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PRESIDENTIAL, PARLIAMENTARY AND LOCAL COUNCIL ELECTIONS IN SIERRA LEONE

ELECTION OBSERVATION DELEGATION

15-19 November 2012

REPORT BY MARIYA GABRIEL, CHAIR OF THE DELEGATION

Annexes:

- I. Final programme of the Delegation (including participants' list)
- II. Declaration of Mrs Mariya Gabriel, Chair of the EP Delegation
- III. Preliminary Statement of the EU Election Observation Mission

INTRODUCTION

Following an invitation on 3 May 2012 from the Minister of Foreign Affairs of Sierra Leone and the decision of the High Representative and Vice-President of the Commission Mrs Catherine Ashton, on the deployment of an EU Election Observation Mission (EU EOM), the Conference of Presidents of the European Parliament authorised on 18 October 2012 the sending of a delegation to observe the presidential, parliamentary, and local council elections in Sierra Leone.

Elections scheduled for November in Sierra Leone were a major challenge for a country still coping with violence. The previous 2007 elections were perceived by the EU EOM deployed in Sierra Leone as generally well administered, peaceful and competitive. The 2012 elections, which were expected to be closely contested, could therefore prove to be a real test for the democratic process in the country.

The EU Election Observation Mission (EOM), present in Sierra Leone since 27 September 2012, was led by Chief Observer Richard Howitt, a British Member of the European Parliament. Altogether the EOM deployed 100 observers (from 26 different EU Member States, as well as from Norway) in the 14 districts of the country.

A delegation of the European Parliament joined the EU EOM on 15 November. The delegation, led by Mrs Mariya GABRIEL, was also composed of Mr Zoltán BAGÓ, Mr Ricardo CORTÉS LASTRA and Mr Juan Fernando LÓPEZ AGUILAR.

The Delegation wishes to highlight its excellent cooperation with, and express its particular thanks to, the EU Election Observation Mission and the EU Delegation in Sierra Leone.

BACKGROUND

Sierra Leone underwent a civil war from 1991 to 2002 of which it still carries the scars. As a result, it has experienced the deployment of one of the largest peacekeeping forces in UN history. The political situation therefore, has the characteristics of a post-conflict state and remains fragile. In addition, extreme poverty, a very high rate of youth unemployment and massive corruption represent significant challenges for the consolidation of peace in the country.

The political scene in the country remains divided along ethnic and regional lines and is thus dominated by two political parties - the currently ruling All People's Congress (APC, supported by the Temne and Limba ethnic groups in the northwest) and the Sierra Leone People's Party (SLPP, supported by the Mende group in the southeast).

In the above context, on 17 November Sierra Leoneans voted for President, 112 members of parliament and 475 councillors including 6 mayors and 13 district council chairpersons, thus renewing all major institutions of the country. The 2012 elections were the third elections held since the end of the civil war in Sierra Leone. Not only were they the first ones led exclusively by the National Electoral Commission (NEC), but also the most

complex ones, as for the first time in the electoral history of the country four elections were held simultaneously. The elections were therefore a critical test for the NEC's capacity and independence, as well as for the overall peace and democratic consolidation in the country.

ORGANISATION OF THE ELECTIONS

The legal framework of Sierra Leone provided an acceptable basis for the conduct of democratic elections. The main legal documents governing Sierra Leone's presidential and parliamentary elections included the constitution, the National Electoral Commission Act of 2002, the Political Parties Act of 2002, the Electoral Commission Regulations and the new Public Elections Act of 2012.

The recent adoption of the Public Elections Act, which took into consideration a number of recommendations formulated by the 2007 EU Election Observation Mission, represented progress towards the democratisation of the country's elections. Still, some shortcomings remained, including the obstacle to independent candidates running for presidential office and the high nomination fees prescribed by law that candidates must pay to stand for election.

The lack of regulation of campaign funding was another major weakness of the electoral process. As no state financial support was made available to political parties in Sierra Leone for campaigning, smaller parties often lacked financial resources for this. As a result, the two main parties had substantially greater resources to carry out their campaign activities. What is more, the absence of campaign funding rules led to a blurred separation of state resources and ruling party resources. This resulted in misuse of state resources for campaigning by the ruling APC party, which significantly distorted the level playing field throughout the campaign period.

