



European Union  
Election Observation Mission



**FINAL REPORT**  
**REPUBLIC OF SIERRA LEONE**  
**Presidential, Parliamentary  
and Local Council Elections 2018**





## **SIERRA LEONE**

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2018**

**June 2018**

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## INTRODUCTION

Following an invitation from the National Electoral Commission (NEC), the EU Election Observation Mission (EOM) was deployed on 25 January 2018 and remained in the country until 19 April 2018. The Mission assessed the entire electoral process against the national legislation pertinent to elections, regional and international obligations and commitments of Sierra Leone.

The Mission was led by Chief Observer Jean Lambert, a Member of the European Parliament (MEP) from the UK. The EOM had a core team of 9 analysts and 28 long-term observers (LTOs), who were joined by 40 short-term observers (STOs) across the country. With the addition of observers locally recruited among EU Member States' and EU Delegation's accredited diplomats, the Mission was composed on the 7 March election day of over 100 observers, and on 31 March of over 80 observers, from 27 EU Member States and Norway. A delegation of six MEPs, headed by Neena Gill (UK), also joined the Mission for the 7 March election day. The observers visited some 390 polling stations in all 16 districts of Sierra Leone during each of the election days.

The EU EOM is independent in its findings and conclusions from the EU institutions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.

## SUMMARY

The second peaceful transition from one elected leader to another was an important milestone in the consolidation of democracy in Sierra Leone. The NEC proved its genuine commitment to a transparent and inclusive election. The emergence of several new parties who challenged the elected duopoly of parties in the last parliament, contributed to widening the political spectrum. However, the run-off presidential election, which was held four days later than originally scheduled, was marred by a period of legal uncertainty and divisive discourse fuelled by some politicians.

**Four concurrent elections** took place on 7 March for the presidency, parliament and local government mayors/council chairpersons and councillors. A total of 16 presidential candidates ran, but none of them won the 55% of valid votes required for a first-round victory. Therefore, a run-off election was held on 31 March between the two leading candidates from the two largest and oldest parties: Dr Samura Kamara of the incumbent All People's Congress (APC) and retired Brigadier Julius Maada Bio of the Sierra Leone People's Party (SLPP). Brigadier Bio won a majority of the valid votes cast. A total of 132 MPs were also elected on 7 March from among 752 candidates fielded by 17 parties (as well as 40 independents). Additionally, 2,741 candidates stood for a total of 511 elected local councillors, council chairpersons and mayors.

The **legal framework** governing the 2018 elections remained almost identical to that of the 2012 elections, providing a sufficient basis for the conduct of an electoral process in line with most international and regional commitments. Nevertheless, many of the shortcomings identified by the previous EU EOM in the 2012 elections remain. These include unreasonable restrictions on the **right to stand** for public office, such as the ban on independent candidates for the presidency and the requirement that public servants must resign 12 months before elections to be eligible for presidential and parliamentary nomination. Further, the high nomination fees, combined with unequal financial positions among parties were a barrier to individual candidates, particularly female aspirants.

The framework regulating **electoral complaints and appeals** does not provide for timely adjudications. Parliamentary and local council nominations cannot be challenged in court before election day and timeframes for dealing with presidential nomination challenges are very tight, allowing procedures to continue past polling day. Post first-round court proceedings created legal uncertainty leaving the NEC exposed to challenges and reducing the electorate's confidence in the process.

The **electoral management body**, the NEC, performed its constitutional duties in a competent and impartial manner. However, preparations for the 2018 election were marked by operational challenges resulting from a late disbursement of funding by the government, and an overcrowded electoral calendar. The NEC had to accomplish too many activities especially in 2017 and its operation was unnecessarily put under pressure by competency disputes over voter registration and the government's enforcement of the new administrative districts shortly after the boundary delimitation was concluded. Throughout the electoral cycle the NEC faced political pressure from the government which showed lukewarm commitment to holding the election within the legal timeframes. In addition after the 7 March election the NEC was heavily, but unjustifiably, criticised by all the main political parties which alleged widespread electoral irregularities. However, none of the parties produced convincing evidence of fraud, nor was any observed by the Mission. In spite of this pressure, the NEC managed to preserve its independence and delivered a credible election process.

After the 7 March election the police investigated several of the NEC's employees in connection with alleged electoral offences, which in all but possibly one case, appeared to be of a minor, or even technical nature having no material impact on the outcome of the election. A number of their staff were detained, in several cases for longer than the constitutionally permitted 72 hours. This was intimidating and had a negative effect on the staff's morale before the run-off.

The NEC succeeded in conducting a challenging **voter registration** exercise during a boundary delimitation process in 2017. This yielded a register of 3,178,663 voters, which represented 89.6% of the adult population as estimated from the 2015 census data. Stakeholders, including civil society organisations who observed the registration exercise, considered the voter register to be inclusive and credible. The EU EOM did not detect any systemic problems with the quality of the voter register on election day. It did however note significant discrepancies in the numbers of registered voters in the different constituencies and wards, which resulted in votes in some constituencies having more political weight than in others. It is evident that the current practice of constituency and ward delimitation based on census rather than voter registration data produces results which contradict the principle of equal suffrage.

The **campaign** provided voters with a genuine choice, but government resources and incumbent advantage were used by the ruling party for campaigning. The two campaign periods for the first and second presidential rounds were different in tone and in scope: in comparison to the lively campaign prior to 7 March elections, campaigning prior to the run-off election was low-key and door-to-door in most of the country. Intimidation and acts of violence against some candidates, activists or party supporters had a regrettable and negative effect on the tone and conduct of the campaign in both rounds, but more so in the second-round. Due to security fears, the opposition parties alleged that they were effectively prevented from campaigning in some areas.

The campaign was generally free of hate speech, but regionalism and/or tribalism became a major factor in the run-off campaign, though it had been barely present in the first-round. The presidential candidates issued careful messages regretting tribalism, but their parties had an ambiguous position, leading to a considerable difference between leaders' public statements and the actual practice at a

local level. The two main political parties exacerbated this negative trend of tribalism through mobilising both harsh rhetoric and groups of young supporters, which had an intimidating effect in some cases. However, the parties mostly showed restraint in the face of provocations.

Journalists were able to operate in an atmosphere of relative freedom; however, the legislation criminalising libel and sedition led to self-censorship. The state broadcaster allotted political parties free airtime as required by law, but it also featured the policies of the ruling party in additional and uncritical coverage of the president's farewell tour around the country. In a positive development the broadcast **media** organised a national debate, which allowed voters an opportunity to compare the platforms of the main presidential candidates, as it focused on policies rather than personalities. During the run-off election campaign, the media coverage was, like the campaign itself, low-key.

There are some provisions in Sierra Leone's laws and international commitments towards the equality of **women**, but *de facto*, women found it difficult to be accepted as candidates at all elected levels and the number of female candidates in these elections remained low. The causes for the unequal representation of women are a combination of cultural and societal pressures, systemic barriers in the political and legal structure and reasons specific to this election for instance the banning of dual citizens, which disproportionately affected female candidates.

Sierra Leone has a long tradition of **civil society organisations (CSOs)** engaging in electoral processes, principally in the field of election observation. Observers of the leading group, the National Elections Watch (NEW), were seen in almost every polling station visited by the EU observers. Moreover, their sample-based parallel vote tabulation confirmed with a high degree of precision the integrity of the official presidential election results in both rounds. Civil society also played a constructive role in reminding the parties of their responsibilities to both preach and practise non-violence especially between the two rounds and demonstrated a positive role in promoting national cohesion.

The **election days** were generally peaceful and orderly. Opening, polling and counting were closely scrutinised by party agents and domestic observers in some 390 different polling stations visited by the EU observers in each of the rounds. Polling procedures were generally followed; voters could cast their votes in secret and without undue influence. The voting process was relatively slow in the 7 March elections due to holding four different elections at the same time. The votes were counted accurately and transparently. However, some presiding officers in the first-round had difficulties completing results protocols, and in some cases the results were not posted outside the polling stations (PSs), nor given to party agents (as required by law). Most of these shortcomings were overcome in the much simpler run-off election. The conduct of both election days was assessed positively by EU observers in almost all the polling stations visited. The EU EOM noticed the additional presence of armed security forces in the second-round, who were seen to fulfil their tasks professionally without interfering in the process. Their controversial presence inside some polling stations could however have been intimidating for certain voters.

The restriction on the use of private and commercial vehicles on both election days was controversial, poorly communicated and negatively affected relations between the key opposition parties and the police. The private vehicle ban had a detrimental effect on access to polling stations for people with limited mobility.

Negligence and simple errors in dealing with results protocols by polling staff in the first-round election led to minor irregularities discovered during **tallying** and subsequent numerous recounts of ballots from the affected polling stations. In almost all cases the recounts confirmed the original results. The results were tabulated in five regional tally centres (a logistically viable and cost-effective solution decided after consultations with stakeholders prior to elections). Nevertheless,

after the 7 March elections, the then ruling APC began to vehemently demand tallying of the run-off results in the 16 districts, which was impossible for the NEC to organise in the timeframe available. The APC's insistence posed a serious risk of derailing the second round of the presidential election. This impasse was overcome by the mediation of the four African ex-presidents leading election observation missions. The resulting compromise involved a slightly modified tallying process which was conducted in regional centres, but on a district-by-district basis with some additional measures further enhancing transparency.

The NEC announced the first-round presidential **results** progressively in four steps, completing the first-round tallying on 13 March. The SLPP candidate gained 43.3%, the then ruling APC received 42.7%, followed by the National Grand Coalition (NGC) and Coalition for Change (C4C) securing 6.9% and 3.5% respectively. In the parliamentary election, the APC led with 68 seats to the SLPP's 49 seats. The new parties entered parliament for the first time with eight seats for the C4C and four seats for the NGC. Three independents were also elected as MPs. Of the 21 announced city mayors and local council chairpersons, the APC secured 10, the SLPP 8, the C4C 2 and the NGC 1 position.

On 4 April the SLPP candidate, Julius Maada Bio was declared winner of the run-off with 51.8%; the APC's Samura Kamara secured 48.2%. Except for the first-round presidential election, the NEC failed to publish (at the time of writing) polling station results for any other election. The relatively high share of invalid votes in the first-round (5.2%) indicated insufficient voter education, the complexity of holding four elections on one day and/or inadequate training of polling staff.

#### *Implementation of the 2012 EU EOM recommendations*

Of the 38 recommendations made by the 2012 EU EOM, it appears that only one has been fully and nine others mostly implemented. This is mainly due to the fact that practically no changes to the legal framework governing the elections have been carried out in the past five years. Notwithstanding, several noteworthy initiatives were launched, which could have, if implemented, brought about significant improvements to the electoral process. These included the Constitutional Review Commission (CRC, 2013-2016) which proposed 134 amendments to the 1991 Constitution some of which aimed at removing certain discriminatory provisions related to the right to stand for election (especially related to the racially defined citizenship by birth and the length of the period for renouncing a public sector position before the election). Additionally, following the conduct of the 2012 elections under the Public Elections Act (PEA) which was passed earlier in that year, the NEC, in collaboration with the Law Reform Commission, embarked on a revision of the PEA. In this process, reports and the included recommendations of various national and international observation organisations were analysed. Unfortunately, this endeavour was halted after the Ebola outbreak in 2014 and was not resumed afterwards as the new election approached. The amendment bill to the PEA, which was discussed but not passed by the parliament in 2017, included only minor changes. Some of the 2012 EU EOM recommendations which did not require any legislative action have been to some extent enforced especially by the NEC (e.g. an early adoption of a consolidated electoral calendar; impartial administration of the campaign calendar; employment of tactile ballot guides on election day; progressive publication of presidential election results; and the elaboration of comprehensive tallying procedures). The implementation of other recommendations was prevented by a lack of resources, time and/or political will (such as provision of public funding to political parties; a more comprehensive civic and voter education; or extending the mandate of the PPRC to monitor campaign spending). The adoption of a progressive Right to Access Information Act in 2013 has remained the only completely implemented 2012 EU EOM recommendation (for details please see Annex 3).

## PRIORITY RECOMMENDATIONS

Of the 29 recommendations offered by the 2018 EU EOM, 25 are considered to require changes of primary legislation, 9 of these would also involve changes in the Constitution. All recommendations are based on extensive consultations with a broad range of stakeholders. The recommendations are elaborated in a table format with related information, including on international commitments and standards at the end of this report. Six priority recommendations are as follows:

*Consider holding regular presidential elections in conjunction with parliamentary elections on a fixed basis to avoid the unnecessary extensions of the presidential mandate.*

*In order to strengthen its independence and institutional capacity, the NEC should be provided with sufficient financial resources in a timely manner. To avoid shortages in election years, the funding could be distributed throughout the electoral cycle.*

*Revisit the conflict in the legal framework governing the registration of voters and clarify which institution should be in charge of the voter register. The terms of interaction between the institutions responsible for the civil register and the register of voters should be clearly defined. A permanent, free of charge and constantly updated civil register, which would be a basis for the register of voters, could be in a long run a more cost-effective and sustainable alternative to the current practice of conducting a fresh voter registration exercise before each election.*

*Consider removing the constitutional requirement for candidates to resign from public office 12 months before presidential and parliamentary elections, or provide for temporary suspension of employment to further encourage participation. Better define the term “public office” in the Constitutional provisions and clearly indicate specific public-service positions (such as police and/or armed forces) which are precluded from being elected.*

*In order to increase transparency, the effective auditing (and publication) of the income and expenditure of parties and candidates should be enforced. Several routes to this could include a panel of independent auditors to be appointed in advance and/or to give the Anti-Corruption Commission a mandate to cover campaign finance.*

*Consideration could be given to a legislative mechanism for increasing the number of women in parliament and local councils. This needs to avoid the pitfalls of female candidates being placed in unwinnable seats. A potential solution is to have a (temporary) quota per district rather than nationally, and also to encourage political parties to open up internal candidate nomination procedures. Other means of tackling this issue may involve working with CSOs on promoting women in politics, have communication strategies specifically on women and participation in politics as a fundamental right, and promoting women’s participation during all stages of the electoral process.*



## POLITICAL BACKGROUND

This presidential election was the most competitive for at least a decade. It resulted in only the second democratic transition of executive power in Sierra Leone's 57 years of independence. Power has alternated between the SLPP and the APC (as well as periods of military rule) since independence in 1961: the SLPP was in power from 1996 to 2007 and the APC was in power from 2007 to 2018. Sierra Leone is still living in the shadow of periods of turmoil, having been a one-party state under the APC from the mid-1970s until 1992 when a military coup banned all political parties until 1996.<sup>1</sup> The Truth and Reconciliation Commission blamed poor governance in all branches of government as having been a major contributing factor to the start of the violence which descended into civil war in the period 1991-2002.<sup>2</sup>

The main parties historically gain the bulk of their support from regional heartlands, which also correlate with tribal groups. The SLPP gains most of its support from the South and the East, whereas the APC gains its support mostly in the North and the newly created North West regions. This proved to be the case in this election also and led to the APC claiming that the SLPP was a divisive regional/tribal based party, and vice versa. The fifth region, Western Area, which contains Freetown, the more ethnically diverse capital, was considered a swing region by the parties. The country is divided into 16 districts, the smallest of which elects 4 MPs, and the largest (Western Area Urban) elects 20 MPs to the 132 seat elected parliament.<sup>3</sup>

### *Electoral system*

In the 7 March four-tier elections, Sierra Leoneans voted for a president, 132 members of parliament, 7 city council mayors and 15 district council chairpersons, and 489 local councillors. The president is directly elected in a single national constituency for a term of five years. If no candidate polls more than 55% of the valid votes,<sup>4</sup> the two candidates with the most votes compete in a second-round within 14 days following the announcement of the results. There is a constitutional limit of two terms whether consecutive or not. Members of Parliament, mayors/chairperson and most local councillors are elected by the 'first-past-the-post' electoral system in single member constituencies by a simple plurality with a mandate of five years for MPs and four years for local government representatives. The city councillors in Bonthe, Koidu, Makeni and Port Loko are elected in multi-member districts. This local council election was supposed to be held in 2016, but due to the outdated ward delimitation (which was conducted only in 2016/2017

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<sup>1</sup> The recently elected president first came to national prominence as the then 27-year-old Captain Julius Maada Bio through his role in the military coup in 1992 which overthrew the one-party state APC. Although the APC had introduced a multi-party Constitution in October 1991, no democratic elections had taken place under it at the time of the coup. In January 1996, then Brigadier Bio seized power within the military government, which resulted in him becoming caretaker Head of State for three months prior to the first genuinely multi-party elections since 1967.

