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Final Report



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PRESIDENTIAL, PARLIAMENTARY AND LOCAL COUNCIL ELECTIONS



SIERRA LEONE

FINAL REPORT

**PRESIDENTIAL, PARLIAMENTARY AND LOCAL COUNCIL ELECTIONS
17 NOVEMBER 2012**

EUROPEAN UNION ELECTION OBSERVATION MISSION

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ACRONYMS

AIT	Africa Independent Television
APC	All People's Congress
BVR	Biometric Voter Registration
CDP	Citizens Democratic Party
CTN	Cotton Tree News
DEO	District Electoral Officer
DRO	District Returning Officers
EOC	Electoral Offences Court
EU EOM	European Union Election Observation Mission
FVR	Final Voter Register
GNI	Gross National Income
IMC	Independent Media Commission
IRN	Independent Radio Network
KFTV	Kedar Faith TV
NDA	National Democratic Alliance
NEC	National Electoral Commission
NEW	National Election Watch
PDP	People's Democratic Party
PLP	Peace and Liberation Party
PMDC	People's Movement for Democratic Change
PPLC	Political Parties Liaison Committee
PPRC	Political Parties Registration Commission
PVR	Provisional Voter Register
RRF	Reconciliation and Result Forms
RTC	Regional Tally Centres
RUFP	Revolutionary United Front Party
SLAJ	Sierra Leone Association of Journalists
SLBC	Sierra Leone Broadcasting Corporation
SLBS	Sierra Leone Broadcasting Service
SLEFPAC	Female Parliamentary Caucus
SLNA	Sierra Leone News Agency
SLL	Sierra Leone Leones
SLP	Sierra Leone Police
SLPP	Sierra Leone People's Party
TRC	Truth and Reconciliation Commission
UNAMSIL	United Nations Mission in Sierra Leone
UNIPSIL	United Nations Integrated Peacebuilding Office in Sierra Leone
UNPP	United National People's Party

I. Executive Summary

- The 17 November elections were the third elections since the end of the civil war in Sierra Leone and the first ones to be led by the National Electoral Commission (NEC). Following an invitation from the Government of Sierra Leone and the National Electoral Commission, the European Union Election Observation Mission (EU EOM) was present in Sierra Leone from 27 September to 14 December. The Mission was led by Chief Observer, Richard Howitt, Member of the European Parliament. In total, the EU EOM deployed 100 observers from 26 EU Member States, and Norway, across the country to assess the whole electoral process in accordance with international and regional commitments for elections as well as the laws of Sierra Leone. A delegation of members of the European Parliament, headed by Mariya Gabriel, Member of the European Parliament, also joined the mission to observe election day.
- The November elections were contested by ten political parties and nine presidential candidates. The political environment was extremely polarised with the contest, in reality, being between APC and SLPP. The legal framework was acceptable for the conduct of democratic elections which is in line with regional and international commitments undertaken by Sierra Leone. The NEC acted in an overall independent and impartial manner and an introduction of biometric voter registration (BVR) is a notable achievement. Freedoms of assembly, speech and movement were generally respected; however there was an unequal playing field, in particular with regard to the access to the media and the abuse of incumbency. These elections regrettably failed to enhance women representation in the parliament. Despite a widespread fear of a return to violence among all election stakeholders, the electoral process was largely calm and peaceful. The elections were overall credible and conducive to the consolidation of democracy, however further progress will depend on the will of national institutions to address shortcomings.
- The legal framework governing the electoral process provides an acceptable basis for the conduct of democratic elections in line with regional and international commitments undertaken by Sierra Leone. There are, however, many deficiencies in the protection and promotion of full participation in the electoral process, with both legal and constitutional reform necessary to fully comply with the principles of international law. These include several limitations on the right to stand for public office and on the secrecy of voting, the absence of a timeframe stipulated by law for the different stages of the electoral process, and inadequate timeframes for the adjudication of complaints and appeals.
- Some qualification criteria for the nomination of candidates are not in line with Sierra Leone's international commitments. These include an obstacle to independent candidates running for presidential office, high non-refundable nomination fees for candidates to stand for election, though they were subsidised by the state after the arrangement of 13 September, and the overly restrictive requirement for presidential and parliamentary candidates to resign from public office at least one year before elections.
- Freedoms of speech and movement were respected as candidates campaigned actively throughout the country. The election calendar issued by the NEC, asserted to be a tension reducing mechanism, necessary to avoid clashes between political party supporters, limited the right of political parties to assemble freely. This campaign calendar was not uniformly applied across the country. The two main parties frequently breached the campaign calendar by campaigning outside their allotted days. There was an absence of any police enforcement of respect for the calendar, but local mediation by PPRC officials was observed in some areas.
- An unequal playing field was evident throughout the campaign period. Although the election campaign was dominated by the ruling APC and the main opposition SLPP, APC clearly benefited from the advantages of incumbency by making use of state resources, enjoying considerably more media coverage

and clearly having more financial resources for campaigning, including considerable sums spent on paid media airtime as compared to SLPP and other political parties. The volume of resources invested in the campaign by the ruling party clearly exceeded that of the SLPP. The other political parties, including PMDC, were much less visible as they lacked financial resources to conduct large-scale public campaign events. As no state financial support is made available to political parties, their ability to compete in elections was impaired.

- The media overall provided a reasonably diverse platform for political parties in proportion to their level of activity in the electoral campaign. Significant unbalances, however, were observed in the electoral coverage of both public and some private media. According to the EU EOM's media monitoring findings, the public broadcaster gave access to most of the political contestants. Nevertheless, in key areas such as news bulletins and election related programmes, SLBC showed significant quantitative unbalance in favour of the ruling party. The quality and balance of electoral coverage by private media was very diverse, with the print media registering the most evident cases of biased coverage both in terms of space and tone. The radio stations Radio Democracy and Cotton Tree News (CTN), and the newspapers Awoko and Concord Times, offered balanced and neutral coverage of the campaign period, both in amount of airtime/space and tone devoted to political parties.
- The NEC acted independently and impartially throughout the whole election process and key decisions were made in consultation with political parties and other stakeholders. Notable exceptions, however, were the process of prescribing nomination fees, which did not include any consultations, and the announcement of presidential election results, as the winning APC presidential candidate and incumbent President was evidently informed about the results earlier than the other presidential candidates and the general public, as his swearing-in ceremony started shortly after the official announcement of the presidential election results.
- The introduction of biometric voter registration (BVR) is a notable achievement of the 2012 elections. All phases of the voter registration process were observed by party agents of all key political parties, as well as by domestic observers from the National Election Watch (NEW), and the whole process is generally regarded by all stakeholders, as well as by the EU EOM, as transparent and credible, despite delays in implementation and some technical problems which occurred, particularly during the initial phases of biometric data capture.
- Technical electoral preparations were largely completed in a timely manner. However, the absence of a publicly available consolidated electoral calendar made it difficult for stakeholders to assess the real state of electoral preparations. The decentralised regional and district tally procedures were approved by the NEC at an extremely late stage, only three days before election day. As a consequence, political parties and other stakeholders had only a very limited time to familiarise themselves with these procedures in order to be able to effectively scrutinise the results tallying process. The NEC also failed to provide timely and adequate voter education at the ward level. Given the high levels of illiteracy in the country and the level of democratic development, the EU EOM believes that significantly more civic voter education over a substantially longer period was needed by all relevant state institutions in order to guarantee the right to an informed choice of the voters.
- The conduct of voting operations was positively assessed in 95 per cent of the 404 polling stations visited by the EU EOM, with voting procedures being largely followed. The voting was generally conducted in an orderly, calm and peaceful manner. Political party agents of both main parties were present in 90 per cent of polling stations visited while at least one domestic observer was present in 85 per cent of stations visited. Counting in the polling stations visited was conducted in the presence of political party agents and observers and the integrity of the counting process was sufficiently protected. Copies of the reconciliation and result forms (RRFs), however, were not always publicly displayed and were not always

given to party agents.

- As originally foreseen by the NEC, the whole process of results tallying relied entirely on the results produced by the four regional tally centres. A high number of RRFs arrived at the tally centres in unsealed envelopes, missing essential data, and/or the stamp and signature of the presiding officer. The regional tally centre procedures for clearing RRFs from quarantine did not clearly specify what steps had to be taken in order to clear RRFs from quarantine. Neither did they detail when polling station results have to be recounted. As a result, decisions taken in this regard by the various regional tally centres were not consistent and were often poorly communicated to the agents and observers present, leading to a reduced level of transparency. Despite these shortcomings, however, EU EOM observers assessed that the integrity of the tallying process, during their observations at tally centres, was sufficiently protected in the vast majority of cases.
- The NEC announced certified results of the presidential election on 23 November with a high national turnout of 87.3 per cent. The APC presidential candidate and incumbent President Ernest Bai Koroma received 58.7 per cent of the valid votes and was declared duly elected as President of the Republic of Sierra Leone. The SLPP candidate Julius Maada Bio obtained 37.4 per cent of valid votes and Charles Margai of PMDC obtained 1.3 per cent. The announced results were based on 97.6 per cent of the polling stations - the results of five polling stations were invalidated and 219 polling station results continue to be quarantined. According to the NEC, the results from the quarantined polling stations could not influence the outcome of the election.
- The certified results of parliamentary elections for 109 out of 112 constituencies were announced on 26 November with APC obtaining 67 seats and SLPP obtaining 42. The results of two constituencies were not announced due to High Court injunctions and, in one constituency, the election was postponed due to the death of the PMDC candidate to 9 February 2013. For the District Chairperson/Mayor elections, out of thirteen elected District Chairpersons, seven are from APC and six from SLPP. Out of six elected Mayors, three are from APC and three from SLPP. As for 456 Councillor seats, APC won 253 seats, SLPP 198 seats, independent candidates four seats and PMDC one seat. The EOM nevertheless considers that the will of the people was reflected in the overall results.
- The November elections failed to enhance women participation in public life and women membership of the national parliament despite the political parties' commitments to affirmative action within their nomination and other practices. There were no female candidates for the office of president, while there were four female running-mates for the office of vice-president. The 65 women nominated as candidates in the parliamentary elections represented 11 per cent of candidates, mirroring exactly the same figure as 2007. Only 16 amongst these candidates were elected to parliament, representing less than 13 per cent of parliamentarians. While capacity building training for female aspirants and candidates was in some cases offered in the recent electoral process, this was inadequate to address the participation of women in this election. In a notable exception to national trends, an initiative in Kailahun by the Kailahun Women in Governance Network, which offered training and financial support to female candidates from all parties, resulted in the election of over 40 per cent of women to the local council.
- The time limits for complaints and appeals foreseen in the law allow for procedures to continue past polling day, thereby denying timely and effective remedies to aggrieved parties. An appeal against the decision of a returning officer regarding a contested parliamentary or local council candidate nomination may be made to the NEC and, beyond this, by way of election petition to the High Court, only after the declaration of results. This is a notable gap in the legislation in that no procedure exists for dealing with contested nominations between delivery of the decision of NEC and the publication of election results. Challenges to the results of presidential elections are made to the Supreme Court within seven days of the declaration of results. No time limit is laid down for the delivery of a decision in this matter.

- A comprehensive list of recommendations is offered at the end of this report in order to promote further improvements in certain areas of the electoral process. Key recommendations include:
 - a. to end discrimination in the rules of candidacy for election in line with international commitments and to promote wider participation in public life, enabling the candidacy of naturalised citizens and those with dual nationality for parliament and local council elections, and the candidacy of independent candidates for the office of president.
 - b. revision of the time-frames in the electoral law, particularly in relation to objections to nominations and petitions challenging the validity of results offering more timely and effective remedies to those aggrieved in the electoral process. It is imperative that nomination controversies be resolved in advance of printing ballot papers and election day, while shortened time limits in the adjudication of challenges to results would be a positive development.
 - c. adoption and publication of a consolidated electoral calendar with clearly set deadlines for completion of particular activities well ahead of any electoral event enhancing transparency and stakeholders' confidence in the electoral process.
 - d. strengthening civic and voter education with special focus on illiterate voters in areas with no or limited access to electronic media, and with greater involvement of civil society organisations could enable voters to make a more informed choice and reduce the number of invalid votes in future elections.
 - e. inclusion of the data on number of voters who voted through the Final Voter Register and Additions to the Final Voter Register in the polling station reconciliation and result forms would accelerate the results tallying process.
 - f. adoption and publication of the detailed tally centre procedures, clearly stipulating the steps to be taken in the case of quarantined results, at least six months in advance of any electoral event.
 - g. introduction of financial support by government for political parties can be considered on an annual basis, using proportionality criteria. The amount could be based on the number of votes received at general elections.
 - h. promotion of the participation of women in public life through adoption of legislation requiring affirmative action gender policies within parties and
 - i. strengthening the power and legal authority of the Independent Media Commission.

II. Introduction

Following an invitation from the Government of Sierra Leone and the National Electoral Commission, the European Union Election Observation Mission (EU EOM) was present in Sierra Leone from 27 September to 14 December. The Mission was led by Chief Observer, Richard Howitt, Member of the European Parliament. In total, the EU EOM deployed 100 observers from 26 EU Member States, and Norway, across the country to assess the whole electoral process in accordance with international and regional commitments for elections as well as the laws of Sierra Leone. A delegation of members of the European Parliament, headed by Mariya Gabriel, Member of the European Parliament, also joined the mission to observe election day.

The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005. This report seeks to present a detailed assessment of the Mission's findings on the various stages of the electoral process, as well as presenting a series of recommendations based on these findings.

The EU EOM wishes to express its appreciation to the government of Sierra Leone and the National Electoral Commission and other Sierra Leonean authorities, political parties and civil society, as well as the people of Sierra Leone, for their cooperation and assistance in the course of the observation. The EU EOM is also grateful to the Delegation of the European Union to Sierra Leone and the European Union member states' diplomatic missions resident in Sierra Leone for their support throughout.

III. Political Background

The 17 November elections were the third elections since the end of the civil war in Sierra Leone. The country has moved from a post-conflict period to the beginning of democratic consolidation. These elections were also the first ones to be led by the National Electoral Commission (NEC) and, at the same time, the most complex ones as for the first time presidential and parliamentary elections were held simultaneously with mayoral/district chairperson and local councillor elections. The 2012 elections were therefore a critical test of the NEC's capacity and independence.

Since the 2007 elections, the political scene has been dominated by the ruling All People's Congress (APC) and the main opposition party, the Sierra Leone People's Party (SLPP). The APC presidential candidate Ernest Bai Koroma was elected after a second round in the 2007 presidential elections and his party won 59 seats out of the 112 directly elected seats in the parliament. The SLPP won 43 seats, but since increased its number of parliamentarians to 45 by winning two seats from the People's Movement for Democratic Change (PMDC) at by-elections in Pujehun, thereby strengthening its position one year prior to the 2012 elections. The third party represented in the outgoing parliament, initially with ten parliamentarians, was PMDC. PMDC, an offshoot of the SLPP in 2006, formed a coalition with APC after the 2007 elections. The coalition was later dissolved as PMDC went through an internal crisis. The party was further weakened with the foundation of the United Democratic Movement (UDM), in 2011, by the former Chairman of PMDC.

The November 2012 elections were contested by ten political parties, these being APC, SLPP, PMDC, UDM, Citizens Democratic Party (CDP), United National People's Party (UNPP), Peace and Liberation Party (PLP), Revolutionary United Front Party (RUF), People's Democratic Party (PDP) and National Democratic Alliance (NDA). Nine out of these parties nominated presidential and vice-presidential candidates. The political environment was extremely polarised with the contest, in reality, being between APC and SLPP. Their main contenders were the incumbent President Ernest Bai Koroma of APC and Julius Maada Bio of SLPP. The APC vice-presidential candidate was the incumbent vice-president Samuel Sam Sumana whereas SLPP nominated Kadi Sesay, a woman and a former minister in President Tejan Kabbah's government, as vice-presidential candidate. For the 112 directly elected seats of the Parliament, also known as the House of Representatives, 602 candidates were nominated, 32 of which were independent, many of who were aspirants who had not been awarded a party symbol either by APC or SLPP. Only APC and SLPP nominated candidates in all 112 parliamentary constituencies, although the candidature of two SLPP candidates was later restrained by court order. A total of 92 candidates was nominated by PMDC, the NDA nominated 60 candidates and the RUF nominated 55 candidates. For the local council elections, 1,624 candidates competed for the 475 councillor seats including 6 mayoral and 13 district council chairperson seats.

Fear of a return to violence was a widespread concern raised by all election stakeholders throughout the electoral process. Continuous messages of non-violence emanated from all sectors of society, both before and during the election campaign, as well as after election day and during the announcement of election results, all of which contributed to a largely calm and peaceful electoral process. The contacts between the security forces and political parties in confidence building activities such as the PPRC meetings at national and local level as well as the stakeholders meetings organised by the NEC, contributed to the peace and security of the elections. The continuation of these activities, political parties' joint calls for peace and the

strengthening of the communication between political parties and security forces will benefit future electoral processes.

IV. Legal Framework

A. Universal and Regional Principles and Commitments

Sierra Leone has undertaken a wide range of universal and regional commitments which have a bearing on the electoral process. The relevant international legal commitments comprise the International Covenant on Civil and Political Rights, the Convention on the Elimination of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Political Rights of Women and the Convention on the Rights of People with Disabilities. As for regional instruments, Sierra Leone is committed to the African Charter on Human and People's Rights of 1981, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa of 2003, the African Charter on Democracy, Elections and Governance of 2007, and the ECOWAS Protocol on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 2001. The relevant regional non-treaty commitments comprise the New Partnership for Africa's Development (NEPAD) Declaration on Democracy, Political, Economic and Corporate Governance of 2002, the African Declaration on the Principles Governing Democratic Elections in Africa of 2002 and the Declaration of Political Principles of the Economic Community of West Africa of 1991.

B. Legal Framework

The legal framework for the conduct of democratic elections is to be found in the Constitution of 1991, with greater detail in the Political Parties Act, 2002, the Local Government Act, 2004, the Public Elections Act, 2012, and a plethora of constitutional and statutory instruments. There is also a great deal of "soft-law" pertaining to the conduct of elections, which includes the NEC Code of Election Campaign Ethics, 2012 and the Political Parties Code of Conduct, 2006.

The Constitution establishes the state as a sovereign republic, based on principles of freedom, democracy and justice, with all sovereignty vested in the people of Sierra Leone. The Public Elections Act, 2012 represents a welcome attempt to consolidate pre-existing electoral law, as it repealed the National Electoral Commission Act, 2002, and the Electoral Laws Act, 2002. Two of the positive innovations of note in the Public Elections Act, 2012 are that the independence of NEC is made explicit, and the power of the NEC to nullify polling station results, where the number of votes cast exceeds the number of registered voters, is clearly established. Electoral law, however, remains scattered across several legal instruments, which contain some glaring inconsistencies and contradictions, which makes the content of the law difficult both to ascertain and to apply.

The legal framework provides an acceptable basis for the conduct of democratic elections which is in line with regional and international commitments undertaken by Sierra Leone. There are, however, many deficiencies in the protection and promotion of full participation in the electoral process, with both legal and constitutional reform necessary to fully comply with the principles of international law. These include several limitations on the right to stand for public office and on the secrecy of voting, the absence of a timeframe stipulated by law for the different stages of the electoral process, and inadequate timeframes for the adjudication of complaints and appeals.

