarly, the Ethiopian Satellite Television (ESAT), a new satellite channel run by members of the Ethiopian diaspora, which started to broadcast on 14 May 2010, faced regular interferences since May 24, one day after the elections.

B. Legal Framework for the Media and Elections

Freedom of expression is guaranteed by the Constitution, which also bans censorship. The Freedom of the Mass Media and Access to Information Proclamation brought about positive changes for media professionals such as the prohibition of pre-trial detention for journalists. Nevertheless, it also enabled the government to file for defamation, impose financial penalties and the power to deny or revoke broadcasting licenses and registration of media outlets. Although it was not employed during the recent campaign, the broad definition of terrorism in the recently adopted Anti-Terrorism Law gives the authorities discretionary powers to prosecute those who promote terrorism. This can include media reports on armed opposition groups or other groups deemed by the authorities to be "anti-peace" or "anti-people."

The exercise of the media's freedom of speech was generally respected during the election campaign, and journalists were largely able to cover different parties' and candidates' campaign events. Some private journalists reported a certain degree of hostility and difficulties to access information from government officials. However, criticism against government authorities was extremely cautious and scarce in privately owned media and some degree of self-censorship was reported to the EU EOM. Moreover, the government's criticism of Ethiopian journalists' lack of professional objectivity and standards was partly justified, although it is not exclusive to the private-media. All of these factors, together with private journalists' lack of confidence in the independence of the judiciary, limited the capacity of independent media to address criticism against the government openly, or to engage in investigative journalism.

The NEBE issued a Code of Conduct for the Mass Media and Journalists Reporting on Elections, which established the rights and responsibilities of the media, political parties and the electoral management body in campaign reporting. Although the Code was drafted in accordance with international principles for reporting on elections, it is regrettable that it was approved and published on 15 April, only a few weeks before Election Day. The participation of

the Association of Ethiopian Journalists in the drafting of this Code is a positive and inclusive measure. Private journalists criticised the NEBE for excluding them from these discussions.

According to the Electoral Law, state-owned media have the obligation to provide equal access to all contesting actors as well as free airtime. Although not mentioned in the law, private broadcast media are also required to do so under the Broadcast Service Law. As a whole, Ethiopian media expressed their willingness to play a significant role in the election process, and most of them renounced to advertising incomes in order to fulfil their duties.

A generous amount of free airtime and space was allocated by the NEBE and the EBA to all 63 political parties contesting the elections. The airtime and space was distributed proportionately according to a formula based on practices from other countries, which was agreed at the National Joint Council for Political Parties (NJCPP) and established in a NEBE directive.¹⁸ In addition, nine debates were organised by the Ethiopian Radio and Television Agency (ERTA) focusing on different subjects decided at the NJCPP. Due to the high number of participating parties, only five parties (EPRDF, AEUP, EDP, CUD and the *Medrek* coalition) regularly attended the debates. The debates were pre-recorded and edited according to the participants' requests. The EDP addressed a complaint to the NJCPP alleging arbitrary editing of the debates in state-owned media. A second complaint by the EDP and similar complaints by the Ethiopian Vision Party and the All Ethiopian National Movement regarding free airtime were raised before the NJCPP who decided to create a Screening Committee to investigate these concerns in liaison with the EBA. According to the EBA, all complaints were solved with the parties' agreement.

During the campaign, the EBA monitored media compliance with the established rules. A monitoring unit was set up to follow broadcast and written media, employing a methodology provided by international trainers. The EBA supervised free airtime allocation and dealt with complaints addressed by the contesting parties. According to the EBA contesting parties only used part of their free airtime; 53% of airtime allocated on radio, 65% of time on television and 42% of columns available in the press were used by the parties.

C. Monitoring of Media Coverage of the Elections

The EU EOM monitored a sample of Ethiopian media between 21 April and 11 June, applying international methodological standards of quantitative and qualitative analysis developed by the *Osservatorio di Pavia* and the European Institute for the Media. The sample included state-owned broadcast media: Ethiopian Television (ETV1), Ethiopian National Radio and Addis Ababa City Administration radio FM Addis 97.1 and FM 96.3; as well as private broadcast media: *Radio Sheger* and the nation-wide *Radio Fana*. The Mission also monitored ten newspapers, three state-owned (*Addis Zemen* and its English version, *The Ethiopian Herald*, as well as the biweekly *Addis Lessan*), and seven privately-owned (*The Daily Monitor*, *Reporter*, *Aweramba Times*, *Addis Admas*, *Ethio-Channel*, and the business oriented weeklies, *Fortune* and *Capital*).

Despite a relatively uneventful campaign, Ethiopian media, as a whole, ensured the coverage of the main political campaign events throughout the country, providing a range of election-related programming and content. Both private and state-owned media demonstrated their commitment to promote the NEBE's voter education messages. However, the limited outreach of print and

¹⁸ Airtime was allotted to parties in two different rounds. 25 % of total airtime was shared equally among all contesting parties, 55% distributed to parties according to the number of seats in the HPR and State Councils and the remaining 20% based on the number of candidates registered by each political party.

broadcast media around the country reduced their capacity to provide all voters with sufficient elements to make an informed choice on Election Day. During the entire monitored period, the media, especially state-owned media, regularly reported on the daily activities of government members, such as inaugurations of public works, which resulted in an imbalanced coverage in favour of the incumbent.

Overall, state-owned media did not provide a balanced coverage in its programming, namely on news bulletins. A significant improvement in the balanced coverage of different parties was noted in the last week of the campaign. On ETV1, the EPRDF obtained 58% of total airtime for election-related news, against 13% for the *Medrek* coalition. Likewise, Ethiopian National Radio devoted 60% of airtime to the ruling party. The EPRDF's coverage on FM Addis 97.1 and FM 96.3 amounted to 68% and 72% of total airtime, respectively.

This imbalance was even more marked in state-owned written media, where the EPRDF obtained 70%, 77% and 72% of all electoral coverage space in *Addis Zemen*, *The Ethiopian Herald* and *Addis Lessan*, respectively. Private newspapers covered a slightly broader political spectrum, and offered a generally more balanced coverage between the different parties. Nevertheless, the focus in all private newspapers was on the ruling party and some of the main opposition parties and coalitions, namely *Medrek*, AEUP and EDP. Coverage for other smaller parties was negligible.

Although state-owned media gave extensive coverage to the EPRDF and government activities, they maintained a neutral tone in their coverage of election-related stories. Similarly, the tone of private media reporting of electoral news was neutral.