<sup>2</sup> The TRC was set up to learn the lessons of the civil war in a so far successful attempt to avoid the circumstances which led to the conflict. It was notable that as the tribal rhetoric increased in the second-round, there were increasing references to the conflict and even to the Rwandan genocide. <http://www.sierraleonetrc.org/index.php/view-the-final-report>

<sup>3</sup> A further 14 seats are filled by traditional leaders elected from on a narrow electorate to be Paramount Chief MPs. By convention they are meant to be apolitical – but government supporting. The EU EOM did not observe this process which took place on 27 February 2018.

<sup>4</sup> The APC government attempted to lower the threshold to 50% through a Constitutional Amendment Bill at the last parliamentary session on 6 December 2017 without any preceding public debate. This was resolutely objected by the opposition, CSOs and the international community.

due to the Ebola outbreak) was postponed,<sup>5</sup> and joined with the 2018 presidential and parliamentary elections, thus making the 7 March elections significantly more complex for both voters and the electoral management bodies.

## LEGAL FRAMEWORK

### *Universal and Regional Principles and Commitments*

Sierra Leone is a party to a number of international and regional treaties containing principles and commitments for the conduct of democratic elections. These include the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Political Rights of Women (CPRW) and the Convention on the Rights of People with Disabilities (CRPD). Being a member of the African Union and the Economic Community of West African States (ECOWAS) Sierra Leone is committed to the African Charter on Human and People's Rights, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, the African Charter on Democracy, Elections and Governance (ACDEG) 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. Some of the principles established in these international and regional conventions or protocols have yet to be incorporated into domestic law, namely in relation to racial discrimination and rights of women.<sup>6</sup>

### *National Legal Framework*

In general, the 2012 legal framework remained applicable to the 2018 elections. While providing a sufficient basis for the conduct of an electoral process in line with most international and regional commitments,<sup>7</sup> several shortcomings identified in the 2012 elections by the EU EOM persist with a number of constitutional and statutory requirements not in line with international standards. These include several unreasonable restrictions on the right to stand for public office, as well as inadequate timeframes for the adjudication of objections to candidate nominations and election petitions respectively.<sup>8</sup>

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<sup>5</sup> Local Government (Amendment) Act, 2016.

<sup>6</sup> Other relevant non-treaty obligations derive from the New Partnership for Africa's Development (NEPAD) Declaration on Democracy, Political, Economic and Corporate Governance, the African Declaration on the Principles Governing Democratic Elections in Africa and the Declaration of Political Principles of the Economic Community of West Africa.

<sup>7</sup> Presidential, parliamentary and local council elections are governed by the Constitution of 1991, the Public Elections Act, 2012, the Local Government Act, 2004 as amended, the Political Parties Act, 2002. Other relevant statutes such as the Citizenship Act, 1973, as amended in 1976, 2006 and 2017, the National Civil Registration Act, 2016, the Disability Act, 2011, the Local Courts Act, 2011, the Chieftaincy Act, 2009, the Children and Young Persons Act, the Public Order Act, 1965, the Criminal Procedure Act, 1965 (CPA) and the Independent Media Commission Act, 2000. Procedural rules such as the High Court Rules, 2007 and the Election Petition Rules, 2007 also apply. Additionally, there are a number of codes of conduct or codes of ethics issued by the NEC and the PPRC to be observed by the media, political parties and election observers.

<sup>8</sup> Refer also to Chapters on Candidates' Nomination and Electoral Dispute Resolution.

In 2013, a constitutional review process was initiated by establishing a Constitutional Review Commission (CRC) involving a variety of stakeholders including political parties, civil society organisations, women's and youth groups, democratic institutions, the business community, the media and other key independent bodies. The CRC released its report in January 2017. Although the proposed changes for review do not address issues on the right to stand such as the ban on independent presidential candidates or the discrimination based on type of citizenship,<sup>9</sup> they do include some recommendations pertinent to elections. The majority of the recommendations of the CRC was rejected by a Government White Paper in October 2017 and it is yet to be seen whether the constitutional review process will be resumed.

The legal framework governing elections mainly lies in the 1991 Constitution, and the Public Elections Act, 2012 (PEA). These two documents however contain several inconsistencies and contradictions encumbering both interpretation and application of electoral procedures. The secrecy of the vote is enshrined in the Constitution and is also provided in several sections of the PEA.<sup>10</sup> Nevertheless, the provision for the ballot papers to bear the serial number of their respective counterfoils included in the PEA constitutes a requirement that in theory may jeopardise the secrecy of vote.<sup>11</sup>

Despite the term of office for the president being limited to a maximum of two terms of five years each, a combination of various constitutional provisions allows for flexibility, which has resulted in holding the election later, consequently extending the duration of the presidential term. All previous governments have allowed the electoral calendar to slip consequently creating uncertainty as to the potential vacancy of the presidential office before the election is concluded.<sup>12</sup>

In case of death or disqualification of presidential candidates, the Constitution provides for a seven day period for the political party to nominate another candidate without however, foreseeing the possibility that disqualification takes place less than seven days before the election is scheduled to be held.<sup>13</sup> Conversely, the PEA, provides for a 21-day period for the political party to appoint another candidate in the event of death of a presidential candidate,<sup>14</sup> whereas in the event of disqualification, the PEA is silent on whether another candidate may be appointed.<sup>15</sup> The case involving the NGC presidential candidate that came before the Supreme Court shortly before the election, which could have potentially led to his disqualification and therefore the exclusion of the political party from the election illustrated this legal lacuna.<sup>16</sup>

The discretionary powers to modify timeframes for the different stages of the election process given to the NEC by the PEA could theoretically lead to a lack of legal certainty and predictability as to the electoral calendar. Although it is acknowledged that flexibility enhances the independence of

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<sup>9</sup> The CRC reached however a consensus that the 12-month time limit prior the date on which a person seeks to be elected to Parliament should be reduced to six months and that section 76(1)(b) should explicitly state that the teaching profession is exempt.

<sup>10</sup> Constitution, s.36, PEA s.s.72, 99(4), 113(1)(d), 114(2)(9).

<sup>11</sup> PEA, s.75 "Every ballot paper shall have a number printed on it and shall be attached to a counterfoil bearing the same number as is printed on the ballot paper."

<sup>12</sup> The issue was raised by various interlocutors due to delay on holding the run-off. There are no provisions in the Constitution as to how the vacancy is filled if the presidential term expires before the election is completed.

<sup>13</sup> Constitution, s.42(2)(d).

<sup>14</sup> PEA, s.48.

<sup>15</sup> PEA, s.47(4).

<sup>16</sup> *SC No. 2/2018 David Fornah v. Alhaji Dr. Kandeh Kolleh Yumkella, the AG & Minister of Justice, Mohamed N'Fah Alie Conteh, NEC*, 5 February 2018, see under Chapter Electoral Dispute Resolution.

the NEC, these powers could be limited and supported by more detailed statutory provisions for the timeframes applied to the different stages of the electoral process.

## ELECTION ADMINISTRATION

### *Structure and Composition of the Election Administration*

The NEC was created as an independent, permanent body, which is responsible for voter registration and the conduct of all elections and referenda.<sup>17</sup> Its tasks further include the delineation of constituency and ward boundaries; registration of candidates for elections; and civic and voter education.<sup>18</sup> The NEC is endowed with powers to make regulations through statutory instruments.

The NEC is composed of a Chief Electoral Commissioner (Chairperson) and four Electoral Commissioners, who are appointed by the president after consultation with the leaders of all registered political parties and approved by the parliament. Under the Constitution, a member of the NEC may be removed from office by the president for “*inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour*”.<sup>19</sup> The tenure of office of the commissioners is five years, and the current Chairperson Mr Mohamed N’fa Alie Conteh was sworn in February 2015.<sup>20</sup> NEC decisions are taken by a simple majority of votes with the necessary quorum of three members. The commissioners besides their assigned functional roles are responsible for one province of the country each (West, North, East and South), for which they act as returning officers during the collation and certification of regional results. Since the 2017 administration reform added anew province, the commissioner originally covering the North province is responsible for both the North and North-West regions.

The organisational structure of the NEC is appropriate for conducting its tasks throughout the electoral cycle. There is an administrative secretariat led by the Executive Secretary who coordinates activities of ten specialised departments. In the electoral period the NEC is represented at the regional level by regional chiefs (permanent staff of NEC’s HQ), regional tallying centre coordinators and regional IT officers. The 16 permanent district offices are led by District Electoral Officers (DEOs). Following the country’s new administrative division, approved in March 2017, the NEC responded to the creation of the two additional districts (Falaba, Karene) by establishing two corresponding new district offices which became fully operational in November/December 2017. In the electoral period, however, the uniform structure of district electoral offices which does not reflect the size of the district, poses considerably more logistical challenges for the permanent staff in large districts (e.g. during training of polling staff), especially in the Western Urban Area (Freetown) with 2,062 polling stations (PSs), as compared to smaller districts, such as Falaba with only 239 PSs.<sup>21</sup> In some cases, the EU observers reported minor hitches in the vertical communication within the NEC structure.

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<sup>17</sup> Related international commitments include: “*Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections.*” ACDEG, article 17. “*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.*” ICCPR, GC 25, para 20.

<sup>18</sup> The establishment and functioning of Sierra Leonean election management bodies are laid out principally in the Constitution (1991), the National Electoral Commission Act (2002) and the Public Elections Act (2012).

<sup>19</sup> Constitution, s. 32(8).

<sup>20</sup> The Board of Commissioners is not sworn-in as an entire body, instead individual commissioners take office at different times. In this case between October 2013 and November 2016.

<sup>21</sup> For the 2018 election the NEC set up in total 3,300 polling centres (former voter registration centres) which were subdivided into 11,122 polling stations.

### *Administration of the Elections*

The NEC fulfilled its constitutional duties as it conducted elections in a competent and impartial manner. It managed to defend its independence despite numerous operational challenges and enormous political pressure which frequently threatened to disrupt the elections process. Between 2002 and 2014 all electoral processes were substantially supported by a series of UN managed programmes aimed at strengthening the institutional capacity of the NEC.<sup>22</sup> This was to be the first election in the full ownership and funding of Sierra Leonean authorities. The 2014-16 Ebola crisis, however, significantly impacted the time and resources available for the tasks which had to be conducted during the electoral cycle before the 2018 elections. Facing budgetary and capacity shortcomings, the NEC formally requested financial and technical assistance from the international community and a new UNDP-managed support programme was launched in 2016, with only limited financial support and a small number of international advisors.

Preparations for the 2018 elections were marked by operational difficulties resulting from an accumulation of tasks to be carried out in a significantly reduced timeframe. Especially problematic was the voter registration exercise which was conducted simultaneously with the revision of constituency and ward boundaries. These subsequently had to be redone, as the new administrative division of March 2017 rendered the regular boundary delineation, which the NEC had concluded in line with the electoral calendar in December 2016, obsolete. This was further compounded by an unconvincing determination of the government to hold the election within reasonable timeframe, such as by repeatedly asking for more time or trying to push for a third term.<sup>23</sup> Following pressure from CSOs and the international community, the election day was announced on 14 February 2017 to be held 12 months and 3 weeks later, and an electoral calendar was adopted shortly afterwards.<sup>24</sup>

Although the government pledged to supply most of the funding for the elections,<sup>25</sup> funds were repeatedly disbursed late and, on occasions, used as a means for exercising pressures on the NEC.<sup>26</sup> The NEC commissioners were summoned several times in 2017 to the parliament to explain the shortcomings which had, however, largely resulted from a chronic underfunding and the strongly compressed timeframe. The political pressure peaked in the period from a few days after the first-round until the announcement of the results of the run-off. The NEC came under heavy criticism from all main political parties motivated by their lower than desired results in the 7 March election. They alleged widespread electoral irregularities,<sup>27</sup> failing, however, to produce convincing evidence of fraud. This had a negative impact on the credibility of the electoral process and the NEC in general.

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<sup>22</sup> All elections in this period were financed predominantly from foreign sources. For instance, UNDP reports that international partners covered 94% of the 2012 electoral budget (in total over USD 50 million).

<sup>23</sup> Throughout 2015 and 2016 the president and various APC structures repeatedly complained about their inability to fully use the five-year mandate because of the Ebola crisis, and therefore they should be awarded more time.

<sup>24</sup> Adopting a consolidated electoral calendar well ahead of the election day was recommended by the 2012 EU EOM.

<sup>25</sup> The overall budget of the NEC for the period between 2016 and 2018 was USD 37.7 million, out of which the Sierra Leonean government share was USD 26.7 million. The rest was funded by (mainly European) international partners and donors through the UNDP basket fund.

<sup>26</sup> For example, the letter of 22 November 2017 from the Ministry of Finance informing the NEC about the intended financial audit in the middle of the preparations, withholding at the same time the disbursement of approximately one million Euro.

<sup>27</sup> The nature of the alleged irregularities suggests that they resulted predominantly from negligence and insufficient training of polling staff.

The situation became more difficult between the two rounds when the police interrogated a number of the NEC permanent staff on charges of electoral irregularities.<sup>28</sup> In addition, a court application (filed by a former APC candidate) resulted in a four-day postponement of the run-off, and questionable High Court orders which appeared to infringe on the NEC's independence by prescribing the exact manner of conducting the tabulation of results, thus changing the rules midway through the election. After the Supreme Court did not review the validity of the High Court orders before the run-off election, the NEC decided to abide by exclusively the Constitution and the PEA for the conduct of the run-off, implicitly ignoring some of the High Court prescriptions. The Attorney-General/Minister of Justice (AGMJ) increased the pressure on, and undermined the independence of, the NEC by sending an unsolicited letter providing his legal advice, in which he appeared to instruct the NEC to comply with the High Court orders and prejudging any possible challenge at the courts of law. The Inspector General of Police also sent a letter which appeared to increase the pressure on the NEC. This was disruptive of the process and gave the erroneous impression that there were fundamental problems with the NEC's operations.