The right to stand for election is excessively circumscribed. Candidature for all elected office is limited to citizens by birth, excluding naturalised citizens, as well as those with dual citizenship, from participating as candidates in the electoral process, despite being afforded the right to vote. The citizenship laws discriminate further on grounds of ethnicity, limiting citizenship by birth to those of "negro African

descent”¹. This has an impact on non-African and other non-indigenous communities, many of whom have been established in Sierra Leone for up to five generations. While reservation of presidential office to citizens by birth is quite common, this legal provision on the attainment of citizenship by birth clearly discriminates on the grounds of ethnicity, and violates equality principles of international human rights law as it closes off access to all elected offices including local government and parliament. Also, candidature for the office of president is restricted to nominees of political parties, which infringes the freedom of association and the right to stand for public office, restraining the candidature of independent candidates. The requirement that public servants intending to contest elections must resign their posts 12 months prior to elections is unreasonably long. While this was acknowledged by government in an unsuccessful attempt to reduce this period to six months², the breadth of application of the disqualification is also unreasonable in scope, applying to all public servants regardless of the nature of their post. Finally, the high non-refundable nomination fees for all elections, having been prescribed by the NEC and enacted by Parliament³ without consulting political parties, led to an initial boycott of the electoral process by eight out of the ten political parties. While the compromise solution reached for the 2012 elections was commendable, the prescribed nomination fees were unreasonably high given the very low level of personal income in the country and represent another restriction on the right to stand for election. Intervention by the government to subsidise the nomination fees in order to guarantee multiparty elections is not an equitable or sustainable manner in which to regulate nomination fees. The prescribed fees were characterised by the Human Rights Commission as a barrier to the participation of women and other marginalised groups.

While the constitution requires that voting in public elections be by secret ballot, the Public Elections Act mandates numbering of ballot papers, thus undermining the secrecy of the ballot. Ballot papers and their corresponding counterfoils for these elections included an identical serial number creating an opportunity to determine the choice of a particular voter. Also the absence of tactile ballot guides for visually impaired voters further disrespected secrecy rights of these voters, aggravated by the fact that tactile ballots have been used in previous elections.

The Public Elections Act, 2012 confers upon NEC unfettered power to enlarge or reduce the time period provided in the Act for any activity. This means that any potential electoral calendar in the future may always remain provisional, to be altered at the will of NEC, thus depriving the electoral process of legal certainty and predictability.

The time frames for adjudication of electoral disputes allow for procedures to continue past polling day, denying timely and effective remedies to aggrieved parties. The law does not provide a time limit for decisions on challenges to the nomination process of members of parliament and local councils before election day, which is aggravated by the relative brevity of the period between nomination and election day. This makes it possible that decisions on the validity of nominations may be delivered only after the election has taken place.

A sentence of imprisonment disqualifies a person from voting according to the Public Elections Act, 2012. A constant fact in Sierra Leone, however, is that sentenced convicts are in a minority in the prison population. In March of 2012⁴, of 2,291 persons in prison, just 951 (42 per cent) had been convicted of any crime. The NEC failed to make any provision to register those on remand during the registration process, ensuring that many people after being released were not able to vote, a situation which was further compounded by the fact that the NEC did not make any arrangements to facilitate voting by prisoners on remand.

¹ Section 2 of the Citizenship Act, 1972, as amended by the Citizenship (Amendment) Act, 2006.

² Constitution (Amendment) Bill, 2012 – *Gazette* 21 June 2012.

³ The Nomination Fees of Presidential Candidates, Members of Parliament, Members of Local Councils and Village Headmen Order, 2012, Statutory Instrument No. 13 of 2012.

⁴ OHCHR unpublished report – UNIPSIL October 2012.

C. The Electoral System

The president and vice-president of Sierra Leone are directly elected by universal adult suffrage and by secret ballot with a 55 per cent majority of the valid votes cast. In the event that a candidate fails to receive the number of votes to cross this threshold in a first round election a second round is called between the two candidates who receive the largest percentage of votes in the first round of elections. The presidential office is limited to two terms.

Sierra Leone has a unicameral legislature with a parliament of 124 seats, of which 12 are reserved for Paramount Chiefs elected by chiefdom councillors. The remaining 112 members are elected by direct popular vote in single-seat constituencies using the first-past-the-post system. The president and the members of parliament serve a five-year term. The 475 councillor seats, including 6 mayoral and 13 district council chairperson seats, are also elected for a four-year term through a first-past-the-post system.

V. Election Administration

A. Structure and Composition

The NEC is established as an independent body by the Constitution and has a mandate to organise, conduct and supervise all public elections and referenda in Sierra Leone. Its responsibilities also include the registration of voters, preparation, maintenance and regular revision of the voter register, delimitation of constituencies, administration of candidate nomination process, conduct of civic and voter education and facilitation of election observation. The NEC has the power to issue regulations that are required for the efficient performance of its functions.

The NEC is composed of a Chief Electoral Commissioner/Chairperson and four Electoral Commissioners who, besides their assigned functional roles, have responsibility for one region of the country (West, North, East and South) each. All members of the Commission are appointed by the President after consultation with the leaders of all registered political parties, subject to the approval of Parliament. The current Chairperson, Dr. Christiana Thorpe, who is also the Returning Officer for presidential elections, was reappointed for her second five-year term in 2010. Decisions are taken by a majority of votes cast at NEC meetings, with the quorum being three members. If there is an equality of votes, the Chairperson, or in case of her absence, any other member presiding at the meeting, has a casting vote.

In performing its duties the NEC is assisted by an Administrative Secretariat led by an Executive Secretary. The Secretariat coordinates activities of its seven specialised departments. Besides its National Headquarters in Freetown, the NEC has also 14 district offices staffed by District Electoral Officers (DEOs), Assistant District Electoral/Logistics Officers, Voter Education and Training Officers and some support staff. For the 2012 elections, the NEC was also assisted by a small team of UN technical advisers.

B. The Administration of Elections

The NEC acted independently and impartially throughout the whole election process and key decisions were made in consultation with political parties and other stakeholders.⁵ Notable exceptions, however, were the

⁵ Article 25 ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 20: “An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.” See also Article 17 (1) African Charter on Democracy, Elections and Governance, 2007 and Section 2, Article 4 (e), the African Union Declaration on the Principles Governing Democratic Elections in Africa, AHG/Decl.1 (XXXVIII), 2002: “Democratic elections should be conducted [...] by impartial, all inclusive competent and accountable electoral institutions staffed by well trained personnel and equipped with adequate logistics.”

process of prescribing nomination fees, which did not include any consultations and the announcement of presidential election results when the winning APC presidential candidate and incumbent President was evidently informed about the results earlier than the other presidential candidates and the general public, as his swearing-in ceremony started shortly after the official announcement of presidential election results.

As confidence building measures, the NEC organised regular stakeholders' meetings and press conferences to update stakeholders and the general public on electoral preparations and to ensure transparency of the process. All contesting political parties regularly attended meetings of the Political Parties Liaison Committee (PPLC) which was a bi-weekly forum, established by the NEC at the outset of the registration process, to facilitate regular interaction between the NEC, political parties and other key electoral stakeholders. Nevertheless, minutes of the NEC meetings and decisions adopted at these meetings were not published and some essential information regarding the electoral process, such as legal instruments regulating elections and disaggregated data from the Final Voter Register, were not easily accessible.

Technical electoral preparations were largely completed in a timely manner despite the considerable logistical and staffing challenges of conducting four elections simultaneously. However, the absence of a publicly available consolidated electoral calendar made it difficult for stakeholders to assess the real state of electoral preparations prior to election day.

The list of 9,493 polling stations (an increase of 30 per cent compared to 2007), including their locations, was published on the NEC's website on 11 October and job advertisements for polling centre and polling station staff were published and aired in the districts between 10 and 12 October. The qualification requirements were reasonable, but potential applicants for more than 70,000 working positions were provided with very little time to apply as they had to submit their applications to District Electoral Offices by 15 October at the latest.

The five-level cascade training of polling staff was conducted between 19 October and 16 November 2012. The NEC did not provide a sufficient number of training manuals for trainees and on election day it was apparent that many presiding officers were not sufficiently familiar with procedures for filling out the reconciliation and result forms, nor the packing and transfer of material.

The four regional and fourteen district tally centres were set up with substantial assistance from the UN and Nigerian technical advisers respectively. The decentralised regional and district tally procedures were approved by the NEC and made available to political parties and other stakeholders at an extremely late stage, only three days before election day, despite the fact that decentralised result management was a completely new element of electoral practice in Sierra Leone. As a consequence, the training of tally centre staff trainers was conducted using the draft version of procedures and political parties and other stakeholders had only a very limited amount of time available to familiarise themselves with these procedures in order to effectively scrutinise the result tallying process.

Printing of serially numbered ballot papers and result and reconciliation forms for all four elections was completed in South Africa on 29 October. The ballot papers and forms, already pre-packed per individual polling station, were delivered to Sierra Leone in two consignments on 5 and 8 November. Only very limited amounts of information regarding the ballot paper printing process were shared by the NEC with stakeholders.

While presidential candidates were listed on the ballot paper in alphabetical order by political party (i.e. APC being the first and UNPP being the last), parliamentary and local council candidates were listed alphabetically by their surnames. In case of local council multi-member constituencies in five cities (Bo, Kenema, Koidu, Makeni and Bonthe) this meant that candidates from an individual party were not grouped in one block but were dispersed throughout the ballot paper based on their surnames. This posed an additional challenge for voters in the constituencies concerned.

C. Voter Education

The NEC failed to provide timely and adequate voter education at the ward level. The Ward Electoral Education Committees, which were supposed to educate the electorate on voting procedures at the ward level, did not receive the necessary support on time and as a result they became operational very late. The NEC voter education activities consisted mainly of broadcasting messages and programmes in electronic media, displaying billboards and posters in public places and encouraging other stakeholders, namely political parties and civil society organisations, to engage more actively in voter education. Insufficient voter education and its possible impact on the number of invalid votes was a common concern of almost all stakeholders across the country given the complexity of these four-fold elections. Given the high levels of illiteracy in the country and the level of democratic development, the EU EOM believes significantly more civic voter education over a substantially longer period was needed by all relevant state institutions in order to guarantee the right to an informed choice for the voters.

VI. Voter Register

A. The Right to Vote

The right to vote and register as a voter is granted to every citizen of Sierra Leone who is at least 18 years of age on the day of election, of sound mind and ordinarily resident in a ward. A person is disqualified from voting if s/he has committed an electoral offence or is serving a prison sentence. However, there were no provisions made for registration of citizens who were in detention but not yet convicted of any offence.⁶ The NEC also decided not to organise any voter registration outside Sierra Leone for non-resident citizens wishing to vote in the elections despite the Public Elections Act foreseeing this possibility. While voting by the diaspora is implicit in the law, a statutory instrument is required to facilitate this.

B. Voter Registration Procedures

The introduction of biometric voter registration (BVR) is a notable achievement of the 2012 elections. All phases of the voter registration process were observed by party agents of all key political parties, as well as by domestic observers from the National Election Watch (NEW), and the whole process is generally regarded by all stakeholders, as well as by the EU EOM, as transparent and credible, despite the delays in implementation and some technical problems which occurred, particularly during the initial phases of biometric data capture.⁷

Practically all steps of the biometric voter registration process were completed well ahead of elections – data capture during the registration at 2,998 voter registration centres; consolidation, matching and de-duplication of data, printing of voter cards, exhibition of the Provisional Voter Register (PVR), and the claim and inquiry process. The PVR included 2,701,299 voters. All submitted claims, i.e. 29 objection cases, 17,309 correction cases, 32,906 inclusion cases and 22,830 re-registration cases were adjudicated during the public inquiry process. Due to technical problems, re-registration of voters had to be conducted during the exhibition period at 57 voter registration/exhibition centres. On 2 October 2012 the NEC announced that the Final Voter Register (FVR) for the 17 November 2012 elections included 2,692,635 voters. Electronic

⁶ Article 25 ICCPR, Genuine Elections, United Nations Human Rights Commission, General Comment No. 25, paragraph 14: “If conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence. Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote.”

⁷ Article 4, Economic Community of West African States (ECOWAS), Protocol on Democracy and Good Governance, 2001: “The voters’ list should be prepared in a transparent and reliable manner, with the collaboration of political parties and voters who may have access to them whenever the need arises.”

copies of FVR with names of all voters per polling station were distributed to all contesting political parties.

The only part of the voter registration process which continued during the immediate pre-election period was the distribution of voter cards. Voters could initially collect their voter cards during the exhibition period (30 June – 17 July) and afterwards at the District Electoral Offices (1-27 August) and during the redistribution period (6-10 September). As of 20 September there were still approximately 90,000 unclaimed voter cards which the voters could collect at the District Electoral Offices until 11 November 2012. The total number of unclaimed cards after 11 November is still not known, but the NEC has stated that it will publish this figure once all unclaimed cards are returned and catalogued at the NEC Headquarters. According to the law, a voter is entitled to vote even without a voter card providing that his/her name appears on the voter register and s/he satisfies the polling officer that s/he is the person whose name appears on the voter register. The NEC successfully introduced special provisions for the voting of people without voter cards on election day.

During the biometric voter registration data matching and de-duplication process, a total of 29,607 voters (1.1 per cent of registered voters), who had been registered without thumbprints or with low quality thumbprints, were facially matched and de-duplicated only within this group and not against all registered voters. This limitation was reportedly caused by the low quality of photographs which did not allow a meaningful full scale matching and de-duplication. Therefore the possibility that some of these voters might have registered twice without being detected could not be ruled out. Eight political parties wrote a letter to the NEC Chairperson on 13 October requesting details and names of these voters by registration centre. After initial refusal, the NEC eventually decided on 31 October to provide the requested information in electronic format to all contesting political parties. According to the NEC, these voters were evenly spread across the country.

There was a significant difference between the number of voters registered per region in 2012 and 2007 which might have had an impact on the outcome of the 2012 elections. While the total number of registered voters increased from 2007 to 2012 by just over 3 per cent, the increase in the Northern region was over 10 per cent and that in the Western region was over 11 per cent. The number of registered voters decreased significantly in the Eastern region, with a reduction of over 12 per cent, and there was practically no change in the Southern region. The Western and Northern regions combined represented approximately 59 per cent of the electorate, compared to 41 per cent in the Eastern and Southern regions which are considered to be traditional strongholds of the SLPP. In 2007, the North/West to South/East ratio was 55 per cent to 45 per cent respectively. None of the political parties raised concerns in this regard. The difference could be explained by inaccuracy of the 2007 FVR, less sensitisation in the South and East/or increased migration of people to the Western and Northern regions of the country.

While the 2012 FVR proved to be much more accurate and reliable (voters' colour pictures appeared on the register) than the 2007 FVR, it was not completely inclusive. According to the 2004 population and housing census, the projected population of Sierra Leone in 2012 is between 5,967,914 (low variant) and 6,080,141 (high variant) with a median age being 18 years. Therefore the total number of the population above 18 years is between 2,983,957 and 3,040,070. Lack of information, lack of civic education and poor infrastructure were cited among the possible explanations as to why an estimated 290,000 - 350,000 citizens were left out of the process. Nevertheless, the overall estimated registration rate of 88-90 per cent can be considered a success.

VII. Registration of Political Parties and Candidates

A. Registration of Political Parties

The Political Parties Registration Commission (PPRC) was established to register political parties, supervise their conduct, monitor their accountability and mediate conflict and disputes between them. In order to

participate in the elections, political parties had to register with the PPRC.

In September 2011, 27 political parties were removed from the register of parties in Sierra Leone, which left only four registered political parties at that time. According to the PPRC, the de-registered parties had failed to report on their assets, liabilities and expenditure, and to submit their audited accounts for the year 2010. Since this decision on de-registration, the PPRC has approved the registration of six political parties, four of which were among the de-registered political parties and were registered again. Thus 10 political parties were registered and took part in the 2012 elections. No case of any legal dispute was reported in relation to the registration of political parties.

In general, political parties have been able to register without unreasonable restriction and the right to freedom of association has been respected.⁸ However, a number of provisions in the Political Parties Act (PPA), if rigidly applied, could unduly restrict the right to political association and expression e.g. unregistered parties cannot legally hold a public meeting. Parties must own an office or have a minimum five-year lease on premises in the four regions. While this provision has the object of ensuring that parties are national in scope, and are not formed on ethnic or regional lines, the result is that a heavy financial and organisational burden is imposed on putative political parties. The provision on premises could also be used as a pretext to de-register a party e.g. where a party has been evicted. The PPRC may apply to the Supreme Court to cancel a party's registration for contravening any provision of the Political Parties Act. It is possible to appeal a PPRC decision to deny a party registration to the Supreme Court, which must decide the matter within 30 days.

B. Registration of Candidates

Some qualification criteria for the nomination of candidates are not in line with the international commitments which Sierra Leone has undertaken. These include an obstacle to independent candidates running for presidential office, high non-refundable nomination fees for candidates to stand for election, though they were subsidised by the state after the arrangement of 13 September, and the overly restrictive requirement for presidential and parliamentary candidates to resign from public office at least one year before elections.⁹ The legal provisions laid down in electoral law regarding candidate nomination were generally respected. However, the nomination process for local councils was completed before the Final Voter Register was made available even though District Returning Officers were supposed to verify whether a nominated candidate and his/her nominators were registered voters in the ward in which the candidate sought election.

All candidates have to pay a nomination fee prescribed by the NEC and approved by Parliament. The amount of nomination fees was one of the most controversial issues in the whole election process. The fees for the 2012 elections initially announced by the NEC on 30 July were dramatically higher than in the 2007

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.5: "Every citizen shall have the freedom to establish or to be a member of a political party or organization in accordance with the law" and article 1 (i) of the ECOWAS Protocol on Democracy and Good Governance, 2001.

⁹ 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"; paragraph 16 "Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory"; and paragraph 17 "The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties".

and 2008 elections – for presidential candidates the fee increased from one million Leones to one hundred million Leones (the equivalent of 185 EUR to 18,500 EUR), for parliamentary candidates from one hundred thousand Leones to ten million Leones (18.50 EUR to 4,600 EUR), for Mayor/Chairperson candidates from one hundred thousand Leones to five million Leones (18.50 EUR to 930 EUR) and for Councillor candidates from one hundred thousand Leones to one million Leones (18.50 EUR to 370 EUR).

After strong protests by almost all political parties (except the ruling APC, as well as the UDM) and other stakeholders, the NEC, on 8 August, reduced the fees for parliamentary and councillor candidates to 1,850 EUR and 185 EUR respectively. This reduction, however, did not solve the problem and on 11 September seven opposition political parties announced a boycott of the nomination process for local council elections, as well as other elections related processes, and called on the international community to suspend all financial assistance to the NEC. In order to solve this crisis situation, the PPRC Chairman, together with President Koroma, initiated a meeting on 13 September with representatives of all ten political parties and the NEC. Since the new prescribed fees had been already passed into law, it was agreed that for the 2012 elections candidates would pay the same fees as in 2007/2008 elections (185 EUR for presidential and 18.50 EUR for all other candidates) and the difference would be subsidised by the Government.

Four issues from the whole process of prescribing candidate nomination fees need to be highlighted. The fees were prescribed by the NEC very late in the process; no prior consultations were held with political parties; the fees were unreasonably high given the GNI per capita in Sierra Leone¹⁰; and the justification for the increased fees provided by NEC was not accepted by the vast majority of stakeholders.

The candidate nomination process for local elections was completed on 23 September. In total the NEC registered 1,626 candidates for the Mayor/Chairperson and Councillor elections and there were no objections submitted against any of the candidates. APC and SLPP fielded the maximum possible number of candidates (475), followed by PMDC (267), UDM (102), NDA (84), RUFP (81) and independent (77). There were competitive elections for each Mayor/Chairperson and Councillor seat.

The candidate nomination process for presidential and parliamentary elections was completed on 13 and 14 October respectively. Nine out of ten registered political parties nominated their presidential and vice-presidential candidates. NDA was not able to nominate a presidential candidate due to an injunction granted by the High Court on 8 October.

The NEC announced on 15 October that it had registered 586 parliamentary candidates, but two days later the total number of candidates increased to 589. Although initially, on 15 October, the NEC said that there were no reported cases of objections to parliamentary candidates, two days later it reported four objections. Two objections were submitted in Bo, both by PMDC candidates against SLPP candidates, one of which related to alleged dual citizenship, while the other related to non-resignation from PMDC. Two objections in Port Loko (SLPP candidate against APC candidate) and Kenema (independent candidate against SLPP candidate) both related to alleged non-resignation from public office one year prior to elections. All four objections were dismissed by the District Returning Officers (DROs) due to insufficient evidence or the absence of valid grounds for objection. The DRO in Bo decided on two objections only on 17 October, i.e. not respecting the legal deadline of 14 October, 6 p.m. The two objections in Port Loko and Kenema were appealed to the NEC, which upheld the decisions to dismiss. The objection in Kenema then became the subject of an interlocutory injunction imposed by the High Court. In total, two High Court injunctions restrained the NEC from proceeding with the nomination of SLPP parliamentary candidates in Kenema (Constituency 15) and Kailahun (Constituency 05).