During the 48-hour campaign silence period, a reduced number of political parties were able to convey their messages calling for peaceful elections on ETV1 and Ethiopian Radio. In addition, campaign reports were broadcast and a few party representatives appeared in the media. There are no clear regulations regarding the role of the media during the campaign silence period. However, favouring a limited number of contesting parties is contrary to the principle of balanced coverage required by Ethiopian media laws and regulations. Furthermore, a period of media silence prior to Election Day is internationally recognised as a positive measure to provide voters with time to reflect on their choices before going to the polls.

The coverage of the EU EOM's Preliminary Statement in state-owned media was not balanced, highlighting only the positive aspects, completely disregarding any criticism of the electoral process. Contrary to the Ethiopian Code of Conduct for Mass Media which requires that the media provide balanced information on the electoral process, state-owned media deprived the Ethiopian people from the right to full and balanced information on all the electoral process. A letter to the Editor of the Ethiopian News Agency, in which the EU EOM Chief Observer protested against its highly biased reporting on the Preliminary Statement, never received a reply, nor was it published by state-owned media. Only some private media published the letter.

X. HUMAN RIGHTS AND WOMEN'S PARTICIPATION

A. Human Rights Situation

The protection of political rights and respect for fundamental freedoms are essential conditions for the effective exercise of the right to vote and to be elected.¹⁹ The Ethiopian Constitution

¹⁹ ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 12, "Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected."

establishes the respect for fundamental civil and political rights enshrined in a number of internationally binding human rights commitments ratified by Ethiopia.²⁰ Moreover, a number of recent laws, including the Anti-Terrorism Law, the Freedom of the Mass Media and Access to Information Law, as well as the Charities and Societies Law raise concerns as to the effective enjoyment of fundamental freedoms, beyond the usual limitation clauses on political freedoms such as national security, territorial integrity, public safety, health and morals.

The Ethiopian government has made significant achievements in promoting basic human rights for the population over the last few years, in terms of development, notably of infrastructures in line with its strategy of “revolutionary developmental democracy.” This strategy requires that the incumbent remain in office for 20 to 30 years to ensure Ethiopia's development towards a mid-income state.²¹ The government's over-riding priority has been to focus on collective development as the most fundamental human right, which must be guaranteed before individual civil and political rights can be allowed to flourish.

Freedoms of movement, assembly and expression were not always respected in the recent electoral process. The new Anti-Terrorism Law, although not enforced during this period, grants broad powers to the local administrations and security forces. This, together with other factors such as the lack of confidence in the impartiality of the police and the judiciary contributed to create a climate of apprehension and uncertainty in many, especially rural, parts of the country as reported by many opposition candidates and supporters. Indeed, beyond the repeated calls for peaceful elections, the authorities failed to take positive measures in order to overcome specific concerns, such as ensuring the freedom of movement for candidates during the campaign and the right to campaign in equal conditions for all candidates.

Although the Electoral Law clearly states that rallies and demonstrations require prior information but in no case permission from local authorities, in practice candidates were often required to obtain permission from local administrations and faced detention if they did not do so. The EU EOM was informed of the arrest of 27 opposition party members for campaigning without permission.²² Furthermore, in violation of candidate immunity, the EU EOM received reports regarding the arrest of six opposition candidates. Similarly, the detention of opposition candidates, supporters or representatives for short periods was reported to the Mission in numerous parts of the country.

The *kebele*'s (administrative unit that comprises rural communities or urban neighbourhoods) are responsible for the provision of essential services at the grass-roots level, such as food aid distribution among others. As such, and given the enormous logistical constraints that exist in the country, they are the sole representatives of state power in the more remote parts of the country. The control that the ruling party has over the *kebele* system, which extends down to each individual household, has been used to good effect in the government's developmental

²⁰ Article 13 of the Ethiopian Constitution explicitly refers to the Universal Declaration of Human Rights (1948) and other international human rights instruments as the basis for the interpretation of the fundamental rights and freedoms specified in the Constitution. Some of the main instruments are referred to in section IV. *Legal & Electoral Framework, B. Universal and Regional Commitments*. Ethiopia has also ratified the 1976 International Covenant on Economic, Social and Cultural Rights, and other regional and international human rights commitments.

²¹ The slogan of the “Developmental State” was first mentioned in an anonymous publication in 2008, “National Challenges, Next Challenges and Revolutionary Democratic Solutions.” It was the third in a series of publications, the previous ones being, “Development, Democracy and Revolution” (October 2007) and “The Struggle of Building a Democratic System of Revolutionary Democracy” (March 2007).

²² In at least one case, in Tongo (Beneshangul-Gumuz), opposition party members were still detained at the time of writing, without having been granted bail, against the principles stipulated in Articles 63-75 of the Ethiopian Criminal Procedure Code.

strategy. Notwithstanding, the EU EOM recommends that their role in the organisation and implementation of elections be gradually limited to increase the level of trust in the impartiality of the process and a more level playing field for all political parties.

B. Women's Participation

The Ethiopian Constitution guarantees gender equality and prohibits any discrimination based on gender. The Electoral Law and other election-related regulations aim to promote the participation of women in the political scene. Nevertheless, women are still under-represented in Ethiopian political and public life, although some progress has been made in the last decades. According to NEBE figures, women represented 47.8% of all registered voters, slightly beneath their demographic weight. However, NEBE data indicates that in 2010 only 12.4% of the 2,188 candidates to the HPR were women, and 15.3% of the 4,746 candidates to the different State Councils. The participation of women in the electoral administration was equally limited, although it was considerably greater among polling station staff. On Election Day, women comprised 28% of polling committee members, although only 11% of committees were presided over by women in the polling stations observed by the EU EOM. Of the 15,252,240 women registered to vote, 93.2% cast their ballot on Election Day, a participation rate of 93.2% that is almost identical to that of the men, whose participation rate was of 93.7%.

Measures to improve the level of women's participation in the political sphere have been taken, both within political parties, notably the EPRDF with its 30% women candidate quota, but also by the NEBE. The decision to provide greater funding for women candidates within the public financing of political campaigning is a positive step, although it has not brought about a greater number of women candidates. In fact, the number has actually diminished compared to the 2005 elections, where women candidates to the HPR represented around 15% of the total and around 23% of the total of State Council candidates. Significant regional variations must also be tackled. The percentage of women candidates for the 2010 HPR elections in the Beneshangul-Gumuz Region was of just over 8% of total candidates, whilst it rose up to 20% in Addis Ababa.