With regard to the electoral administration, the National Electoral Commission (established as an independent body by the Constitution and the Electoral Commission Act) had a wide mandate to prepare, conduct and supervise the elections in Sierra Leone. The NEC gained considerable experience over the last decade, and its current chair, Dr Christiana Thorpe, is broadly respected for her independence. The EU EOM assessed that the NEC acted in an overall independent, impartial and timely manner throughout the election process. Some of the apparent shortcomings however, included the insufficient voter education and the very late publication of the tally procedures, which gave the political parties only 2-3 days to train their agents to seriously observe the tally process.

CANDIDATES

Ten political parties competed in the 2012 elections. The two major parties - the APC and SLPP, which have been governing the political life in Sierra Leone for many years - were, again, the main contenders for these elections.

The All People's Congress has been the ruling party since 2007, when it won 59 seats. Their presidential candidate for the 2012 elections, the incumbent Ernest Bai Koroma, was elected in 2007 by 54.6%.

The Sierra Leone People's Party - the second political party in the country since 2007 - won 43 seats in the parliament in the 2007 elections. Julius Maada Bio, a former military leader during the civil war, was the designated SLPP presidential candidate in the 2012 elections.

The third party in the Parliament, the People's Movement for Democratic Change (PMDC), an offspring of the SLPP in 2006, went through an internal crisis and did not seem to be able to break up the dichotomy of the political landscape. Charles Margai was their presidential candidate in the 2012 elections.

The other parties contesting the elections were the United Democratic Movement (UDM), the Revolutionary United Front Party (RUF), the Peace and Liberation Party (PLP), the National Democratic Alliance (NDA), the United National People's Party (UNPP), the People's Democratic Party (PDP) and the Citizens Democratic Party (CDP).

It should be pointed out that the level of participation of women in these elections was very disappointing. Earlier this year, Parliament failed to adopt a draft bill requesting 30% of candidates on the lists to be women. And despite that political parties have committed themselves (in the Declaration on the 2012 Elections of 18 May) to affirmative action within their nomination, there were no female candidates for the office of President, and only four of the vice-president candidates were female. In addition, only 65 women were nominated for parliamentary elections, representing barely 11% of the candidates. Among the principal barriers to female participation in the 2012 elections were an absence of political will to promote women, long-standing societal attitudes and the lack of financial resources on the part of female aspirants.

Finally, it is also worth noting that the political platforms/programmes of the parties participating in the elections - including the ones of the APC and SLPP - did not differ significantly, as the political groups in Sierra Leone are organised along ethnic lines and around the personalities of the key actors/party leaders.

ELECTION OBSERVATION

Civil society was very active in election observation, thus contributing to increased transparency before and on Election Day. The largest domestic observer group National Election Watch (NEW) - consisting of some 300 NGOs - observed the entire electoral process and deployed 9,493 national observers on Election Day.

Besides the EU EOM - which was the largest international observer mission for these elections - other international observers were also deployed in the country, including teams from the Carter Center (led by the former President of Zambia, Rupiah Banda), ECOWAS (led by former President of Ghana, John Kufuor), African Union and the Commonwealth.

Prior and after Election Day, the EU EOM held coordinating meetings with the other international observer organisations in the country.

The National Election Watch as well as the international observers from the Carter Center, the African Union ECOWAS and the Commonwealth published separate post-election statements.

PROGRAMME OF THE EP DELEGATION

Besides a briefing with Mr Howitt and the Core Team of the EU Election Observation Mission, which provided a full overview of the situation, the Delegation held meetings with Ernest Bai Koroma, President of Sierra Leone and presidential candidate for APC, Julius Maada Bio, presidential candidate for SLPP, and the presidential candidates of smaller political parties. The delegation also met the electoral authorities (Dr Christiana Thorpe, Chairperson of the National Electoral Commission), international observers (Carter Center, African Union, Commonwealth, ECOWAS), as well as civil society representatives.

ELECTION DAY

On a largely peaceful Election Day, the EP delegation split into two groups to observe in and around Freetown. The two teams observed from the opening (7:00 a.m.) to the closing and counting. Both EP teams deployed reached similar conclusions, which were in accordance with the EU EOM observations.