Only APC and SLPP nominated candidates in all 112 parliamentary constituencies. A significant number of

¹⁰ Gross National Income (GNI) per capita in Sierra Leone in 2010 was 340 USD (approximately 260 EUR). Source: UN/World Bank.

candidates – 92 candidates – were nominated by the Peoples Movement for Democratic Change (PMDC); the National Democratic Alliance (NDA) nominated 60 candidates and the Revolutionary United Front Party (RUF) nominated 55 candidates.

On 27 October, the NEC made available the final nationwide lists of nominated candidates for parliamentary and local council elections. The new total number of nominated candidates for both elections differed from the figures initially announced. While the total number of local council candidates decreased due to some withdrawals from 1,626 to 1,624, the total number of parliamentary candidates increased from 589 to 602. The NEC did not provide any explanation for this increase.

VIII. Election Campaign and Pre-Election Environment

A. Election Campaign

The election campaign period started on 17 October and ended one day prior the Election Day on 15 November. Freedoms of speech and movement were respected as candidates campaigned actively throughout the country. However, the EU EOM noted several instances of the use of abusive language during campaign speeches. The election calendar issued by the NEC, asserted to be a tension reducing mechanism, necessary to avoid clashes between political party supporters, limited the right of political parties to assemble freely.¹¹

The calendar provided only three days for each of the ten registered political parties to organise public meetings or rallies in each of the Sierra Leone districts. The campaign calendar gave every party equal time for campaigning, not taking into consideration their number of parliamentary or local council candidates or the capacity of the party to organise meetings around Sierra Leone. Although all political parties had been consulted and accepted the campaign calendar, many candidates, mainly from SLPP and APC, subsequently realised that it was *de facto* impossible to organise public meetings all over their constituencies in the three-day period and it imposed excessive travel requirements on flag-bearers. Also, the NEC initially did not allocate any campaign days for independent candidates, which represents discrimination vis-à-vis political party candidates. The campaign calendar was not uniformly applied across the country. While some NEC district officers or police authorities tolerated political parties campaigning outside of their allocated days, authorities applied a more restrictive approach in some districts.

The two main parties frequently breached the campaign calendar by campaigning outside their allotted days. There was an absence of any police enforcement of respect for the calendar, but local mediation by PPRC officials was observed in some areas. The two most significant of these breaches occurred in Kambia, when APC organised a public meeting with 1500 supporters on a day allocated to NDA, thereby preventing NDA from campaigning, and in Freetown, where APC organised a campaign activity during the day of a religious holiday which had been allocated to PLP.

An unequal playing field was evident throughout the campaign period. Although the election campaign was dominated by the ruling APC and the main opposition party SLPP, APC clearly benefited from the advantages of incumbency by making use of state resources, and enjoying more media coverage than opponents. The APC clearly had more financial resources for campaigning, including considerable sums spent on paid media airtime, as compared to SLPP and other political parties. The volume of resources invested in the campaign by the ruling party clearly exceeded that of the SLPP. The other political parties, including PMDC, were much less visible as they lacked financial resources to conduct large-scale public

¹¹ Article 25 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.”

campaign events. NDA, UDM, CDP and RUFP organised small gatherings of their supporters. Other parties such as UNPP, PLP and PDP did not organise any public meeting in a number of districts during the days allocated to them. Many candidates, regardless, were campaigning door to door. As no state financial support is made available to political parties, their ability to compete in elections was impaired.¹² Conditions for sustaining genuine competition between political parties are essential for a democratic process, and the EU EOM believes this should remain an issue for scrutiny in Sierra Leone in the future.

Campaign events observed by the EU EOM were reported as free from violence, and were conducted in a carnival like atmosphere. The two main parties provided supporters with campaign materials and t-shirts, as well as with food, drinks, including alcoholic beverages, and free transportation. Distribution of significant sums of money to participants was directly observed by the EU EOM at APC campaign events in Bonthe, Bo, Kambia, Western Rural and Kenema. In Bonthe, one APC district council candidate admitted to EU observers to having distributed around 160 million SLL during his campaign throughout the villages. Campaign finance is barely regulated and PPRC has little control over the source and volume of campaign funds. This makes possible a blurred separation between the resources of the ruling party and state resources. EU observers reported the use of a significant number of government vehicles by the APC presidential candidate for campaigning in Freetown, Kenema and Kailahun. The webpage of the State House displayed the APC manifesto and the campaign declaration speech of their presidential candidate.

Many Paramount Chiefs across the country were openly partisan, predominantly in favour of the ruling party, in contravention of the 18 May Declaration on the 2012 Elections that called for their neutrality. In addition, some pressure was exerted by government representatives on traditional leaders to support the ruling party. Such cases were reported by EU observers mainly in Tonkolili, Koinadugu, Pujehun, Port Loko and Kenema. As reported by EU observers and local Paramount Chiefs, the APC Ministers organised a meeting with the Council of Paramount Chiefs in Kenema to convey a message from President Koroma asking the Council of Paramount Chiefs to confirm the Paramount Chief elected for the last parliament as the sole candidate for Kenema district.¹³ The Council refused the request from the President as they had already selected three candidates. There were allegations of pressure being put on contesting Paramount Chiefs to withdraw by members of government.

B. Election Related Violence

A few cases of election related violence were reported by the media prior to the deployment of the EU EOM. These were mostly related to intra-party disputes over the internal nomination of candidates. Two serious incidents of violence - one in September 2011 when the convoy of the SLPP presidential candidate was stoned in Bo, and an APC intra-party conflict in Kono – raised concerns over the peacefulness of the election process. However, during the month prior to the election campaign there were no serious clashes between party supporters despite several large rallies organised by political parties on the day of the nomination of their presidential and parliamentary candidates in Freetown. During the campaign period, in the majority of districts, the environment was reported to be peaceful and calm, with some small-scale isolated incidents which had a limited impact on the electoral atmosphere. The most serious of these took

¹² Article 25 ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 19: “Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party.”

¹³ Elections for the 12 reserved seats in the Sierra Leone House of Representatives for Paramount Chiefs were held on 10 November. However, only four districts - Kenema, Kono, Koinadugu and Bonthe – conducted elections as Paramount Chiefs in the other eight districts agreed on unopposed candidates. The EU EOM did not observe the Paramount Chief elections.

place in Kono and Kenema involving APC and SLPP supporters.

Although concerns were frequently expressed to the EU EOM about alleged bias in the security forces and about the role of police at rallies, the EU EOM noted the code of conduct and the training of security forces and the generally proportionate level of policing at campaign events, including visibility of mostly unarmed officers.

C. Political Parties Registration Commission (PPRC)

The PPRC is vested with powers to monitor the conduct of political parties, with its District Monitoring Committees (DMC) having the duty to mediate and resolve interparty disputes and monitor parties' adherence to the Code of Conduct to which all political parties committed themselves prior to the elections. The PPRC issued several press releases during the campaign period raising serious concerns over instances of violation of campaign rules such as intimidation, defacement and tearing down of posters and banners of candidates, infringement of the campaign calendar, and use of obscene language during campaigning. However, the institution did not raise any criticism with regard to sensitive issues such as the use of state resources. The professionalism and effectiveness of the PPRC's officers varied across the country. The main opposition parties SLPP and PMDC accused the PPRC of not being neutral and their representatives often did not participate in the PPRC national headquarters meetings. EU observers reported positively on the work of regional PPRC officers in Bo and Koidu. However, in some districts DMCs were not operational. One of the major obstacles to the effectiveness of the DMCs was the extremely weak level of intra-party coordination and often agreements reached at the DMC's meetings were not communicated by party representatives to other party members and candidates.

D. Campaign Finance

The lack of regulation on campaign funding is one of the main weaknesses of the process. Campaign finance is broadly regulated by the Political Parties Act, 2002. The law provides neither an expenditure limit for political parties nor any provision concerning the campaign expenditure of independent candidates. The relevant legal provisions require each party to formally submit a financial declaration of all expenditure incurred either by the party or by a candidate within 60 days of the declaration of election results. In addition, the PPRC has little capacity to control and investigate the source of campaign funds and the accuracy of declarations of campaign expenditure.

Financial contributions and donations to political parties and candidates may be made by persons who are entitled to be registered as voters in Sierra Leone. There is no state financial support made available to political parties in Sierra Leone for campaigning. Political parties not represented in parliament lack financial resources for campaigning, while the two main parties appear to have substantially greater resources to carry out their campaign activities, as compared to the other eight.

IX. Domestic and International Election Observation

The election process was observed by a high number of domestic observers who made a significant contribution to the transparency of the process. The leading network, National Election Watch (NEW) consisting of approximately 300 NGOs, observed the entire election process using a long term observation methodology, including the biometric voter registration and exhibition process and mobilising 224 long term observers (two per constituency) to cover the candidate nomination process and the election campaign. On election day, NEW deployed more than 9,000 observers covering almost all polling stations in the country. Several other civil society groups also deployed a smaller number of election day observers. Also, the hybrid Women Situation Room comprising national and international observers was present with

300 national and 30 international members.

The EU EOM was the largest long-term international observation mission observing the 2012 elections. The Carter Center mission deployed eight long term observers at the beginning of October to all four regional capitals in Sierra Leone. The mission was joined by some 30 additional short term observers over the period around election day. The Commonwealth, African Union and ECOWAS deployed election observers several days prior to election day.

The largest domestic observer group, NEW, as well as international observers from the Carter Center, Commonwealth, ECOWAS and African Union published post-election statements between 18 and 20 November 2012. The 2012 elections were generally assessed as “peaceful and transparent” (NEW), “transparent and orderly” (Carter Center), “meeting international standards and benchmarks for free and transparent multi-party elections” (Commonwealth), “free, fair and credible” (ECOWAS) and “conducted in a peaceful and credible manner” (African Union).

X. Media and Elections

A. Media Environment

The media environment in Sierra Leone is lively and diverse. Liberalisation of the sector in 2002 contributed to a large proliferation of media houses around the country, mainly in the form of radio stations, and resulted in improved pluralism and an enhanced degree of freedom of expression. The development of the sector, however, continues to face major challenges due to a lack of financial resources, weak infrastructure, a shortage of electricity, and the lack of a skill base on the part of many journalists.

Radio remains the most widespread and effective means of communication nationwide. With broadcasts in Krio, Mende, Limba, Temne and English, radio garners nationwide listenership, thus playing an important role in the formation of public opinion. A total of 64 radio stations are currently registered with the Independent Media Commission (IMC). Most of them, however, still face significant challenges such as that posed by an unreliable power supply. Among these 64 radio stations, 35 commercial and religious stations have increased the diversity of content in the Sierra Leonean radio spectrum. Community radio stations (28 around the country) funded by various NGO projects also play a significant role in rural areas.

The Sierra Leone Broadcasting Corporation (SLBC) is the public broadcaster in the country. SLBC was created in 2010 after the merger of the former state broadcaster, Sierra Leone Broadcasting Service (SLBS), and the United Nations Mission in Sierra Leone (UNAMSIL) Radio. It operates two TV channels and seven radio stations (one based in Freetown and six affiliated regional stations based in Bo, Kailahun, Kenema, Kono, Magburaka and Makeni). Although principally funded by the State, SLBC received significant financial support from the UN for the coverage of the 17 November 2012 elections, including for the purchase of new equipment and for the hiring of 80 freelance journalists. Other TV channels operating in Sierra Leone include the Nigerian Africa Independent Television (AIT) and the religious Kedar Faith TV (KFTV).

Despite the high rate of illiteracy in the country, a total of 66 newspapers are registered nationwide in Sierra Leone. Most of them, however, circulate only in Freetown and in the Western Rural area. Published five times a week (Monday to Friday), newspaper circulation is very limited with an average of just 2,000 printed copies per newspaper. There are currently three newspapers in Sierra Leone directly owned by political parties: *We Yone* - APC, *Unity* -SLPP and *Positive Change* -PMDC.

The Sierra Leone News Agency (SLENA) funded by the Government of Sierra Leone and other local and international partners such as ECOWAS and UNDP also operates in the country.

B. Legal Framework

The Constitution of Sierra Leone provides for freedom of speech and establishes the rights of individuals to receive and disseminate information. There is no specific law, however, which guarantees access to information held by public bodies, or guidance as to how access to such information can be obtained. The controversial 1965 Public Order Act criminalises libel and defamation and provides for the possibility of including printers, vendors and other media workers as respondents when suing for libel, with potential sentences of up to seven years of imprisonment for the offender, as well as closure of the offender's news outlet.

The Independent Media Commission (IMC) is the regulatory body responsible for licensing print and electronic media institutions in Sierra Leone, promoting free and pluralistic media and ensuring non-interference by the government. According to the IMC Act, 2000, as amended in 2006 and 2007, the Commission is also responsible for reviewing and updating the Media Code of Practice and monitoring adherence to it by all media outlets operating in Sierra Leone. The IMC is comprised of a Chairperson and ten members, all appointed by the President on the advice of the Sierra Leone Association of Journalists (SLAJ). Section 3 of the IMC Act also states that the Commission should not be subject to the direction or control of any person or authority while performing its functions.

Several legal provisions for the coverage of elections apply in Sierra Leone, including the Media Code of Practice, adopted by Parliament in 2007, and the Sierra Leone Broadcasting Corporation Act, 2009. In addition, the Public Elections Act, 2012 establishes a number of regulations governing election coverage by the media.

According to section 150 of the Public Elections Act, political parties and candidates have the right to use the press, radio, television and other media during an election campaign period. Contestants shall respect ethical and moral standards and shall avoid insult to or defamation of another candidate or political party. In accordance with section 156, the management of SLBC shall ensure that equal airtime is given to each political party and candidate on national radio and television during an election campaign period. A minimum of 30 minutes airtime shall be allocated to contestants on national radio and television, with SLBC taking into account the number of candidates and political parties who submit written requests when making this allocation.

The Media Code of Practice includes provisions for the allocation of free airtime and space to all political parties by the media, although it does not establish any minimum amount. It also establishes the obligation of media organisations to provide contestants with full information about space and time available for advertising, as well as an obligation to publish advertising rates. The Media Code of Practice also states that, while reporting on elections, the media shall hold themselves independent and free of any or all control and direction from any government, political opposition or any of the political parties officially registered to contest the elections, and shall at all times endeavour to provide a balanced and fair account of events.

Section 10 of the Sierra Leone Broadcasting Corporation Act establishes that, as a public service, SLBC shall provide independent and impartial broadcasting services throughout Sierra Leone and adhere at all times to the Media Code of Practice. The Act also establishes that the discharge of the functions of SLBC shall be manifest in politically balanced programming and promotion of fair competition based on internationally accepted principles for a public broadcaster, including representation of all viewpoints in a non-partisan and objective manner. As a new and welcome initiative, SLBC, together with political parties, media stakeholders and statutory institutions, developed comprehensive guidelines for the 17 November 2012 election broadcasts. The guidelines included provisions for fair and equitable coverage of political parties' activities and established a monthly airtime allocation of two hours for all political contestants, either on public radio or TV. Guidelines were also established for keeping a permanent log of programmes, including a record of total airtime allocated on SLBC to political parties during the campaign period. These logs were supposed to

be checked on a weekly basis, with the aim of correcting potential cases of imbalance. Nevertheless, the EU EOM's media monitoring findings showed that some of these guidelines were not fully implemented.

C. Electoral Coverage and EU EOM Media Monitoring

Despite the constraints and difficulties that many media outlets face in Sierra Leone, the media overall provided a reasonably diverse platform for political parties in proportion to their level of activity in the electoral campaign.¹⁴ Significant unbalances, however, were observed in the electoral coverage of both public and some private media. Freedom of speech was generally respected during the entire campaign period, with only some minor cases of intimidation of journalists reported at a local level by EU observers in Kenema and Moyamba.

Coverage of the electoral process by the media was clearly dominated by the two major parties, APC and SLPP. Electronic media, including community radio stations, offered broad information on the process, including interviews with candidates and special election programmes during the campaign period and on election day. After the polls, 28 radio stations operating around the country under the umbrella of the Independent Radio Network (IRN) conducted work which the Mission considers commendable in providing provisional results of polling stations to the general public.

No formal complaints relating to election coverage were submitted to the IMC during the campaign period. The IMC was active in publishing press releases and sending letters to some newspaper editors asking all media practitioners to report on the electoral process in an accurate and fair way and to refrain from spreading hateful, inflammatory or inciteful messages or disseminating any information that could distort the electoral results. Nevertheless these measures were not enough to guarantee full enforcement of the basic provisions in the Media Code of Practice on fair and balanced reporting by the media.

From 17 October to 15 November 2012 the EU EOM conducted a media monitoring exercise in order to assess whether political parties and candidates obtained equitable access to the media and whether the media abided by the rules and regulations for media coverage during an election campaign period. A team of five local media monitors trained in quantitative and qualitative analysis monitored a representative sample of 11 media in Sierra Leone, including SLBC TV channel, the radio stations SLBC Radio, Radio Democracy, Star Radio and Cotton Tree News (CTN) and the newspapers *The Exclusive*, *Global Times*, *Awoko*, *Concord Times*, *Standard Times* and *Awareness Times*.

According to the EU EOM's media monitoring findings, the public broadcaster Sierra Leone Broadcasting Corporation (SLBC) gave access to all political parties on radio and to nine political parties on television during its coverage of the electoral campaign period. Contestants were granted two hours of free airtime to present their political proposals on the public TV channel during the campaign period, although only PMDC, UDM, SLPP, RUF and PDP made use of it. SLBC national and regional radio stations also offered free airtime to political parties and local candidates to address their messages to voters. However, in key areas such as news bulletins and election related programmes¹⁵, SLBC showed significant quantitative unbalance in favour of the ruling party. EU EOM's media monitoring findings showed that SLBC TV allocated double the amount of airtime (40.4 per cent) to APC than to SLPP (17.9 per cent). On top of that, an additional 21 per cent of airtime was devoted to APC led government activities, meaning that 61.4 per cent of all electoral coverage

¹⁴ Article 25 ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 25: "the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion."

¹⁵ Political advertising, paid-for programmes and free-airtime programmes were excluded from the analysis.

by SLBC TV was devoted to the governing party.¹⁶ As for the qualitative analysis, 23 and 27.5 per cent of news aired by SLBC TV related to APC and to the government, respectively, were presented in a positive tone. Regarding the remaining parties, UDM was allocated 7.6 per cent of airtime, and NDA 4.4 per cent, while all the other smaller parties together received below 3.5 per cent of coverage on SLBC TV. (See Annex II)

On SLBC radio the unbalance was slightly lower, with APC receiving 40.5 per cent of total airtime on news bulletins and election related programmes, and SLPP being afforded 22.8 per cent of share. UDM, PMDC and NDA were allocated 8.4, 8.1 and 6.5 per cent, respectively, of airtime, while all the remaining parties received, in total, below 5 per cent of airtime on SLBC Radio (See Annex II). The tone of the electoral coverage on public radio was generally neutral.

The quality and balance of electoral coverage by private media was very diverse, with the print media registering the most evident cases of biased coverage both in space and tone. Out of the nine private media monitored by the EU EOM, four (Star Radio, *Standard Times*, *The Exclusive* and *Awareness Times*) showed significant unbalances in allocation of time/space and tone in favour of APC, and one (*Global Times*) in favour of SLPP. Star Radio allocated 50.1 per cent of airtime to APC, of which 30 per cent was presented in a positive tone, and 36.6 per cent of airtime to SLPP, of which 22.2 per cent was presented in a negative tone. As for the newspapers, *Standard Times* allocated 52.2 per cent of space to APC and 27.9 per cent to SLPP, who received 42.7 per cent of coverage in a negative tone. In *The Exclusive* APC was afforded 76.8 per cent of space (20.8 per cent in a positive tone), while SLPP received 10.5 per cent of coverage (54.2 per cent in a negative tone). *Awareness Times* allocated 64.3 per cent of its space to APC (presenting 30 per cent of that space in a positive tone) and 31.5 per cent of space to SLPP (who received 76 per cent of reports in a negative tone), while *Global Times* allocated 66.7 per cent of space to SLPP and 30.9 per cent of space to APC.