XI. PARTICIPATION OF CIVIL SOCIETY AND DOMESTIC ELECTION OBSERVATION

The role of Ethiopian civil society organisations in the electoral process was severely curtailed by the enactment of the new Ethiopian Charities and Societies Proclamation. According to this law, no organisation that receives more than 10% of its funding from foreign sources can be considered as a local organisation. Furthermore, only local organisations are entitled to work in the fields of human rights and democratisation. The enactment of this proclamation and the ensuing obligation for all local organisations to re-register has changed the focus of many local organisations towards development projects and away from the field of human rights and democratisation. The Proclamation is in line with the Ethiopian government's repeated announcements that human rights are a national concern, where there is no place for foreign interference. Furthermore, it considers that human rights advocacy is a matter of commitment and not of funding. The EU EOM believes that the conditions that the law imposes are contrary to the freedom of association and detrimental to the work of local civil society organisations in the fields of democratisation and human rights.

Given that the NEBE, as mentioned above, decided to carry out all voter education activities itself, civil society played no role in voter education. This is unfortunate given the positive influence that civil society organisations can play in the long run. Similarly, the eligibility to register as a domestic election observation group depends on registration as a civil society

organisation according to the new law. The number of organisations potentially eligible to engage in domestic observation activities was therefore reduced. Although the law provides for the possibility to appeal NEBE decisions before the Federal Supreme Court, NEBE decisions regarding licensing for election observation, civic and voter education or journalists covering the electoral process cannot be appealed.²³

The largest domestic election observation group was the Consortium of Ethiopian Civil Societies for Election Observation (CECSEO), composed of several organisations, the most prominent being the Ethiopian Teachers' Association.²⁴ The CECSEO aimed to deploy 40,000 observers across all regions of the country and although it is unlikely that this target was reached, CECSEO observers were seen in a large number of the polling stations observed by the EU EOM on Election Day. On 24 May, the CECSEO presented its assessment of the electoral process giving little details about any element of the process. There was little evidence of the consortium's technical ability and freedom to make critical assessments.

Other accredited domestic observation groups included the Islamic Supreme Council, the Association of Families of Victims of the Derg Regime and the Association of Football Referees, but these made no tangible contribution to the electoral process.

The Ethiopian Human Rights Commission (EHRC) also observed the elections, reportedly assessing the pre-electoral environment and deploying some 100 observers on Election Day. The EHRC did not request accreditation from the NEBE, claiming a constitutional right to monitor the electoral process. The EHRC issued a statement on their election observation findings.

XII. INTERNATIONAL ELECTION OBSERVATION

The Government of Ethiopia invited the EU, the African Union (AU) and The Carter Center to observe the 2010 elections; The Carter Center declined the invitation. The EU EOM was the only international observation mission in the country until the deployment of the AU Election Observation Mission between 16 May and 28 May. The AU deployed 59 observers to every region in the country and issued its statement on the elections on 26 May.

The Ethiopian Ministry of Foreign Affairs turned down a request made by the Embassy of the United States of America to deploy observers on Election Day on the grounds that observer teams from diplomatic missions lack the necessary training to conduct election observation and because such activities are not within their mandate as diplomats. In connection with the prohibition for diplomats to observe the 2010 elections, the Ministry of Foreign Affairs requested that the international community in Addis Ababa inform the Ministry in advance, of any travel plans outside Addis Ababa. This measure was initially meant to be in force between 10 May and 30 June, but was lifted on 24 May, a day after the elections.

XIII. COMPLAINTS AND APPEALS

The channels for addressing election-related complaints allowed for a timely remedy to the aggrieved parties and were one of the significant changes with respect to the framework

²³ In the run-up to the 2005 elections, the courts overturned a NEBE decision barring a number of domestic election observation groups from observing the elections.

²⁴ Members of the consortium included: the Ethiopian Employers' Association, the Confederation of Ethiopian Trade Unions, the Ethiopian Women Traders' Association, the Ancient Ethiopian Patriots' Association, Ye Ethiopia Hidase Mahiber, the Ethiopian Youth Federation, the Ethiopian Women's Federation, the Ethiopian Tour Operators' Association, the Ethiopian Lawyers' Association, the Ethiopian Journalists' Association, the Union of Ethiopian Bar Associations, and the Ethiopian Renaissance Association.

governing the 2005 elections. Nevertheless, in practice, the lack of confidence in the impartiality of all three existing channels and the shared jurisdiction, especially in the case of electoral offences, created a situation where offenders were often unaccountable for their actions.

The Mission observed unwillingness from local election officials and the police to disclose complaints to its observers. In some areas, they denied having received specific complaints, which the Mission was aware they had received and officially filed. Furthermore, EU EOM observers often perceived local police officers as aligned with the ruling party. The right to an effective remedy, the transparency and genuine nature of the process was therefore potentially compromised in numerous cases.

Three bodies were responsible for dealing with election-related complaints: the judiciary; the NEBE at national level as well as its Grievance Hearing Committees at polling station, regional and constituency level; and the Joint Councils for Political Parties.

A. The Judiciary

The judiciary in Ethiopia is constitutionally independent of the other branches of government, and is competent to hear of complaints regarding electoral offences, or in appeal of decisions taken by or referred to it by the electoral authorities. The judiciary and public prosecutors at regional level were trained on election adjudication covering electoral offences, related procedures and the Electoral Code of Conduct for Political Parties (ECCPP). Priority was given to election-related cases and specific judges were assigned in every court.²⁵

However, there was little confidence in the impartiality and neutrality of the judiciary in Ethiopia, especially among opposition parties, who believed it was dominated by the ruling party and were therefore reluctant to resort to the courts. As reported to the EU EOM there is in fact, a deep-seated reticence to resort to litigation. In the overwhelming majority of cases, the ensuing investigations did not produce sufficient evidence to substantiate the allegations.

The fact that police and local militias were often the alleged perpetrators of such violations, limited the credibility of their investigations. Similarly, given that witnesses could not be from the same party presenting the complaint and the generalised level of apprehension of local populations regarding their involvement in any political matter further hindered the possibility to obtain evidence. In many regions, the EU EOM received reports that hospital authorities did not release medical reports to substantiate physical injuries allegedly committed on opposition party members.

The expediency with which the courts often resolved cases raised doubts as to the adequate respect for the principle of due process and the right to a fair trial. In several cases, persons accused of destroying campaign materials, and lacking legal counsel, were sentenced within a couple of days to up to ten months imprisonment, without sufficient time or opportunity to prepare their defence.²⁶ However, it is unfortunate that in at least four cases presented by the opposition, the judiciary was far more passive and sluggish.

²⁵ Ethiopia has a dual system of courts, wherein the federal judiciary co-exists with the courts of each regional state. The federal judiciary comprises the Federal Supreme Court, the Federal High Court and the Federal First Instance Court. The judiciary of each regional state has a similar hierarchy, headed by the State Supreme Court and including the State High Court and First Instance or *Woreda* courts.