- Election Day kicked-off very slowly, with some polling stations delaying the opening by almost two hours due to confusion and misunderstandings of the opening procedures. This delay created some tension in front of the polling stations.
- Voting took place in a generally peaceful and calm atmosphere. Participation rate was very high, with people orderly queuing in front of the polling stations to cast their vote.
- Procedures were executed in a transparent manner, with domestic observers and party agents closely following the voting and counting.
- Polling staff - predominantly young people - was usually competent and efficient, which compensated for the lack of voter education and contributed to the successful running of the elections.
- Although women had an active role as polling station agents and observers on Election Day, all polling centre managers that the two EP election observation teams encountered on E-Day were men.

After Election Day, the EP delegation held an internal meeting to discuss its observations. A debriefing with Chief Observer Howitt also took place. The Members also visited the District and Regional tally centres in Freetown.

JOINT PRESS CONFERENCE

On Monday 19 November, the Chief Observer Richard Howitt presented the preliminary statement of the EU EOM and Mrs Gabriel spoke on behalf of the EP delegation, in her capacity as Chair of this delegation.

Mrs Gabriel pointed out that the European Parliament delegation was impressed by the active involvement of young people in the electoral process. At the same time, female participation in public life, especially in positions of leadership, remained a challenge for the country. She also underlined the essential role of the opposition - particularly, in scrutinising the government's policies and holding the government accountable to the public – as equally important to the one of the party in power. Finally, she noted that Members of the European Parliament were firmly engaged in supporting Sierra Leone in its economic and social development efforts and would continue to be a fundamental partner for the country.

FINAL RESULTS

The overall participation rate at the elections was very high, estimated at 87,3% of registered voters, with 4,7% of the total votes cast being invalid.

On 23 November, Dr. Christiana Thorpe, Chairperson of the National Electoral Commission, announced the final results of the presidential election, which indicated that President Ernest Bai Koroma of the All People's Congress was re-elected with 58,7 percent of the valid votes, ahead of his main challenger, Julius Maada Bio of the Sierra Leone People's Party, who gathered 37,4% of valid ballots cast. Charles Margai from PMDC obtained 1,3 % of the votes.

On 26 November, the NEC also declared the parliamentary results for the 2012 elections, with the ruling APC winning 67 seats, while the SLPP won 42 seats. Three seats have not been declared because the courts have imposed an injunction on several constituencies. As a result, the APC which won 59 seats in the 2007 to 2012 parliament improved their seats by eight, while the SLPP which had 45 seats in the last parliament lost out three seats.

The SLPP presidential candidate Maada Bio denounced the results declared by the NEC. On 27 November, the SLPP national executive council strongly condemned NEC “for refusing to address issues of electoral irregularities including fake and unstamped reconciliation and result forms, pre-marked ballot papers, ballot stuffing and over-voting” and indicated that such instances of malpractices undermine the credibility of the entire electoral process. The party therefore urged all the newly elected members of parliament and councillors to stay away from government activities until certain concerns relating to alleged electoral malpractices in the 2012 general elections were addressed.

As a whole, despite some isolated incidents of unrest, the post-election situation in the country remained calm.

CONCLUSIONS AND RECOMMENDATIONS

The Election Observation Mission of the European Union remained in Sierra Leone until the end of the post-election process and would present a final report on the elections in the beginning of 2013. This report would contain recommendations to the authorities of Sierra Leone, aiming to improve certain aspects of the electoral process for future elections.

The election observation Delegation of the European Parliament as part of long-term EU mission was an important tool in the evaluation of the electoral situation in Sierra Leone. The delegation recommends that the Democracy Support and Election Coordination Group, the Committee on Development Commission and the relevant Delegations monitor the findings and recommendations of the final report of the EU EOM and use it as a basis for their political dialogue with Sierra Leone.