The radio stations Radio Democracy and Cotton Tree News (CTN), and the newspapers *Awoko* and *Concord Times*, offered balanced and neutral coverage of the campaign period, both in amount of airtime/space and tone devoted to political parties. (See Annex II)

Political parties benefited from a 50 per cent discount on SLBC rates for paid-for programmes and advertising airtime. Nevertheless, only four parties (APC, SLPP, PMDC and RUFPP) bought airtime on the public broadcaster during the campaign period. The investment made by contestants in advertising on SLBC revealed a huge difference in the financial capacity of each political party. While both PMDC and RUFPP invested 80,000 SLL in political advertising on SLBC TV, APC spent 24,555,000 SLL. The only investment in advertising made by SLPP on SLBC was one public radio notice (5,000 SLL). The main opposition party, however, invested a total of 15,850,000 SLL in political advertising on the private radio station Radio Democracy, while APC spent 16,000,000 SLL and UDM 500,000 SLL on this radio station.

Two cases of a breach of the campaign silence period were observed by the EU EOM. In contravention of section 151 of the Public Elections Act, on 16 November Star Radio continued to air APC adverts and SLBC TV broadcast a studio interview in which the UNPP flag bearer and the CDP secretary general openly showed their support for the APC presidential candidate.

¹⁶ Article 17 (3) of the African Charter on Democracy, Elections and Governance: “State Parties shall ensure fair and equitable access by contesting parties and candidates to state controlled media during elections.”

XI. Human Rights and Gender Equality

A. Human Rights

While the Constitution of Sierra Leone, 1991, sets out a range of fundamental freedoms, much of the protection of human rights in the country emanates from other sources. The Report of the Truth and Reconciliation Commission of 2004 set out an extensive agenda for reform of human rights protection, much of which is behind on-going reform to the present day, while the extensive range of international legal commitments assumed by successive governments has resulted in an incremental improvement in the legislative situation. While it has been widely acknowledged that there have been significant efforts thus made in legislation in recent years (particularly in relation to gender equality) to enhance the promotion of human rights in the country, disquiet continues to be voiced both domestically and internationally relating to significant deficiencies in relation to full respect for human rights. The protection of human rights was the subject of a comprehensive examination by means of the Universal Periodic Review Mechanism to the UN Human Rights Council in September 2011, the outcome of which was a set of 129 recommendations from partner governments aimed at enhancing human rights in Sierra Leone. The government acknowledged many of the deficiencies in the realisation of human rights and accepted all but three of the recommendations, those which related to the legalisation of same sex relationships and promoting non-discrimination in that sphere. The scope of recommendations was very broad with, of note, many referring to the criminal justice system, to prison conditions, to socio-economic rights, including rights to health and to education, and to the adoption of further international human rights commitments by the state.

There is a great multiplicity of ethnic and religious affiliation in Sierra Leone, with ethnicity traditionally linked to place, particularly in the provinces, while religion is diverse across the country. The Constitution imposes duties upon citizens to be both nationalistic and patriotic, with the specific aim that “loyalty to the State shall override sectional, ethnic, tribal or other loyalties”. Political parties are required not to be mono-ethnic or mono-faith in character, in a further attempt to promote national harmony. While party allegiances are traditionally ethnic in nature, discrimination or oppression on ethnic grounds did not feature in the electoral process. Religious difference did not play any role in the process either, as great tolerance exists between the many religious faiths subscribed to by the people of Sierra Leone.

As a result both of the war and of many endemic debilitating health conditions, there is a substantial community of persons with disabilities in Sierra Leone. The rights of persons with disabilities have traditionally not been well respected but great advances have been made, on both a legal and a symbolic level, in the advancement of such rights in recent years as the government has ratified the Convention on the Rights of Persons with Disabilities, and subsequently enacted the Persons with Disability Act in March 2011. These instruments together represent huge progress in the realisation of the civil and political rights of this community of people, with the Act moving from a medical and charitable model to the adoption of a human rights based approach. The Act provides protection from discrimination in a wide breadth of areas including education, employment and access to voting rights. Section 29 of the Act provides that the NEC shall ensure that “polling stations are made accessible to persons with disability and shall provide such persons with the necessary assistive devices and services to facilitate the exercise of their right to vote”. It was a grave disappointment, therefore, when NEC failed to provide tactile Braille ballot guides for the 2012 elections, despite having provided them for the elections in both 2002 and 2007. This represented a significant curtailment of the rights of those with impaired sight to cast their vote in secret, as is their right to so do. In a recent report on disability in Sierra Leone UNIPSIL has acknowledged that, in general, persons with disabilities have limited opportunities to participate in decisions which affect them, noting that inhibiting factors to participation in public life include financial constraints, stigmatisation, lack of family or

community support, and lack of self-confidence and lack of education¹⁷. It is to be hoped that, in the future, the work of the new National Commission for Persons with Disability (when finally fully functional) will undertake work to advance the realisation of the greater political participation of this community, moving beyond mere access to the vote to more comprehensive political engagement.

The Human Rights Commission of Sierra Leone engaged in a small monitoring exercise of the electoral process. In addition, the commission issued two press releases on 31 October and 23 November condemning the use of children and the consumption of alcohol and illicit drugs at rallies; the Commission also condemned hate speech by participants in campaigning, and criticised the poor treatment of persons with disabilities in casting their vote.

B. Participation of Women

Sierra Leonean society is strongly patriarchal, traditionally relegating women to the private rather than the public sphere of life. While there has been significant promotion of gender equality in recent years, through legislation¹⁸, Section 27 of the Constitution offers protection from discrimination which is not adequate to the realisation of gender equality. The guarantee of equality set out in this section is subject to many limitations, the most significant of which, in relation to women, are its inapplicability to matters of personal and customary law, thus permitting many occasions of discrimination on the grounds of sex.

The National Gender Strategic Plan¹⁹ acknowledges that women in Sierra Leone are severely impacted upon by structural discrimination both in law and in practice, with pervasive beliefs about the social role of women excluding them from decision-making at all levels. This plan sets out the commitment of Sierra Leone to the empowerment of women and the realisation of greater equality through education and economic empowerment, among other interventions. Greater participation of women in public life depends on the realisation of these social and economic rights, with access to financial resources being a crucial factor in this endeavour.

Women are under-represented in public life and do not occupy public office in large numbers, a matter which is particularly acute in relation to membership of the national parliament. There is abundant statistical evidence that, while women in Sierra Leone, according to the Survey of Women in Decision-Making Positions in Sierra Leone²⁰, account for 55 per cent of the population, their role has been restricted to the private sphere, taking care of their homes and families. While there are some high profile women in positions of high office, including the Chief Justice and several members of the judiciary, the chairpersons of the Law Reform Commission and the National Electoral Commission, several commissioners on the Human Rights Commission, the NEC and other Commissions, these appointments do not reflect the real position of women in society. Only 8.5 per cent of top managers working in the public sector are women²¹, while 20 per cent of top managers in the diplomatic service missions and serving members of boards of parastatals are women. Barriers and constraints to the advancement of women include lack of opportunities for education and training, traditional values and women's multiple roles as wives, mothers and employees.

¹⁷ Moving Forward Together – from National Commitment to Concrete Action – Report on the Rights of Persons with Disabilities in Sierra Leone – UNIPSIL and UN OHCHR, 2012, pages 7 & 29-32

¹⁸ Sexual Offences Act, 2012, Domestic Violence Act, 2007, Registration of Customary Marriage & Divorce Act, 2007 and Devolution of Estates Act, 2007

¹⁹ National Gender Strategic Plan 2010-2013, Ministry of Social Welfare, Gender & Children's Affairs – mid-term evaluation – July 2012, page 18

²⁰ Survey of Women in Top Decision-Making Positions in Sierra Leone, commissioned by UNDP Sierra Leone – Ministry of Social Welfare, Gender and Children's Affairs, May 2012, unpublished.

²¹ Survey of Women in Top Decision-Making Positions in Sierra Leone, commissioned by UNDP Sierra Leone – Ministry of Social Welfare, Gender and Children's Affairs, May 2012, unpublished.

Political parties have committed themselves, through declarations, to affirmative action within their nomination and other practices. However, there is little evidence of this having been implemented in a consistent manner. There were no female candidates for the office of president, while there were four female running-mates for the office of vice-president. This is an improvement over 2007 when, while there were also no female presidential candidates, there was just one female vice-presidential candidate. The 65 women nominated as candidates in the parliamentary elections represented 11 per cent of candidates, mirroring exactly the same figure as 2007. Only 16 amongst these candidates were elected to parliament, representing less than 13 per cent of parliamentarians. In 2002, the figure was significantly higher when 156 women ran in the parliamentary and presidential contests. In 2002 and 2007, 18 and 16 women were elected members of parliament (MPs) respectively. None of the indirectly elected paramount chief members of parliament was female²².

The report of the Truth and Reconciliation Commission (TRC) of 2004 addressed the political representation of women, and recommended that political parties should be required to ensure that at least 30 per cent of their candidates for all public elections should be women, with a legislative compulsion to mandate this, to be enforced by the NEC, further recommended. The attainment of a 30 per cent gender quota has since then become a mantra of public discourse, advocated by the women's movement which culminated in the drafting of a Gender Equality Bill in 2012. The bill provided for reserved seats for women, allocating one constituency in each ward and in each district to women (to rotate after two terms), as well as requiring that political parties would allocate safe seats to at least twenty per cent of women contesting parliamentary or local council elections. Safe seats are seats in constituencies or wards which have been won by a political party for at least two consecutive terms. These proposals in the bill would have been somewhat difficult to implement in the present single seat first-past-the-post electoral system. Real political support for this bill also was never forthcoming and the bill was not tabled in parliament. Reasons for this situation are both social and structural, as women often lack the financial resources to run for election, but, more significantly, there is a marked absence of political will to promote greater female participation in public life. While the women's movement invested a great deal of time in advocacy on the bill, government backing was never secured. This plan stalled within the Female Parliamentary Caucus (SLEFPAC) due to divisions based on party affiliation, as well as fears of displacement should the proposed reserved and safe seat rules be introduced. Furtherance of gender equality could also be achieved by means other than such a quota.

While capacity building training for female aspirants and candidates was in some cases offered in the recent electoral process, this was inadequate to address the participation of women in this election. In a notable exception to national trends, an initiative in Kailahun by the Kailahun Women in Governance Network²³, which offered training and financial support to female candidates from all parties, resulted in the election of over 40 per cent of women to the local council. It is clear that, even without a quota, carefully targeted interventions, aimed at individual women as well as at political parties, can be successful in promoting the political participation of women.

XII. Complaints and Appeals

A. Electoral Offences

An extensive catalogue of election related offences exists under the law, comprising offences under public order law as well as under electoral law. Penalties which may be imposed range from substantial fines (one

²² Women in the Northern Province are ineligible to become paramount chiefs.

²³ Supported by SEND Sierra Leone, Christian Aid, Enhancing the Interaction & Interface between Civil Society & the State, and DFID.

to five million Leone) to periods of imprisonment of up to five years, many of which appear to be quite severe for the nature of the offences involved.²⁴ A total of 794 arrests were made during voter registration, principally in relation to suspected cases of double and fraudulent registration, 79 of which have resulted in convictions before magistrates' courts. Legal aid is not generally available in Sierra Leone, so accused persons were unrepresented in court. Penalties imposed all were in the form of a substantial fine (100,000 Leone in the case of a double amputee, to a broad range from 250,000 to 1,500,000) or a period of imprisonment (from 2 months for a juvenile to 2 years), but, given the economic environment and the inability of people to pay, the sentences are effectively substantial custodial sentences for relatively minor offences.

Electoral Offences Courts (EOC) were established on 19 July under the Public Elections Act, 2012, as a division of the High Court, with the aim of expediting the trial of electoral offences. During the course of the election campaign, several complaints were recorded across the country, principally relating to the tearing down of campaign posters, use of abusive language and intimidation of supporters. The first electoral offence referred to the EOC, however, commenced only on 5 December, rendering nonsensical the stipulation in the law that all cases would be dealt with by the court within six months of establishment. Offences committed during the election campaign were not referred to the EOC and were instead dealt with before the magistrates' courts. This is indicative of widespread confusion as to the role of the EOC and as to the content of electoral law on the part of law officers, police, prosecutors and judges at all levels.

B. Complaints and Appeals

Questions which arise in relation to the nomination of candidates are dealt with in the Supreme Court, for presidential election, and in the High Court for all other elections. The time limits in these civil matters allow for procedures to continue past polling day, denying timely and effective remedies to aggrieved parties. Any citizen may lodge an appeal against a presidential nomination, within seven days of publication of nominations, to the Supreme Court, which has 30 days to rule on the matter. While this marks an improvement in the Public Elections Act, 2012, over the previous absence of any time-limit, the period allowed still permits a decision to be delivered after election day. Objections relating to the nomination of candidates for parliamentary and local council elections are to be submitted to the returning officer up to 5 pm on the final day for nominations, decisions on which are to be delivered by 6pm on that same final nomination day. An appeal against the decision of the returning officer may be made to the NEC and, beyond this, by way of election petition to the High Court only after the declaration of results. This is a notable gap in the legislation in that no procedure exists for dealing with contested nominations between delivery of the decision of NEC and the publication of election results, making it highly likely that decisions on the validity of nominations will not be delivered prior to the election.²⁵

Three cases concerning disputed nominations were before the courts during the electoral period, but all remained without resolution prior to election day, thus depriving all parties of their rights to effective legal remedies, and depriving defendants, further, of their right to stand for election. The NDA was unable to nominate a presidential candidate as an aggrieved failed party aspirant secured an injunction against the party restraining them from nominating any candidate, as he alleged that the party had violated its internal selection rules. Two cases of disputed nominations of SLPP parliamentary candidates in SLPP strongholds

²⁴ Article 25 ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 14: "If conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence."

²⁵ African Union Declaration on the Principles governing Democratic Elections in Africa, section IV.7 "Individuals or political parties shall have the right to appeal and to obtain a timely hearing against all proven electoral malpractices to the competent judicial authorities in accordance with the electoral laws of the country".

(constituency no. 15 Kenema and constituency no. 5 Kailahun) resulted in the imposition of interlocutory injunctions, subsequent to successful nomination, which restrained these candidates from participating in the elections. The injunctions obtained in all of these cases were meant to be temporary in nature, awaiting final determination of cases. Full hearings, however, did not take place prior to the elections, with the result that the right of access to the courts and the right to a timely remedy were denied. The pace of progress of these cases through the courts was very slow, with extensive delay and repeated adjournments dealing with preliminary objections, with no sense of any judicial notice that these were urgent matters which merited speedy disposal.

Two complaints, at a national level, were made to the NEC relating to the conduct of the elections, filed by SLPP and PMDC. Both parties questioned the validity of presidential election results. Both complaints related to all stages of the voting and counting process, including allegations of ballot stuffing, that ballot boxes were tampered with before polling started, that final voter registers were absent in several polling stations and that new registers were created, of multiple and fraudulent voting, instances of pre-marked ballot papers, and that some NEC staff directed voters to vote for APC. They also alleged that there was substantial fraud engaged in by the NEC in the completion of and general dealing with RRFs, while they also alleged that the tally process was not always observable by them. In addition to the broad national complaints, several complaints were made to the NEC at a local level.

The NEC responded to the two national complaints accepting the validity of some SLPP points and providing an answer to complaints on procedures, but, in general, asking the two parties to refer the remaining complaints and supporting evidence to the police as they are considered criminal offences. Beyond this, the NEC accepted the validity of some SLPP comments on final voter registers, but claimed that the matter was handled correctly according to NEC procedures. The EU EOM however is unaware of any such procedures. SLPP was reminded by the NEC that, in the case of dissatisfaction with results, it has the option to challenge the results before the courts. While complaints are nation-wide in scope, none of the evidence adduced by complainants indicates any widespread or systematic malpractices sufficient to have an impact on electoral results. Although the NEC was criticised for requesting the parties to refer their cases to the police, the EU EOM recognises that the NEC has neither the capacity nor the mandate to deal with allegations on criminal offences without the intervention of the police.

C. Election Petitions

Challenges to the results of presidential elections are made by way of election petition to the Supreme Court within seven days of the declaration of results. This petition may be made by any citizen who has lawfully voted in the election. No time limit is laid down for the delivery of a decision in this matter.²⁶ Results were declared on 23 November and the SLPP filed a petition to the Supreme Court on 30 November challenging the validity of the results. The petition was filed against both the NEC and the APC, alleging that the overall conduct of the election was irregular and improper, thus requesting the invalidation of the results. The petition alleged that the chairperson of the NEC had been partial in the conduct of the election and had systemically planned and executed it in favour of APC. A catalogue of alleged malpractices, irregularities, fraud and corrupt practices by NEC officials, in collusion with APC, was set out. It was also alleged that NEC had failed to investigate the arrival of a suspicious pallet of electoral material into the country, despite having been requested to do so by the SLPP. The list of allegations was supported by

²⁶ Article 2 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" and Article 7 of the ECOWAS Protocol on Democracy and Good Governance, 2001: "Adequate arrangements shall be made to hear and dispose of all petitions relating to the conduct of elections and announcement of results."

detailed reference to just a few specific instances of alleged fraud, with particular polling stations cited in some cases. The list adduced does not, however, appear substantial enough to form a basis for the allegations of widespread fraud made in the petition. The passage of this petition through the courts is unpredictable as there are no applicable time limits and judicial delay is of such a grave nature that this case may be before the courts for years and, indeed, may never reach a resolution.

Challenges to the validity of the election of a member of parliament or local authority fall within the jurisdiction of the High Court and must be made within 21 days of the publication of results in the *Gazette*. Petitions may be presented by voters, or those who had a right to vote in the election, by persons who claim that they had the right to be elected, and by persons who were candidates in the election. The High Court then has four months to rule on the matter. An appeal is possible to the Court of Appeal, which has another period of four months within which to adjudicate. While the Act states that precedence must be given by the High Court to the determination of election petitions, the period open, including appeal, allows for up to nine months of post-election uncertainty. An unsuccessful attempt²⁷ was made to abridge the two periods of four months to two months each earlier this year, a clear acknowledgement that the total period is excessively lengthy.

XIII. Election Day

A. Voting and Counting

Voting and counting procedures provided sufficient safeguards to ensure the integrity and transparency of the voting and counting process. Overall, the conduct of voting operations was positively assessed in 95 per cent of the 404 polling stations visited by the EU EOM, with voting procedures being largely followed. Although the Public Elections Act, 2012 provides for special voting arrangements for several categories of voters entitled to receive a certificate of authorisation,²⁸ the procedures narrowed these categories to polling staff and members of Sierra Leone Police (SLP) only. These arrangements, furthermore, discriminated against SLP members who were allowed to vote only in the presidential election regardless of their working location on election day, while polling staff could vote in as many elections as their working location allowed. Of the polling stations visited during opening, 95 per cent opened on time or with a delay of less than one hour. Generally, the voting was conducted in an orderly, calm and peaceful manner despite long queues being reported in many polling stations visited.

EU EOM observers reported insufficient protection of the secrecy of the vote in 29 per cent of polling stations visited, mainly due to inappropriate polling station layout and inadequate or missing voting screens. Due to the late arrival of voting screens in the country, the NEC did not manage to distribute them to all polling stations prior to election day. The polling stations without voting screens were reported mainly in Kono and Western Rural Area and polling staff had to improvise in order to ensure secrecy of the vote. Polling stations in Bonthe Island did not receive results and reconciliation forms and presiding officers had to use makeshift forms to record the results. Political party agents of both main parties were present in 90 per cent of polling stations visited, while at least one domestic observer was present in 85 per cent of stations visited.

Counting in the polling stations visited was conducted in the presence of political party agents and observers and the integrity of the counting process was sufficiently protected. However, copies of the reconciliation and result forms were not always publicly displayed and not always given to party agents. In

²⁷ Constitution (Amendment) Bill, 2012 – *Gazette* 21 June 2012.

