



**European Union Election Observation Mission
Republic of Sierra Leone**

Presidential and Parliamentary Elections – 11 August 2007

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Open and genuinely contested elections, organised in a largely professional manner represent a positive step towards building a sustainable democracy in Sierra Leone

Freetown, 13 August 2007

The European Union Election Observation Mission (EU EOM) has been present in Sierra Leone since 6 July 2007 following an invitation from the National Electoral Commission (NEC). The Mission is led by Chief Observer, Marie Anne Isler Béguin, Member of the European Parliament. In total, the EU EOM deployed 83 observers from 23 EU Member States as well as Switzerland and Norway. The observers were deployed across Sierra Leone to assess the entire electoral process in accordance with international and regional standards for genuine democratic elections. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation commemorated at the United Nations in October 2005. On election day, the observers visited over 445 polling stations in all 14 districts covering 88 of the 112 electoral constituencies of Sierra Leone to observe voting and counting. The EU EOM is currently observing the tallying process at the NEC National Tally Centre as well as the complaints and appeals processes. It is now crucial that the tallying of the results accurately reflects the will of the voters. The EU EOM will remain in country to observe all aspects of the election process including a possible presidential run-off election and will publish a final report, containing detailed recommendations for the future, within two months of the conclusion of the entire process. The European Parliament also sent a delegation of seven members to observe the elections. It was chaired by Martin Callanan MEP who shares the views expressed in this statement.

Executive Summary

- **The 11 August 2007 presidential and parliamentary elections in Sierra Leone have so far been generally well administered, peaceful and competitive. If this continues it will mark a significant and positive development in Sierra Leone's progress towards the consolidation of democracy and peace. On election day the people of Sierra Leone turned out in large numbers to vote, demonstrating their commitment to the further democratisation of their country. The period following election day will be crucial to the successful conclusion of these elections, and the European Union Election Observation Mission (EU EOM) sincerely hopes the commitment to peace, stability and democracy shown so far by all stakeholders will continue.**
- **The NEC has so far organised the elections in a transparent and impartial manner. It has managed the challenges posed by these elections in a proficient and competent manner. This has resulted in credibility for the institution across the political spectrum as well as from national observers and civil society groups.**
- **In general the legal framework provides an effective basis for the conduct of democratic elections according to international and regional standards. However, there are a number of provisions that acted to constrain parts of the election process such as the restrictive barriers placed on public servants to stand for election.**

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- **The three main political parties: All People's Congress (APC), People's Movement for Democratic Change (PMDC) and Sierra Leonean People's Party (SLPP) dominated the month of the campaign period with the four minor parties engaging in less visible campaigning. Campaign rallies were held in a vibrant atmosphere and were largely peaceful. However, there were isolated incidents of election related violence and the level playing field amongst contestants was undermined due to the partisanship of some traditional leaders and the dominance and advantages of incumbency enjoyed by the ruling party.**
 - **The National and District Code Monitoring Committees proved themselves to be an effective forum for addressing contentious issues. Their regular meetings acted as an efficient conflict mediation tool during the campaign period and successfully promoted reconciliation among political parties after clashes between their supporters in a number of areas including Kono, Kambia, Kailahun and Bo districts.**
 - **State owned and non-governmental broadcasters provided significant coverage of the elections. However, in key areas of Sierra Leone Broadcasting Services' programming such as news bulletins, coverage of SLPP was extremely dominant and the station's coverage was biased in terms of time allocated to the contesting parties. The commercial and community radio sectors' coverage provided a relatively balanced range of access for the three main political parties.**
 - **The reforms to the electoral system did not improve the number of female candidates nominated. Political parties have not lived up to earlier commitments and they only nominated 64 women as candidates. This represents 11% of the total number of candidates. Although women were well represented in national observer groups they were less represented in key positions across the electoral administration.**
 - **Polling was generally conducted in a professional manner. However, polling station staff did experience challenges due to the large numbers of voters queuing at the start of polling and a significant number of polling stations did not open on time due to logistical difficulties posed by poor weather and infrastructure. Despite some inconsistencies with the electoral law, including the failure to provide party agents copies of the result forms, election day generally took place in a calm and orderly manner throughout the country with one notable exception in Freetown where there were several incidents of violence. The polling procedures were generally well supervised and the presence of large numbers of national observers and party agents aided the transparency of this process.**

Preliminary Conclusions

Political Background

The 11 August 2007 presidential and parliamentary elections were widely perceived to be a litmus test for democratic development and sustainable peace in Sierra Leone. Whilst the country has made progress on some key reforms supporting the rebuilding of basic governmental institutions such as the judiciary, armed forces and the police, many major challenges are yet to be resolved. Sierra Leone remains one of the poorest countries in the world with 70% of its population living below the poverty line on less than 1 US\$ per day.