Following the positive experience from 2012, the NEC established in 2013 a national level Political Parties' Liaison Committee (PPLC). The PPLC began to meet regularly in 2015 to discuss planned measures and operations approximately once a month, yet in the run-up to the election these consultative meetings with political, security and civil society stakeholders were held once a week. However, independent MPs candidates' interests were sometimes disregarded as they were not represented in these meetings, leading to their disadvantageous treatment in the campaign calendar in which (for the first-round), competing parties were provided with four campaign days per district, but independent candidates were allocated in general a single day, often right at the start of the campaign. Regrettably, neither decisions adopted, nor minutes of these PPLC meetings, were published; this was later used by some stakeholders to question the agreements and thus to undermine the legitimacy of the process. Despite regular contacts with the stakeholders, the communication of the NEC with the public in most of the pre-election period was insufficient. This improved considerably only in the period broadly defined by the two rounds of elections in which the NEC held several press conferences and regularly published press statements on its webpage and social media.

Routine electoral preparations were carried out in line with the electoral calendar. Over 85,000 temporary electoral staff (reduced to about 63,000 in the run-off) were hired at the district level following public job announcements with clearly specified educational and professional criteria. They were trained in four-level cascade training sessions of one to four days, depending on their function, in the period from 14 February to 4 March. Due to the difficulties some of the polling staff had in the 7 March election when filling out results protocols and packing the material, a one-day refresher cascade training was organised before the run-off for all temporary staff which significantly improved their performance – although the process was considerably simplified by holding only one election on that day.

For the four elections on 7 March, 601 different types of ballots were printed in South Africa together with the serialised Reconciliation and Results Forms (RRFs).<sup>29</sup> Despite the EU EOM 2012 recommendation, ballots and corresponding counterfoils bore the same serial numbers which could in theory infringe the secrecy of the vote. Political parties, however, regarded it as an additional

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<sup>28</sup> See also the Chapter Tallying and Results Process.

<sup>29</sup> One nation-wide presidential ballot paper, 132 parliamentary, 22 mayor/chairperson and 446 local councillor ballots. As it was impractical for the NEC to wait for the Supreme Court ruling on the two objected to presidential candidatures, they decided to proceed with printing the ballots with all 16 candidates. Ballots were printed by the Ren-Form, paid for by UNDP.

safeguard and did not find it controversial. The NEC adopted a simple, uniform policy regulating the number of ballots to be distributed to each PS, as well as the number of contingency ballots assigned to each polling centre (PC),<sup>30</sup> which brought the share of extra ballots to a rather high 18.2% of total ballots in the first-round.<sup>31</sup> Forms designed to account for the contingency ballots were made available only one week before the first-round, i.e. after a significant part of the cascade trainings of polling staff was concluded, and therefore they were not consistently used. This also increased the risk of an illicit use of contingency ballots. The handling and accountability rules for the distribution of contingency ballots improved in the run-off after it was addressed during targeted refresher training for polling staff.

Based on an undisclosed NEC decision in 2007, the presidential candidates were placed on the ballot in the alphabetical order of their parties, while in all other concurrent elections the candidates were ordered by their surnames. The EU EOM noted that the rules for placing candidates on the presidential ballot had been further modified since 2012. Had party acronyms instead of their full names been used, as in the previous election, the ADP candidate would have been at the top of the ballot instead of the APC candidate.<sup>32</sup> As a result of printing errors, which were discovered only on the 7 March election day, the parliamentary election in one constituency and local council elections in three wards had to be postponed. Those elections were consequently held together with the run-off on 31 March.

In contrast to the 2012 elections, there were no district tallying centres set up, and polling station results were collated in the five regional tally centres. This solution was eventually preferred by the NEC due to a lack of qualified staff and necessary infrastructure especially in the two recently created districts. It was also reportedly promoted by the APC led Ministry of Finance as a more cost-effective alternative. However, irrespective of the previous discussion and agreement at the PPLC on regional rather than district tallying, the ruling APC after the 7 March elections repeatedly tried to undermine the run-off election by questioning this point - which was unimportant to the overall conduct of the election - before and after the second-round was held. Contrary to the 2012 EU EOM recommendations, the detailed tallying procedures were announced only one week before the 7 March elections which may have also contributed to the controversies over the form of tallying.

### *Voter education*

The NEC's voter education suffered from a late disbursement of funds. They were provided, as an emergency solution, entirely by international partners.<sup>33</sup> It was limited to basic messages presenting candidates, election date and instructions on how to mark ballots, delivered in the last three weeks

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<sup>30</sup> Within each PC there were 300 voters per PS, with the last one accommodating the remainder (i.e. between 101 and 400). The number of ballots assigned to the last PS was rounded up to the next 50, and there were 150 contingency ballots per each PC (300 for the 38 mega PCs with more than 10 PSs).

<sup>31</sup> The rules for the distribution of contingency ballots were modified for the second-round election which reduced their share to 10.4%.

<sup>32</sup> There are numerous scholarly articles studying the so-called "ballot order effect". There appears to be strong indication of the advantage for candidates placed at the top of the ballots. For example: "*Candidates listed first win office between four and five percentage points more often than expected absent [of] order effects. This first candidate advantage is larger in races with more candidates and for higher quality candidates.*" Marc Meredith and Yuval Salant January 2013. "On the Causes and Consequences of Ballot Order Effects." *Political Behavior*, 35(1), 175–197.

<sup>33</sup> Contrary to the planned arrangement, the government failed to provide any funds for voter education.

before election days.<sup>34</sup> Given the high levels of illiteracy, and addressing one of the concerns from the 2012 elections, the NEC opted for radio jingles in local languages and an extensive employment of public announcements made by so-called 'town criers' to deliver voter information to remote wards. The increased share of the invalid votes as compared to the equally complex 2012 elections, indicates an urgent need for a more comprehensive approach involving more the civil society and perhaps an introduction of the civic and voter education on broader principles of democracy and the functioning of electoral systems into school curricula.<sup>35</sup>

## VOTER REGISTRATION

### *Right to vote*

In principle, every citizen of Sierra Leone who is at least 18 years old and of sound mind,<sup>36</sup> has the right to be registered as a voter, unless serving a prison sentence, or convicted of a non-custodial electoral offence. A person can register only in the ward of their ordinary residence. In practice, however, only the data of those citizens who attended one of the 3,300 registration centres during the 2017 registration drive were recorded. No provisions for the registration of persons with reduced mobility or prisoners on remand were made.<sup>37</sup>

### *Voter registration*

The NEC, as mandated by the Constitution, organised all past voter registration processes. The 2016 National Civil Registration Act, however, laid foundations for the establishment of a permanent civil register, which would serve as a base for the register of voters. For this end, a separate institution was created, the National Civil Registration Authority (NCRA). This conflict in legal provisions brought about a minor confrontation between the two bodies as to which institution should be in charge of the registration of voters. Similarly, the issue of the ownership of the process and the resulting database was of concern. At the start of 2017, the NCRA seemed to have won the battle.

Since the civil register intended to capture more comprehensive information on each person, the 2012 biometric voter registration data were not to be used at all. In January 2017, the state purchased, on behalf of the newly created NCRA, 3,800 (+266 spare ones) registration kits to launch the general civil registration.<sup>38</sup> Nevertheless, due to a lack of time, resources and capacity on the part of the NCRA, this ambitious project was not completed.

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<sup>34</sup> Though the information provided about the second-round was rendered obsolete by the delay following the court imposed injunction which lead to a four day delay.

<sup>35</sup> While in 2007 the share of invalid votes in the first-round was 7.3% (2.5% in the run-off), their share decreased to 4.7% in 2012 and went up again to 5.2% in the first-round (1.2% in the run-off) in 2018.

<sup>36</sup> PEA, s.16(b) deprives the right to register from "*lunatics within the meaning of an enactment in force in Sierra Leone.*"

<sup>37</sup> Related international commitments include: "*Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote.*" ICCPR, GC 25, para 14. "*States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.*" ICCPR, GC 25, para 11.

<sup>38</sup> While in 2012 the kits were supplied by the South African company Face Technologies, in 2018 this USD14 million contract was awarded to Smartmatics.



Given the time pressure, the NEC, possessing the necessary expertise, had to conduct a brand new registration of persons older than 17 years between 20 March and 30 April 2017, using the NCRA infrastructure, i.e. biometric registration kits and servers. After a two-month period of adjudication and de-duplication conducted by the NCRA during which 53,000 duplicate entries were found, the NEC received the provisional voter register for exhibition between 22 and 28 August 2017, followed by a three-day period for challenges. On 6 September 2017, only just complying with the legal six-month deadline before elections, the NEC announced the number of registered voters to be 3,178,663. At the same time, however, the NEC admitted that the data of 39,276 persons included in the final figure, were missing in the electronic database (especially due to broken-down biometric registration machines).<sup>39</sup> In the course of September the NEC reconstructed the missing data from manual registration forms and journals. Nevertheless, photos of 23,520 persons were still missing, but for a considerable part of the affected voters they were recaptured during the voter ID (VID) card distribution in the same registration centres,<sup>40</sup> between November 25 and December 24.<sup>41</sup> As the revision of electoral boundaries ran in parallel to the voter registration, 289,559 voter identification cards were produced with incorrect information on voters' wards or constituencies. The NEC managed to reprint and redistribute most of these cards three weeks before the election day in the seven affected districts. Stakeholders, including civil society organisations who observed the registration exercise, considered the voter register to be inclusive and credible. The EU EOM did not detect any systemic problems related to the quality of the voter register on election day either.

The PEA provides voters with the possibility of changing their polling centre if they move address after registration. However, the NEC did not appear to have a system for enacting this necessary procedure which led to the disenfranchisement of some citizens; particularly considering the late imposition of a private vehicle ban on the election days.

### *Boundary delineation*

In order to reflect demographic changes, boundaries of electoral constituencies have to be periodically reviewed. The Constitution mandates the NEC to conduct such revisions every five to seven years whereby the number of the inhabitants of the constituencies should be as close to the population quota as is reasonably practicable.<sup>42</sup> Deviations from the population quota, which the NEC set to  $\pm 25\%$ , are only permissible due to constraints resulting from "means of communications, geographical features, density of population, the distribution of different communities, the areas and boundaries of the Chiefdoms and other administrative or traditional areas".<sup>43</sup>

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<sup>39</sup> NEC Commissioners were summoned the next day to the parliament to explain the failure.

<sup>40</sup> Due to lack of funding, only simple, cold-laminated temporary cards were produced in Dubai, instead of envisaged ECOWAS standard multipurpose cards costing USD 8 each.

<sup>41</sup> After this period the VIDs could be collected at district electoral offices. As of 20 February, about 5% of them were still not collected. Since the register of voters in force is "*conclusive evidence for the purpose of determining whether a person is or is not entitled to vote*" (PEA, s.13), the possession of the VID was not a precondition for being able to vote.

<sup>42</sup> The population quota is obtained by dividing the number of inhabitants of Sierra Leone (7,092,113 in 2015) by the number of constituencies into which Sierra Leone is divided (Constitution, s 38(6)), i.e. 53,728 per constituency.

<sup>43</sup> Constitution, s.38(3). Related international commitments include: "*The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another.*" ICCPR, GC 25, para 21. The Venice Commission's Code of good practice in electoral matters (2002) recommends in part 2.2. Equal voting power that "*the permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity).*"

Boundary delimitation is based on census data, or if need be, on population projections. The last census in Sierra Leone was conducted in 2015, whose provisional figures were released in March 2016.<sup>44</sup> Soon after that, the NEC launched the long overdue constituency delimitation process, financed entirely by Ireland and the EU (the last one was done in 2006 before the 2007 election). In May 2016 the parliament prescribed an increase of the parliamentary seats from 112 to 132, therefore the new delimitation had to create 20 additional constituencies. The NEC concluded this exercise in December 2016, in line with the electoral calendar, however, parallel to it, there was an ongoing political debate on possible re-districting and de-amalgamation of chiefdoms, and consequently, the NEC operated in the dark.<sup>45</sup> Though the new administrative divisions were announced by the government through a statutory instrument in the end of January 2017, it was approved by the parliament as an amendment to the Province Act only in March 2017. As a result, the NEC had to completely rework its previously submitted proposal, although its capacities were already strained by the ongoing voter registration. The constituency and ward delimitation process was passed only in July 2017.

The 2015 census brought the figure of inhabitants of Sierra Leone to 7,092,113, which was somewhat unexpected, given the average annual population growth rate had remained relatively stable, without significant deviations in the individual census periods, at about 2% in the period from 1963 to 2004.<sup>46</sup> Comparison of the population data between 2004 and 2015 indicates a sudden increase of the average annual growth rate to 3.3% which is highly unlikely and cannot be corroborated by the age pyramid presented in the 2015 final census report.<sup>47</sup> If the 41-year (1963-2004) average growth rate had been maintained also in the period from 2004 to 2015 the population in 2015 would be 6,210,411. A more conservative estimation would place the real figure for the population of Sierra Leone in 2015 somewhere between these two values.

The number of parliamentary constituencies assigned to each district based on the census population data using the largest remainder method was done correctly. The average deviation rate from the population quota was 12.3%, although deviations of over 20% were common (26 constituencies). However, due to different approaches to conducting censuses (passive) and voter registration (active) in Sierra Leone, as well as other factors (including post-Ebola movements of population) there were, in many cases, considerable discrepancies between the share of inhabitants and registered voters among individual wards and constituencies. These incongruities are also observed at district levels. For instance, Western Area Urban, in which most of Freetown is located, accounts in the census for 14.9% of the total population, yet its share of voters is 19.1%. Conversely, the Pujehun district accounts for 4.9% of the census population, but its registered voters account only for 3.2% of the electorate of Sierra Leone. With the estimated median age of 18 to 19 years, the adult population should represent approximately 50% of the overall population. Based on this assumption and the 2015 census figures, the average registration rate was 89.6%. The share of registered voters on the overall estimated adult population varied significantly among districts, with the highest value of 127% in Western Area Rural (including the suburbs of Freetown) and the lowest share of 58% in Pujehun.

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<sup>44</sup> The census was originally planned for 2014, but was delayed due to the Ebola crisis.

<sup>45</sup> This process terminated in the new administrative division of the country passed by the parliament in March 2017. In this process the number of chiefdoms was increased from 149 to 160, the number of wards from 394 to 446, two new districts were created – Falaba and Karene and the Northern province was split into Northern and North-Western provinces.

<sup>46</sup> National censuses were conducted in 1963, 1974, 1985, 2004 and 2015.

<sup>47</sup> [https://www.statistics.sl/wp-content/uploads/2017/01/final-results\\_-2015\\_population\\_and\\_housing\\_census.pdf](https://www.statistics.sl/wp-content/uploads/2017/01/final-results_-2015_population_and_housing_census.pdf) p.14.

The degree of variation in the number of registered voters per parliamentary constituency is even more striking. The deviations from the average number of registered voters, which is 24,081, range from -57% to +99%.<sup>48</sup> These discrepancies noted above between census and voter registration data have the political effect of over and under-representing districts in the national parliament. While in the districts of Falaba, Kailahun and Pujehun there are on average about 16,000 registered voters per parliamentary seat, in Western Area Rural (the suburbs of Freetown) the average lies slightly over 35,000 (see the chart below). Had the number of constituencies been assigned to districts based on registered voters, instead of the census data, the capital and its suburbs would gain 9 additional parliamentary seats, at the expense of the Northern (-4), Eastern (-3), Southern (-1) and North-Western (-1) provinces. The current system produces significant discrepancies in the weight of the vote which contradicts the principle of the equal suffrage. Therefore, a new method for boundary delimitation, reflecting the number of registered voters, could be conceived.