²⁶ Contrary to Article 20 of the Ethiopian Constitution, Article 7 of the ACHPR and Article 14 of the ICCPR.

The Federal Supreme Court (FSC) confirmed four NEBE and GHC decisions regarding candidate registration that were presented in appeal. The fact that these were the only appeals that the EU EOM was informed of prior to the elections reflects the limited resort to the courts during the election period.

B. The NEBE and the Grievance Hearing Committees

Grievance Hearing Committees (GHC), which are part of the NEBE's structure, should have been established at regional, constituency and polling station levels. However, most GHCs were not established and decisions were usually taken by constituency electoral officers. These committees are composed of three members, the head of the respective electoral office and two public observers. The unavailability and lack of legal knowledge of public observers was a particularly problematic issue in the establishment of GHCs. This problem must be addressed in order to enhance the credibility of the electoral administration's complaint resolution mechanism for future elections.

The GHCs deal with complaints concerning voter registration, candidate registration, voting, counting and results. Complaints relating to the voting process should be lodged at the polling station GHC, which shall decide immediately on the complaint. Complaints relating to vote counting and results may be raised at the polling station GHC and at the constituency level GHC, within 48 hours after Election Day. In the event that a polling station GHC refuses to accept a complaint, the complainant may proceed to the constituency level GHC, although there are no specific legal provisions on this matter. Decisions taken at the constituency level may be appealed against at the NEBE, whose decisions in turn can be challenged before the FSC. This structure of appeals is consistent with international commitments on the matter.²⁷

The NEBE at national level received around 62 complaints before Election Day, many of which had been previously lodged at the lower levels of its hierarchy, regarding candidate registration, campaign violations, intimidation and obstruction to campaigning. This resort to the national level reflects the lack of confidence of opposition parties in the impartiality and neutrality of the lower levels of the election administration and concurrently in the role of public observers within the GHCs. The NEBE decisions seemed reasonable and instructions were given to its hierarchy to take the necessary actions when required.

Prior to Election Day, the NEBE offices at constituency and regional levels received at least 223 complaints, as reported by EU EOM observers. These complaints should have been dealt with by the respective GHC, although, as mentioned above, most were decided on by electoral officers. Most complaints concerned obstruction to campaigning (115 cases), together with intimidation, harassment and violence against candidates and supporters (50 cases). The remaining cases covered issues such as the impartiality of election officials and public observers and refusals to grant leave for civil servants to carry out their campaign activities, as well as 13 cases regarding land, food aid, professional relocations of political party supporters and candidates and six illegal detentions. Around 90 decisions were taken, generally calling for mediation or referring cases to the police or Joint Councils.

On Election Day, only 24 complaints were filed in the 815 polling stations visited by EU EOM observers. These complaints concerned breaches of the secrecy of the vote, campaigning during voting, polling station staff instructing voters on who to vote for, voters not signing the voter

²⁷ See Article 2 of the ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 20: "There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes." See also African Union, Article 7 of the ACHPR.

register, one case of alleged forged signatures on the voter register and another case of disturbances at the opening. Three complaints were also filed regarding the opening process and six on the counting and results. A further six cases were reported concerning polling stations which refused to accept complaints.

C. The Joint Councils for Political Parties

Joint Councils for Political Parties (JCPPs) were established by the ECCPP and set-up at national and constituency level. Nevertheless, there was no hierarchical relationship between the different JCPPs; they operated independently and according to their own rules of procedure. Overall, most political parties who participated in the Joint Councils for Political Parties (JCPPs) seemed to privilege these forums for complaint resolution, either because of the simplicity of the process and expedient investigations or because of their unwillingness to resort to the judiciary and the NEBE. The EU EOM considered that in many cases the JCPPs played a positive role, notably in fostering dialogue between political parties and promoting discussions that produced some successful requests to the NEBE, such as the extension of the candidate registration period.

However, at the constituency level, JCPPs were often perceived by the EU EOM as an instrument of ruling party control over the electoral process. Most JCPP investigations concluded that the evidence presented was inconclusive or insufficient to substantiate the complaints. Furthermore, as many JCPPs accepted and decided on cases regarding criminal offences, as if they were *ad hoc* first instance courts, the mechanism created a degree of unaccountability of the judicial institutions and the state itself in dealing with offences. Resort to the JCPPs did not exclude the initiation of civil or criminal actions, although in practice it often did. This feature, together with a lack of understanding as to the possibility to appeal JCPP decisions before the NEBE or the courts, may have contributed to reduce the number of legal proceedings. Hence, the right to an effective remedy, the transparency and the genuine nature of the process was compromised.

The JCPPs were mandated to investigate complaints regarding ECCPP violations, including electoral offences. They had the power to establish Enquiry Committees and take measures to request that parties rectify their faults. Moreover, their sanctioning powers were limited to issuing requests and making cases public, submitting their decisions to the government and the NEBE. JCPP decisions should have been taken by a majority vote following investigations. In most cases, the aggrieved party signed the investigation report and apologised to the accused party, even if they disagreed with the report.

Prior to Election Day, the different JCPPs received around 80 complaints. Five of which were presented at the National Joint Council for Political Parties (NJCPP) regarding defacement of posters, allegations of attacks on supporters, difficulties to establish offices or to campaign in some areas, as well as the election of public observers. All investigations concluded that there was no evidence to substantiate the allegations. EU EOM observers reported on 76 complaints at the constituency JCPPs. Of these 34 referred to campaign violations, including obstruction to campaigning, while 20 referred to intimidation and harassment of candidates and supporters. Only 23 cases were resolved, often to the dissatisfaction of the aggrieved parties.

D. Electoral Offences

Electoral offences are covered in three legal documents creating overlapping jurisdictions between three entities. Offences are foreseen in Chapter IX of the Electoral Law, in Title V (Articles 466-476) of the 2004 Criminal Code and Section 6 (Articles 27- 32) of the Electoral

Code of Conduct for Political Parties. Electoral offences include: intimidation, violence or obstruction to the election process, abuse of power, coercion, removal of election advertisements, fraudulent registration and the removal or destruction of ballot papers or boxes, among others. Offences are sanctioned with imprisonment and/or a fine.

Electoral offences were mainly dealt with by the NEBE and Joint Councils and to a lesser extent by the courts. As mentioned above, political parties generally resorted to the JCPPs or the NEBE to resolve electoral offences, thereby reducing the number of cases filed at the police and pursued by the courts. In some cases, the police's and public prosecutor's refusal to deal with electoral offences before the JCPP or the NEBE offices issued a decision further constrained the process. In some cases, the EU EOM noted an apparent lack of initiative by the relevant public offices to address electoral offences.²⁸ Overall, the number of cases before the courts was insignificant compared to the volume of verbal denunciations.