²⁸ Voters being on official duties in connection with elections, public officers, employees of public corporations, commercial firms, mining companies, members of police and army who are transferred to a place of employment outside the ward where they are registered to vote.

some polling stations results were neither displayed nor given to the party agents present during the count. NEW, in their post-election statement, reported incidences of over-voting in polling stations across the country, without however providing further details as to the extent of this problem.

B. Tallying of Results

As had been envisaged by the NEC from the outset, the whole process of result tallying relied entirely on the results produced by the four regional tally centres, obtained using the blind double data entry system. No real cross-checking of data between regional and district tally centres was conducted. In general, the regional tally centres were much better organised, staffed and equipped than the district tally centres. It should be also noted that UN technical advisers played a crucial role in ensuring the reasonably well organised operation of the regional tally centres and credibility of the overall tallying process.

The four regional and fourteen district tally centres started to receive tamper evident envelopes with polling station results on election night, immediately after the count was completed at polling stations. The process of transferring sensitive material, including results, from polling stations/centres to tally centres and storage facilities, was rather poorly planned and disorganised in a number of places, and sensitive material was not secured at all times. Due to inadequate storage arrangements in Freetown, the content of a number of sealed ballot boxes was damaged by rain rendering any potential recount impossible.

The intake of results at tally centres revealed that many presiding officers did not follow correct procedures for the filling out of the reconciliation and result forms (RRFs) and packing of material. A high number of RRFs arrived at the tally centres in unsealed envelopes, missing essential data and the stamp and signature of the presiding officer. These RRFs had to be quarantined as well as any RRFs which indicated a possibility of over-voting. On 21 November the NEC disclosed that 10 per cent of polling station results (i.e. 949 polling stations) had been quarantined and might require a recount of votes. The process of clearing RRFs from quarantine was very time-consuming and slowed down the overall tallying process considerably.

Furthermore, the regional tally centre procedures for clearing RRFs from quarantine did not clearly specify what steps had to be taken in order to clear a RRF from quarantine and when the polling station results had to be recounted. As a result, decisions taken in this regard by the respective regional tally centres were not consistent and often poorly communicated to the agents and observers present.

This led to a reduced level of transparency and credibility of the tallying process during the last days of the operation of Regional Tally Centres when quarantined RRFs were being dealt with. The RTC for the Eastern Region in Kenema appeared to be the most problematic one with 64 presidential, 62 parliamentary, 51 chairperson, 12 mayor and 96 councillor RRFs, mainly from Kono and Kenema districts, remaining in quarantine on the day before the closing of the RTC. In these quarantined cases the total number of votes cast could not be reconciled with the total number of voters on the final voter register (FVR) plus additions to the FVR, clearly indicating over-voting. The EU EOM observers at the RTC in Kenema reported that they were denied access to information which had been normally available to observers during previous days and they also observed instances when RRFs quarantined for suspected over-voting were cleared and entered in the results database without cross-checking the number of voters who voted in the FVR and additions to the FVR. Until 14 December, when the EU EOM left Sierra Leone, the NEC had not provided any information regarding the total number of presidential, parliamentary, mayor/chairperson and councillor RRFs invalidated nationwide due to over-voting or for other reasons.

Despite these shortcomings, in the vast majority of cases, the EU EOM observers assessed that the integrity of the tallying process during observations at tally centres was sufficiently protected. Compared to election day, political party agents and domestic observers were much less visible at tally centres across the country and they often did not fully understand the tally centre procedures.

XIV. Results and Post-Election Environment

A. Announcement of Results

Despite the positive experience from the 2007 elections, the NEC decided not to publish any progressive results during the tallying process and results for all elections were announced and published only after the results from all polling stations within a given constituency (presidential, parliamentary, mayor/chairperson or councillor) were processed.

The certified results of the presidential election were announced and published by the NEC on 23 November 2012. The results were announced after 9,269 polling station results (97.6 per cent) were entered into the results database. The results of five polling stations in the Western Area were invalidated due to over-voting and 219 polling station results were still quarantined in the four regional tally centres. According to the NEC, the results from the quarantined polling stations could not influence the outcome of election. The EU EOM shares this opinion.

The APC presidential candidate and incumbent President Ernest Bai Koroma received 58.7 per cent of valid votes cast and was declared duly elected as President of the Republic of Sierra Leone. In accordance with the Constitution, he was sworn-in as President on the same day as the certified results were announced. The SLPP candidate Julius Maada Bio obtained 37.4 per cent of valid votes and Charles Margai of PMDC obtained 1.3 per cent.

Certified results of presidential election published by the NEC on 23 November 2012 (97.6 per cent of polling station results entered into the results database):

Candidate	Party	Votes	Percentage
KOROMA, ERNEST BAI	APC	1 314 881	58.7%
CAREW, JOSHUA ALBERT	CDP	22 863	1.0%
KAMARA, GIBRILLA	PDP	8 273	0.4%
CONTEH, KANDEH BABA	PLP	6 144	0.3%
MARGAI, CHARLES FRANCIS	PMDC	28 944	1.3%
COLLINS, ELDRED	RUFPP	12 993	0.6%
BIO, JULIUS MAADA	SLPP	837 517	37.4%
BANGURA, MOHAMED	UDM	5 069	0.2%
FULLAH, JAMES OBAI	UNPP	5 044	0.2%

The national turnout was very high and reached 87.3 per cent. The number of invalid votes represents 4.7 per cent of total votes cast. This still relatively high number of invalid votes confirms that voter education prior to the elections was not adequate.

The NEC stated that detailed results by polling station and polling centre would be published on the NEC website. As of 14 December, however, they were still not available. This meant that political parties and presidential candidates were not able to cross-check the final polling station results with their own copies of polling station RRFs before 30 November which was the legal deadline for challenging the validity of the presidential election by petition to the Supreme Court. Until 14 December, the NEC also had not published the full certified presidential election results.

The certified results of parliamentary elections for 109 out of 112 constituencies were announced on 26 November and published on the NEC website on 1 December 2012. The results for constituencies 05

Kailahun and 15 Kenema were not announced due to High Court injunctions which had restrained the NEC from proceeding with the nomination of SLPP parliamentary candidates, and the election in constituency 92 Western Rural was postponed by the NEC due to the death of the PMDC candidate prior to elections.

Certified results of parliamentary elections:

District	APC	CDP	Ind.	NDA	PDP	PLP	PMDC	RUF	SLPP	UDM	UNPP
Bo	0	0	0	0	0	0	0	0	11	0	0
Bombali	9	0	0	0	0	0	0	0	0	0	0
Bonthe	0	0	0	0	0	0	0	0	3	0	0
Kailahun	1	0	0	0	0	0	0	0	6	0	0
Kambia	6	0	0	0	0	0	0	0	0	0	0
Kenema	0	0	0	0	0	0	0	0	10	0	0
Koinadugu	6	0	0	0	0	0	0	0	0	0	0
Kono	6	0	0	0	0	0	0	0	2	0	0
Moyamba	1	0	0	0	0	0	0	0	5	0	0
Port Loko	10	0	0	0	0	0	0	0	0	0	0
Pujehun	0	0	0	0	0	0	0	0	5	0	0
Tonkolili	8	0	0	0	0	0	0	0	0	0	0
WA Rural	3	0	0	0	0	0	0	0	0	0	0
WA Urban	17	0	0	0	0	0	0	0	0	0	0
	67	0	0	0	0	0	0	0	42	0	0

The certified results of District Chairperson/Mayor elections were announced on 27 November and published on the NEC website on 3 December while the certified results of Councillor elections were published on 10 December. Out of thirteen elected District Chairpersons seven are from APC (Bombali, Kambia, Koinadugu, Kono, Port Loko, Tonkolili and Western Area Rural District) and six are from SLPP (Bo, Bonthe, Kailahun, Kenema, Moyamba and Pujehun). Of six elected Mayors, three are from APC (Freetown City, Makeni City and Koidu New Sembehun City) and three are from SLPP (Bo City, Kenema City and Bonthe Municipality City). As for 456 Councillor seats, APC won 253 seats, SLPP 198 seats, independent candidates four seats and PMDC won one seat.

Regrettably, the certified results of all four elections were published without detailed polling centre/station results as well as without constituency specific information on turnout and invalid votes and therefore the EU EOM could not conduct a detailed analysis of election results.

B. Post-Election Environment

The lengthy process of the tallying of election results and the decision of the NEC not to disseminate progressive results contributed to an atmosphere of uncertainty across the country. Nevertheless, the environment between election day and the day of the announcement of results remained largely calm throughout the country, despite some incidents of unrest in Bo and Kenema, preceded by a short-lived curfew in Kailahun. Police and military deployments made for election day remained in place as a pre-emptive and confidence building measure, and the rhetoric of peace continued to emanate from all stakeholders, including a call from six political parties, made at a joint press conference on 22 November, for

peace and calm, in the interests of national unity and development.

The announcement of presidential election results by the NEC on 23 November was met with dissatisfaction by SLPP which contributed to an increase in political tension. The party criticised the NEC for announcing the results without having satisfactorily addressed its complaints regarding alleged irregularities and malpractices on election day, but at the same time it called upon its supporters to remain calm. Nevertheless, there was an outbreak of violence in Kenema town where a curfew was imposed during the days following the announcement. The SLPP Kenema district secretary general was arrested on dubious allegations of riotous conduct and unlawful assembly despite UNIPSIL mediation with the Assistant Inspector General of Police to release him. There were widespread allegations of police bias towards the ruling party and several interlocutors reported harassment and illegal conduct of security forces against the opposition leaders which contributed to instability in Kenema town. Similarly, a tense environment was reported in Bo where the vast majority of the population did not accept the election results and the SLPP leadership and supporters were convinced that a massive election fraud had taken place in other regions of the country. EU observers reported police readiness for “civil disobedience” in case the SLPP presidential candidate would call for protests. Protests in connection with uncollected ballot boxes in Bo, on 25 November, incited by a radio report on New Song Radio, were dispersed by police with teargas after a crowd attacked a NEC vehicle and youngsters started to set fires. The uncollected ballot boxes were later explained by the Chairperson of NEC as being simply a storage arrangement, an assertion concurred in by the observation of the EU EOM.

On 27 November, SLPP, after holding an emergency meeting of its National Executive Council, announced that the party strongly condemned the refusal of NEC to address allegations of electoral irregularities and malpractices. SLPP demanded the unconditional release of all SLPP members (around 50 people) and supporters from police custody and asked government to stop prosecuting all pending election related “political matters” in local courts. Most importantly, the SLPP leadership demanded an independent international assessment – which some of them orally called an auditing - of the electoral process and directed its elected members of parliament and members of local councils not to participate in proceedings. Nevertheless, continuous calls for peaceful elections and acceptance of election results from civil society led to a meeting between President Koroma and the SLPP presidential candidate, mediated by the religious organisation Body of Christ, on 3 December, which contributed to diffusing tensions between the two political parties. The boycott was called off and SLPP members took part in the first session of Parliament on 7 December. However, no agreement was reached on the SLPP demand for a post Election Day international assessment of the process prior to the departure of the mission from the country. Future democratic consolidation of the country will depend on the respect for election results and the possibility of legitimate transfer of power.

XV. RECOMMENDATIONS

Review and reform of the legal framework is required for future electoral processes in order to meet regional and international principles for democratic elections. Amendments to the Constitution would be entailed in such reform, as well as legislative change. Political parties, civil society organisations and the public should have the opportunity to debate possible amendments. In order to improve future electoral processes and related areas the following recommendations are offered for consideration and action by the Government of Sierra Leone, the National Electoral Commission, political parties, civil society and the international community:

Legal framework

1. The up-coming constitutional review in Sierra Leone offers the opportunity to revise constitutional law in order to end discrimination in the rules of candidacy for election in line with international commitments and promote wider participation in public life. Revision ought to be considered to enable:
 - a. The candidacy of naturalised citizens and those with dual nationality for parliament and local council elections, while also reviewing citizenship rules governing acquisition of citizenship by birth, in order to promote equality of participation in public affairs by ending discrimination on the grounds of “negro-African” descent.
 - b. The candidacy of independent candidates for the office of president in line with international commitments that provide that the right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of political parties.
 - c. The reduction to six months or less of the twelve month period required for resignation from the public service in advance of elections, and a narrowing of the scope of the restriction based on the nature of the post held, applying it only to senior office holders, would further enhance political participation.
2. The nomination fees prescribed by statutory instrument on 8 August 2012 were disproportionate to the level of personal income and, if left as enacted, could have posed a barrier impeding the right to run for public office. While government acted to subsidise the fees for the 17 November election, the quantum of fees remains, in law, as enacted in the Nominations Fees of Presidential Candidates, Members of Parliament, Members of Local Councils and Village Headmen Order, 2012. Repeal and replacement of this order with a scale a fees more appropriate to the economic reality of Sierra Leone would enhance political participation.
3. An amendment to the Public Elections Act, 2012, to remove the requirement that ballot papers contain serial numbers, would vindicate the right to vote in secret. Alternative means of protecting the integrity of the ballot, such as by the use of bar codes or embossing techniques, could be explored instead.
4. The use of assistive facilities, such as the tactile ballot guide, should be guaranteed in future electoral events, in order to vindicate the secrecy of the ballot for those with sight impairments.
5. The right of prisoners to vote was not respected in the 2012 elections. Procedural measures which facilitate such rights in future elections would enhance the political rights of prisoners. Beyond this, a review of the electoral law in order to ensure that the deprivation of the right to vote, consequent upon conviction, is a sanction restricted to appropriate offences would be valuable in protecting political rights.

Electoral Administration

6. Adoption and publication of a consolidated electoral calendar with clearly set deadlines for completion of particular activities well ahead of any electoral event would enhance transparency and stakeholders’ confidence in the electoral process.
7. Regular publication of the minutes of meetings of the NEC and decisions adopted at these meetings would enhance transparency and stakeholders’ confidence in the electoral process.
8. Strengthened civic and voter education with special focus on illiterate voters in areas with no or limited access to electronic media, and with greater involvement of civil society organisations could enable voters to make a more informed choice and reduce the number of invalid votes in future elections.

Voter registration

9. Continuation of biometric voter registration by periodically updating the voter register (adding new voters and removing dead persons), including the de-duplication of all new entries, would enable any future electoral event to benefit from the successful 2012 biometric voter registration exercise.

Electoral Campaign

10. The campaign calendar should not unreasonably restrict the right of political parties and candidates to campaign. The campaign calendar might coordinate major public meetings and rallies in specific areas of the city, town or district. Campaigning outside allocated days could be allowed outside of the area assigned for a party rally or public meeting.
11. Continuation of public campaigns for non-violence and organisation of confidence-building measures between political parties and security forces would benefit future electoral processes.

Political Parties

12. Introduction of financial support by government for political parties can be considered. Support could be given to political parties on an annual basis, using proportionality criteria. The amount could be based on the number of votes received at general elections. There might be a natural threshold introduced for a party to be entitled to receive contributions. In an election year, state financial support could also be given to all registered political parties who participated in the previous elections.
13. International political foundations could be invited to assist with the task of strengthening the capacity and organisation of political parties and developing internal party structures and programme documents. Direct financial contributions to political parties could be considered based on specific projects submitted by individual political parties.
14. There is a need to further improve the skills of political parties to organise and train their party agents. It is crucial for major parties to be able to deploy significant numbers of trained party agents and establish a system of collection of information on election processes. A possible programme aimed at training party trainers and district organisers could be targeted predominantly at parties represented in parliament, or using other criteria based on proportionality.

Political Parties Registration Commission

15. It would be useful if the PPRC District Monitoring Committees could be operational in all districts during all stages of the election process including voter registration, candidate registration and the entire campaign period. The PPRC could establish a unit to monitor campaign spending and the use of public resources. In case this happens, then the PPRC should be strengthened and provided with more financial resources.

Election Day

16. Strengthened training of polling staff with a particular focus on procedures for filling out the reconciliation and result forms, packing of sensitive and non-sensitive material and material transfer could enhance the overall credibility of the process and accelerate the results tallying process.

17. Inclusion of the data on number of voters who voted through the Final Voter Register and Additions to the Final Voter Register in the polling station reconciliation and result forms would accelerate the results tallying process.
18. Grouping of candidates into the party/independent candidate blocks on ballot papers in the local council multi-member wards could reduce the number of invalid votes in these constituencies during the next local council elections.

Election Results

19. Adoption and publication of the detailed tally centre procedures, clearly stipulating the steps to be taken in the case of quarantined results, at least six months in advance of any electoral event would increase the credibility of the process and enable political party and candidate agents and observers to meaningfully scrutinise the results tallying process.
20. Publication of progressive presidential election results evenly representing all regions/districts during the tallying process, combined with prior voter education about the nature of these results, could increase the overall transparency of the results tallying process and defuse any potential tensions which may publicly arise during the period between election day and the day of the announcement of results.
21. Timely publication of detailed polling station results, as well as the list of polling stations for which the results were invalidated, including the reasons for invalidation, before the legal deadline for challenging the validity of elections by petition to the court would enhance the transparency of election results and allow political parties and candidates to compare their copies of polling station reconciliation and result forms with data entered into the results database prior to filing a petition.

Complaints and Appeals

22. Revision of time-frames in electoral law, particularly in relation to objections to nominations and petitions challenging the validity of results, would serve to offer more timely and effective remedies to those aggrieved in the electoral process. It is imperative that nomination controversies be resolved in advance of printing ballot papers and election day, while shortened time limits in the adjudication of challenges to results would be a positive development.

Participation of Women

23. Political parties are well-placed to promote the participation of women in public life. Adoption of legislation, including a regime of sanctions, requiring affirmative action gender policies within parties, with monitoring by an institution such as the PPRC or the putative women's commission, would offer a great boost to female participation, with emphasis both on integration of women in mainstream party structures and the selection of women as party candidates.
24. Models of successful promotion of women as candidates can be followed and supported by donors as a means of enhancing the participation of women in public life. Programmes, such as that in Kailahun operated by SEND, focussing on capacity-building and practical support, across party lines, would be a vehicle to prepare female aspirants to be ready to participate in future electoral cycles.
25. The up-coming constitutional review offers the opportunity to review the current constitutional guarantee of equality, which is inadequate to fully vindicate equal rights of women, as the claw-back

clause in Section 27 permits difference of treatment on many of the grounds which perpetuate patriarchal discrimination against women. Amendment offers the possibility to create equality before the law for both men and women, prohibiting discrimination on the grounds of sex.

Media

26. It is necessary to strengthen the power and the legal authority of the Independent Media Commission in order to increase its regulatory role and enhance its capacity to guarantee fulfillment of provisions in the Media Code of Practice by the media. Establishing deadlines for the High Court to arbitrate and resolve cases in which decisions by IMC are appealed by sanctioned media would contribute to strengthen the power of the institution. In the same line, the approval by the new Parliament of the revised IMC Act and Code of Practice, which contemplates the increase of the fines to be applied by the Commission, would also contribute to reinforcement of the legal authority of the IMC.
27. It would be advisable to establish detailed clarifications on section 156 of the Public Elections Act 2012 as to who is the responsible body for guaranteeing the implementation of allocation of airtime to candidates and political parties on national radio or television. Similarly, establishing clear provisions on who is the responsible body for reacting to breaches of campaign silence by the media is desirable.
28. A revision of the provisions of the Public Order Act 1965 related to libel and defamation offences appears to be necessary. Although libel and defamation are offences that need to be regulated, the current provisions in the Public Order Act establishing sentences of up to seven years of imprisonment for the offender and the closure of the offender's news outlet seem outdated and contrary to international best practices. In the same line, the approval of the freedom of information bill, introduced in Parliament on September 2010 but not yet passed, would contribute to a more free media environment in line with international commitments.
29. The Sierra Leone Broadcasting Corporation (SLBC) is expected to make all efforts in order to fulfil its obligations as a public service broadcaster and abide by the provisions on the SLBC Act and the Media Code of Practice regarding fair and balanced coverage in a non-partisan and objective manner. As the governing body responsible for controlling and supervising the overall performance of the Corporation, the SLBC Board of Trustees has to play a more effective role in assuring fulfilment of the functions and responsibilities of the Corporation. A revision of the composition of the Board of Trustees as currently established in the SLBC Act could be considered in order to enhance the adequacy of the profile of its members to undertake their tasks and responsibilities.
30. It would be advisable to establish a limit in the maximum amount of airtime that political parties and candidates can buy on SLBC during an election campaign period, in order to avoid disadvantages between those parties with greater financial capacity than other parties.
31. Strengthening the implementation of rules and principles for accurate, balanced and responsible journalism, specifically on election coverage, is required. Although significant training has been conducted in Sierra Leone in this regard, the way in which the training is implemented and the audience targeted need to be reconsidered. The conduct of proper and professional training programmes, coordinated and conducted by local media institutions like the IMC and SLAJ, and targeting media managers and editors as well as journalists would contribute to improving the quality of journalism in Sierra Leone.