## CANDIDATES' NOMINATION

The right to stand for elections is limited by several constitutional and statutory requirements which are not in line with the international commitments undertaken by Sierra Leone. Most controversial in this election is the provision that candidature for presidential and parliamentary offices are limited to citizens by birth,<sup>49</sup> excluding naturalised citizens. This was interpreted by political parties as excluding holders of dual citizenship as well, who, it was argued, may at some point have automatically lost their Sierra Leone citizenship through acquiring the citizenship of another country.<sup>50</sup> It is widely believed that a majority of the elected politicians in the last parliament were dual citizens; this led to the widespread assumption that the questioning of the supposed dual citizen provisions in this election was politically expedient in order to target the eventual third placed

<sup>48</sup> The lowest number of registered voters is in constituency 100 (Pujehun) - 10,503 and the highest number is in constituency 112 (Western Area Rural) - 47,960. The average deviation rate is 27.2%.

<sup>49</sup> Citizenship Act, 1973 as amended in 1976, 2006, 2017: Citizens by birth are limited to those of “*negro-African origin*”. This violates the right to participate in public affairs without distinction as to race, (ICCPR art.2(1), art.25, 26).

<sup>50</sup> The amendments of 2006 and 2017 of the Citizenship Amendment Act of 2006 introduced the possibility of reinforcing the right of acquiring citizenship by birth, notwithstanding a dual national status, however, it is not clear whether this applies to those who acquired foreign nationality before 2006. ICCPR, United Nations Human Rights Commission, General Comment no. 25: paragraph 15 “*Any restriction 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.*”

presidential candidate Dr Yumkella of the NGC. A side-effect of this assumption was a marked decrease in the number of incumbents seeking re-election with only approximately 25% of MPs sitting in the former parliament becoming candidates in these elections and reportedly the exclusion of many candidates from nomination by political parties, thereby restricting the political choice of the electorate, and potential candidates' right to stand.

Other legal and constitutional provisions which are not in line with international commitments and standards are that the office of president is restricted to members and nominees of political parties,<sup>51</sup> preventing independent candidates from running for the office. This requirement contravenes the right to stand for public office and the freedom of association as provided by international standards for elections.<sup>52</sup> The office of the president and vice-president is not expressly constitutionally recognised as a personal mandate conferred directly by the electorate. This has the effect that an elected president's (together with the vice-president's) status can be rendered uncertain due to post-election internal party dispute or decisions.

Further, the constitutional requirement for candidates to have resigned from "public office" 12 months prior to the elections, as well as being unreasonably broad, creates a financial burden further restricting the right of the voter to choose, and of the potential candidate to stand for election. This requirement has in practice been interpreted to exclude almost all public-sector employees regardless of the nature of their post, including for instance, teachers.<sup>53</sup> It is clearly interpreted well beyond any potential justification of regulating the candidature of office holders, where abuse of position or state resources for campaign purposes could occur.

All candidates have to pay a nomination fee prescribed by the NEC and approved by the parliament. A parliamentary bill to reduce the prohibitively high non-refundable nomination fees was rejected by MPs, despite criticism of the high fees by political parties and a recommendation to reduce them by the EU EOM in 2012. This problem was somewhat alleviated by negotiations with the government initiated by the Political Parties Registration Commission (PPRC), which led to the state covering up to 70% of the cost. The still high fees, combined with unequal financial positions among parties, individual candidates and genders considerably tilted the playing field in favour of larger parties, wealthy candidates and men.<sup>54</sup>

The timeframes for adjudication of objections to nominations do not guarantee timely remedies to aggrieved parties. The candidate nomination process for presidential elections was completed on 26 January and the government notice on presidential nominations was published on 29 January. There is a short time between the nomination of presidential candidates and election day. Due to the procedural rules applied, decisions on objections on nominations may continue past polling day, as

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<sup>51</sup> Constitution, s.42(1). Right to participate in public affairs, ICCPR, art 25.

<sup>52</sup> ICCPR, United Nations Human Rights Commission, General Comment no. 25: paragraph 17 "*The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or specific parties.*" The CRC's report, however, did not sustain this recommendation.

<sup>53</sup> According to Constitution s.171(1) "*Public office*" includes an office the emoluments attaching to which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament." The term was also interpreted by the Supreme Court in *SC2/2007 Charles Francis Margai v. The Chief Electoral Commissioner and National Electoral Commission*, 5 July 2007; the CRC recommended that the 12-month time limit prior the date on which a person seeks to be elected to Parliament should be reduced to six months. Right to participate in public affairs, ICCPR, art.25.

<sup>54</sup> ICCPR, United Nations Human Rights Commission, General Comment no. 25: paragraph 16 "*Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory.*"

was the case with Dr Yumkella, thus undermining the certainty of the electoral process.<sup>55</sup> The candidate nominations window for local council elections closed on 14 January and for parliamentary elections on 26 January. Objections to parliamentary and local council nominations are first dealt with by the NEC at district level and may be appealed to the NEC HQ. They may only be further challenged in court by election petition after the publication of the election results. Final judgments on the validity of nominations may therefore be delivered after the election has taken place.<sup>56</sup> In 2018, no parliamentary candidate was excluded from the electoral process since the NEC both at district and national level upheld all nominations subject to challenges.<sup>57</sup> However, after the declaration of results, 16 elected MPs were initially prevented from taking the parliamentary oath of office due to a temporary injunction, because of challenges to their candidatures.

The PEA does not provide a deadline for candidates' withdrawal, which can be disruptive to the process.<sup>58</sup> Three candidates withdrew from parliamentary elections and two from local council elections.

## ELECTION CAMPAIGN

The two campaign periods for the first and second-rounds were markedly different in tone and in scope. The first campaign, for the parliamentary and local elections, as well as what turned out to be the first-round of the presidential election, began on 4 February, and ended 30 days later with a campaign silence period one day before the 7 March election. The results of the first-round presidential election were announced on 13 March and the run-off campaign between APC and SLPP officially commenced on 15 March. The election was scheduled on 27 March; however due to a court injunction on preparations for the election granted on 24 March and lifted two days later, there was no official campaign period between 25 March and 31 March when the delayed election was finally held. There were however, marked increases in tension and threats of violence.

### *Parties registration*

The two major parties both split in the period before the campaign. The ruling APC offshoot, the C4C arose from the 2015 sacking of the then vice president, Samuel Sam Sumana. He comes from the swing district of Kono in the East. The SLPP, who chose Retired Brigadier Bio (as in 2012) as their presidential candidate split into those members who supported him, and supporters of Dr Yumkella, from Kambia in the North West. As a result, Dr Yumkella joined the NGC. Both of these splinter organisations were eventually accepted as political parties after a convoluted registration process completed only just in time for them to be able to contest the elections.<sup>59</sup> These parties,

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<sup>55</sup> An objection may be lodged against the nomination of a presidential candidate with the Supreme Court within seven days of the Government Notice publication and a ruling shall be delivered within 30 days from the date the objection is lodged (PEA s.47(2)(3)). It should, however, be noted that the specific case was not treated as an objection to a nomination but as a request for interpretation of sections of the Constitution and the Citizenship Act 1973, as amended.

<sup>56</sup> PEA, s.63(6).

<sup>57</sup> The EU EOM was informed of eight cases of objections to parliamentary and local council nominations (alleging dual citizenship and non-resignation from public office 12 months before the election) on district level out of which three were appealed to the NEC HQ.

<sup>58</sup> PEA, s.64. The NEC imposed the tenth day (25 February 2018) before election day as a deadline for withdrawal in the Procedures for Nominations of Parliamentary Candidates.

<sup>59</sup> The PPRC was thought by many in the international community and civil society to be slow in granting full registration to new parties, including the Alliance Democratic Party (ADP), C4C and NGC which meant that the latter two had only about a week to nominate their candidates before the deadline.

particularly the NGC, had the potential to gain the support of disaffected APC and SLPP voters, potentially becoming a third force in Sierra Leonean politics. However, the first-round results showed that apart from in the home districts of their presidential candidates, these two new parties did not achieve the electoral break-through they were hoping for. Between them, they only polled around 10% - though this was far more than the 1.3% the third placed PMDC gained in 2012. The change from two parties represented in the 2012 parliament to four (plus three independent MPs) following the 2018 election is an increase in the diversity of views represented in parliament. In addition to these four parties which gained seats, another 13 parties contested the parliamentary elections.

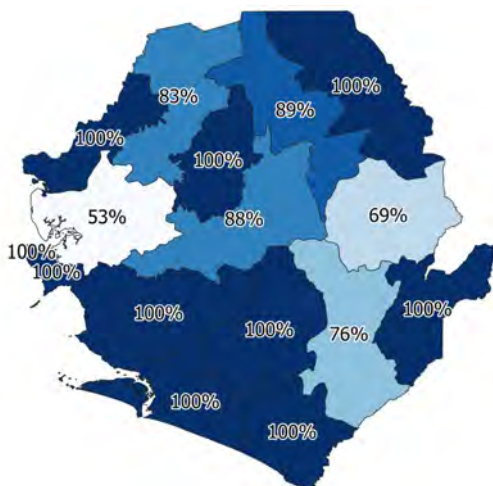
### *Campaign*

The holding of presidential, parliamentary and local elections on the same day meant that a great deal of the focus of the campaign was on the presidential candidates rather than local issues. This amplified the allegation that some of the parties, especially newer and smaller ones, were ‘one-man parties’. In Sierra Leone there was only supposed to be a concurrent set of local and national elections in 2012 and in 2032 due to the four year electoral cycle of local government rather than the five year national cycle.

Despite the official 30 day electoral campaign period, the campaign had in reality started months earlier. Posters were displayed from early January, if not before. The NEC established a campaign calendar, to ensure that there were no clashes over venues, or between supporters. This was implemented using a modified lottery separating the parties with the most candidates which was accepted without complaint from the parties, but at the same time put independent candidates at a disadvantage. The campaign calendar applied to all four elections, although in practice it related to rallies rather than media appearances and door-to-door campaigning.

There were two minor controversies concerning posters. One was that in some cases posters were defaced by opponents. The other was that the PPRC which is supposed to enforce constitutional bans on using religious or tribal rhetoric by political parties, lacked the legal authority to enforce this ban. It admonished the Citizens’ Democratic Party (CDP) over its poster which stated “*Allah is One*” and the APC over its “*Krios for APC*” posters, requiring both to be removed. When the parties failed to do so, the police refused to remove them without a court order, which the PPRC did not believe would be forthcoming in the timeframe required.

*The percentage of campaign events observed by EU EOM in the first-round which were in compliance with the NEC’s campaign calendar.*



A total of 16% of campaign events observed by the EU EOM were not in accordance with the campaign calendar. Against the advice of the local police and PPRC and the protests of other parties, the NEC approved a “swap” in which the National Democratic Alliance Party (NDA) gave up its place in the calendar in favour of the APC in Kono on 14 February.<sup>60</sup> It was claimed that



the APC would compensate the NDA with a slot at a later date. There is no evidence that the second part of the swap occurred.

In the run-off presidential election, there were very few large rallies observed. Most campaigning happened door-to-door, through the media, or not at all. The majority of this low-key campaigning focussed on core supporters – Brigadier Bio was mostly present in the South and Dr Kamara mostly in the North. This had the effect of magnifying the claims made that the two main parties were regional rather than national in outlook. On the other hand, the areas with large numbers of voters who had voted for parties other than the APC and the SLPP, such as Kono, Kambia and Western Area Urban were key areas of two-party competition.<sup>61</sup>

It is notable that in some of the areas where the campaign calendar was not universally respected, it was most often the ruling APC which campaigned in contravention of the calendar – and in the areas where it felt vulnerable such as Kono and Port Loko. With 17 parties (10 in 2012), divided into eight zones, each party had only four opportunities to rally in each zone during the first-round, which limited campaign opportunities.<sup>62</sup> If implemented again in future elections, greater clarity on what is classed as being regulated by the campaign calendar and what is not would be desirable, as would a more solid legal footing for the practice.

A feature of the campaign was the abuse of incumbency. This was noted in several respects. The EOM noted that in 36.5% of observed first-round APC rallies there was evidence of government resources being used.<sup>63</sup> This was most often the use of government vehicles, but there were other instances of civil servants and soldiers involved in campaigning. Money was observed being given to attendees in 3.3% of SLPP and 5% of NGC events, whereas it was observed in 18.4% of APC events. Additionally, of note was the use of the president's official government spokesman as the APC campaign spokesman. Official announcements setting out the incumbent government's policies were made during the campaign – most notably the ground-breaking of the proposed Mamamah airport, which presumably could have been done months before – or after the election, rather than 6 days before it.<sup>64</sup> The outgoing president on his "Thank You Tour" prior to the campaign used state resources to introduce the APC presidential and vice-presidential candidates around the country. Some parastatal employees were also compromised in their dual roles as working for both the state and the ruling party - for instance the head of National Telecommunications Commission (NATCOM) was the District Chairman for the APC in Koinadugu district.

In the first-round, there were no significant reports of hate speech, however once the results started to be made public, there was a notable increase in references to tribalism and regionalism. This was

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<sup>60</sup> NDA was only contesting six parliamentary seats in the whole country.

<sup>61</sup> These three districts account for more than 50% of the available 'free votes' in the country.

<sup>62</sup> 16 of which had presidential candidates.

<sup>63</sup> 19 out of 52 observed APC campaign events.

<sup>64</sup> The opening line of the State House press release is "[A] few days to the March 7 elections President Dr Ernest Bai Koroma commissioned ... the airport." The official State House press release continued "Delivering his keynote address, President Koroma expressed delight that in a few days to elections ... he is commissioning his dream project that will transform and take the country to the next level ... He also disclosed that **the next administration** [emphasis added] will commission the construction of the long anticipated Lungi Bridge which will transform Lungi." This was done in the presence of the APC's presidential and vice-presidential candidates (neither of whom held official government positions). The ceremony was held surrounded by the colours of the APC rather than the national flag. It was announced in a political speech by the Minister of Transport that the airport would be named after the president. The Chinese Ambassador also gave a speech. <https://cocorioko.net/president-koroma-commissions-mamamah-airport-project/>

in marked contrast to the first-round where ‘voting for your tribe’ was only mentioned in 5.8% of observed political events. This change in the second-round was also linked to an increase in the number of election related clashes – almost all of which involved incumbent versus opposition parties. The police were dragged into these controversies when multiple ‘citizens’ arrests’ were made by members of the APC in Western Area of NGC activists.<sup>65</sup> There were repeated and widespread reports that the police failed to act impartially following selective arrests of opposition supporters alone when there were opposition versus governing party clashes.<sup>66</sup> These arrests of activists and scores of damaged vehicles and buildings, led to a climate of fear for some activists, especially in areas where the opposition was in a position to challenge the APC’s lead such as particularly Kono, but also Western Area(s), Kambia, Port Loko and Mile 91 in Tonkolili.