The restructuring of the National Electoral Commission (NEC) after the shortcomings identified during the 2004 local elections meant that for the first time in the country's post civil war history national institutions were solely responsible for organising and supervising elections across the country. Although the role of United Nations Integrated Office in Sierra Leone (UNIOSIL) remained important for the overall conduct of the elections, its involvement was downsized to technical advice and logistical support to the NEC.

The competitive nature of these elections was accentuated by the fact that the incumbent President could not run again as he had come to the end of his two term limit in office. In a change from the last parliamentary elections in 2002 a simple majoritarian system in single constituencies is being used to elect the 112 members of the 124 single chamber house of parliament. The remaining 12 seats are reserved for Paramount Chief Members of Parliament to be elected on 1 September 2007.

Seven parties contested both parliamentary and presidential elections. The establishment of a new political party, the People's Movement for Democratic Change (PMDC), whose leader split with the Sierra Leonean People's Party (SLPP) prior to the elections resulted in increased competition especially in the Southern and Eastern districts. Three of the seven parties including the former ruling party All People's Congress (APC) had access to resources and the capacity to seriously contest the elections.

Legal Framework

These elections were regulated by the 1991 Constitution (amended in 2002), the 2002 Electoral Laws Act (amended in 2002 and 2007), the 2002 National Electoral Commission Act, the 2002 Political Parties Act, the 2007 Election Petition Rules as well as a number of NEC Regulations, the NEC Code of Conduct and the 1965 Public Order Act. Sierra Leone is a signatory to all major international and regional standards for elections including the International Covenant on Civil and Political Rights (ICCPR) and the ECOWAS Protocol on Democracy and Good Governance.

In general this legal framework provides an effective basis for the conduct of genuine democratic elections according to international and regional standards. However, there are a number of provisions that acted to constrain parts of the election process: these included the inflexibility of the scheduling of the elections that meant they were held in the rainy season and the excessively restrictive barriers for public servants to stand for election. Proposals for revisions of both, the 1991 Constitution and the 2002 Electoral Laws Act were under preparation but were not ready to be tabled in Parliament before the 2007 elections. However urgent positive changes to the Electoral Laws Act were passed by Parliament in June 2007.

The creation of special courts of law dedicated to electoral issues for the 2007 elections is widely considered as a major and positive achievement. The twin court structure of Electoral Offences Courts and Election Petition Courts which are both divisions of the High Court will continue to address issues relating to the parliamentary elections during the election process. Additionally, High Court deadlines have been improved for electoral petitions regarding parliamentary elections and will give electoral petitions priority in resolution. The timetable for petitions was also improved with the introduction of a new set of provisions stipulating that petitions must be submitted within seven days of the official announcement of results and should be concluded within four months. Other important improvements to the electoral framework include changes to the design of ballot papers with the removal of serial numbers, which would have allowed voters to be traced back to their ballot paper. This step strengthened the secrecy of the ballot while numbers on the counterfoils still act to facilitate the reconciliation of ballot papers during the polling process.

Whilst the legal framework therefore generally provided for an environment conducive to well organised elections there was limited public confidence in the enforcement of these legal provisions by the judiciary; a lack of confidence that was also expressed by the two main opposition parties.

Election Administration

The NEC has so far organised the elections in a transparent and impartial manner. It has managed the challenges posed by these elections in a proficient and competent manner. This has resulted in credibility for the institution across the political spectrum as well as from national observers and civil society groups. Furthermore, the NEC's initiatives to disseminate information on the electoral process to the public have further consolidated support for its work amongst stakeholders. The NEC which has 14 permanent offices in the districts established 6,175 polling stations in 2,704 polling centres on polling day.

As part of its activities the NEC established the Political Party Liaison Committees (PPLC) at national and district levels. These forums provided political parties with an opportunity to request additional information and challenge some of NEC's original decisions such as the order of names to appear on presidential ballot papers. The largely efficient and flexible accreditation process for political party agents and observers also had a positive influence on the transparency of the election process and helped further to increase confidence amongst all stakeholders towards the electoral authorities. The process of recruiting over 37,000 polling staff was also generally well organised. Party activists and polling staff involved in irregularities during the

local elections in 2004 were excluded in the selection process and were not allowed positions in the administration of these elections. Though there were some isolated cases where anomalies were identified in the procedures in some districts, very few complaints were lodged against the process.