The EU EOM considers that the penalties for certain election-related offences, such as the destruction of campaign materials, mainly posters, are disproportionate to the offence. The law contemplates up to one-year imprisonment or a fine for this offence, whereas other offences, such as intimidation are punishable with no more than six months imprisonment.²⁹ To the Mission's knowledge, 86 cases of destruction of campaign materials (often EPRDF posters) were submitted before the courts, mainly in Addis Ababa, Oromia and the Tigray Region.³⁰ Most of these cases, including three involving minors, were ruled upon in a couple of days. In practice, fines were imposed on some perpetrators, whilst the majority were sentenced for periods between 15 days to 10 months imprisonment, although the average sentence was of six months.

XIV. ELECTION DAY

Election Day unfolded in a peaceful manner, with a high turnout of voters. Secrecy of the vote was respected in 87% of observed polling stations and all necessary materials were present in most polling stations. EU EOM observers reported an inconsistent application of procedures, especially during the opening as well as during the closing and counting operations, where these inconsistencies were reported in a third of cases. On Election Day, EU EOM observers visited 815 polling stations throughout all of the country's regions.

A. Opening

EU EOM observers rated opening procedures as "good" in 46% of observed polling stations. Polling station committees were sufficiently staffed in 93% of cases and their knowledge of the procedures was generally considered as adequate. However, in about a third of observed polling stations, opening procedures were not followed correctly. In 34% of observed polling stations, the voter register was not displayed to party agents, preventing them from detecting possible changes since it was closed. In 23% of observed polling stations, the number of ballots received was not checked against the figure provided by the NEBE-issued document, making it impossible to reconcile this figure with the number of ballots at the closing.

²⁸ For example, the Gubalafto *Woreda* Justice Office (Amhara Region) refused to accept a complaint regarding misuse of state resources filed by the All Ethiopian Democratic Party (AEDP) against the North Wello zone administration that was supported by an internal document from the *woreda's* finance office, referring the case to the JCPP. The case was later dropped due to insufficient evidence, although the EU EOM received elements that substantiate the allegation and would have merited the resort to the courts.

²⁹ Article 580 of the Criminal Code of the Federal Democratic Republic of Ethiopia, Proclamation 414/2004.

³⁰ In the Tigray Region, an ARENA candidate was tried for destroying his own posters and was cautioned to refrain from tearing them down again.

B. Polling

Polling procedures were followed correctly throughout the day. In 87% of polling stations observed by the EU EOM, the process was assessed as “good” or “satisfactory.” Political party representatives were present in the majority of visited polling stations, with EPRDF party agents present in almost all observed polling stations, *Medrek* agents in about half and AEUP agents in about 20% of observed polling stations. The presence of domestic observers was observed in 76% of visited polling stations, the vast majority from the CECSEO.

However, in 13% of observed polling stations, observers noted some form of monitoring, intimidation or attempts to influence voters near the polling stations. In 15% of polling stations observed, voter cards were not systematically destroyed as required by procedures. In addition, in 21% of polling stations visited by EU EOM observers, people were allowed to vote without their voter card, but in accordance with the procedures. The Mission was concerned with these cases given the inadequate safeguards against multiple voting. EU EOM observers reported isolated irregularities in the voter register held at polling stations, such as names that had been written over, and others where the signatures on registration did not match those prior to voting.

C. Closing and Counting

Closing and counting took place in a largely calm and undisturbed atmosphere and few complaints were registered. EU EOM observers assessed the process of closing and counting as “satisfactory” or “good” in 66% of observed polling stations, and as “poor” in 34% of cases. Political party agents were generally present during the counting process, with EPRDF party agents present in most cases and *Medrek* agents in almost half. Domestic observers were also present at closing in 75% of the observed polling stations.

In line with accepted principles for democratic elections, both the Electoral Law and the NEBE-issued Directive on Voting, Counting and Announcement of Results consider ballots where the voter's intention is unclear as invalid. However, the Electoral Law stipulates that to be valid, a voter's choice may only be made by marking a cross or a thumbprint. The EU EOM considers that greater precedence should be given to a voter's clear intention. In practice, the restrictive interpretation for determining valid ballots was generally unproblematic, as those present agreed on applying the law's prescription. Nonetheless, some EU EOM observers noted that application was inconsistent depending on whom the intended vote was for.

Key elements of the counting process were not adequately adhered to in some polling stations. The main weakness was the failure to account for all ballots systematically and to tally the valid, invalid and unused ballots. Equally important for the transparency of the process, in 25% of observed polling stations results forms were not given to all party agents and in nearly half of the polling stations observed by the EU EOM, results were not publicly posted as required. This significantly reduced the transparency and credibility of the process.

XV. RESULTS AND POST-ELECTION ENVIRONMENT

A. Announcement of Provisional Results

Partial provisional results were announced by the NEBE in the evening of 24 May for around 100 unnamed constituencies. On 25 May, the NEBE released the outcome of the HPR elections for 536 of the 547 constituencies and by the next day, the provisional results for all but one constituency were released. The NEBE released provisional results for all seats in the Regional State Councils on 28 May.

In order to enable this early release of provisional results, the NEBE established a parallel reporting system enabling the aggregation of polling station results at national level. The process was extremely swift as it aimed only to add up all the votes. Unlike the consolidation process at the constituency electoral offices, it did not require reception of materials, or a reconciliation of all ballot numbers.

B. Consolidation of Results at the Constituency Electoral Offices

The consolidation process took place in a peaceful atmosphere, although it was generally considered by EU EOM observers as problematic. Consolidation of polling station results at constituency electoral offices began the day after Election Day in 60% of cases observed, although only two days later in over 20% of cases and later still in 10% of cases. At this stage, delays were largely due to the time taken to transport results forms from polling stations, allied with a tendency to collect all forms before beginning their consolidation. The process was often exceedingly slow. In 55% of cases observed it ended four days after Election Day, in 20% of cases it was completed five days after Election Day, and in 8% and 6% of cases respectively it was only completed six and seven days after. In some observed constituencies, the process was only closed ten days after Election Day.

With only some minor exceptions in Addis Ababa, the Amhara and the Somali Regions, there were no attempts to dissimulate the process or obstruct the presence of EU EOM observers. Party agents, mainly EPRDF agents and, to a lesser extent, *Medrek* agents, were present but only at the start of the process. Domestic observers were generally not present beyond the first day of consolidation.