The convoys of both the APC and the SLPP presidential candidates were stoned by supporters of the other party. The SLPP’s press release that this was an assassination attempt was inflammatory, as was a further claim, later retracted, that there was a plot to kill Brigadier Bio by senior members of the military. The leadership of all of the political parties could have done more to calm their supporters and take action against those of them who were creating fear and perpetrating violence. As a consequence of the climate of fear in some parts of the country, the opposition parties were at a distinct disadvantage nationally. The APC also claimed to be a victim of intimidation in the South and East.

### *Campaign finance*

Campaign finance is not regulated in practice. The sole restriction on donations to political parties is that the donor should be eligible to be a registered voter. This has the effect of preventing donations from non-citizens; but it enables the large diaspora community to have a disproportionate influence, especially over the smaller parties. For instance, the “Global Executive” of C4C based in the USA issued a press release which pledged to support neither party in the run-off. This was denied as being official policy by the National Executive of C4C; but in the end it did in fact become the *de facto* policy of the C4C party. Parties are due to submit audited accounts to the PPRC after the campaign; but there are no enforcement mechanisms for this, and the requirement is not universally respected. Nor are there any restrictions on spending.

## **MEDIA**

### *Media Environment*

There is a wide and diverse media landscape in Sierra Leone, but it is affected by the low level of economic development and a lack of journalistic professionalism according to the Sierra Leone

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<sup>65</sup> There were at least seven arrests of NGC activists who claimed to be collecting the required data so that their polling agents were in the correct polling stations to ensure that they could vote. It was alleged by the police that they were collecting sensitive information for the purposes of buying votes. However, the cases were dropped for lack of evidence after being detained for in some cases, for several nights.

<sup>66</sup> For example, two SLPP activists were seriously injured, one with life threatening stab wounds on 17 March in Lumley in Freetown in an attack by alleged APC supporters. Only the SLPP members were detained; they were not provided with the necessary immediate medical attention. They were charged by the local police (though the case was later dropped) with ‘self-harm’. It was only several weeks later that an investigation was started into who the assailants were. Another example was that a car carrying the Minister of the East, which was allegedly being driven by a known member of the APC drove into a crowd of C4C supporters in Kono on 14 February. The police neither mounted a speedy investigation nor made an arrest during the remaining six weeks that our observers were in the area.



Association of Journalists (SLAJ). Journalists were able to operate in an atmosphere of relative freedom, however the Public Order Act (POA) of 1965 is seen by members of the media as a major obstacle to freedom of expression because of clauses criminalising libel and sedition, which leads to self-censorship.<sup>67</sup>

Radio is the most popular media with 137 operational radio stations. The Sierra Leone Broadcasting Corporation (SLBC), the government-controlled media operates five regional radio stations and two national television channels, one of which broadcasts regular news and talk shows.<sup>68</sup> Their dependency on governmental funding, and the appointment of the chairman and the managing director by the government remain key obstacles in SLBC's transformation into a genuine public service broadcaster. There are also private TV channels and radio stations operating in the country the most important of which is Africa Young Voices Media Empire (AYV), which operates a television and radio station as well as a newspaper. Another popular private media, Star Network provides a commercial television and radio services and broadcasts from Freetown. Radio Democracy (commonly known as 98.1 FM) is a non-profit organisation that operates as an independent news media corporation and broadcasts from Freetown as well.

Despite the high level of illiteracy, there was a multiplicity of newspapers available in Freetown, some of which had very limited print runs and appear to have only been operational for the election period. Few institutions use social media as a means of communication, although these media are emerging as a source of information. Facebook and WhatsApp are key channels for news, whether real or false.

There were two separate attacks on election day in which journalists were subjected to violence by alleged APC supporters in Freetown. The EU EOM interviewed the journalists, from the Concord Times and the New Age newspapers. They confirmed that the attacks took place in full view of the police, but that no action was taken by them. The Criminal Investigation Department (CID) confirmed that the investigation file was passed to them more than two weeks after the alleged incidents. The inaction of the local police and delay in investigating the perpetrators presents a threat to independent journalism in Sierra Leone. In addition to the above-mentioned cases, a case of harassment of journalists at Radio Kolenten, in Kambia, was reported to EU EOM observers.<sup>69</sup>

### *Media Legal Framework*

Freedom of expression is enshrined in the Constitution, including the freedom to hold opinions and to receive and impart ideas and information without interference, as well as the freedom to own, establish and operate any medium for the dissemination of information, ideas and

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<sup>67</sup> POA, s.33; anyone guilty of seditious libel could be imprisoned for a term up to three years or a fine or to both, and for a subsequent offence shall be imprisoned for a term up to seven years, and every such seditious publication shall be forfeited to the Government.

<sup>68</sup> The chairman of SLBC Board and the managing director of the SLBC are directly appointed by the president and subject to the approval of Parliament. According to the Sierra Leone Broadcasting Corporation Act: "*The members of the Board shall be persons of high personal probity, appointed by the President and subject to the approval by Parliament.*" SLBC's board include representatives from the Council of Paramount Chiefs, Inter-Religious Council, Women's Forum, Sierra Leone Bar Association, Sierra Leone Association of Journalists and Civil Society-Sierra Leone.

<sup>69</sup> Radio Kolenten's general manager and a journalist reported intimidation and harassment of journalists. The pressure arose after their radio station's refusal to give the majority of paid airtime to the APC. APC senior officials allegedly came to the radio escorted by a number of their members requesting additional airtime. When surrounded by a crowd, the station asked for police protection, which was granted.

opinions.<sup>70</sup> Nevertheless, the same section restricts ownership, establishment or operation of a television or wireless broadcasting station to the Government or any person or body authorised by the President. This was modified in 2000 by the establishment of the Independent Media Commission (IMC), which is the institution engaged in registering and licensing the media, yet the Constitution appears to have some dissonance on the issue of media ownership.

The IMC is one of the post-conflict institutions formed to reinforce Sierra Leone's democracy. The IMC is tasked with licensing media institutions, promoting free and pluralistic media, ensuring non-interference by the government and reviewing and updating the Media Code of Practice. The Independent Media Commission Act of 2000 stipulates, "*the commission shall consist of a Chairman and ten other members all of whom shall be appointed by the President acting on the advice of SLAJ and subject to the approval of parliament.*"<sup>71</sup> However, in 2014 the president appointed the IMC's chairman and board without consulting SLAJ, thus undermining the independence of the IMC. Many interlocutors note the IMC is seen as being passive in enforcing the laws and its independence has come under criticism as it is under the *de facto* control of the Ministry of Communication and Information.<sup>72</sup>

There are a number of laws governing the media sector but there are few provisions regulating activities of the media during the election campaign.<sup>73</sup> The PEA provides for a minimum of 30 minutes of free airtime on the national broadcaster during the electoral campaign at the request of any political party and candidate.<sup>74</sup> The PEA also establishes that the NEC should produce a Code of Election Campaign Ethics at least 30 days before the beginning of election campaign. The code adopted in 2012 applied for the 2018 elections and provided for a campaign silence period, which required all parties to refrain from campaigning including in the media for 24 hours prior to election day(s). However, the PEA lacks clarity on which institutional body should monitor and sanction any breaches of the silence period.

### *Media Monitoring*

During the first-round electoral campaign, the media regularly and intensively covered the election process, political parties and candidates in a variety of news and talk shows, as well as in paid advertising and free airtime programmes. In a positive development, on 15 February, three TV channels and 40 radio stations broadcast countrywide a debate between six presidential candidates whose parties had nominated candidates for parliamentary elections in at least 25% of constituencies. The debate was notable for focusing primarily on policies rather than personalities. There were also debates of the same parties with female and youth candidates. In the second-round campaign (and after the election) the Mission's long-term observers in the districts reported the use of regional and tribal rhetoric in some local media. The calls from civil society and international partners to refrain from derogatory language along tribal lines, were also widely covered by the media.

The state-owned broadcaster, SLBC gave two hours of free airtime to each of the contesting political parties as required by law. However, in editorial programmes, the parties were not treated

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<sup>70</sup> Constitution, s.25(1).

<sup>71</sup> Independent Media Commission Act 2000, s.4(1).

<sup>72</sup> Democratic Initiatives (SDI) report: State of the Media 2016.

<sup>73</sup> Independent Media Act 2000, Broadcasting Act 2010, Code of Campaign Ethics, Media Code of Practice, Election Act 2012, The Right to Access Information Act 2013, The Public Elections Act 2012.

<sup>74</sup> PEA s.156(2).

equally, with the then governing party being favoured. During the first round APC and SLPP dominated the media election coverage, with the smaller parties having only limited coverage.<sup>75</sup> Nevertheless, the two largest parties were clearly not treated impartially on the state-owned TV station. In the first-round campaign, SLBC TV devoted exactly half of its editorial coverage to APC, with SLPP and NGC on 17% and 12% respectively. During the run-off,<sup>76</sup> the quantitative monitoring exercise showed SLBC TV coverage was similarly unbalanced in favour of APC (once again with 50% of air time) with SLPP receiving only 24% of coverage. Nevertheless, while the amount of coverage was unbalanced, the tone for both parties was generally neutral.

SLBC broadcast media provided additional coverage of the ruling party through their coverage of the former president's 'Thank You Tour', during which he campaigned for the APC. In addition, at least four ministers were observed to be campaigning for APC while undertaking official government duties.

SLBC Radio provided more balanced coverage of the two main parties; APC were allocated 38% and SLPP 36%, while NGC received 14% of the coverage. The other 14 parties had a mere 12% of airtime. In the second-round, SLPP received 41% and APC received 36% of coverage. The tone of coverage was neutral to both political parties.<sup>77</sup>

The privately-owned TV and radio station AYV devoted a more equitable amount of time in its editorial coverage. In the first-round, AYV TV allocated 33% to APC, 22% to NGC and 17% to SLPP. In the second-round, APC had 44% of the editorial coverage, while SLPP received 39%.

On AYV Radio, APC received 34% of coverage, whilst SLPP coverage amounted to 26% and NGC received 21% in the first-round. In the second-round, AYV Radio was similarly even-handed, giving SLPP 21% and APC received 18%. In both TV and Radio, the tone of coverage was neutral.

In the first-round, Radio Democracy was balanced and devoted 37% of its editorial coverage to APC, 33% and to SLPP and 14% to NGC and covered all political contestants with neutral tone. During the run-off, Radio Democracy allocated almost the same amount of airtime to both the APC and SLPP at 34% and 33% respectively; the tone of coverage was neutral.

Neither of the two newspapers monitored in the first-round, Awoko and Awareness Times were balanced in their coverage of the political parties. Awoko devoted 38% of its political space to NGC, while APC and SLPP coverage amounted to 34% and 11% respectively. Despite this imbalance, during the first-round Awoko's tone of coverage of political parties was neutral. Awareness Times owned by a former APC minister was also unbalanced giving APC 53% of space, 17% to NGC and 15% to SLPP. The media monitoring exercise found that the Awareness Times tone of coverage was negative against SLPP. During the second-round, Awoko was balanced and devoted to 29% to APC and 28% to SLPP, covering both parties with a neutral tone. On the other hand, Awareness Times devoted 57% of its political space to the SLPP, mainly in a negative tone, while APC received 32% of space, with a neutral tone.

Both of the run-off parties advertised in broadcast media through paid advertisements in both rounds. The adverts were often not marked as paid for by parties. In the first-round, APC and SLPP had far more extensive political advertising than the other parties in all of the monitored broadcast

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<sup>75</sup> First round period of monitoring: 4 of February - 5 March 2018.

<sup>76</sup> Run-off period of monitoring: 15 March – 29 March 2018.

<sup>77</sup> See annex 2 for further details of the coverage.

media; both political parties had more resources for advertising. During the run-off, the two contesting political parties bought almost the same amount of advertisement in the broadcast media.

One breach of the campaign silence period was observed by the EU EOM monitoring team. In violation of the Code of Election Campaign Ethics, on 31 March 2018, AYV TV interviewed Hon. Chernor Maju Bah, the running mate of Dr Samura Kamara of the APC. During the interview Mr Bah openly invited the public to cast their vote for Dr Samura Kamara.

## PARTICIPATION OF WOMEN

Women were clearly disadvantaged in these elections. There are some provisions in Sierra Leone's laws and international commitments towards the equality of women,<sup>78</sup> but *de facto*, women found it difficult to be accepted as candidates at all elected levels. None of the major parties had a woman as a presidential candidate or running mate.<sup>79</sup> There were two female presidential candidates, however they only gained 0.5% and 0.2% in the first round.<sup>80</sup> There were four female running mates in a field of 16.<sup>81</sup>

The number of female parliamentary candidates was 100 out of 795 (12.6%). While the total number of female MPs slightly increased to 18; taking into account the increase in the overall size of the parliament, this election marked no progress in the percentage of female MPs at 12.3%. Sierra Leone is ranked 144 out of 192 in the world for the lowest percentages of elected female politicians.<sup>82</sup> There were 73 women elected out of the 489 local councillors (15%).<sup>83</sup> There was a palpable lack of will among male politicians to address the reasons for low female nominations. The reasons for this continuing low level of female representation are a combination of societal pressures, systemic barriers in the political and legal structure and reasons specific to this election.

While progress was made by the last government in marginally increasing the number of female ministers, the key positions of authority remained firmly in the hands of men.<sup>84</sup> In 2012, senior

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<sup>78</sup> Sierra Leone is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Political Rights of Women – the restrictions on female Paramount Chief MPs appears to run counter to the spirit of Article III of CPRW. “*Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.*” Sierra Leone has also signed the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, but does not comply with some of its provisions, for instance Article 5 prohibiting all forms of female genital mutilation and Article 9 “*States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that: a) women participate without any discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes; c) women are equal partners with men at all levels of development and implementation of State policies and development programmes.*” and “*States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.*” Sierra Leone's Constitution makes only three references to women – each in the context of treating them as mothers or as a vulnerable group.

<sup>79</sup> Unlike in 2012, when the unsuccessful SLPP running-mate was a woman.

<sup>80</sup> Gbandi Jemba Ngobeh of the Revolutionary United Front Party and Femi Claudius Cole of the Unity Party, respectively.

<sup>81</sup> The vice presidential candidate of the ADP, Isata Abdulai Kamara was the highest placed woman, receiving 1.1% of the votes.

<sup>82</sup> <http://archive.ipu.org/wmn-e/arc/classif010518.htm>

<sup>83</sup> The mayor of Freetown, the single largest democratic mandate other than the presidency, was filled by a woman for the first time since 1980.

<sup>84</sup> In the last cabinet there were 4 female ministers and 7 deputy ministers out of 25 (44%). Early indicators are that the new government may have fewer positions of power since in the first 12 appointments, only 2 are women.

officials such as the Chief Justice and the Chair of the Electoral Commission were both held by women. In 2018, both positions were held by men. Nevertheless, a positive feature of this election was the decision by the government to put in place a temporary ban on the rituals of the ‘secret societies’, which in the case of women are associated with the common, but harmful practise of female genital mutilation (FGM). There is still a view held by many men, and some women, that politics is not a fit place for ‘ladies’. Women are marginalised within political parties in ‘women’s sections’ which gives them only nominal consultative roles, while excluding them from the mainstream of the party.