ANNEXES

Annex I: Table of Recommendations

Area of Assessment	Purpose	Recommendation	Indicators	International and/or Regional Commitment	Principle
LEGAL FRAMEWORK	End discrimination in rules of candidacy for election	1. Revise constitutional and electoral law to permit candidacy of naturalised citizens and those with dual nationality for parliament and local council elections.	Amendment of Section 75 of the Constitution of Sierra Leone, 1991; amendment of Public Elections Act, 2012	Art. 21, UDHR Art. 25, ICCPR	<i>Right to participate in public affairs</i>
	End discrimination on ethnic grounds in rules on candidacy for election; promote equality	2. Revise citizenship law governing acquisition of citizenship by birth.	Amendment of the Citizenship Act	Art. 21, UDHR Art. 2.1(a), ICCPR	<i>Right to participate in public affairs, without distinction as to race.</i>
	Promote Freedom of Association	3. Remove restriction that independent candidates may not run for the office of president.	Amendment of the Constitution of Sierra Leone, 1991	Arts. 20 & 21, UDHR Arts. 22, 25 & 26, ICCPR	<i>Right to participate in public affairs; freedom of association.</i>
	Reduce unreasonable requirements of resignation from the public service in candidacy for election.	4. Revise constitutional and electoral law to reduce the 12 month resignation requirement for public servants; review the nature of the posts subject to this requirement.	Amendment of Section 76 of the Constitution of Sierra Leone, 1991; amendment of the Public Elections Act, 2012	Art. 21, UDHR Art. 25, ICCPR	<i>Right to participate in public affairs</i>
	Reduce the unreasonably high quantum of nomination fees.	5. Revise electoral law, principally the Nomination Fees of Presidential Candidates, Members of Parliament, Members of Local Councils and Village Headmen Order, 2012; replace scale of fees.	Repeal of the Nomination Fees of Presidential Candidates, Members of Parliament, Members of Local Councils and Village Headmen Order, 2012, Statutory Instrument No. 13 of 2012.	Art. 21, UDHR Art. 25, ICCPR	<i>Right to Participate in Public Affairs</i>
	To protect the secrecy of the ballot	6. Revise the Public Elections Act, 2012 to remove the requirement that ballot papers should have serial numbers.	Amendment of Public Elections Act, 2012.	Art. 21.3, UDHR, Art. 25, ICCPR	<i>Right to vote in Secret</i>
		7. Revise NEC procedures in order to provide tactile ballot guides to facilitate voting in secret for those with sight impairment.	Provision of TBGs at future elections.	Art.21.3, UDHR Art. 25, ICCPR Art. 29, CRPD	<i>Right of persons with disabilities to participate in public affairs.</i>
	Promote access of prisoners on remand to the right to vote.	8. Put arrangements in place to facilitate voting of prisoners on remand.	Amendment of NEC regulations and procedures	Art. 21.3, UDHR Art. 25, ICCPR	<i>Right to participate in public affairs, ie, right to vote</i>

Area of Assessment	Purpose	Recommendation	Indicators	International and/or Regional Commitment	Principle
ELECTION ADMINISTRATION	Promote accountability, credibility and transparency of the EMB	9. Adoption and publication of a consolidated electoral calendar with clearly set deadlines for completion of particular activities well ahead of any electoral event would enhance transparency and stakeholders' confidence in the electoral process.	Adopted and published electoral calendar prior to the next elections		
		10. Regular publication of the minutes of meetings of the NEC and decisions adopted at these meetings would enhance transparency and stakeholders' confidence in the electoral process.	Published minutes of the meetings including adopted decisions		
VOTER EDUCATION	Ensure effective exercise of electoral rights	11. Strengthened civic and voter education with special focus on illiterate voters in areas with no or limited access to electronic media, and with greater involvement of civil society organisations could enable voters to make a more informed choice and reduce the number of invalid votes in future elections.	Voter education activities	Article 25, ICCPR	<i>Right of participation</i>
VOTER REGISTRATION	Ensure inclusive and credible voter register	12. Continuation of biometric voter registration by periodically updating the voter register (adding new voters and removing dead persons), including the de-duplication of all new entries, would enable any future electoral event to benefit from the successful 2012 biometric voter registration exercise.	Continuous voter registration	Article 25, ICCPR	<i>Universal and equal suffrage</i>

Area of Assessment	Purpose	Recommendation	Indicators	International and/or Regional Commitment	Principle
ELECTORAL CAMPAIGN	Unrestricted campaigning for political parties and candidates	13. The campaign calendar should not unreasonably restrict the right of political parties and candidates to campaign. The campaign calendar might coordinate major public meetings and rallies in specific areas of a city, town or district. Campaigning outside allocated days could be allowed outside of the area assigned for a party rally or public meeting. 14. Continuation of public campaigns for non-violence and organisation of confidence-building measures between political parties and security forces would benefit future electoral processes.	New method of creating the campaign calendar by the NEC	Art. 21 ICCPR ICCPR (HRC GC 25 paragraph 25) UDHR Article 21.1	<i>Freedom of Assembly</i> <i>Right to campaign freely</i>
POLITICAL PARTIES	Develop structures and organisational capacity of political parties	15. Consideration can be given to the introduction of financial support by government for political parties. Support could be given to political parties on an annual basis using proportionality criteria. The amount could be based on the number of votes received at general elections. There might be a natural threshold introduced for a party to be entitled to receive contributions. In an election year, state financial support also can be given to all registered political parties who participated in the previous elections. 16. An international foundation could be established with the task of strengthening the capacity and organisation of political parties and developing internal party structures and programme documents. Direct financial contributions to political parties could be considered based on specific projects submitted by individual political parties.	Introduction of new law on funding of political parties The foundation of an internationally funded implementing agency	ICCPR Article 25 UDHR Article 21.1 ICCPR Article 25 UDHR Article 21.1	<i>Right to participate in public affairs</i> <i>Right to participate in public affairs</i>
	Develop structures and organisational capacity of political parties	17. There is a need to further improve the skills of political parties to organise and train their party agents. It is crucial for major parties to be able to deploy significant numbers of trained party agents and establish a system of collection of information on election processes. A possible programme aimed at training party trainers and district organisers could be predominantly targeted at parties represented in parliament or using other criteria based on proportionality.	At least two nationwide networks of trained party agents operational for the next general elections	ICCPR Article 25 UDHR Article 21.1	<i>Right to participate in public affairs</i>
POLITICAL PARTIES REGISTRATION COMMISSION	Strengthen the role of the PPRC in monitoring the conduct and campaign spending of political parties	18. The PPRC could establish a unit to monitor campaign spending and use of public resources. In case this happens, then the PPRC would need to be strengthened and provided with more financial resources. It would be useful if the PPRC District Monitoring Committees could be operational in all districts during all stages of the election process including voter registration, candidate registration and the entire campaign period.	Creation of a new monitoring unit and methodology to monitor campaign spending and use of state resources	ICCPR Article 25 UDHR Article 21.1	<i>Level playing field, equality, Accountability</i>

Area of Assessment	Purpose	Recommendation	Indicators	International and/or Regional Commitment	Principle
ELECTION DAY		19. Strengthened training of polling staff with particular focus on procedures for filling out the reconciliation and result forms, packing of sensitive and non-sensitive material and material transfer could enhance the overall credibility of the process and accelerate the results tallying process.	Completion and accuracy of reconciliation and result forms, compliance with procedures for packing and transfer of material		
		20. Inclusion of the data on number of voters who voted through the Final Voter Register and Additions to the Final Voter Register in the polling station reconciliation and result forms would accelerate the results tallying process.	Data included in the reconciliation and result form	Article 25, ICCPR	<i>Genuine elections</i>
		21. Grouping of candidates into the party/independent candidate blocks on ballot papers in the local council multi-member wards could reduce the number of invalid votes in these constituencies during the next local council elections.	Order of candidates on the ballot papers in multi-member wards	Article 25, ICCPR	<i>Right of participation</i>
TABULATION AND PUBLICATION OF RESULTS	Ensure independent scrutiny of the results process	22. Adoption and publication of the detailed tally centre procedures, clearly stipulating the steps to be taken in case of quarantined results, at least six months in advance of any electoral event, would increase the credibility of the process and enable political party and candidate agents and observers to meaningfully scrutinise the results tallying process.	Detailed tally centre procedures adopted and published	Article 25, ICCPR	<i>Genuine elections</i>
		23. Publication of progressive presidential election results representing all regions/districts during the tallying process, combined with prior voter education about the nature of these results, could increase the overall transparency of the results tallying process and defuse any potential tensions which may publicly arise during the period between election day and the day of announcement of results.	Progressive election results published	Article 25, ICCPR	<i>Genuine elections</i>
		24. Timely publication of detailed polling station results as well as the list of polling stations for which the results were invalidated, including the reasons for invalidation, before the legal deadline for challenging the validity of elections by petition to the court would enhance transparency of election results and allow political parties and candidates to compare their copies of polling station reconciliation and result forms with data entered into the results database prior to filing a petition.	Detailed polling station results published	Article 25, ICCPR	<i>Genuine elections</i>

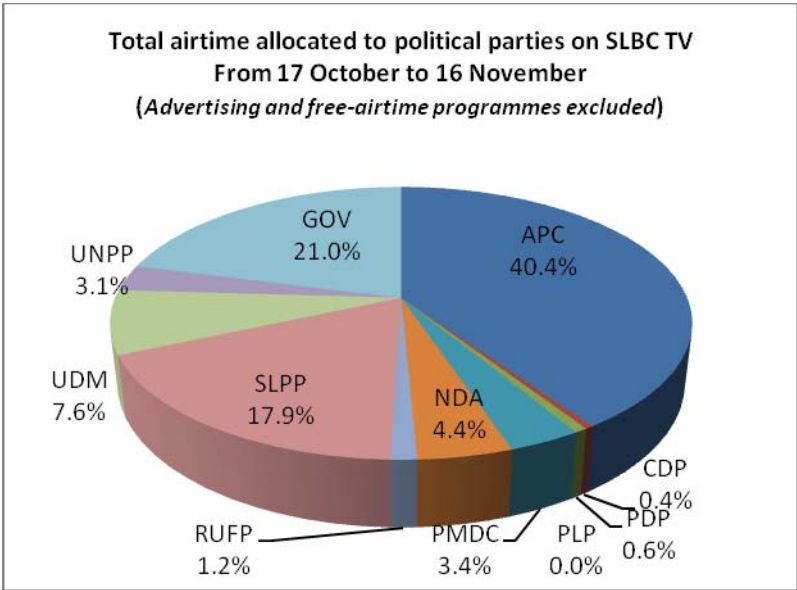
Area of Assessment	Purpose	Recommendation	Indicators	International and/or Regional Commitment	Principle
COMPLAINTS AND APPEALS	Promote recourse to the courts as an effective mechanism addressing electoral disputes	25. Revise time-frames in constitutional and electoral law and rules of court to ensure that complaints and petitions are adjudicated upon within a reasonable time period.	Amendment of Constitution of Sierra Leone, 1991, Public Elections Act, 2012, and the Election Petition Rules, 2007	Art. 8, UDHR Art. 2, ICCPR	<i>Right to a timely and effective remedy</i>
PARTICIPATION OF WOMEN	To promote the participation of women in politics	26. Introduce affirmative action gender policies for political parties, requiring integration of women within party structures and selection of women as candidates. Confer enforcement powers upon the PPRC or possible Women's Commission	Amendment of Political Parties Act, 2002	Art. 3, ICCPR Art. 4.1, CEDAW	<i>To ensure the equal right of women to enjoy political rights; affirmative action.</i>
	To promote the emergence of women as political aspirants.	27. Programmes offering capacity-building and material support to women, enabling them to be selected as electoral candidates, could be considered for funding by donors. The SEND programme with the Kailahun Women in Governance Network would be used as a model.	Introduction of programmes offered to support women; greater numbers of women nominated as candidates & elected to office in future electoral cycles.	Art. 3, ICCPR Art. 4.1, CEDAW	<i>To ensure the equal participation of women in public life, including the right to run for office.</i>
	Reduce discrimination against women as a means to promote the participation of women in public life.	28. In the up-coming constitutional review, review the constitutional guarantee of equality and amend it to offer greater protection from discrimination on the grounds of sex.	Amendment of Section 27 of the Constitution of Sierra Leone, 1991	Art. 2.1 & 3, ICCPR Art. 7, CEDAW	<i>To ensure the equal participation of women in public life, including the right to run for office.</i>

Area of Assessment	Purpose	Recommendation	Indicators	International and/or Regional Commitment	Principle
MEDIA LEGAL FRAMEWORK	Strengthen the power and the legal authority of the Independent Media Commission (IMC)	29. Reinforcing the independence of the IMC and establishing deadlines for the High Court to arbitrate and resolve cases in which decisions by IMC are appealed by sanctioned media. 30. Approval by the new Parliament of the revised IMC Act and Code of Practice, which contemplates the increase of the fines to be applied by the Commission.	Amendment of IMC Act; Revision of Media Code of Practice		<i>Independence and legal authority of media regulatory bodies</i>
	Defining tasks and responsibilities of IMC	31. Clarifying who is the responsible body for guaranteeing the implementation of allocation of airtime to candidates and political parties on the national radio or television. 32. Clarifying who is the responsible body for taking action against breaches of campaign silence by the media.	Revision of sections 150 and 156 of the Public Elections Act 2012. Revision of the Media Code of Practice		
	Improving current media environment in line with international commitments and best practices	33. Revision of provisions in Public Order Act related to libel and defamation offences. 34. Approval of the Freedom of Information Bill	Revision of Public Order Act 1965 and approval by Parliament of Freedom of Information bill.	Articles IV and XIII, Declaration of Principles on Freedom of Expression in Africa, African Commission on Human and People's Rights. Joint Statement: International Mechanisms for Promoting Freedom of Expression by the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Representative on Freedom of the Media of the Organisation for Security and Cooperation in Europe and the Organization of American States Special Rapporteur on Freedom of Expression, 1999 & 2004.	<i>Freedom of Information</i>

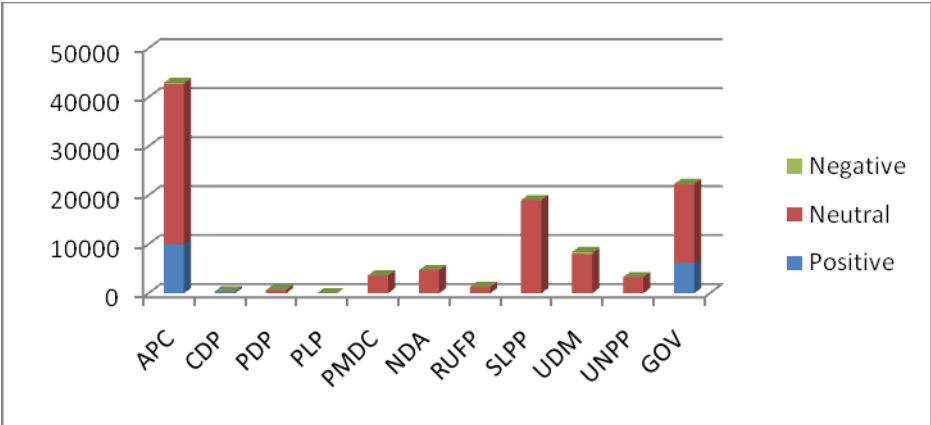
Area of Assessment	Purpose	Recommendation	Indicators	International and/or Regional Commitment	Principle
PUBLIC SERVICE BROADCASTER SLBC	Improving the quality of electoral coverage by SLBC	35. SLBC to make efforts to fulfil its obligations as public service broadcaster and abide by provisions on SLBC Act and Media Code of Practice. 36. SLBC Board of Trustees has to play a more active role in assuring fair and balanced coverage by SLBC in a non-partisan and objective manner. 37. It would be advisable to establish a limit in maximum amount of airtime that political parties and candidates can buy on SLBC during an election campaign period, in order to avoid disadvantages between those parties with greater financial capacity than the other parties.	Revision of Section 3 of the SLBC Act 2009 on the composition of the Board of Trustees		<i>Role and responsibilities of public service broadcasters</i>
MEDIA TRAINING	Strengthening and improving journalism in Sierra Leone	38. Conduct of proper and professional training programmes coordinated and conducted by local media institutions like the IMC and SLAJ, targeting media managers and editors as well as journalists, would contribute to improve the quality of journalism in Sierra Leone.	Funding and organising media trainings		<i>Accurate, professional and objective journalism</i>

ANNEX II: EU EOM MEDIA MONITORING FINDINGS

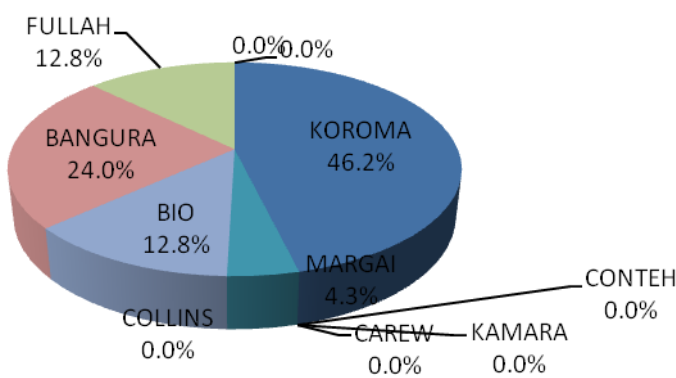
SLBC TV



Tone devoted to political parties on SLBC TV

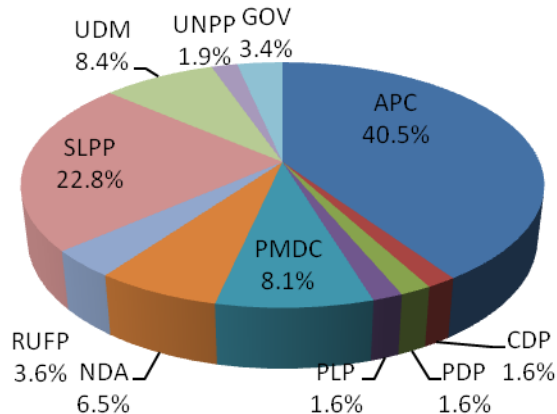


Total airtime allocated to presidential candidates on SLBC TV
(Advertising and free-airtime programmes excluded)

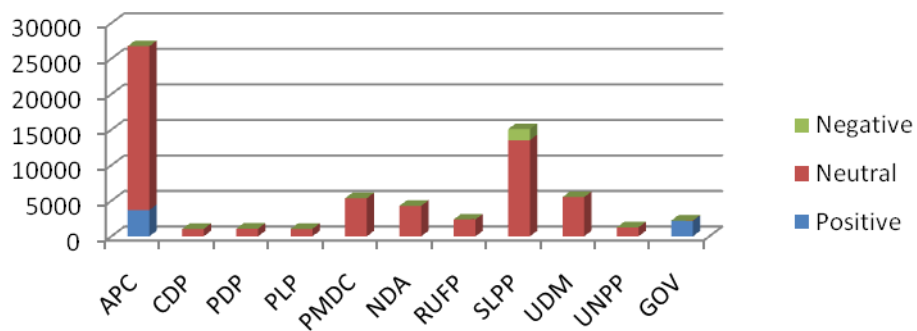


SLBC RADIO

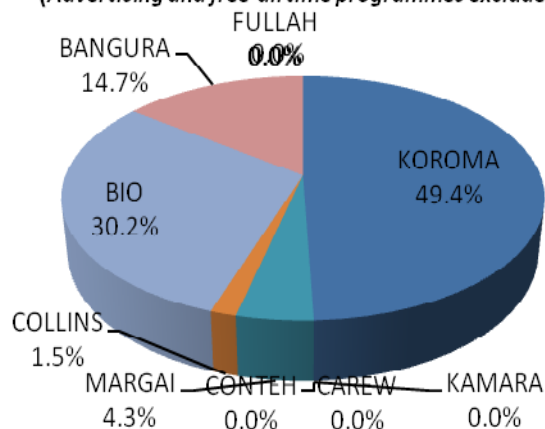
Total airtime allocated to political parties on SLBC Radio
From 17 October to 15 November
(Advertising and free-airtime programmes excluded)