EUROPEAN PARLIAMENT

ELECTION OBSERVATION DELEGATION

PRESIDENTIAL, PARLIAMENTARY AND LOCAL COUNCIL ELECTIONS IN SIERRA LEONE

17 NOVEMBER 2012

FINAL PROGRAMME

Members

Ms Mariya GABRIEL (BG) EPP, Head of Delegation

Mr Zoltán BAGÓ (HU) EPP

Mr Ricardo CORTÉS LASTRA (ES) S&D

Mr Juan Fernando LÓPEZ AGUILAR (ES) S&D

Secretariat

Ms Nikolina VASSILEVA, Administrator

Ms Alyson WOOD, Assistant

Interpreters

Mr Jacques COLY

Mr Momar KHARY DIAGNE

5.30 Arrival of Members and transfer to the hotel

10.45 *Departure from Hotel for NEC Headquarters*

12.00 - 13.00 **Meeting with the Dr Christiana Thorpe, Chairperson of the National Electoral Commission**

Venue: NEC Headquarters

14.00 **Briefing by the EU EOM**

- Chief Observer Richard Howitt
- Core Team:
 - Deputy Chief Observer Tania Marques
 - Election, Political, Legal, Media Experts

Venue: Bintumani Hotel

15.45 - 17.15 **Meeting with Civil Society organisations**

- Chairperson of APPWA (All Political Parties Women Association)
- Women Situation Room
- 50/50 group
- Disabilities Union
- Women Disability
- Disability Commission

Venue: Bintumani Hotel

18.00 - 19.15 **Meeting with International Observers**

- Carter Center
- African Union
- Commonwealth
- ECOWAS

Venue: Bintumani Hotel

19.15 *Departure from Hotel for EU Headquarters*

20.00 **Dinner with EU Heads of Missions, offered by Ambassador Jean-Pierre Reymondet-Commy, Head of EU Delegation to Sierra Leone**

Venue: EU Headquarters

Friday 16 November 2012

- 9.30 - 10.30 Meeting with the presidential candidate of the Revolutionary United Front Party (RUF)
Venue: Bintumani Hotel
- 11.00 - 12.30 Security briefing and briefing by the long-term observers in charge of the area to be observed
Venue: Bintumani Hotel
- 13.00 Lunch Break
- 15.30 - 16.30 Meeting with Julius Maada Bio, presidential candidate for SLPP
Venue: Bintumani Hotel
- 17.00 *Departure from Hotel for State House*
- 18.00 Meeting with Ernest Bai Koroma, President of Sierra Leone
Venue: State House

Saturday 17 November 2012 - ELECTION DAY

- 07.00 - 17.00 Deployment and Observation of Opening, Voting & Vote Count

Sunday 18 November 2012

- 10.30 - 11.30 EP internal debriefing
Venue: Bintumani Hotel
- 11.30 - 12.30 Joint debriefing (EP and EU EOM)
Venue: Bintumani Hotel
- 12.30 Lunch Break
- Departure from hotel for the Freetown Tally center*
- 14.15 Visit of the District and Regional Tally centers in Freetown
- 15.00 - 17.00 Working dinner with Jeanne Kamara, Country Manager for Sierra Leone of Christian Aid, Justice Tolla-Thompson, Chair of the Political Parties Registration Commission, and Jamesina King, Human Rights Commission
Venue: Alex Restaurant

10.00 Joint press conference, presentation of the preliminary statement of the Election Observation Mission

Venue: Bintumani Hotel

evening Departures to Europe

Declaration of Mariya Gabriel, Head of the EP Delegation

Ladies and gentlemen, first of all let me thank you for the interest that you have shown in this press conference.

I had the honour to lead a Delegation of 4 Members of the European Parliament to observe the elections - in fact, the four elections - held simultaneously on 17 November in Sierra Leone, and led for the first time by the National Electoral Commission. During our stay in the country, we met the electoral authorities, representatives of the political parties, civil society representatives and, of course, observed on Election Day in and around Freetown.

I would like to point out that our Delegation was integrated in the framework of the long-term European Union Election Observation Mission. We fully agree with the assessment made by the EU Mission and endorse the preliminary declaration presented by the Chief Observer Richard Howitt.