The specifics of the 2018 election also had a negative effect on women’s chances of a level-playing field in seeking election. The banning of dual citizens, (which though long-standing, had never been enforced before), had a disproportionate effect on female candidates because it was often those women with international backgrounds who were most likely to put themselves forward as MP candidates. The unreasonable restriction which bans anyone who has been a “public office holder” in the 12 months prior to the election – which has been interpreted as including for instance teachers and university lecturers – also had the effect of discriminating disproportionately against women since they are professions in Sierra Leone in which women are more likely to gain the skills and experiences to enter politics. High, non-refundable, nomination fees act as a deterrent to the economically disadvantaged, which includes most women. Finally, EU EOM observers noted that women were disproportionately verbally, and in some cases, physically attacked during the campaign, often with reference being made to their gender. Men, in nearly all parties, often had a patronising attitude towards women as a group stating “they are not ready” and using the poor educational system that mostly male politicians have bequeathed to Sierra Leone as a justification for their prejudice, while ignoring that there are also a very small number of men who are able to meet the legally mandated educational, and socially expected, requirements to become MPs. While the Mission did not observe the elections of the 14 Paramount Chief MPs (PCMPs), who are not elected by universal franchise, it is worth noting that although 2 of the 14 PCMPs are female chiefs, women are excluded from the role of chief in the North of the country. Despite this, the proportion of female PCMPs (at 14%) is slightly higher than the number of MPs elected using the universal franchise.

All attempts to introduce a quota system to increase the number of female MPs have, so far, been rejected by parliamentarians, despite widespread calls from CSOs such as 50/50.

## **PARTICIPATION OF PERSONS WITH DISABILITIES**

The UN Convention on the Rights of Persons with Disabilities (CRPD), ratified by Sierra Leone in 2010, the Disability Act, 2011 and the Public Elections Act, 2012 provide the legal basis and a set of standards for the full and equal participation of persons with disabilities (PWD) in elections. According to the Disability Act, 2011, the NEC is required to address challenges that impede PWD from participating in the electoral process.<sup>85</sup> The NEC undertook an accessibility survey of the electoral process with the main objective of identifying PWD needs and concerns.<sup>86</sup> As a result, joint efforts by NEC and the Sierra Leone Union for Disability Issues (SLUDI) were made to assess accessibility to polling stations PWD and to provide adequate voter education to PWD. As activities

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<sup>85</sup> The Disability Act, 2011, s.29 “*The NEC shall ensure that during elections, polling stations are made accessible to persons with disabilities and shall provide such persons with the necessary assistive devices and services to facilitate the exercise of their right to vote.*”

<sup>86</sup> “An Assessment of Access to the Electoral Process for Persons with Disabilities in Sierra Leone UNDP, in collaboration with the NEC and the NCPD”; Survey sponsored by Irish Aid, the EU, DFID and UNDP.

rolled out, a reasonable number of PWD were recruited and trained by National Elections Watch (NEW) to observe the election within their constituencies.<sup>87</sup> Despite the fact that no such statutory provision exists, the use of tactile ballot guides (TBGs) for visually impaired voters was welcomed in 2018 as an improvement over 2012 elections, when TBGs were not available. However, their use was limited, and in most cases observed by the EU EOM, voters with limited or no sight preferred to rely on the assistance of trusted persons.<sup>88</sup> The accessibility of voting centres to PWD and the layout of polling stations was assessed as suitable in most cases.<sup>89</sup> However, the ban on vehicle movement could have a real impact on preventing PWD of actually reaching their polling stations. Also, consideration could be given to alternative arrangements where it is not possible to make a station genuinely accessible. As reported by observers, although the NEC employed one PWD per district office,<sup>90</sup> PWD were absent during the campaign and PWDs' effective inclusion in public affairs was limited and relies on civil society and community support.<sup>91</sup> Strengthening the political role of PWDs, promoting their access and integration to the electoral process as voters, candidates, observers, electoral officials or polling staff needs to be further addressed leading, beyond mere access to the vote, to a more comprehensive political engagement.

## HUMAN RIGHTS

Human rights in Sierra Leone and specifically rights pertinent to elections, such as the rights to freedom of expression, of peaceful assembly as well as prolonged pre-trial detention periods, fall below international standards. The rejection of the majority of constitutional review recommendations by the previous government is described by human rights organisations and civil society as a missed opportunity to strengthen human rights protection in the country and to uphold the rights enshrined in the international treaties it has ratified.

Restrictions imposed by the police on the use of private and commercial vehicles in the district capitals on both election days (with the exception of authorised, accredited vehicles) were controversial, poorly communicated and had a negative effect on relations between the key opposition parties and the police. Besides the unclear justification, and for many interlocutors, legally questionable authority of the police to issue such a measure, many CSOs criticised it as being in breach of fundamental human rights as enshrined in the Constitution and international principles.<sup>92</sup> Although in practice the police facilitated the movement of cars transporting elderly, the measures caused inconvenience to many and reduced the inclusive nature of the elections. The legality and the necessity of the restrictions were debated and unsuccessfully challenged in court,<sup>93</sup> and some political parties argued that it may have prevented instances of violence.

The Sierra Leone Human Rights Commission (SLHRC),<sup>94</sup> the national human rights institution was established in 2004 with the principal objective of protecting and promoting human rights throughout the country, with a regional presence in Bo, Makeni, Kenema and Waterloo in addition

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<sup>87</sup> According to SLUDI, Report on Observation of the 2018 election by PWD, 10 April 2018, there were at least three to five PWD at each district to observe with NEW, CSOs or other NGOs.

<sup>88</sup> PEA, s.74(1)(h).

<sup>89</sup> 74.7% and 66.6% of the polling stations and polling centres observed respectively on the 31 March election.

<sup>90</sup> According to NEC and SLUDI, 16 PWD were recruited as assistant Voter Education Training Officers for three months.

<sup>91</sup> No data were available on the total number of PWD employed as NEC temporary staff.

<sup>92</sup> Constitution, s.18 Freedom of movement; The Siracusa Principles on the Limitation and Derogation Provisions in the ICCPR.

<sup>93</sup> *MISC APP 86/18 2018 W. NO.3 between Yekini Nasiru Williams v. Inspector General of Police*, 1 March 2018.

<sup>94</sup> Established by the Human Rights Commission of Sierra Leone Act of 2004.

to Freetown. The SLHRC was engaged in the electoral process and conducted a limited monitoring exercise throughout the electoral cycle.<sup>95</sup> The SLHRC issued two press releases during the campaign.<sup>96</sup> The first called on political parties and supporters to respect the electoral calendar, the government to maintain peace and security, the police to execute their duty with responsibility and the media to refrain from hate speech and inflammatory publications. The second expressed concern over the spate of political violence following the announcement of the results of the 7 and 31 March run-off election and condemning all acts of violence. The role of the SLHRC was disapproved of by many interlocutors as being less than impartial, especially the commission's position on the vehicle restrictions, and the appearance of one of its representatives on TV to call for a delay of the second-round – both of which were policies that the APC approved of.

Serving a sentence of imprisonment following conviction disqualifies a person from voting.<sup>97</sup> In Sierra Leone, however, inmates on remand in pre-trial detention form the majority of prisoners. They are legally entitled to vote.<sup>98</sup> During the registration process the NEC did not provide for their registration. Consequently, any persons whether convicted or not, who were released between registration and election day could not vote. Furthermore, the NEC did not put any arrangements in place to facilitate voting by prisoners on remand.<sup>99</sup>

A number of arrests were reported to EU EOM during the campaign, election days and post-elections period across the country, which disproportionately affected the opposition parties, with some of the arrested persons detained in police stations.<sup>100</sup> On 13 and 14 March, five NEC employees, including the District Election Officer in Falaba, were arrested for alleged electoral malpractices and detained until 20 March (well over the 72 hours maximum detention time allowed).<sup>101</sup> An attempt by the police to enter the premises used by the SLPP presidential candidate during the final hours of voting on 7 March raised grave concerns of intimidation, and politicisation of the police force and its actions.

The security forces were themselves nevertheless not invulnerable to attacks. In one case a police officer was assaulted by party supporters, for which 54 people were charged and fined for the incident on 26 January on the occasion of the nomination of the APC candidates. This disorder resulted in the death of one person which led to one person charged with wounding with intent to murder. On the other hand, there were many reported incidents following which the police did not take any action to arrest alleged criminals who were said to be APC supporters. This led to the neutrality of the police being questioned despite the many police officers who acted professionally. It is clear that the police often lacked the resources to fully investigate some cases – however, sometimes it also lacked the will, or was subjected to political pressure. The Office of National Security (ONS) at times prompted the police to act with the probity expected of them.

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<sup>95</sup> The SLHRC had 102 monitors including the SLHRC district offices and a situation room linked to ONS which received 28 calls from all over the country.

<sup>96</sup> The first was issued on 22 February, and the second on 10 April. Also, the SLHRC issued a Preliminary Report on the conduct of the 31 March 2018 run-off elections.

<sup>97</sup> PEA, s.16(d).

<sup>98</sup> As of 10 April 2018, of a total of 4,149 inmates, only 1,867 (45 percent) had been convicted of any offence while others were prisoners on remand.

<sup>99</sup> The Correctional Service Act, enacted in 2014 (repealing the Prisons Act 1960), established the Sierra Leone Correctional Service and introduced provisions for the organisation and management of correctional centres.

<sup>100</sup> 19 NGC, 9 APC, 5 C4C, 4 SLPP. These figures certainly do not represent the totality of arrested activists, nor the many threats or acts of violence which did not result in arrests.

<sup>101</sup> Constitution, s.17(3)(b).

## CIVIL SOCIETY AND CITIZENS OBSERVATION

The thriving civil society of Sierra Leone is not confined only to Freetown, but scores of small civil initiatives have been engaged in community work, development or adult education around the country. Besides formal civil societies there are also traditional community or tribal based societies as well as various faith associations. Numerous civic initiatives ran voter education and capacity building projects focusing on women, youth and people with disabilities.

There is a long-running tradition of civic engagement in electoral processes, principally in the field of election observation. The leading domestic observation group is the National Elections Watch (NEW), an umbrella organisation of 375 civil society organisations from across the country.<sup>102</sup> NEW has observed all electoral processes since 2002, though the first steps were taken at the first election following the restoration of democracy, in 1996. Over time they have developed a sound methodology for observation and since the 2012 election they have been able to scrutinise the NEC's activities throughout the full electoral cycle. NEW observed boundary delimitation, voter registration, distribution of voter ID cards, as well as the candidate nomination processes. Using their established position, they frequently voiced concerns over potential delays in the electoral process, advocated for the early announcement of the election date, and lobbied for the acceptance of the complicated voter registration exercise. During both the 7 March election and the run-off, their observers were seen by the EU EOM in almost 90% of polling stations the Mission visited. Following numerous allegations of irregularities voiced by political parties in connection with the 7 March election, they deployed observers to follow the distribution of sensitive and non-sensitive materials for the run-off which enhanced confidence of the public in the process. As a part of their comprehensive methodology NEW used a representative random sample of 506 polling stations for an early detection of possible procedural shortcomings. The parallel vote tabulation exercise, based on this random sample of PSs, confirmed with a high degree of precision the integrity of the official presidential elections results in both rounds.

A number of other civil society organisations participated in the electoral process as either observers or in the broader context of human rights protection or conflict prevention and mitigation. The Women's Situation Room deployed in the months preceding the election around 400 monitors with the task of early detection of incidents which might escalate into violence and worked in cooperation with security forces to mediate conflicts as soon as they arose. WANEP (West Africa Network for Peace-building) operated a situation room on the election days which collected information on incidents of violence and electoral irregularities from several hundred of their field workers deployed in all districts. Human Rights Advancement, Development and Advocacy Centre (HURIDAC) and Human Rights Defenders Network-SL (HRDN-SL) worked together with other organisations on various pre-election and election day activities focusing on the observation of human rights aspects of the electoral process.

Another noteworthy initiative comes from Strengthening Electoral Accountability and Governance (SEAG), a consortium of approximately 200 CSOs which was established around 18 months before the election. Its leading member, the Society for Democratic Initiative, an established advocacy group focused on governance, accountability and freedom of information produced a

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<sup>102</sup> The NEW also forms part of the broader initiative Standing Together for Democracy which promotes inclusiveness, active participation in electoral processes and accountable governance.



comprehensive report on the state of preparedness of election management bodies. On both election days they fielded around 200 observers throughout the country.<sup>103</sup>

Civil society played a constructive role also in reminding the parties of their responsibilities to both preach and practise non-violence especially in between the two rounds, and promoted national cohesion. They, along with faith and inter-faith groups, as well as the Sierra Leone Association of Journalists played an important role in highlighting to politicians and the general public the specific dangers of discrimination on the basis of tribal or regional origins.

International election observation missions were also present for both rounds from the Commonwealth, African Union, ECOWAS and EISA. Their heads of mission were instrumental in mediating the political crisis caused by disputes over tallying before, during and after the second round. In so doing however, their role became politicised and therefore somewhat criticised by some partisan commentators. The Carter Center also had a mission in the first round. All of the missions helped to reassure the voters of Sierra Leone that there was outside observation of the process.

## ELECTORAL DISPUTE RESOLUTION

Electoral complaint mechanisms should allow voters, candidates and political parties to legally challenge actions and procedures effectively and in a timely manner, without causing disruptions or delays to the electoral process. However, the timeframes provided in the law for the adjudication of electoral disputes do not guarantee timely decisions. The 2018 election was challenged by a number of proceedings which disturbed the overall election and led to the postponement of the run-off election to the 31 March. Early in the process, an application was filed with the Supreme Court that the delimitation of constituency and ward boundaries were not in accordance with the Constitution; the case however was not heard since the applicant decided to abandon it.<sup>104</sup>

The Supreme Court dealt with two cases essentially objecting to the nomination of presidential candidates. The first one, objecting to the nomination of the National Democratic Alliance (NDA) presidential candidate on the grounds that the party was restrained from holding a delegates' convention by court order, was dismissed just two days before election day.<sup>105</sup> The second, of potentially more significant political impact, requested the Supreme Court to interpret sections of the Constitution and the Citizenship Act of 1973 as amended, affecting by extension the eligibility of the NGC presidential candidate to stand.<sup>106</sup> Following a series of interim proceedings, the case remained undecided beyond the election despite the APC associated plaintiff seeking to withdraw the case, apparently once it became clear that Dr Yumkella was not going to support the opposition

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<sup>103</sup> However, the EU EOM observed or was informed about generally unknown civil society groups that suddenly, without previous distinguishable involvement in the field, requested relatively high numbers of observers' accreditations from the NEC. For instance, Common Cause which requested 4,000 accreditations appeared to be a front organisation for the APC, blurring the lines between party polling agents and genuine CSO-based domestic observation. Other such groups included Civil Society Organizations for Peace and Development (CSOPAD), and Citizen Advocacy Network which were seen to have taken partisan stances.

<sup>104</sup> *S.C. No.5/2017 Ibrahim Sorie Koroma. v. the AGMJ, NEC and the then Speaker of Parliament*, pursuant to Constitution, s.38(5) alteration of boundaries shall come into effect upon approval by the parliament.

<sup>105</sup> *S.C. No. 1/2018 Mohamed S. Jalloh, Abdul Razak Bah v. Mohamed C. Bah, the NEC, the PPRC, the AG, the NDA*, 26 January 2018.

<sup>106</sup> *S.C. No. 2/2018 David Fornah v. Alhaji Dr. Kandeh Kolleh Yumkella, the Attorney General & Minister of Justice, Mohamed N'Fah Alie Conteh, NEC*, 5 February 2018.

candidate in the run-off.<sup>107</sup> The potential disqualification of their presidential candidate was a significant distraction to the NGC, particularly during the last week of the first-round campaign.