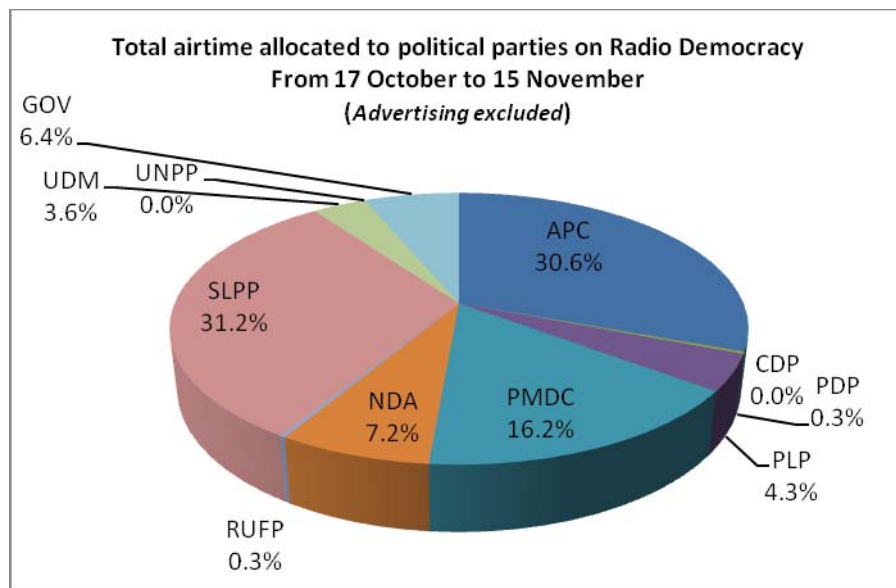
Tone devoted to political parties on SLBC Radio



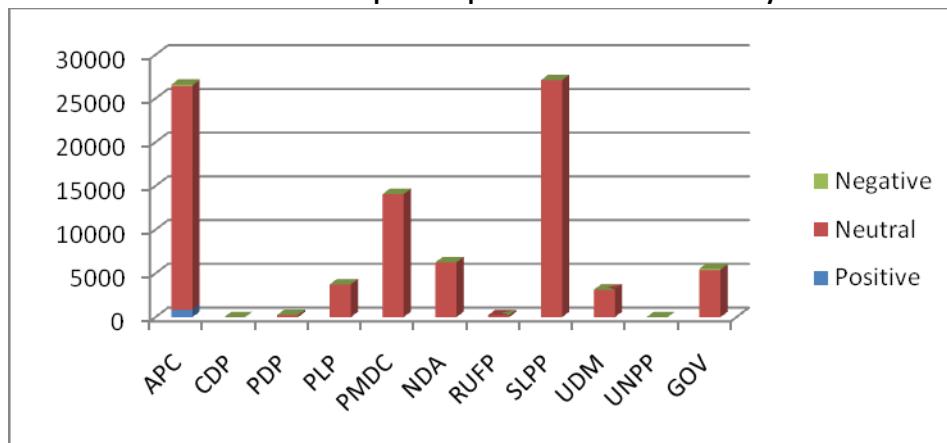
Total airtime allocated to presidential candidates on SLBC Radio
(Advertising and free-airtime programmes excluded)



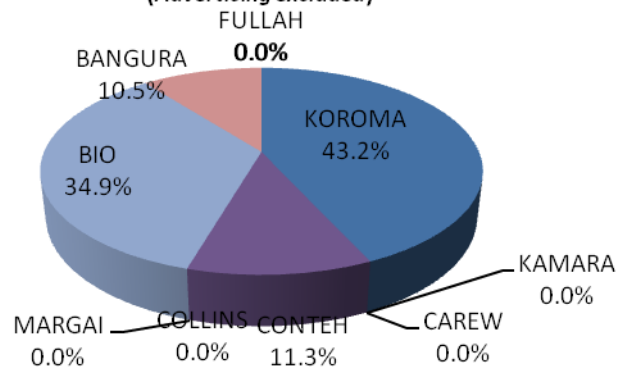
RADIO DEMOCRACY



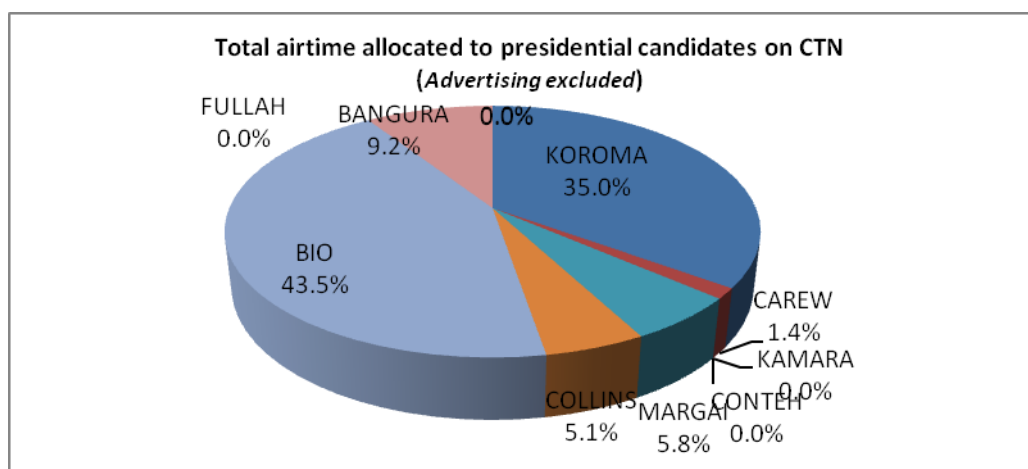
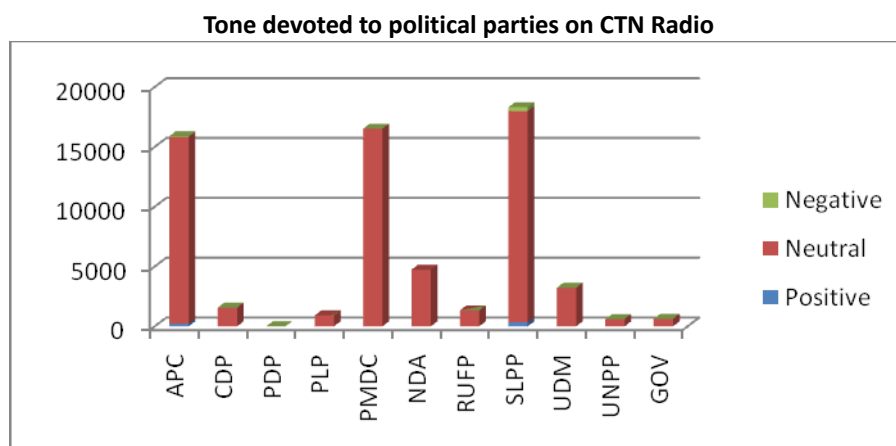
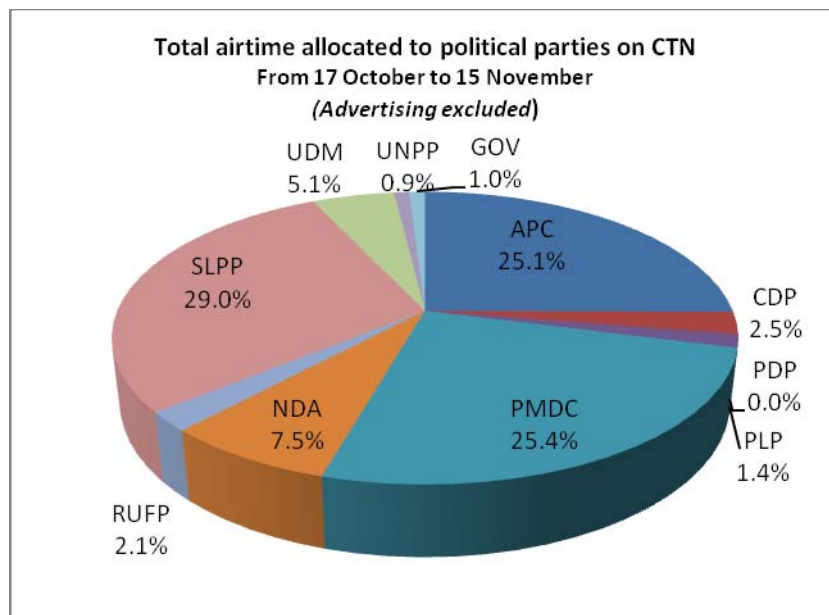
Tone devoted to political parties on Radio Democracy



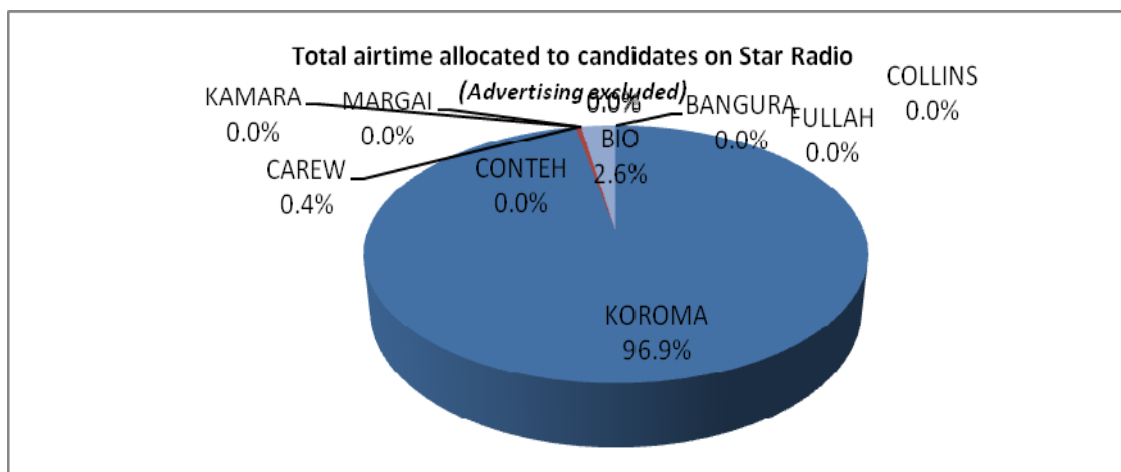
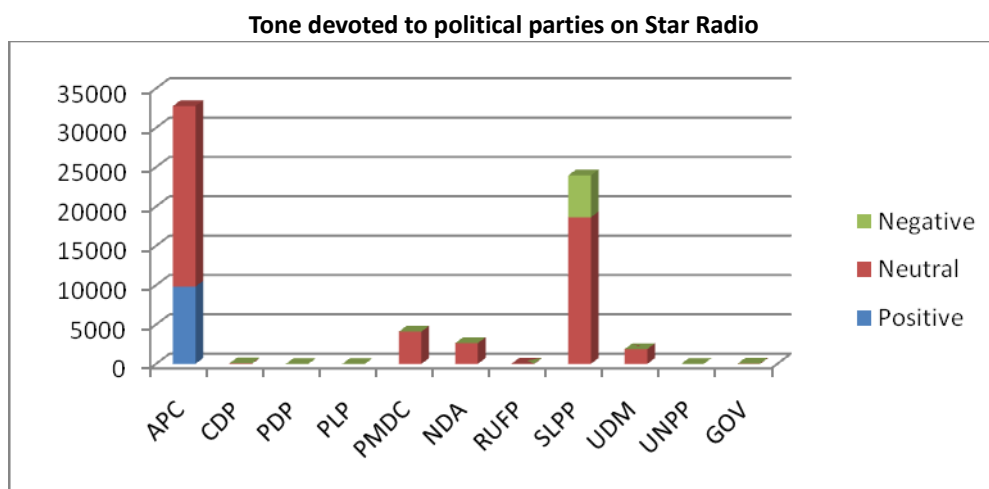
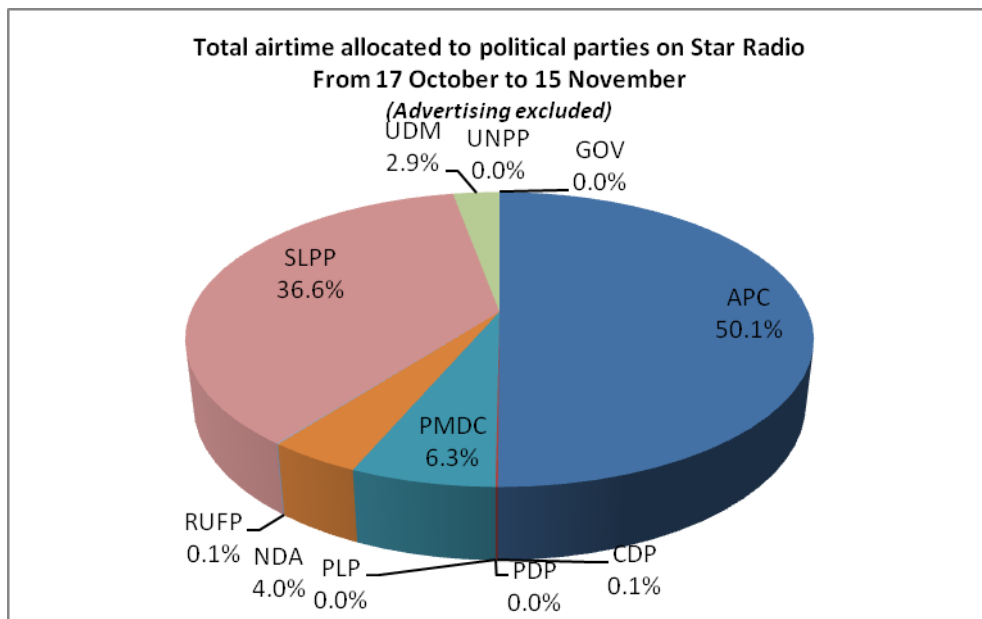
Total airtime allocated to presidential candidates on Radio Democracy (Advertising excluded)



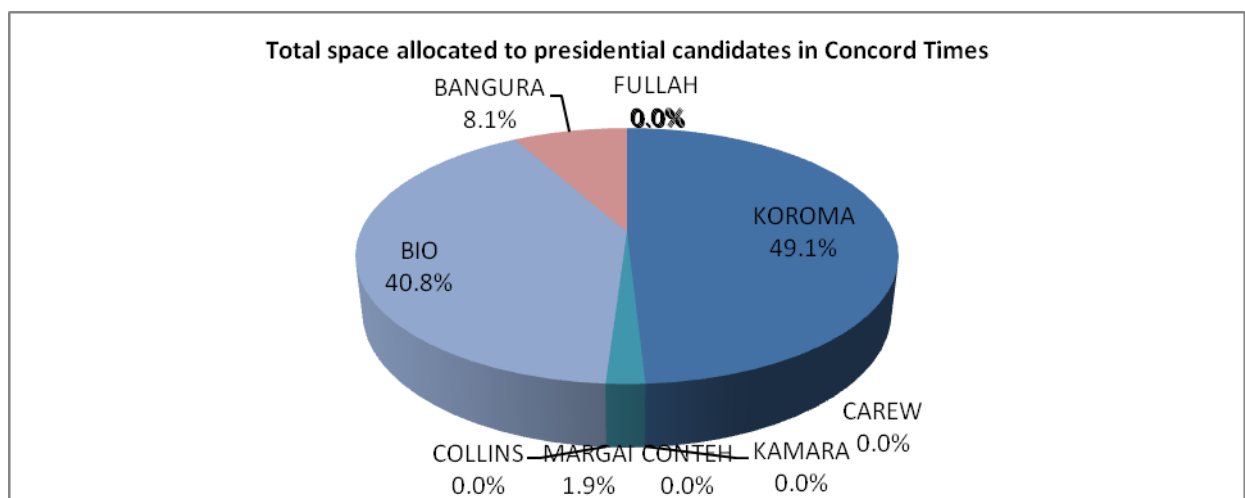
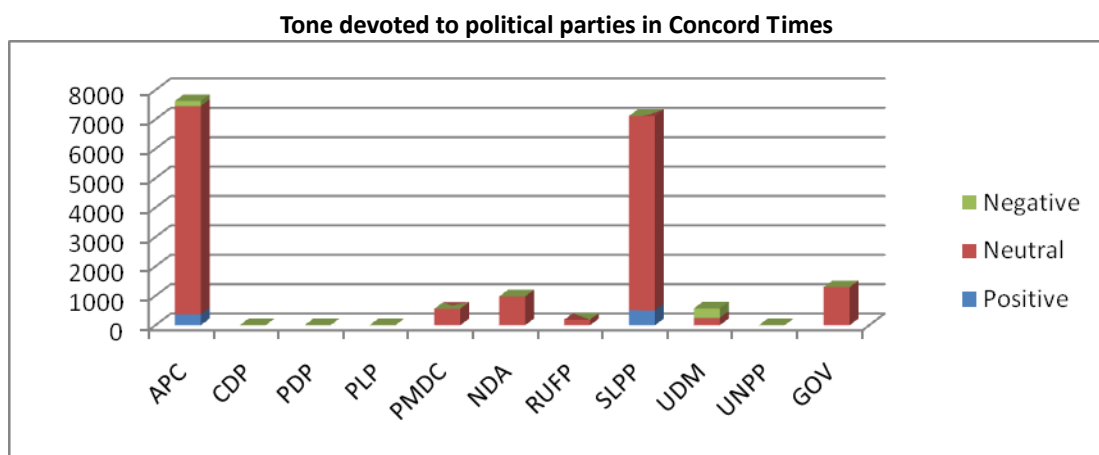
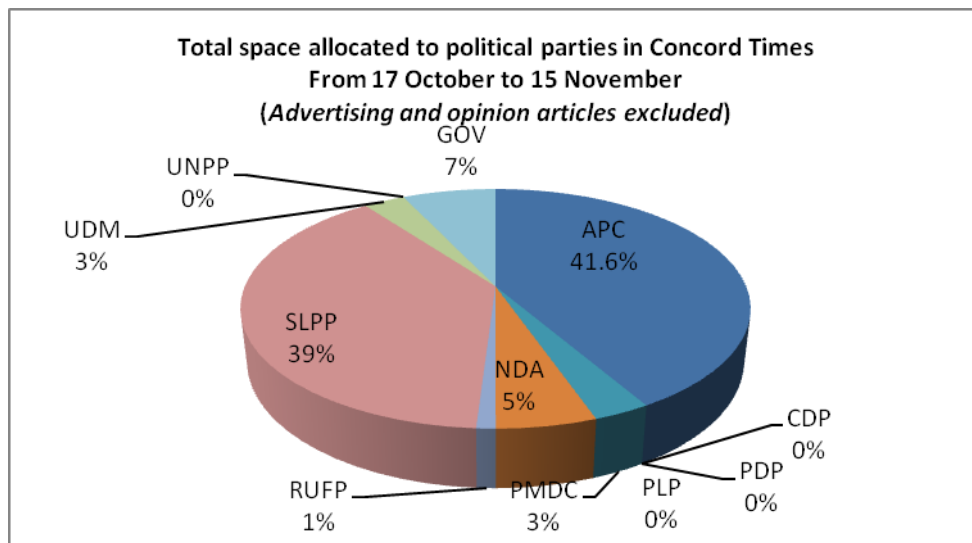
CTN