Ladies and gentlemen, allow me now to highlight some of the main observations of our Delegation on these elections:

- I would like to start by congratulating the people of Sierra Leone for the enthusiasm, determination and patience they showed to cast their votes on Election Day. Despite certain shortcomings in the electoral process – such as the insufficient voter education or the late publication of tally procedures – and a slow and tense start of E-Day opening procedures, the atmosphere of these crucial elections was largely peaceful and respectful.
- Let me also say how impressed we were by the high participation of young people in the electoral process – who are the future and the wealth of every nation – both as voters and as active agents in the organisation of the elections.
- At the same time, we would like to express our disappointment that only 11% of the parliamentary candidates were women and that, although women had an active role as polling station agents and observers on Election Day, our Delegation did not see a single woman as a polling center manager. The European Parliament has always been

a staunch supporter of gender equality, both in the EU and across the world. We therefore believe that there is an apparent need for increased political will to promote greater female participation in public life and to acknowledge the role of women as a political force, especially in the positions of leadership. Peace and development, institutions and societies in general, become much stronger and more effective with the full and equal participation of women.

- In the context of the contested elections, allow me to share another thought with you: In any functioning democracy, the opposition – through its essential role of scrutinising the government's policies and holding the government accountable to the public – is equally important as the party in power.
- Finally, I would like to emphasise the link between elections and democracy, and the development of a country. These elections confirmed that over the past ten years Sierra Leone has achieved significant progress in consolidation of peace and democracy. The sustainability of peace and democracy however largely depends on the future economic and social development and prosperity of Sierra Leone.
- Following the 17 November vote, it will be in the hands of the elected, whoever they are, to justify the trust and hopes of the people in these elections and the democratic process as a whole, by responding to their needs for decent living conditions and providing them with quality education and employment, which are cornerstones for sustainable development.
- I would like to assure you that in the European Parliament we are firmly engaged in supporting Sierra Leone in this effort and will continue to be a fundamental partner for the country. Thank you for your attention!



EUROPEAN UNION
ELECTION OBSERVATION MISSION - SIERRA LEONE 2012
PRESIDENTIAL, PARLIAMENTARY AND LOCAL COUNCIL ELECTIONS

PRELIMINARY STATEMENT

Well-conducted elections conducive to democratic consolidation despite unequal playing field

With high participation in a largely peaceful atmosphere, the 2012 elections represent an important moment in the history of Sierra Leone as the country moves towards embedding democracy. Further progress will depend on the will of national institutions to address shortcomings.

Freetown, 19 November 2012

EXECUTIVE SUMMARY

- The 17 November elections in Sierra Leone have, so far, been conducted in a largely peaceful environment. Sierra Leoneans have participated in high numbers demonstrating their commitment to the democratic consolidation of their country. Despite the complexity and logistical challenges of holding four simultaneous elections, NEC was able to organise an election day that was overall assessed by EU EOM observers as having been well conducted.
- The conduct of voting operations was assessed positively in 95 per cent of the 404 polling stations visited by the EU EOM, with voting procedures being largely followed. Generally, the voting was conducted in an orderly, calm and peaceful manner despite long queues being reported. 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 polling stations visited.
- The NEC has, so far, acted independently and impartially throughout the election process and key decisions were made in consultation with stakeholders with a notable exception regarding the prescription of nomination fees. The biometric voter registration was a notable achievement of the 2012 elections and the EU EOM regards the registration process as transparent and credible. Technical electoral preparations were successfully completed in a timely manner despite the absence of a publicly available electoral calendar. Regrettably, the decentralised regional and district tally procedures were published by the NEC extremely late, only three days before elections.
- Despite the widespread fear of violence, the election campaign was largely calm and peaceful. Freedoms of speech and movement were respected. However, the election campaign calendar limited the right of political parties to assemble freely. Many candidates realised that it was *de facto* impossible to organise public meetings all over their constituencies in the three-day period, which also imposed excessive travel requirements on flag-bearers. The two main parties frequently breached the campaign calendar by campaigning outside their allotted days.
- An unequal playing field was evident throughout the campaign period. Although the ruling APC and the main opposition SLPP dominated the campaign, APC clearly benefited from the advantages of incumbency by making use of state resources, also enjoyed more media coverage and clearly had more financial resources for campaigning. The campaign was notable for the very low levels of activity of all other registered political parties.
- The NEC failed to provide timely and adequate voter education at the ward level. The EU EOM believes that significantly more civic voter education over a substantially longer period was needed to guarantee the right to an informed choice for voters.
- The legal framework provides an acceptable basis for the conduct of democratic elections which is in line with regional and international principles subscribed to by Sierra Leone. However, some

deficiencies still remain, namely in the protection and promotion of full participation in the electoral process. The consolidation of pre-existing electoral law into the Public Elections Act, 2012, represents an improvement, but represents only very partial progress towards necessary legal and constitutional reform.