The NEC guidelines for the counting and tallying process have in a few instances deviated from the procedures detailed in the electoral law. Contrary to the previous two post war elections copies of the polling station result forms were posted but not distributed to party agents as stated by the law. The NEC also decided to bypass the procedures for the tabulation of results on the district level to exclude the possibility of misconduct as occurred in previous elections. Furthermore, its polling procedures were only issued in mid July that limited the possibility for changes to be made to them from recommendations made by political parties or civil society groups.

Despite the fact that the organisation and decision making process relating to the elections was handed over to national ownership, UNIOSIL provided important technical assistance to the NEC and the international community supplied funding for the majority of the costs involved. The Government of Sierra Leone failed to fulfil its agreement to finance 30% of NEC's budget and the international community, to cover this shortfall, released extra funds from the UN Peace Building Fund.

Voter Registration

The voter registration exercise took place during a three week period during February and March 2007. Generally political parties raised little concern about the quality of the voter registration exercise and only a few complaints were lodged. The Provisional Voters' Register (PVR) was completed in April and contained 2,621,000 registered voters. Though widely perceived to be a success in terms of the number of eligible voters registered there were some complaints about the distance people had to travel to register; and some suggestion that this discouraged those living further away from the centres from registering. The voter register exhibition exercise in May allowed voters to confirm their names but according to received reports in the large majority of exhibition centres the voter register was not publicly displayed. This meant the wider public could not scrutinise the voter register for false or double entries. More than 900,000 voters participated in the voter register verification exercise resulting in 17,000 corrections with only a few hundred objections being filed. On 28 June the NEC published the Final Voters' Register (FVR) with 2,619,565 registered. This represented 12% more registrations than the 2002 voter registration exercise.

Registration of Political Parties

In 2005 a Political Parties Registration Commission (PPRC) was established to supervise the conduct of parties, monitor their accountability and mediate conflict and disputes between the political parties. All nine registered political parties signed a Political Parties Code of Conduct in October 2006 and agreed to participate in the National and District Code Monitoring Committees (DCMC). These committees also included representatives of the Sierra Leone police force, civil society groups, the National Commission for Democracy and the Inter-Religious council. The

DCMCs proved themselves to be an effective forum for addressing contentious issues. Their regular meetings acted as an efficient conflict mediation tool during the campaign period and successfully promoted reconciliation among political parties after clashes between their supporters in Kono, Kambia, Kailahun and Bo districts.

In a positive development all seven political parties contesting the elections submitted their statement of assets and liabilities to the PPRC. It is the first time in Sierra Leone that this constitutional requirement has been met. The statements were published in the Gazette and will be audited following the elections. Initially the PPRC requested a declaration of candidates' private assets and liabilities but withdrew this regulation when political parties challenged it in the courts. Although political parties praised the importance of such an institution, the lack of financial resources limited its positive impact on the electoral process.

Nomination of Candidates

Of the nine political parties registered by the PPRC only seven of them nominated candidates for the presidential and parliamentary elections. The NEC registered a total of 566 candidates for the parliamentary elections including 11 independent candidates. Of the total number of candidates there were only 64 females and no women were nominated as candidates for the presidential elections. Political parties expressed satisfaction in the nomination process.

However, there were a number of challenges to candidates' nominations. Objections were submitted to the NEC district offices against the nominations of 54 potential candidates for parliament claiming that they had not resigned as public servants in time (to qualify an individual must not have held such a position within one year before election day). The NEC District Election Officers (DEOs) struck down all of these objections as the evidence submitted was not sufficiently substantiated. Eight of the 54 complaints that were struck down were appealed against to the NEC Commission who disqualified one candidate, whilst the remaining candidates were allowed to stand in the elections.

Voter Education

Across the country the success of the voter education initiative has varied: whilst there was an extensive campaign promoting peaceful elections there was less information informing voters on polling procedures or their basic voter rights. Voter education materials arrived late in several places and the involvement of civil society groups in voter education remained low-key. Remote constituencies in particular appear to have been neglected in terms of voter education. There was, however, a sizeable voter education campaign on radio that consisted of a range of tailor-made programmes. A number of innovative formats were employed for this initiative including drama and songs. The content was also aimed at a cross section of the population including the disabled and other disadvantaged groups.