STAR RADIO

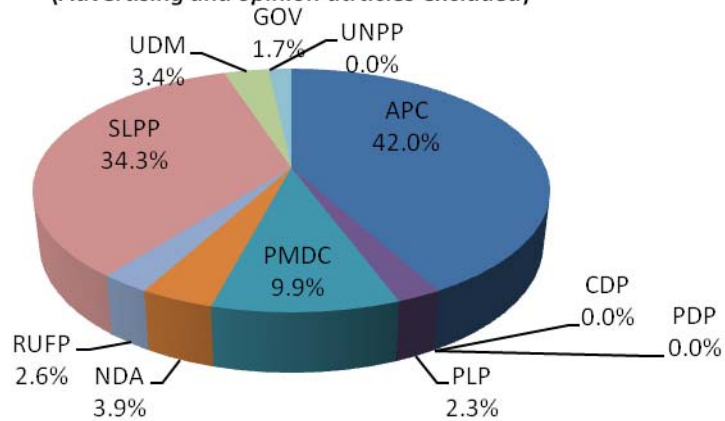


CONCORD TIMES

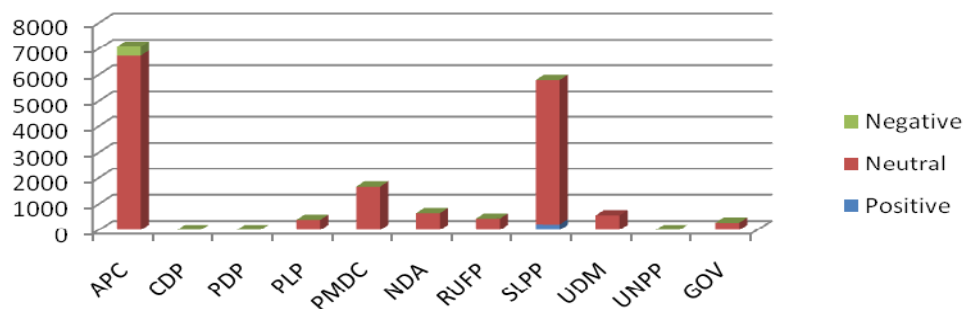


AWOKO

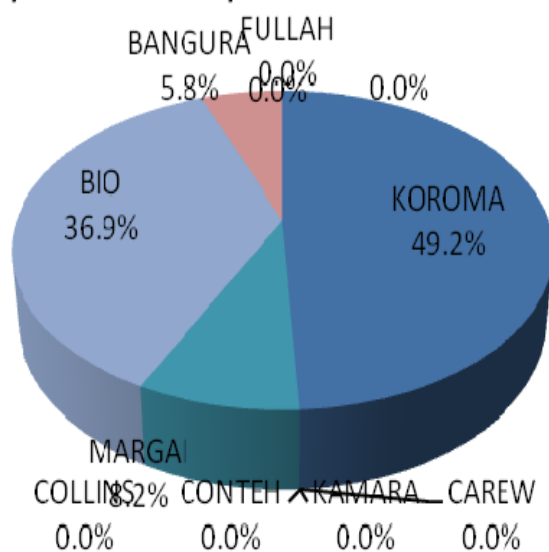
Total space allocated to political parties in Awoko
From 17 October to 15 November
(Advertising and opinion articles excluded)



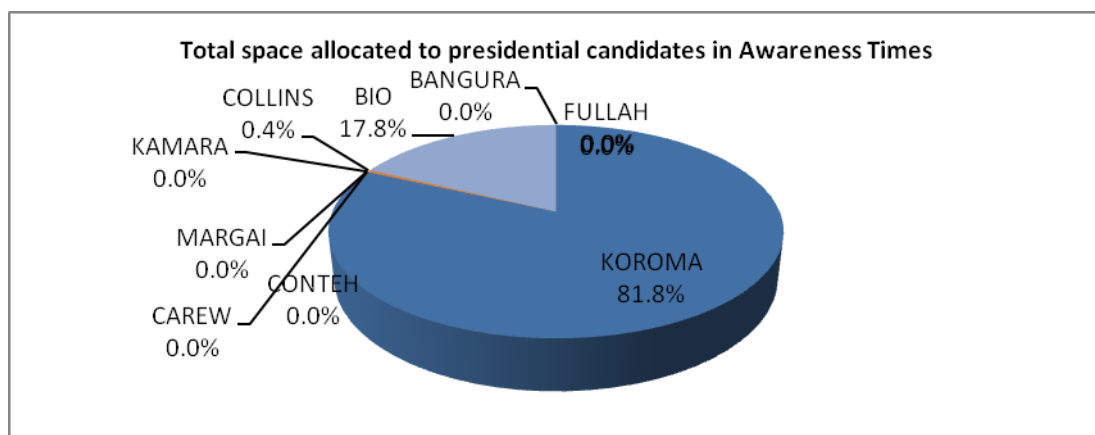
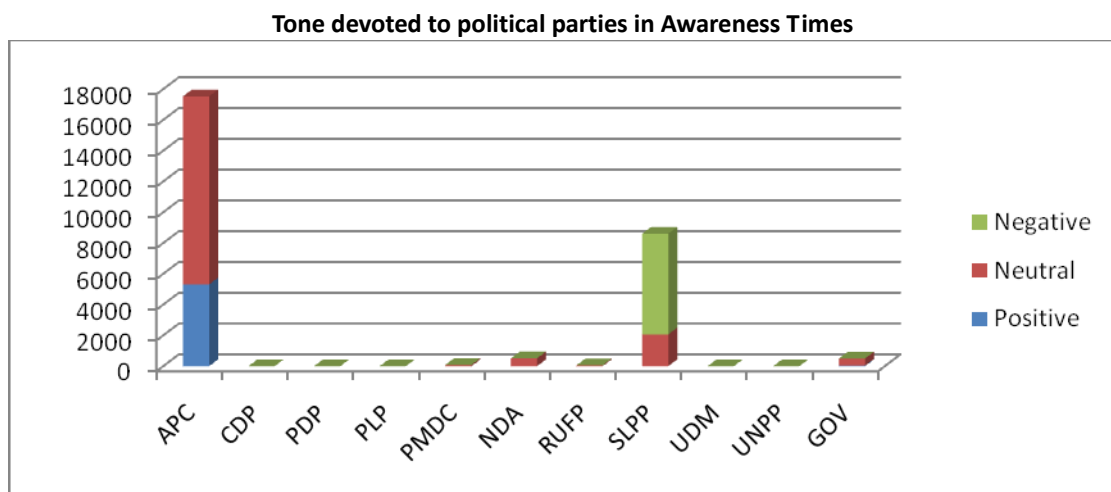
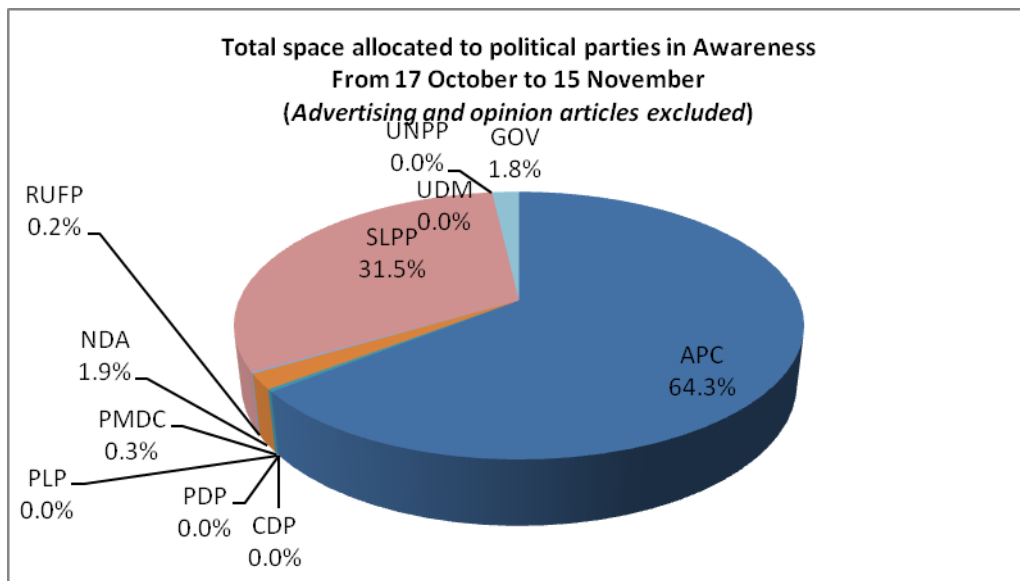
Tone devoted to political parties in Awoko



Total space allocated to presidential candidates in Awoko

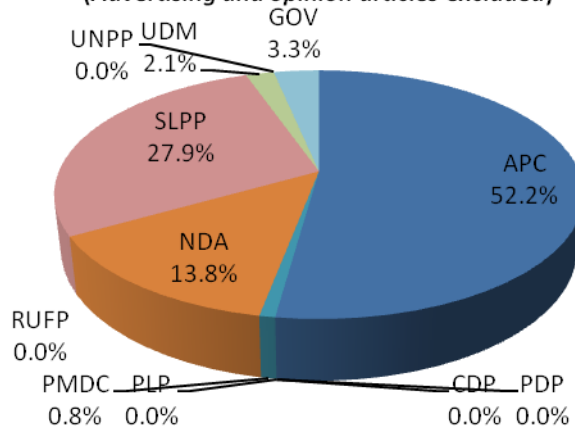


AWARENESS TIMES

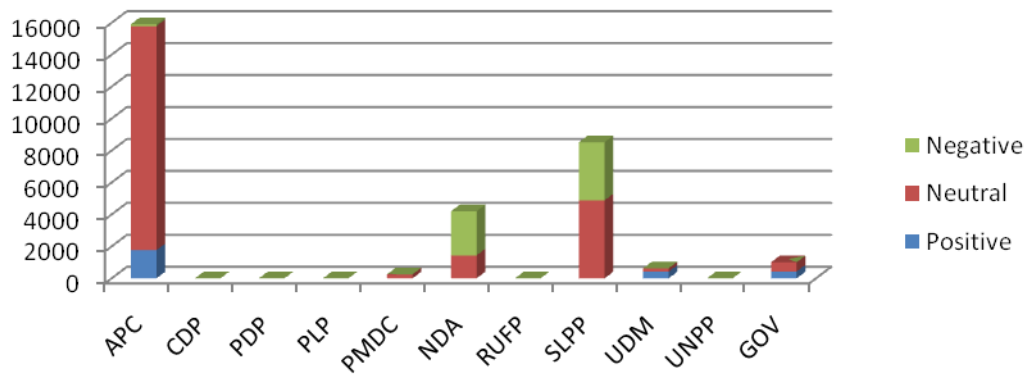


STANDARD TIMES

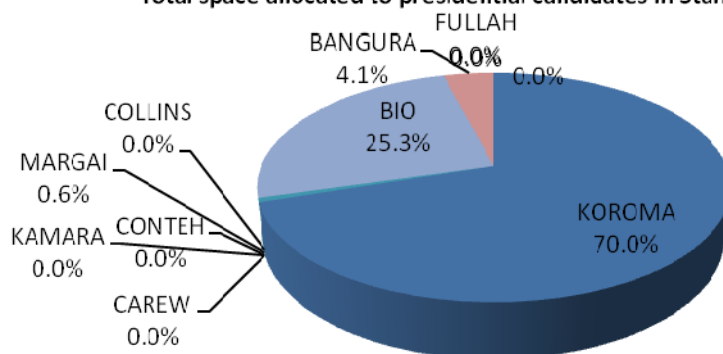
Total space allocated to political parties in Standard Times
From 17 October to 15 November
(Advertising and opinion articles excluded)



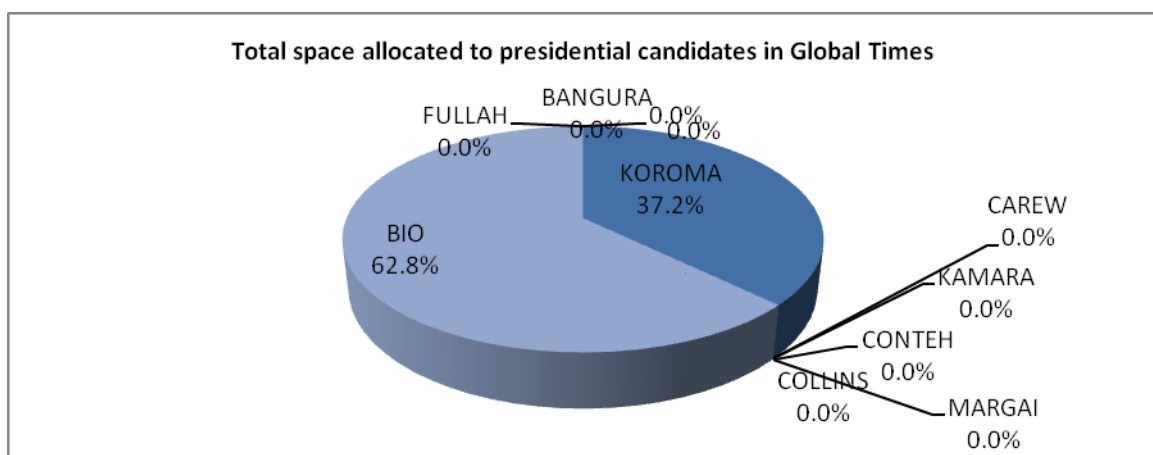
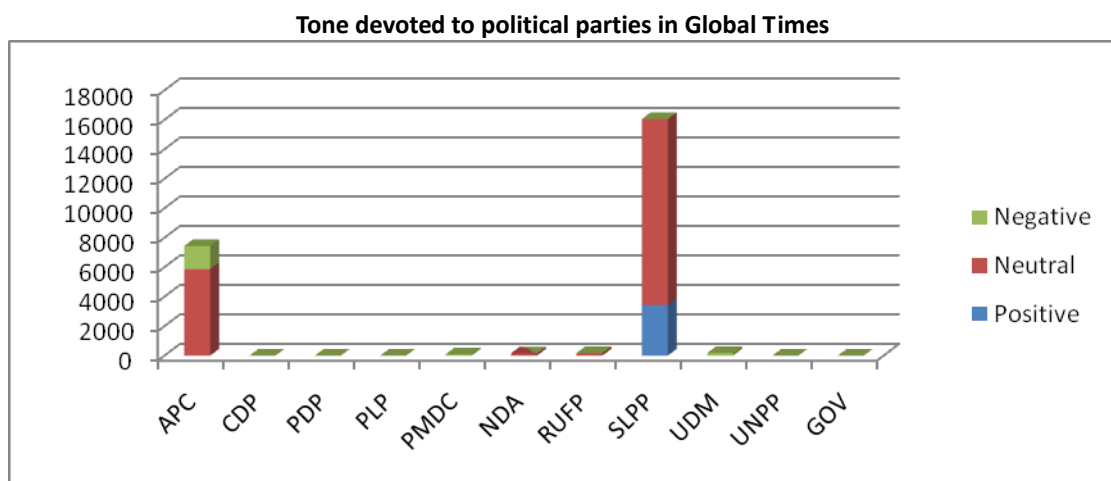
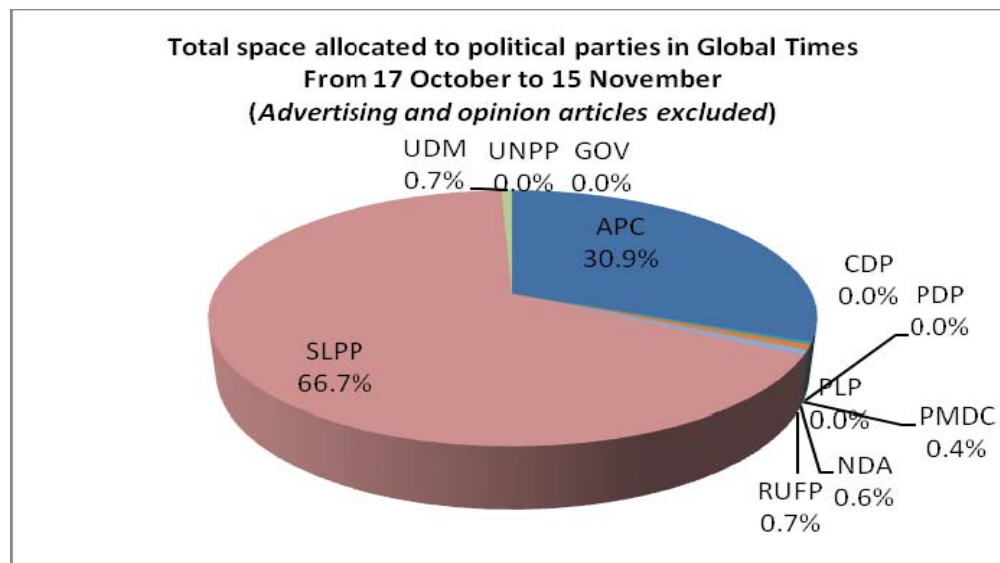
Tone devoted to political parties in Standard Times



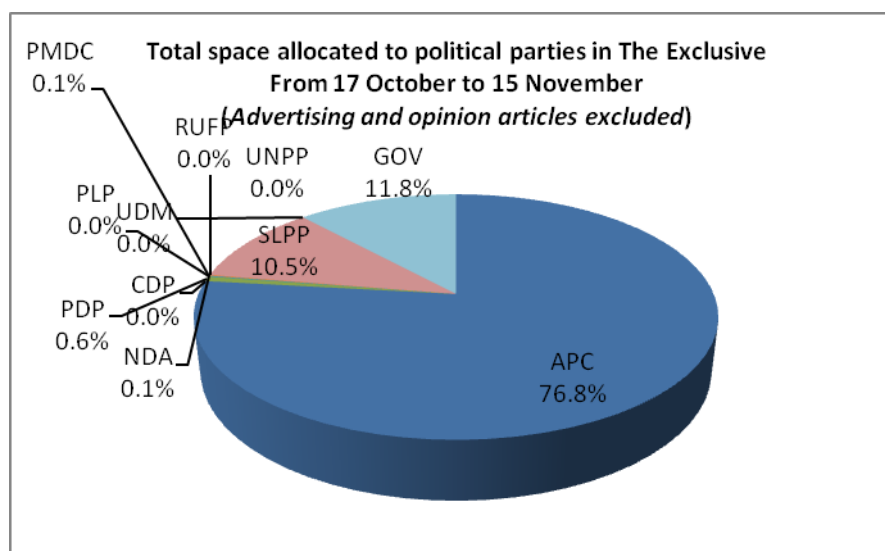
Total space allocated to presidential candidates in Standard Times



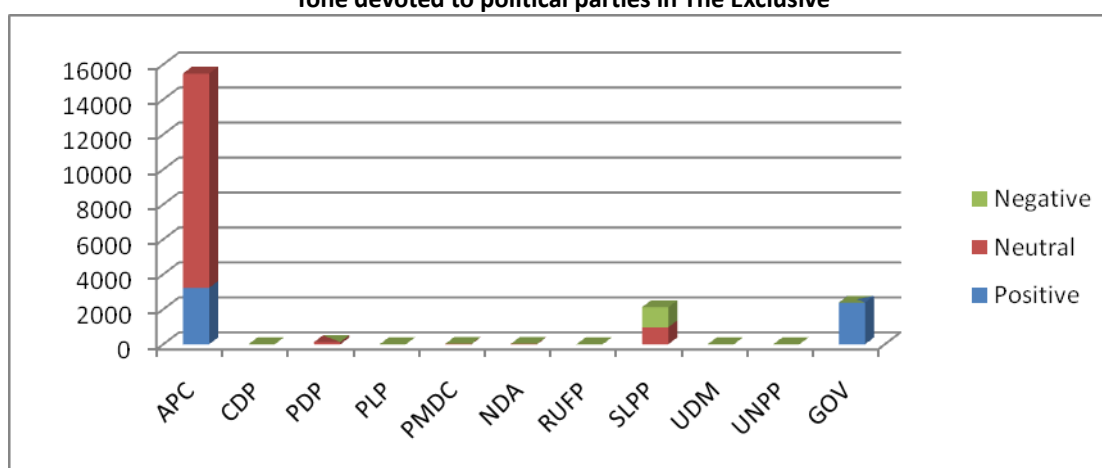
GLOBAL TIMES



THE EXCLUSIVE



Tone devoted to political parties in The Exclusive



Total space allocated to presidential candidates in The Exclusive