In 40% of cases, EU EOM observers assessed that results were not summed up in a clear and transparent manner. This was partly due to the premises used in the process, which were often too small to accommodate all materials, party agents and observers, and allow for adequate observation of the consolidation. Difficulties were also noted due to the handwritten nature of the process.

Other problems were consistent with the difficulties observed at the opening and closing of polling stations regarding the recording of used, unused, valid or invalid ballots. The required forms were often not completed by election officials, partly due to deficiencies in their training. Moreover, inefficient form designs and the need to produce several copies manually, without carbon paper, also delayed and discouraged election workers.

In 27% of cases observed by the EU EOM, polling station results were not the same as those previously recorded. In a number of cases, incorrect or incomplete forms from polling stations were corrected or completed at constituency offices, thereby removing a key element to crosscheck the accuracy of figures. Two forms were used at consolidation, for each of the elections: "Form 8" recorded summaries of results, while "Form 10" listed results for each polling station. In 13% and 20% of cases observed, "Form 8" was not completed for, respectively, elections to the HPR and State Council elections. In about a third of cases, "Form 10" was not completed for either election. In over a third of cases, results forms were not posted at the constituency electoral offices.

C. Processing of Results at the NEBE Headquarters

Polling station results and constituency results forms were collected, checked and entered into a computerised database at the NEBE headquarters. Party agents were allowed to be present on

request, but in practice, there was no official party representation at this stage of the process. Priority was given to processing the results from higher education institutions and military barracks, attributing them to the numerous different constituencies.

The Mission compared a sample of polling station and constituency results collected by EU observers, with the results received by the NEBE headquarters, and found that the number of valid votes were generally consistent, even if there were minor differences in some cases. However, the recorded figures for invalid and unused ballots were extremely inconsistent. EU EOM observers' records of polling station tallies for valid and invalid votes and unused ballots varied in 60% of cases (77 out of 129 cases), often by several hundred. There was no pattern as to which figures increased or decreased. At constituency level, there were minor differences in vote tallies for the various candidates but frequent and significant differences in figures for ballot tallies. These were different in 64% of cases and varied by several thousand in a number of cases.

D. Post-election Environment

The EPRDF organised important rallies throughout the country, most notably in Addis Ababa's Meskel Square, 48 hours after Election Day and just hours before the release of the EU EOM Preliminary Statement. Although the government advertised these gatherings as spontaneous, such simultaneous rallies around the country, together with the organised transportation, *kebele*-sponsored participation, high-quality printed materials (some of which in English), indicated that these rallies were prepared well in advance. Officially, they were meant to be an expression of popular discontent against a Human Rights Watch (HRW) report, published on 24 May, which strongly criticised the elections. Many of the speeches and banners included messages calling on international observers and the international community to accept the sovereign will of the people without interfering; carrying texts such as, "Observers yes, Trojan horses no." Nonetheless, these rallies also served as victory celebrations for the EPRDF after the announcement of partial provisional results made by the NEBE on the previous evening.

In his speech in Meskel Square, and subsequent statements to the media, the Prime Minister expressed his desire to initiate a process of dialogue with opposition groups, obviously outside the HPR, in a forum, probably inspired on the operation of the Joint Councils for Political Parties. He further stated, that election-related crimes committed before the elections would be ignored. He added, however, that they had "tonnes" of evidence to bring certain people to court, but that they would not do so out of respect for the electorate, unless further crimes were committed after the elections. Some opposition parties indicated that they would not participate in a process where all participants were not guaranteed an equal footing.

The overwhelming ruling party victory took all parties, including the ruling party, by surprise. Although the incumbent was expected to obtain a majority, many opposition parties believed that some of their most charismatic leaders would be elected in their strongholds. The chairperson of *Medrek*, Beyene Petros, qualified the elections as "not genuine," while his colleagues in the coalition, Dr. Merara Gudina and Engineer Gizachew Chiferaw, protested that the elections were neither free nor fair. Mr. Chiferaw, who made these allegations on Election Day, retracted his statements on the following day and apologised to the Ethiopian people. The chairperson of the EDP, Mr. Lidetu Ayelew accepted the outcome, but questioned the credibility of the results based on the enormity of the EPRDF victory. He blamed their defeat on the narrowing of the democratic field, the divisions among the opposition, their insufficient funds, intimidation from the ruling party as well as their lack of support from the grass-roots level. A few opposition party leaders announced their withdrawal from the political arena following the announcement of provisional results.

At the time of writing and unlike the post-electoral environment after the 2005 elections, the situation remained calm in spite of some opposition party's allegations of electoral manipulations. However, opposition parties did not call for social actions or public mobilisations. Shortly after the publication of provisional results, a dozen opposition parties announced their acceptance of the results. These parties also congratulated the ruling party, inviting other parties to respect the votes of the people and to contribute to the efforts to maintain peace and consolidate democracy in the country. *Medrek* and the AEUP chose not to accept the results and submitted complaints to the NEBE calling for nation-wide re-runs of the elections.³¹

E. Electoral Petitions

The NEBE is mandated with the power to order re-run elections in certain polling stations if political parties submit evidence of electoral malpractices during voting and counting. Three official complaints were directly submitted to the NEBE, who accepted them although they had not followed the prescribed channels from constituency level.

The first complaint was filed by the AEUP on 25 May, although it submitted its evidence on 1 June. The AEUP called for re-elections alleging numerous violations that had mainly occurred before Election Day. The NEBE responded that the issues had already been dealt with and that they did not constitute reasonable grounds to call for re-elections. Similarly, on 1 June, *Medrek* requested nation-wide re-elections stating that the elections had not been free and fair. Most of the claims in their complaint referred to the pre-election period but also included allegations of multiple voting and of their party agents not being allowed to enter polling stations on Election Day. The NEBE considered that *Medrek* had not produced sufficient evidence to substantiate its claims and rejected them. A third challenge was presented by the Sidama Liberation Movement also calling for re-elections in the constituencies where it had contested the elections, claiming numerous irregularities throughout the process.

None of the challenges that were filed before the NEBE referred to irregularities that occurred during Election Day, which could indeed be considered as legitimate grounds to call for re-elections. Even though the parties identified the regions and areas where the alleged incidents occurred, they failed to specify specific polling stations and to submit concrete supporting evidence.

The AEUP and *Medrek* appealed the NEBE decisions at the Federal Supreme Court (FSC). After some controversy regarding deadlines, the court decided to accept the appeals. The FSC confirmed the NEBE's decisions on the grounds that most of the issues regarding the pre-electoral process had been previously dealt with and that the parties had not exhausted the available remedies before filing their appeals. The FSC also added that the parties had presented insufficient evidence for their allegations.