- Unbalances in electoral coverage both by public and private media were observed. However, printed and electronic media, including community radio, provided a reasonable diversity of opportunity for political parties in an environment of general respect for freedom of expression. SLBC gave access to almost all political parties both on radio and television. Nevertheless, in key areas such as news bulletins and election related programmes SLBC showed biased coverage in favour of the ruling party.
- Despite the public commitment made by all political parties to enhance female participation, the percentage of women nominated to contest parliamentary elections remained disappointing at 11 per cent as in 2007. The principal barriers to female participation in these elections were an absence of political will to promote women, long-standing societal attitudes and the lack of financial resources on the part of female aspirants.

PRELIMINARY FINDINGS

BACKGROUND

The 17 November 2012 elections were the third elections since the end of the civil war in Sierra Leone. The country has moved from a period of post-conflict elections 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 councillors' elections. These elections were therefore a critical test for the NEC's capacity and independence. Nine out of the ten registered political parties nominated presidential and vice-presidential candidates. For the directly elected 112 seats of the House of the Representatives, 602 candidates were nominated, 32 of which were independent, many of whom were not awarded a party symbol either by APC or SLPP. Only two parties, APC and SLPP, nominated parliamentary candidates in each constituency, although the candidature of two SLPP candidates was restrained by court order. For the local council elections, 1,624 candidates competed for the 475 councillor seats including 6 mayoral and 13 district council chairperson seats.

LEGAL FRAMEWORK

The legal framework provides an acceptable basis for the conduct of democratic elections which is in line with regional and international principles subscribed to by Sierra Leone. The consolidation of pre-existing electoral law into the Public Elections Act, 2012, represents an improvement, but represents only very partial progress towards necessary legal and constitutional reform. Some deficiencies still remain, namely in the protection and promotion of full participation in the electoral process. These include several limitations on the right to stand for public office and on the secrecy of voting, absence of a timeframe stipulated by law for the different stages of the electoral process, and inadequate timeframes for complaints and appeals adjudication.

The right to stand for elections is excessively circumscribed. Candidature for all elective office is limited to citizens by birth, excluding naturalised citizens from participating as candidates in the electoral process, despite being afforded the right to vote. The right of prisoners on remand to participate in the elections were not respected. Also, the requirement that presidential candidates be members of political parties, barring independent candidates from standing for presidential office, violates international commitments on the right to stand for office. Furthermore, the requirement that public servants resign their posts 12 months before elections in order to stand for election is unreasonably long. Finally, the high non-refundable nomination fees for candidates to be eligible to run for any of the elections, passed by the parliament with its APC majority, having been prescribed

by the NEC without consulting with political parties and the justification for which was challenged by key stakeholders, led to an initial boycott of the local council nomination process by eight out of the ten political parties. While the EU EOM commends the compromise solution reached for the 2012 elections, it also considers that the prescribed nomination fees are unreasonably high given the very low level of income in the country. The EU EOM also regrets the necessity for intervention by the government to subsidise the nomination fees in order to guarantee multiparty elections.

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, 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.

ELECTION ADMINISTRATION

The NEC has acted independently and impartially throughout the whole election process and key decisions were made in consultation with political parties and other stakeholders. A notable exception, however, was the process of prescribing nomination fees, which did not include any consultations.

Technical electoral preparations were successfully 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. 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 the transparency of the process. 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 Final Voter Register data, were not easily accessible.

The voting and counting procedures provided sufficient safeguards to ensure the integrity and transparency of the voting and counting process. Although the Public Elections Act provides for voting outside the place of registration for several categories of voters, 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, while polling staff could vote in as many elections as their working location allowed.

The decentralised regional and district tally procedures were approved and published by the NEC extremely late, only three days before election day, despite the fact that decentralised result management is a completely new element of the electoral practice in Sierra Leone. As a consequence, the political parties and other stakeholders had only a very limited time available to familiarise themselves with these procedures in order to effectively scrutinise the results tallying process.

The NEC has failed to provide timely and adequate voter education at the ward level. The Ward Electoral Education Committees did not receive the necessary support on time and as a result they

became operational very late. 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 and the high illiteracy rate. 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 of the voters.