Campaign Environment

Campaigning by the political parties commenced several months before the official campaign period started on 10 July 2007. The campaign of the ruling party, SLPP and the two main

opposition parties, APC and PMDC dominated the month long campaign period with the four smaller parties engaging in less visible campaigning. The main political parties adopted a wide range of campaign tools including canvassing, parades, display of posters, distribution of visibility material and rallies. Local community radio stations were also used as an important part of their campaign strategies. Generally rallies were conducted in a peaceful environment, though the tone of some of the rhetoric at the rallies of the two main opposition parties at the beginning of the campaign period was reported to be excessive.

The level playing field for political parties to campaign was influenced by the partisanship of a number of traditional leaders. In several cases traditional leaders were actively supporting the SLPP and trying to control the campaign agenda for political parties in their areas in favour of the incumbent party. There were cases where money was distributed by candidates; the most notable incident that was reported was from the residence of the Vice President in Freetown. In some instances there were also reports that state officials used state resources in favour of the campaign of the ruling party.

Although the campaign environment was mainly calm several isolated clashes between opposing political party supporters occurred during the weeks prior to election day. The most serious incidents were in Kono district where supporters of the APC and SLPP clashed on 25 and 31 July resulting in six people being injured. Armed forces were deployed to restore civic order since police and riot police were unable to control the situation. Isolated election related violence was further reported in Bo, Kailahun, Tonkolili, Kambia and Koinadugu districts as well as some other areas of the country.

Media Environment

Overall the media provided a relatively diverse platform for the major political parties across most of the country despite the difficulties many media outlets experience due to poor infrastructure and a lack of resources.¹ During the deployment of the EU EOM freedom of speech was generally respected.

The three main parties, the APC, PMDC and SLPP were widely represented in the broadcast media and granted access through a range of programmes, some of which were supported by a number of civil society groups. The state owned broadcaster, Sierra Leone Broadcasting Services (SLBS), under a co-initiative scheme with Talking Drum Studios also provided some degree of access to candidates in its coverage due to the election programmes and debates that it aired during the last weeks of the campaign period. As a percentage of all coverage in the monitoring period on SLBS TV the SLPP received 50% share followed by the PMDC with 13% and APC an 11% share. On SLBS's radio station SLPP was afforded 56% share of coverage of political actors, APC 14% and PMDC 13%. The other parties received smaller amounts of coverage on

¹ The sample of broadcasters monitored for the entire campaign period were: the state owned radio and television channels SLBS TV (18:00-24:00 hours) and SLBS Radio, and the non-governmental radio stations, Radio Democracy, UN Radio, Skyy Radio, Kaleone and Radio Maria (07:00-09:15 hours and 18:00-24:00 hours and it also included the day time election programming of SLBS Radio). Five daily newspaper titles were also monitored: *Awoki*, *Concord Times*, *Standard Times*, *the Citizen* and *Awareness*.

SLBS Radio: NDA received 10% and CPP 9% with the remaining political parties receiving below 5% each. These smaller parties all received below 5% coverage on SLBS TV.

However, in key areas such as news programming SLBS's coverage failed to fulfil the provisions in the Code of Practice of the Independent Media Commission. Both its radio and television services were dominated by SLPP at the expense of other political parties. The SLPP received an 84% share of news coverage on both SLBS Radio and SLBS TV with the only party to receive any other notable news coverage on SLBS Radio being APC who received 9%. The two main opposition parties, APC and PMDC were afforded 7% share of television news coverage each. The non-governmental radio stations provided voters with a much broader range of neutral information and news on the main candidates and parties during the election campaign period. The combined coverage of the non-governmental radio stations being monitored granted SLPP a 38% share of coverage of political actors, with the APC receiving 23% and PMDC a 13% share. The four remaining political parties also received between 5%-7% share of coverage. The news coverage of the non-governmental radio stations also reflected this proportional balance with the SLPP receiving 39% share, APC 26% and PMDC 17%.

Newspaper coverage of the elections was far more opinionated than the coverage by the broadcast media; however, most of the opinions expressed in the newspapers monitored were clearly separated from news items. Overall a relative balance between the ruling and opposition parties characterised the content of newspapers with SLPP receiving 45% share of coverage, APC 35% and PMDC 13%.

Gender and Human Rights

On 14 June 2007 the so called "gender bills" were adopted by parliament under a certificate of urgency from the President. According to the Women Won't Wait Coalition the new laws (The Registration of Customary Marriage and Divorce Act, The Domestic Violence Act and The Devolution of Estates Act) represent a first step towards the government fulfilling its obligations under the international treaties it has signed. They should therefore strongly improve the legal position of females in political and social life. Sierra Leone ratified the Convention for the Elimination of Discrimination against Women (CEDAW) in 1988 and submitted its first report to the UN CEDAW Committee on 16 December 2006. The reforms to the electoral system did not improve the number of female candidates nominated. Political parties have not lived up to earlier commitments since only 11% of the 566 candidates were women. The previous parliament included only 18 female members (14%) and in the next parliament this number may be lower as the number of female nominations per party remained low: the SLPP only nominated 17 women (15%), PMDC 12 (11%) and APC 11 (10%).