The Ethiopian Justice and Democratic Forces Front submitted an official complaint on 1 June to the NJCPP, regarding alleged beatings and imprisonment of party members, representatives and candidates on Election Day as well as undue influence of administration officials on voters. At the time of writing, the NJCPP had not scheduled to convene a meeting to decide on this complaint. The NEBE was awaiting the NJCPP's decision before taking any action on the matter.

F. Publication of Final Results

³¹ Two smaller parties, Ethiopian Justice and Democracy Front and Birehan for Unity and Democracy Party also rejected the results.

In line with its electoral calendar, the NEBE published final results on 21 June. To comply with Article 77.6 of the Electoral Law, this official announcement should have included the number of used, blank and invalid ballot papers as well as the total number of votes for every candidate in each polling station. However, the NEBE did not publish this information at this time and its official results gave only the number of seats won per party for the HPR elections and the seats per party, broken down by regions, for the State Council elections. The NEBE announced a turnout of 93.4%, and provided the gender breakdown of votes cast. The official results echoed the provisional results, except for the seats won by the APDO, which were the only real novelty in the official results as compared to the provisional results. The lack of a complete breakdown of results damaged the transparency of the results process as well as being contrary to the provisions of the Electoral Law.

Although the nation-wide turnout was very high, the level of participation in some parts of the country, namely the Tigray Region, but also areas of the Amhara Region, Dire Dawa, Jijiga (Somali Region) and Jimma (Oromia) was even higher. According to data collected by the EU EOM and in the absence of a more detailed breakdown by the NEBE, the percentage of votes in favour of the ruling front together with relatively small percentages of invalid votes raised some questions as to the credibility of the results in these areas. Even considering that Tigray is the traditional stronghold of the Tigrayan People's Liberation Front (TPLF), turnouts of 97.95% with 98.76% in favour of the TPLF in the Aksum constituency, or the fact that only 4 out of 51,290 votes went to the opposition with 100% turnouts in the Enticho constituency also in Central Tigray, or the 0.44% of invalid votes in the predominantly rural North-western Tigray are not impossible, but statistically improbable.

G. Political Overview of the Election Results

The results show a landslide victory of the ruling party and its allied parties, which practically made a clean sweep of the HPR, with 544 of the 547 seats, and all but four of the 1,904 seats for the Regional State Councils. The EPRDF won 499 seats out of 501 it was contesting for the HPR, and its allied parties won an additional 45 seats. The EPRDF won 1,349 seats in the State Councils, while its allied parties won 551 seats. The Argoba People's Democratic Organisation (APDO) won three seats to the Afar Region State Council, and the AEUP won a seat in the Beneshangul-Gumuz Region State Council.

Of the three seats in the HPR that did not go to the ruling party, an independent candidate, Dr. Ashebir Gebregiorgis, who defeated the current Minister of Cabinet Affairs, Mr. Berhane Adelo, won a seat in the Bonga Constituency of the SNNPR. Although the winning candidate claimed never to have been an EPRDF member, he allegedly called on his supporters to vote for the ruling party in the State Council elections. A candidate from the relatively small APDO won a seat. The only candidate from one of the main opposition parties to have won a seat was Mr. Girma Seifu Maru, from the *Medrek* coalition, who won in Addis Ababa, Woreda 6, claiming that his electorate was mainly composed of independent traders who were therefore unlikely to be easily pressured by the EPRDF.

Consequently, there will be practically no presence of opposition parties in the State Councils or the HPR for the next five years. The influence of dissenting views in the country's political debate will therefore be excluded from parliament until 2015. Notwithstanding, with the current system for the allocation of campaign finance and free-airtime on state-owned media, the opposition will be at a considerable disadvantage compared to the ruling party in the run-up to the 2015 elections.

XVI. RECOMMENDATIONS

In line with its mandate, and its desire to help promote further improvements in the Ethiopian electoral process, in its broadest sense, the European Union Election Observation Mission (EU EOM) offers the following suggestions and recommendations for consideration by the Government of Ethiopia, the National Electoral Board of Ethiopia (NEBE), political parties and Ethiopian civil society organisations.

Legal Framework

In order to prevent the practical implementation of the legal framework from deviating from the international commitments for elections subscribed to by Ethiopia, notably in terms of the respect for fundamental freedoms:

1. Electoral offences and the competent jurisdictions for their adjudication should be reviewed in order to provide clear and comprehensive guidelines in the Electoral Law, including explicit reference to the use of state resources, to ensure that all offenders are held accountable for their actions before the courts. The penalties for some electoral offences should also be reviewed to ensure greater proportionality. Recent proclamations that affect human rights and fundamental freedoms could be discussed and reviewed by all stakeholders to reduce potential repercussions on the electoral process and the overall human rights situation.

Electoral System

To increase the representative nature of the country's legislative body, provide greater transparency to the process and ensure equality of the vote:

2. The possibility of introducing some measure of proportional representation in the Ethiopian electoral system should be considered by all political forces to promote a greater level of representation in the House of People's Representatives (HPR). The creation of specific constituencies for Ethiopian citizens living abroad, together with out-of-country registration and voting in embassies and consulates could be considered. Given that the Constitution allows for an additional three seats in the HPR, these could be used to represent Ethiopians living abroad.
3. A review of constituency boundaries should be undertaken to ensure that constituencies better reflect actual population trends, thus contributing to greater equality of the vote. Any such revision should be overseen by an independent panel. The allocation of "Special Constituencies" for the representation of minority groups should also be revised.
4. The system for higher education and military voting could be modified to ensure greater transparency. Furthermore, polling should not be carried out in locations that cannot be freely accessed by observers and party agents, as is currently the case for the voting in military barracks. The possibility for these two groups to vote earlier than the rest of the population could also be assessed in order to accelerate the consolidation process.

Election Administration

To increase the transparency and credibility of the election administration as well as improving the level of confidence that some opposition parties have in its neutrality and independence:

5. Serious efforts should be taken to limit the involvement of governmental administrative structures, down to *kebele* level, in the organisation and implementation of the electoral process. The development of an independent structure for the NEBE throughout the country, gradually diminishing its dependence on local administrative structures should be envisaged. These measures could prevent and curtail suspicions of governmental control of the electoral process as well as the blurred separation between the state and the ruling party in electoral activities and the undue use of state resources at regional and local levels.
6. The NEBE should take measures to enhance transparency at all levels of the electoral administration to guarantee its accountability. The NEBE should publish and disseminate all of the technical tools of the electoral process: polling station lists, constituency lists, lists of registered voters, information on public financing of election campaigns, as well the exact procedures and arrangements for minority constituencies.
7. The appointment procedure for NEBE Board members should be revised to generate greater confidence in the NEBE's independence among all stakeholders. An independent, multi-party appointment panel could be considered. Members of the NEBE Board should not be allowed to hold positions simultaneously that may result in a conflict of interests.
8. The EU EOM considers that public observers did not contribute to the transparency or confidence of the process and that their presence should be reconsidered, especially in the Grievance Hearing Committees (GHC).