VOTER REGISTRATION

Universal and equal suffrage for eligible Sierra Leonean voters was respected with the exception of those in detention and non-resident citizens, despite the Public Elections Act foreseeing this possibility for the latter. The NEC announced that the Final Voter Register (FVR) included 2,692,635 voters. The introduction to the Biometric Voter Registration is a notable achievement of the 2012 elections. The estimated registration rate of 88-90 per cent can be considered a success. Electronic copies of FVR were distributed to all contesting political parties. Political party agents and domestic observers had access to all phases of the biometric voter registration process and the EU EOM regards the registration process to have been transparent and credible, despite the delays in implementation and the technical problems encountered especially during the initial phase of capturing biometric data.

CANDIDATE NOMINATION

The legal provisions regarding candidate nomination were generally respected. Only four objections were received by the NEC, none of which was upheld. 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.

ELECTION CAMPAIGN

A fear of return to violence was a widespread concern raised throughout the electoral process, but the continuous messages of non-violence which emanated from all sectors of society contributed to a largely calm and peaceful election campaign. There were a few small-scale isolated incidents which had a limited impact on the electoral atmosphere. The most serious of these took place in Kono involving APC and SLPP supporters. The police force, however, was able to control the situation, and stakeholders engaged in conciliation talks.

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. The EU EOM recognises that security remains a key challenge as election results become known.

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. Nevertheless, the election campaign calendar issued by the NEC limited the right of political parties to assemble freely. Although all political parties were 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 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, in some districts the authorities applied a more restrictive approach. The two main parties frequently breached the campaign calendar by campaigning outside their allotted days without any police enforcement of respect for the calendar but where local mediation by PPRC officials in some areas was observed. The two most significant of these breaches occurred in Kambia when APC organised a public meeting on the day allocated to NDA, thereby preventing NDA from campaigning

and in Freetown where APC organised its campaign activity during the day of religious holiday which was allocated to PLP.

An unequal playing field was evident throughout the campaign period. Although the ruling APC and the main opposition SLPP dominated the campaign, APC clearly benefited from the advantages of incumbency by making use of state resources, enjoying 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. CDP, UNPP, PLP or PDP did not organise any public meeting during the days allocated to them in a number of districts, despite many candidates campaigning door to door. As no state financial support is made available to political parties, their ability to compete in elections is impaired. The two main parties provided supporters with campaign materials, t-shirts, food, drink, including alcoholic beverages, and free transportation to rallies. Distribution of money was directly observed by the EU EOM at APC campaign events in Bonthe, Bo and Kenema. 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 ruling party resources and state resources. EU observers reported the use of a significant number of government vehicles by the APC presidential candidate for campaigning in Kenema and Kailahun. The webpage of the State House promoted 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 Declaration on the 2012 Elections that called for their neutrality as well as being subject to some pressure by government representatives.

MEDIA

Significant unbalances in the electoral coverage by public and some private media monitored by the EU EOM were observed. However, in general both printed and electronic media, including community radio, provided a reasonable diversity of opportunity for political parties in proportion to their level of activity in the electoral campaign. Freedom of speech was generally respected during the entire campaign period.

The public broadcaster Sierra Leone Broadcasting Corporation (SLBC) gave access to all political parties on radio and to nine political parties on television. 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, RUFP 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. Nevertheless, in key areas like news bulletins and election related programmes SLBC showed significant quantitative unbalance in favour of the ruling party. EU EOM's media monitoring¹ findings show that, from 17 October to 15 November, SLBC TV allocated double the amount of airtime (40 per cent) to APC than to SLPP (18 per cent). On top of that, additional 21 per cent of airtime was devoted to APC led government activities, meaning that 61 per cent of all coverage was devoted to the governing party. On SLBC radio the unbalance was slightly lower, with APC receiving 40.5 per cent of total airtime on news and programmes and SLPP being afforded 23 per cent of the coverage. None of the remaining seven parties received more than 8.5 per cent of coverage either on SLBC Radio or on SLBC TV. The tone of the coverage on SLBC Radio was generally neutral, while 23 and 27.5 per cent of news on SLBC TV related to APC and the government, respectively, were presented in positive tone.