The disabled population of Sierra Leone remain under-represented in the electoral process. As a special provision polling centre managers were able to assist the physically disabled to vote outside polling stations. However the long distances to polling stations, at times over eight kilometres caused difficulties not only for the disabled but also for the elderly and pregnant. In a positive development tactile ballot guides for the blind were available in polling centres.

The requirements for candidates to hold public office excludes important parts of the population of Sierra Leone from holding office since candidates are required to be descendents of “negro Africans.” Although it is possible for a foreigner to be naturalised under certain conditions and consequently later allowed to register and vote, naturalised citizens can neither become president, a member of parliament or member of a local authority. Further, they are not entitled to become members of any public commission, a diplomat or a member of the armed forces or police as these positions are reserved for individuals who are citizens by birth. This contravenes the African Charter on Human and Peoples’ Rights Art. 3.1 which states that every individual shall be equal before the law without distinction of any kind such as race.

Civil Society

The role of Civil Society Organisations (CSOs) in political and social life has grown in the post war period. Many CSO were created to serve as local implementing partners for humanitarian assistance and reconstruction activities. Other groups have joined forces under the umbrella of the Civil Society Movement and the Nationwide Civic Engagement process.

The NEC accredited a total number of 35 domestic organisations to observe the elections, which deployed national observers to the vast majority of polling stations. Approximately 80 national observer groups and CSOs are members of the observer network National Elections Watch (NEW) which observed previous elections in 2002 and 2004 as well as the delineation of constituency boundaries and the voter registration exercise for the 2007 elections. The Council of Churches that has observed elections in the country since 1996 deployed approximately 1,000 observers. These groups demonstrated a high degree of competence in their activities which contributed to public confidence in the conduct of the elections.

Election Day

Polling was generally conducted in professional manner. However, polling station staff did experience challenges due to the large numbers of voters queuing at the start of polling and a significant number of polling stations did not open on time due to logistical difficulties posed by poor weather and infrastructure. There were a number of instances where polling stations failed to open on schedule as 14% of observed polling stations were still not open one hour after official polling started. As a result many voters had to queue for a number of hours to cast their ballots and in some instances this created a degree of frustration and tension.

The polling and counting procedures were generally well supervised and the presence of large numbers of national observers and party agents, who were present in nearly every polling station visited by EU observers aided the transparency of these processes. EU observers reported that in 92% of polling stations that were visited the organisation of voting procedures was rated as good or very good.

Polling staff acted professionally in polling stations visited though some discrepancies were observed. In one out of six polling stations visited by observers voters whose details did not appear in the Voter Register were allowed to vote contrary to the procedures of the NEC’s late decision not to allow people to vote who were not included on the register even if they presented a valid identity card. Deficiencies included the lack of checking for ink in almost 30% of polling

stations and the assistance of voters by polling staff or party agents in 8% of cases. Polling staff also failed to wear proper identification cards in many of the observed polling stations. During polling day only 12% of political party agents and 24% of the presiding officers were female in the polling stations visited.

For the closing and counting processes the level of competence was lower than in other areas of the polling procedures. The NEC staff had a good understanding of closing and counting procedures in only 72% of polling stations visited. Reconciliation instructions were not adhered to in almost 33% of polling stations visited. In almost half of the observed polling stations unauthorised persons, mostly members of the police force were present during the counting. In 11% of observed polling stations valid votes were incorrectly rejected. In almost a third of polling stations and polling centres results were not posted as required by the law.

Despite some inconsistencies, including the failure to provide party agents copies of the result forms, election day generally took place in a peaceful and orderly manner throughout the country with one notable exception. In Western Urban there were several incidents of violence and tension was high in eastern Freetown requiring the intervention of the police. The EU EOM observers are currently observing the aggregation of the results at the national tally centre.

The EU EOM wishes to express its appreciation to the National Electoral Commission and other Sierra Leonean authorities, political parties and civil society for their cooperation and assistance during the course of the observation. The EU EOM is also very grateful to the Delegation of the European Commission to Sierra Leone and to the IOM for their operational support throughout.

An electronic version of this Preliminary Statement is available on the Mission website www.eueomsierraleone.org

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