Voter Registration

A transparent, credible and accurate voter register is an essential component for genuine elections, to this end:

9. A centralised and computerised national voter register should be created, with sufficient safeguards and crosschecking procedures to prevent multiple registrations. The possibility of introducing a permanent register could be assessed. An audit of the electoral register could also be considered. All political parties should be provided with copies of the register, including higher education and military registration, well in advance of Election Day. To enable greater inclusiveness and accuracy, the period for voter registration and the public display of the register could be extended by at least four weeks.

Candidate Registration

In order to promote greater respect for the principle of equal rights for all citizens to stand for elections:

10. The limit on the number of candidates per constituency, and the priority given in case there are more than 12 candidates to those submitted by political parties should be lifted. Similarly, independent candidates should not be excluded from the allocation of public funding for campaigning or the distribution of free airtime in the media.

Political Parties and Candidates

To increase confidence in the democratic process, broaden the political space in the country and help level the currently unbalanced political playing field:

11. The absence of one opposition leader in exile, as well as the imprisonment of one political leader, qualified as arbitrary detention by the United Nations, should be addressed. The review of these leaders' legal cases would constitute an important and necessary step in order to broaden the political space.
12. The national capacity of political parties needs to be strengthened, possibly through the implementation of capacity-building programmes. The Political Parties Registration Proclamation should be modified allowing for greater public financing of political parties, on a yearly basis and not limited to the campaign period. Clear and transparent rules for the distribution and accountability of such funding should be established.

Election Campaign

Providing the conditions for a level playing field during the election campaign is essential in a democratic process, to this end:

13. The ratios used to allocate campaign financing should be re-considered to limit the degree of proportionality in terms of presence in the HPR. Auditing of campaign finance and a ceiling on campaign spending could be considered to help level the playing field between parties as well as increasing the transparency and accountability of election campaigns.
14. The length of the election campaign could be reduced to a period of four to six weeks to better optimise the resources available for political parties to engage in campaign activities.

Voter Education

To ensure that all voters have the possibility of making an informed choice:

15. The NEBE should re-consider its preference for retaining exclusive competence over voter information programmes. Greater efforts could be made to ensure that voter education is available in more minority languages.

The Media

In order to avoid confusion as to the role of the media during the election process and to enable the media to carry out its duties freely in providing the public with balanced information:

16. The requirement for journalists to be specifically accredited by the NEBE to cover the election process, established in Article 91 of the Electoral Law, should be revised allowing journalists to fulfil their duties freely when reporting on the electoral process.
17. The provisions of Article 59 of the Electoral Law, requiring state-owned media to provide free airtime to parties during the campaign, should be amended in line with the Broadcast Service Law, which requires all media to provide free airtime during the electoral period..
18. Clear provisions regarding the role of the media during the 48-hour campaign silence period should be established to provide voters with a period of time free from campaign messages in which to reflect on their political choices.
19. A permanent monitoring mechanism could be considered to verify the Ethiopian Radio and Television Agency's (ERTA) compliance with its obligations as a public broadcaster. State-owned media impartiality and balanced coverage beyond the campaign period could

also be monitored by the Ethiopian Broadcasting Authority and reported to the HPR.

20. A permanent code of conduct of the media's coverage of elections could be considered. Such a code of conduct should be discussed and agreed upon among all stakeholders. Greater emphasis should be made on the obligation for all media to provide a balanced coverage of all aspects of the electoral process.

Women's Participation

To improve the representation and the level of women's participation in the electoral process:

21. Women's participation in the HPR, State Councils, political parties and the electoral administration must be further promoted. Greater funds could be provided for women candidates in the public funding of election campaigns. The NEBE could also consider introducing a gender quota throughout its structure.

Civil Society and Domestic Observation

To increase the involvement of civil society organisations in the electoral process:

22. Measures should be taken to promote the involvement of civil society organisations (CSOs) in both voter education and domestic election observation. To this end, consideration could be given to relaxing the restrictions on foreign funding of local CSOs to allow foreign funds to be channelled into capacity-building, training of domestic observation groups and voter information programmes.

Complaints and Appeals

In order to ensure the implementation of the right to an effective remedy, to increase the accountability for electoral offences and the level of confidence in the process:

23. Steps should be taken to ensure that all election-related offences are investigated and that all offenders are prosecuted and held accountable in a timely manner. A more proactive role for judicial authorities and prosecutors in handling electoral matters could also be promoted.
24. The composition of Grievance Hearing Committees (GHC) should be restricted to persons with a sufficient legal background or capacity, and possibly recruited through a competitive selection process. The accountability of GHC members and their responsibilities in referring electoral offences to the courts should be considered. Resources should be made available for the different committees to carry out their investigations.
25. The jurisdiction of Joint Councils for Political Parties (JCPPs) should be limited to minor electoral offences, such as the removal of campaign posters and civil matters regarding the electoral process and the campaign. Other electoral offences should be immediately referred to the judiciary. JCPPs could consider including members of the police and civil society organisations to ensure greater participation and transparency in the process when addressing electoral offences.
26. The NEBE should establish a national database containing consolidated records of all complaints received at every level of the electoral administration. This database should

also include the responses and decisions taken in order to ensure greater transparency and public accountability in its handling of election-related complaints.

Polling, Counting and Consolidation

To increase the transparency and consistent application of procedures as well as improving the efficiency of the consolidation process, thereby increasing the confidence in the democratic process:

27. The Electoral Law should be amended to give precedence to the voters' clear intention, regardless of the actual sign used to express it in the determination of valid votes.
28. Polling station staff should be provided with more and better training, especially regarding the opening, closing and counting process. Greater attention should be given to the filling in of forms at the different stages of the process, notably the consolidation process as a whole.
29. A comprehensive review of the different forms required from polling station committees and constituency electoral offices should be carried out to make them simpler and easier to complete as well as reducing the number of different forms. The forms for polling station and constituency offices should be on carbonless copy paper to reduce the workload of election officials and speed up the counting and consolidation processes. The use of trained personnel sent from the NEBE headquarters to assist and possibly digitalise certain elements of the consolidation process could be considered.