The High Court speedily ruled on voters' registration cases filed by the APC and SLPP mayoral candidates in Freetown,<sup>108</sup> by instructing the NEC to transfer their voter registration to their new residences, without which they would not have been eligible to stand, as well as intra-party disputes on MP nominations before the 7 March elections.<sup>109</sup>

The PEA does not provide for an election petition in between the two rounds, creating a gap in the law since the first-round results cannot be challenged before the run-off winner is announced.<sup>110</sup> At least 29 letter-complaints were submitted to the NEC by political parties and independent candidates following the 7 March elections, some containing unreasonable requests or unfounded in the law. These complaints could not legally or practicably be individually addressed by the NEC. Nevertheless, the failure to respond may have caused dissatisfaction amongst the complainants.<sup>111</sup> The NEC, however, attempted to accommodate to the extent possible the political parties' requests by ordering recounts even during tabulation in the regional tally centres, although this was not provided for in the PEA.<sup>112</sup>

Following the 7 March elections, the main political parties alleged electoral malpractices although they failed to provide any significant evidence of their claims. On 20 March a former APC candidate filed an application with the High Court against the NEC,<sup>113</sup> seeking an interim injunction from further announcing or publishing 7 March results and from conducting the 27 March run-off. On 24 March, the High Court issued an interim injunction through an unorthodox legal procedure (without giving the two sides the opportunity to argue their case), which forced the NEC to suspend its election preparations.<sup>114</sup> The fairness of the decision-making process and the independence of the judiciary was questioned by various interlocutors, including opposition parties and CSOs.<sup>115</sup> These developments launched a period of uncertainty, which mediation from former African presidents

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<sup>107</sup> Also very late in the process an application for extension of time to file an objection challenging the nomination of the APC presidential candidate, Samura Kamara, was heard and judgment was reserved by the Supreme Court.

<sup>108</sup> *MISC. APPL. 4/2018 A No.30 14/2018 Denise Yvonne Aki Sawyer, Raymond Desouza George v. Registration Officer Ward 442, RO Western Area, NEC*, 5 January, consolidated cases.

<sup>109</sup> Also an application filed by a number of registered voters on 14 September 2017 against the NEC on the grounds that their names were not recorded in the Final Voters Register *MISC APP 362/2017 2017 A. NO.23 B Melvin Concuwa Alieua.o. v. NEC, Chairman of NEC*, 14 September 2017 was struck off on 27 February 2018 on the grounds that the names of the applicants were already on the Electoral Register.

<sup>110</sup> Constitution, s.42(2)(f). Unless a presidential candidate wins 55% of votes, the two candidates with the highest number of first-round votes proceed to a second-round election, which according to the Constitution has to be held within 14 days of the announcement of the first-round results.

<sup>111</sup> 8 APC, 10 SLPP, 3 NGC, 2 C4C, 2 PMDC, 1 ADP, 2 Joint Parties, 1 Independent. The complaints lodged mainly concerned polling agents and observers refused access in PSs, open ballot boxes prior to voting/counting, over voting, failure to provide statement of results, NEC officials interfering with the voting process, voter intimidation, misapplied/misuse of area codes, RRFs not signed by or not given to party agents, results arriving in unsecured brown envelopes instead of tamper evident envelopes (TEEs), missing ballot boxes, police presence in PSs, etc.

<sup>112</sup> Recounting may be ordered on a polling station level or on a district level pursuant to PEA, s.89.

<sup>113</sup> *EP3/18 2018K1 Ibrahim Sorie Koroma v. Chief Electoral Commissioner, NEC and AG*, 20 March; amongst other the reliefs sought included: forensic audit on the internal systems of NEC, manual count of all election results, production of all RRFs, production of evidence of all registrants, NEC to ensure that TEE containing signed copies of election results are given to each party agent, results from the districts and regions be manually transferred to the NEC National Tally Centre, that political parties' agents monitor the transportation of all sensitive materials, review of staff in critical areas of the process be conducted etc. An *ex parte* application was also filed seeking an interim injunction from announcing the rest of the results and an interim injunction prohibiting NEC conducting the 27 March run-off presidential election and was dismissed by the High Court on 21 March.

<sup>114</sup> *EP3/18 2018K1 Ibrahim Sorie Koroma v. Chief Electoral Commissioner, NEC and AG*, 20 March.

<sup>115</sup> Constitution, s.120(4) provides for the independence of the judiciary.

heading observation missions sought to resolve. On 26 March the injunction was lifted by a High Court ruling. The Supreme Court at the request of the NEC extended the 14-day deadline for holding the run-off to 31 March.<sup>116</sup> The High Court ruling which included a number of stipulations to the NEC<sup>117</sup> regulating the conduct of the elections was then brought by the NEC before the Supreme Court for judicial review.<sup>118</sup> Regrettably, the Supreme Court did not hear the case before election day, failing to provide clarity on the process to be followed in the second-round since the orders which further complicated the electoral procedures were open to legal challenges.<sup>119</sup> As a result, it appeared to many that the High Court judgement was politically inspired, and in the interests of the ruling party; and that the indecision of the Supreme Court was also potentially politically advantageous to the ruling party, depending on the electoral outcome as it provided the opportunity to question, or to ratify the result.

On 10 April, the presidential election was challenged by two petitions filed with the Supreme Court, partly on the basis of the still unresolved legal issues raised in the High Court judgment.<sup>120</sup> Both petitions also alleged irregularities and malpractices, harassment and fraud, intimidation of APC party agents, over voting in the South and East, use of fake RRFs, inaccuracies in the voters' register and that elections were not held according to the Constitution and the PEA. At the time of writing the proceedings were at preliminary stages with no specific deadline provided for the delivery of judgment.

A total of 18 election petitions were filed with the High Court in the Western Area challenging the parliamentary elections, 16 against elected APC MPs and two against SLPP MPs and another 8 election petitions were filed in the Northern Province against the election of APC MPs.<sup>121</sup> Interim injunctions were granted prohibiting 15 APC MPs and 1 SLPP MP from taking the oath of office in parliament and thus preventing them from participating in the election of the Speaker and Deputy Speaker. This reportedly ended in removing by force from the chamber several opposition MPs who were protesting against these orders. These developments created an unstable political environment immediately after a relatively smooth transition of power. CSOs and the international community expressed concerns over the parliamentary impasse and the role of the judiciary was questioned anew. The injunctions were rescinded a few days later (3 May). On 10 May the fifth parliament of the second Republic of Sierra Leone was opened by President Bio. All election petitions were still before the courts at the time of writing while ECOWAS and UNOWAS urged the judiciary to ensure prompt, fair, independent and timely adjudication of the pending electoral matters.

### *Electoral Offences Court*

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<sup>116</sup> Which though sensible and indeed necessary under the circumstances, does not seem to be provided for in law.

<sup>117</sup> The High Court orders included provision of copies of RRFs to party agents in tamper evident envelopes; manual transfer of results from districts and regions to the national tally centre; the possibility for party agents to monitor all transfers of electoral material; the presence of security forces inside PSs during counting; the right of party agents to vote in PSs to which they were deployed; provision of serial numbers of ballot boxes before the election and an interpretation of the results collation as specified "to the letter" of PEA, s.94.

<sup>118</sup> *SUPCT Misc. App.1/2018 Chief Electoral Commissioner, National Electoral Commission v. Ibrahim Sorie Koroma.*

<sup>119</sup> The case was finally heard on 9 April, when the Supreme Court reserved judgment.

<sup>120</sup> *S.C. No.6/2018 Sylvia OlayinkaBlyden.The Chief Electoral Commissioner, the National Electoral Commission, His Excellency Julius Maada Bio and Sierra Leone People's Party (SLPP)*, 10 April 2018. Also *S.C. No.7/2018 Dr. Samura Matthew Wilson Kamara, Hon. Alhaji Minkailu Mansaray, Dr. Osman Foday Yansaneh v. Mohammed N'fah Allie Conteh, National Electoral Commission and Rtd. Brig. Julius Maada Bio*, 10 April 2018.

<sup>121</sup> Mainly based on the grounds of irregularities, malpractices and irregularities, voter and party agents' intimidation, RRFs pre-marked, not filled out or not signed, ballot stuffing, over voting, police intimidation and failure to resign from public office 12 months before nomination.

The PEA provides for the establishment of a special court, the Electoral Offences Court (EOC), a division of the High Court to deal with any election offences under the PEA.<sup>122</sup> Eleven judges were appointed to the EOC on 11 October 2017 with a clear mandate, as opposed to in 2012, to deal specifically with offences specified in the PEA.<sup>123</sup> According to the PEA, the EOC only has a six-month term to consider such cases. At the time the EU EOM left the country only nine cases reached the EOC.<sup>124</sup> Cases to be dealt with by the EOC seem to follow the regular judicial route leading to excessive delays.<sup>125</sup> A number of issues related to the operation of the EOC are still to be addressed in future elections, such as its special mandate, its limited term and the rules on procedures to be followed in expediting adjudication of cases, as well as relevant training of the police and public awareness on electoral offences. While a total of 462 election related offences (163 out of which identified as electoral offences as per PEA) between February to April 2018 were reported nationwide and investigated by the Criminal Investigation Department, very few of them (24 at the time of writing) reached the courts.<sup>126</sup>

## POLLING AND COUNTING

### *7 March election*

The 7 March election day was generally peaceful and orderly. Electoral material and polling staff were consistently deployed and over three quarters of the 40 polling stations (PS) observed for opening procedures opened on time or within half an hour. Domestic observers, as well as party agents of each of the three largest parties, APC, NGC and SLPP, followed the conduct of the elections in the vast majority of polling stations. Voters turned out in large numbers, however, the process of voting in the 344 observed PSs was relatively slow, mainly due to the complicated procedures resulting from holding four different elections at the same time. Voters received first the presidential and parliamentary ballots, and after marking and casting them, they received the two ballot papers for the local council elections and repeated the same steps. As a result, long queues were observed in the morning hours in all 16 districts.

Polling procedures were largely followed, although checking for traces of indelible ink on voters' fingers was done inconsistently in half of the observed PSs. There were instances of people with their names on the register of voters, who were, however, improperly not allowed to vote because they did not have their voter ID cards, reported from 19% of visited PSs. Apparently, the provisions made for alternative methods of verifying the voters who did not have their voter ID card with them, were not fully communicated in the training of polling staff.<sup>127</sup> The layout of one fifth of the visited PSs did not provide sufficient protection of the secrecy of the vote, however this did not seem to have a major impact on the ability of voters to cast their ballots freely. Tactile ballot guides

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<sup>122</sup> Constitution, s.131(3), PEA, s.137 and s.s.106-134.

<sup>123</sup> Judges were appointed to sit in Freetown, Makeni, Kono, Kenema and Bo.

<sup>124</sup> Reportedly, three in Freetown, four cases in Kenema and two in Makeni.

<sup>125</sup> It seems that CPA, s.136 has been applied in terms of procedures followed. However, PEA, s.137(5) provides a summary procedure for the EOC without this having been specified in any set of procedural rules.

<sup>126</sup> According to the Analysis of the investigation of Election and Election Related Offences commencing February to April 2018 provided by the police, 73 in the Western Area, 115 in the Southern Region, 68 in the Eastern Region, 65 in the North West Region and 141 in the North Region. Nine cases out of the total offences involved NEC staff.

<sup>127</sup> Voters arriving at a PS without a Voter ID can vote normally if they produce a registration slip proving they were registered in the given PS. Otherwise, providing they are found on the register of voters, they can prove their identity by several other approved official documents or by calling in a witness (such as Paramount or Section Chiefs, Religious and traditional leaders).

for people with visual impairment were available in 90% of the observed PSs, but their use was limited. Ramps for easier access were installed in some polling centres (PC). Overall, polling was assessed by the EU observers as ‘good’ or ‘very good’ in 95% of PSs visited.

The EU Mission observed closing and counting in 44 PSs across the country. Polling station staff correctly and transparently ascertained the validity of ballots. However, some of the administrative steps related to ballot reconciliation were either omitted or done only at the end of the process in approximately a third of the observed PSs, which indicates deficiencies in training of polling staff. Despite the 2012 EU EOM recommendations, the results protocols (RRF) still did not allow for reconciliation of the number of voters who voted and the number of ballots cast, which is a standard safeguard which would be worth introducing, especially given Sierra Leone’s history of excluded PS results due to over-voting.<sup>128</sup> Physical invalidation of unused ballots, such as by cutting off a corner or stamping them as “unused”, would also contribute to the integrity of the results. Counting of ballots of the four elections took a long time, despite the small number of registered voters in PSs, most of which had an electorate of a mere 300. Counting took a particularly long time in PSs where the local councillors were elected in multi-member wards. In over half of the observed PSs, presiding officers had difficulties completing the RRFs and appropriately packing the electoral material. In some cases, the RRFs were not posted outside the PSs, nor were they given to party agents, EU observers, however, reported that in many cases party agents had left before the process was concluded and RRFs filled out. The special form designed for accounting for the contingency ballots, which was introduced very late in the process, was not consistently implemented. Nonetheless, the EU EOM observers evaluated closing and counting procedures as ‘good’ or ‘very good’ in 85% cases.

The NEC promptly informed the public through press statements about the difficulties as they occurred,<sup>129</sup> including errors in printing of local council election ballots in three wards and the parliamentary election in one constituency. Accordingly, the NEC decided to defer the affected elections which were then held together with the run-off on 31 March.<sup>130</sup> Throughout the election day, EU observers attempted to verify a number of allegations of electoral irregularities in various locations spread on social media, most of which they found to have been ‘fake news’. The EU EOM also noted the false rumours of the withdrawal of the NGC presidential candidate spread on the election day, as well as the unwarranted presence of security personnel around the SLPP parallel tallying centre premises outside of Freetown towards the end of the voting.

### *31 March election*

Before the run-off the NEC updated the polling and counting procedures to prevent or mitigate the shortcomings identified in the first-round, including an improved system of distribution of RRFs to party agents and NEC structures. The use of contingency ballots was also better regulated and in the

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<sup>128</sup> Over-voting refers to a situation when the votes cast at an election exceeds the number of registered voters in that polling station (PEA, s. 87). The PEA prescribes the annulment of results of such PSs. In addition, “technical” over-voting may occur when the number of the regular voters who turned up together with voters who were added on a supplementary voter list exceeds the number of registered voters. Such cases are examined during tallying and should not lead to an exclusion of the given PS from the final tally (provided the special voting procedures were followed correctly). See p. 41.

<sup>129</sup> For example, a box with ballot papers for all four elections for a PS in Kenema was lost during the distribution of material on the eve of elections. Most of the ballots were retrieved, and the rest was replaced by contingency ballots.

<sup>130</sup> Constituency 123 in Freetown, Bonthe Municipality Mayoral Election, Kenema District Councillor Election (Ward 55), and Pujehan District Councillor Election (Ward 353).

refresher trainings of polling staff more emphasis was put on filling out RRFs and posting results outside PSs.