The degree of impartiality in the electoral coverage provided by some of the private media analysed by the EU EOM was very diverse, with the print media registering the most evident cases of biased

¹ The sample of media monitored included SLBC TV, SLBC Radio, Radio Democracy, Cotton Tree News (CTN), Star Radio, *Concord Times*, *Awoko*, *Standard Times*, *Awareness Times*, *Global Times* and *The Exclusive*.

coverage both in terms of space allocated and tone used. 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 and SLBC TV breached the campaign silence by airing on 16 November APC adverts (Star Radio) and studio interviews with UNPP flag bearer and CDP secretary general calling for voters to support APC presidential candidate (SLBC TV).

ELECTORAL JUSTICE

Although there is a gap in the Public Elections Act, 2012, as no procedure is laid down for dealing with contested parliamentary nominations in the period between the close of nominations and election day, matters come to court instead by way of ordinary civil proceedings. Delay, particularly in dealing with urgent matters, and excessive attention to time-wasting preliminary matters, contribute to a situation where cases drag on for so long that no timely outcome is achieved. The result of this is evident in two on-going High Court cases dealing with disputed nominations of SLPP parliamentary candidates in constituency no. 5 in Kailahun and constituency no. 15 in Kenema. Subsequent to nomination, injunctions, which should be temporary in nature, were secured restraining NEC from proceeding with the nomination of these candidates. As a consequence SLPP was unable to field a candidate in either constituency known to be SLPP strongholds. An intra-party dispute within the NDA also resulted in an injunction which prevented the party from nominating a presidential candidate. Preliminary objections delayed proceedings excessively. Read together, these cases reveal some significant deficiencies in the justice system of Sierra Leone. A more robust attitude from the bench could have ensured that the cases were dealt with more speedily. The EU EOM believes that overall this demonstrates excessive judicial delay in relation to the proper conduct of elections.

PARTICIPATION OF WOMEN

The 65 women nominated for parliamentary elections represented 11 per cent of candidates, identical to the figure in 2007. APC fielded 11 per cent of female candidates, SLPP nominated eight per cent and percentages for the other parties range from a high of 34 per cent for the CDP to 1.8 per cent for the RUF. Women comprised 11 per cent of independent candidates. For local elections, women represented 21 per cent of the candidates. There is no female candidate for the office of President, while four of the nine running mates for vice-president are female. These are disappointing statistics, given the public commitment to work expeditiously to enhance female participation made by all political parties in the Declaration on the 2012 Elections of 18 May. The principal barriers to female participation in these elections were an absence of political will to promote women, long-standing societal attitudes and the lack of financial resources on the part of female aspirants. Failure to enact a gender quota law revealed that incumbent politicians were unwilling to implement affirmative action.

Despite significant support having been provided in the training and capacity building, no financial support was made available to female candidates, apart from a single initiative in Kailahun by the Kailahun Women in Governance Network. This resulted in 15 per cent of parliamentary candidates and 36 per cent of local government candidates nominated in Kailahun being women.

DOMESTIC OBSERVERS

The election process was observed by a high number of domestic observers who contributed significantly 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. Prior to the campaign period, 224 long term observers were deployed by NEW to all parliamentary constituencies. On election day, NEW planned to deploy 9,493 observers covering all polling stations in the country. Several other civil society groups also deployed a smaller number of election day observers.

POLLING AND COUNTING

Overall, the conduct of voting operations was positively assessed in 95 per cent of the polling stations visited by the EU EOM, with voting procedures being largely followed. 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. 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 some polling stations results were neither displayed nor given to the party agents present during the count.

The European Union Election Observation Mission (EU EOM) has been present in Sierra Leone since 27 September following an invitation from the Government of Sierra Leone and the National Electoral Commission. The Mission is led by Chief Observer, Richard Howitt, Member of the European Parliament (United Kingdom). 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, MEP, also joined the mission and fully endorses this Statement. 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. The EU EOM will remain in country to observe post election developments and the tabulation of results and will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process. 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.

An electronic version of this Preliminary Statement is available on the Mission website www.eueom.eu/sierraleone2012. For further information, please contact:

Javier Gutierrez, EU EOM Press Officer,
Tel. +232 (0)79 250 959 E-mail: javier.gutierrez@eueomsierraleone.eu