Though the four-day postponement of the election led to the incurring of significant additional costs, the NEC managed to mitigate any potential impacts on its operations and the run-off was well organised and conducted. EU observers were present for opening procedures in 42 PSs, all of which started on time or with only short delays. Representatives of both candidates, in most cases two for each, actively followed the process in a largely unobtrusive manner in the 329 PSs observed by the Mission during voting. National observers were seen in 87% of PSs visited.

The EU observers noted further improvements in the administration of voting which was evaluated as ‘good’ or ‘very good’ in 98% of PSs visited. Because most PS staff, and indeed voters, had been through the process of voting three weeks before, and since there was a significantly less complicated process of voting on a single ballot paper between only two candidates, voters were processed more efficiently and practically no queues were seen throughout the day. The turnout was only slightly lower than in the first-round. Polling procedures were generally followed and voters could cast their votes in secret and without undue influence. As in the first-round, the quality of the register of voters was overall good and only in a few isolated cases voters could not be found on the printed register. However, in 13% of the visited PSs observers witnessed voters registered in the given PS who were not allowed to vote because they did not have their voter ID cards.

The votes were counted accurately, in full view of candidate agents and observers in the 37 PSs observed across the country. The presiding officers completed RRFs and packed electoral material in a confident manner. Yet in a fifth of the observed PSs they still appeared to have some minor difficulties in that respect. In practically all observed PSs the results were posted outside and copies of RRFs given to party agents. Armed security personnel were noted in 5 of the Mission observed PSs during counting. The conduct of counting was assessed as ‘good’ or ‘very good’ in 97% of the observed PSs, which was a substantial improvement over the first-round.

EU observers reported a significantly reinforced presence of security forces, including military, during transfers of election material and in polling centres throughout the election day and night. They were seen in the majority of cases to fulfil their tasks correctly without interfering with the process and their presence seemed to have contributed to the largely calm and orderly polling day. However, the opposition party and many members of CSOs felt that the presence of armed police and military around polling centres, and sometimes inside polling stations was intimidating to some groups of voters. Nevertheless, a few incidents of violence including the stabbing of several SLPP members in Freetown as well as two arrests of polling staff due to alleged electoral malpractice were reported to the Mission. The unexplained, but apparently deliberate, nationwide shutdown of the internet and international telephone lines for eight hours on election night posed a serious threat to freedom of expression and complicated the parallel tabulation of results conducted by parties.

## **TALLYING AND RESULTS PROCESS**

### *Tallying and results announcement after the 7 March election*

On election night and the following days, the EU EOM observed the intake of electoral material in all district electoral offices. In this phase, the district electoral officers (DEO) verified the integrity of the tamper evident envelopes (TEE) containing RRFs before dispatching them to the five regional tally centres (RTC). This part of the results management was observed by an extremely

small number of other observers or party agents.<sup>131</sup> The EU observers witnessed the delivery of 6,947 TEEs (62% of the total 11,122 PSs). Contrary to the procedures, approximately one third of the TEEs were delivered having never been sealed which raised concerns about the integrity of the results, however, the EU EOM observers did not note any direct attempt to tamper with the results.<sup>132</sup> They regarded the unsealed TEEs as procedural omission, possibly a result of insufficient training, or, in some districts, explicit instruction by DEOs who wanted to make sure that all required forms had been placed in the envelope. Despite the shortcomings, EOM observers evaluated the intake process as “good” or “very good” in 89% of their observations, mainly owing to the professionalism of the DEOs and the perceived overall integrity of the process.

The TEEs were delivered on a rolling basis from individual district electoral offices to their respective RTCs and the included RRFs keyed-in in the electronic database through a double entry procedure. Results from different districts were often processed at the same time. Party representatives and domestic observers were present during all 45 observations of the five RTCs. In total, EU observers witnessed the arrival of 5,160 TEEs (46% of the total) and at this stage, only 21 TEEs were delivered unsealed. Nevertheless, approximately 5% of the TEEs were not correct (sometimes envelopes meant for the National Tally Centre or district electoral offices were delivered) and 3% of the TEEs did not contain the full set of four RRFs (one for each election). Other irregularities, such as incompletely filled out RRFs or missing identification data were encountered in a few dozens of cases.

Following requests by political parties, the NEC took a decision to print the RRFs with serial numbers. The potential of this measure to facilitate traceability of results was diminished by printing the sets of copies for the NEC and those for party agents with different serial numbers. Prior to the election, the serial numbers of each RRF had been entered into the electronic tally system assigning them to a specific PS. The RRFs included, however, only a pre-printed reference to the polling centre, and the PS number had to be filled out manually by polling staff. In some cases, the kits were distributed to wrong PSs within a polling centre, which did not have any impact on polling, as the majority of PSs had exactly 300 registered voters, but caused problems upon arrival at RTCs. The tally system, which rejected the affected RRFs, had to be modified to allow entry of RRFs with any serial number belonging to the same polling centre, as well as all corresponding RRFs distributed to party agents. This technical problem, which was difficult to understand for many stakeholders, had no bearing on the integrity of the process, but had a negative impact on the credibility of the results management.

In the meantime, the main political parties, disappointed by their worse than expected results, began to allege widespread fraud on election day. Yet, they produced only anecdotal evidence of irregularities related to filling and distribution of RRFs and general claims of intimidation of voters or party agents.<sup>133</sup> This was further compounded by misleading examples of alleged over-voting spread on social media.<sup>134</sup> While the NEC attempted to address these rising allegations, it was not

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<sup>131</sup> While there were party agents or domestic observers in every PS visited during election day, party agents were seen only in 15% and national observers in 14% of the 80 observations of the intake by the EU EOM at this level.

<sup>132</sup> Considerable variances between districts were discovered, e.g. while in Kambia and Koinadugu almost 90% of TEEs came unsealed, in Bombali, Karene, Kenema and Western Area Rural all TEEs were delivered properly sealed.

<sup>133</sup> While the EU EOM observed some shortcomings, principally related to handling of RRFs, they were of a minor nature without a measurable impact on the results. The tabulated presidential results of a sample of over 200 PSs collected by the EU observers across the country were almost identical to the final results declared on 13 March. The results were further corroborated by the parallel vote tabulation exercise conducted by the National Election Watch on a larger representative sample of over 500 PSs.

<sup>134</sup> The EU EOM found out that these cases were based on a list of polling centres (PC) (available on the NEC webpage for several weeks), in which columns with the number of registered voters were mismatched. The 400 alleged cases of

able to respond to individual cases on time, as their focus was on the expeditious tallying of the four elections. As a result, the reputation of the NEC as a competent institution was damaged.

During the six days of tallying of presidential results, several hundred RRFs required verification of additional documents or electoral materials. The most common deficiencies included missing or incomplete supplementary voter lists, incomplete results or reconciliation data or unreadable figures. As a result, the RTCs ordered recounts of 154 PSs. Additionally, several dozen ballot boxes were recounted at the request of political parties. In the vast majority of these cases, the recounts either confirmed the original results or clarified some missing data, confirming the credibility of the elections process. The integrity of the tallying was enhanced by the deployment of one international tallying advisor, contracted by the UNDP, to each RTC. The EU observers evaluated the tallying as “good” or “very good” in 98% of observations.

While the tallying was still going on, the NEC attempted to satisfy the public demand for partial results, avoiding the pitfalls of the 2007 and 2012 elections, when the partial results were published either unsystematically, or not at all. After protracted discussions with stakeholders a system of progressive announcement of results was adopted when 25, 50 and 75% of all PSs had been tallied in each district and subsequently collated at the national level. The rationale behind this solution was to prevent frequent swings in the lead in the predictably tight election, which, it was feared, could lead to violent reaction among supporters of contesting candidates. Already the first announcement at 25%, presented by the NEC on 10 March, clearly indicated the outcome of the first-round. The downside of this approach was that the NEC had to operate somewhat secretly, in order to prevent a leakage of results from districts which progressed faster than others. No cameras, mobile phones or digital storage devices were allowed in the tally centres and no partial results were available at RTCs. Naturally, this did not foster confidence in the results process among stakeholders.

On 13 March the NEC announced the final results of the presidential election. At the same time, it declared that 221 PSs had been excluded from the tally due to over-voting, however, the NEC did not reveal any details. It was possible that the RTCs did not have enough time to properly conclude the investigation of the last problematic PSs, which had been set aside because of potential irregularities, when the NEC’s HQ decided to conclude the process and to publish the results on the same evening. The analysis conducted by the EU EOM revealed that the majority of them (134) were the last PSs within polling centres, where supplementary voter registers were used for manual addition of polling and security staff deployed outside of their area of registration. With the inclusion of additional persons, the number of voters often exceeded the number of registered voters in the particular PSs. This led to a situation of technical over-voting, as the tally software was programmed to flag any excess over the number of registered voters. EU observers noted that in many cases these supplementary lists were not delivered to the RTCs, or did not include all required information. This may have led to an unnecessary cancellation of valid votes. However, due to their geographical distribution across the country, the excluded PSs did not affect either of the two run-off parties disproportionately.

Shortly after the first-round, temporary NEC staff were arrested in Kambia and Freetown for alleged electoral offences. On 13 March, during a recount of the parliamentary election ballots in the Makeni RTC, the DEO of Falaba and later four other NEC staff were arrested for alleged

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PCs with extreme over-voting included as supporting evidence of electoral malpractice in the court case against the NEC, were also based on the same list. This list had to be used for calculation of turnouts, as the disaggregated results published by the NEC did not include numbers of registered voters.



manipulation of electoral material in favour of SLPP.<sup>135</sup> In the aftermath, the NEC ordered a full recount of all four parliamentary constituencies in the Falaba district (i.e. 239 PSs).<sup>136</sup> In addition, the police interrogated district electoral staff in Kambia, Port Loko, Makeni and Tonkolili, and later also the NEC's executive secretary.<sup>137</sup> As a result, EU observers reported in virtually all districts an atmosphere of fear and in some cases a reluctance to continue working for the NEC among their staff. Additionally, then incumbent President Koroma, (who is also the APC chairman), was criticised by the opposition for overstepping his authority and putting pressure on the NEC by summoning the commissioners on 19 March to a late night meeting to which the SLPP was not invited.

Most of the parliamentary results were declared on 14 and 18 March. The four constituencies of Falaba district were announced on 24 and 29 March.<sup>138</sup> The district chairpersons and city council mayors were declared on 18 March. The elected local councillors were announced on 24 and 27 March. Due to a more complex counting procedure the results of local council elections from the multi-member wards were released only on 7 May. Regrettably, at the time of publishing this report the NEC had published the disaggregated PS results only for the first-round presidential election and only constituency or ward summaries were made public for the parliamentary and local council elections.

At a press conference on 17 March the then ruling APC began to vehemently object to some parts of the voting and especially to the existing procedure of tallying in the five regional centres. Instead they demanded setting up tally centres in the 16 districts, as previously noted.<sup>139</sup> An application, with almost identical demands, filed with the High Court by a former APC aspiring candidate, led to an interim injunction preventing holding the run-off on 27 March. The same court lifted the injunction two days later, on 26 March and issued orders which appeared to infringe on the constitutionally guaranteed independence of the NEC by prescribing the technology and the manner in which the tallying should be done.<sup>140</sup> Full implementation of the orders, including setting up district tallying centres, would have required weeks of preparations and considerable additional financial costs. The NEC, in reaction to the High Court orders, proposed to overhaul the tallying procedures to reflect the prescribed sequence of the certification of election results from the district to regional and up to the national level, and to introduce, for that purpose, a standalone tally system operated by DEOs. In addition, the NEC opened the special voting procedure also for party agents deployed outside their area of registration, as prescribed by the said High Court orders. Following the negotiations chaired by the four African ex-presidents the APC appeared to consent to the proposed solution.

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<sup>135</sup> The recount of two PSs (5016/02, 5017/ 03, constituency 39) indeed revealed considerable discrepancies, yet those were the only such cases documented by the EU EOM and did not appear to change the overall outcome of the constituency election.

<sup>136</sup> After the recounts of several dozen PSs did not reveal substantial differences in the obtained votes, political parties observing the recounts gradually stopped turning up and the NEC decided to stop the recounting on 24 March.

<sup>137</sup> The main reason for the police investigation was the alleged backdating of the district level presidential results. For technical reasons they were certified five days after the final national results had been announced on March 13, yet were also dated March 13.

<sup>138</sup> The election in the Constituency 123 was held, due to printing errors together with the run-off, and its results were announced on 4 April.

<sup>139</sup> The decision to tabulate the results in regional tally centres was set months before at Political Parties Liaison Committee meetings in which they were represented by a high level party executive. It was reportedly supported also by the APC led Ministry of Finance, as a more cost-effective solution.

<sup>140</sup> Constitution, s.32(11),) , PEA, s.7(2) "*The Commission may utilise appropriate technology and adopt appropriate approaches in the performance of its functions.*"

### *Tallying and results announcement after the 31 March election*

The intake of RRFs in district electoral offices followed by EU observers was significantly improved and was assessed as transparent and well managed. The EU EOM was present during the intake of 7,907 (71%) TEEs; of which less than 1% came not properly sealed, though in those few cases, it was seemingly without any malicious intent. In contrast to the 7 March election, party representatives and national observers were present in 90% of observations.

The tabulation of results began the following day, on 1 April, only in Freetown, as the other four regional tally centres were put on hold due to the APC's renewed objections to the formerly agreed procedures. The APC returned to their previous positions and insisted on tallying disconnected from any electronic networks and conducted strictly at district level. In order to move forward, the NEC proposed to introduce an additional off-line spreadsheet tallying procedure, parallel to the existing tally system with the latter having precedence in case of discrepancies.<sup>141</sup> The SLPP disagreed with changing the system after the election. In a meeting mediated by the African ex-presidents leading election observation missions on 2 April, both presidential candidates eventually agreed to the NEC's compromise solution and pledged not to further undermine or disrupt the results process before its conclusion. The tallying in the other four RTCs began with a 30-hour delay on 3 April.

Once started, the tallying was completed remarkably quickly. Each tally centre processed first the host district while the results from neighbouring districts were being delivered. The parallel data entry in the spreadsheet, demanded by the APC, was closely scrutinised by party agents and projected on the wall. Even though this additional procedure slowed down the tallying, it also enhanced the transparency of the process and by implication its acceptance. Contrary to the first-round, polling station results were distributed in RTCs. Nevertheless, as the district results were being announced,<sup>142</sup> the APC began to protest the results from all the southern and eastern districts (SLPP strongholds) on the grounds of alleged over-voting. The EU EOM noted that practically all the cases pointed out by the APC were the last PSs within their polling centres. Therefore, the alleged over-voting was explicable by the people eligible to vote (such as party agents) having been manually added on the supplementary voter list. This was, however, completely disregarded in the APC written protests, and analogous cases in their northern strongholds were not objected to. The final results were declared by the NEC on 4 April at 22:00. No PSs were excluded from the tally. The new president was sworn in within 90 minutes, in line with the constitutional provisions (which require the president to be sworn in on the same day as the results are certified).<sup>143</sup> At the time of writing the NEC has not published the disaggregated polling station results for the run-off.

### *Summary of the election results*

In the first-round of the presidential election on 7 March, the SLPP candidate gained 43.3%, the then ruling APC received 42.7%, followed by the NGC and C4C securing 6.9% and 3.5% respectively. In the parliamentary election, the APC led with 68 seats to the SLPP's 49 seats. The new parties entered parliament for the first time with 8 seats for the C4C and 4 seats for the NGC.

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<sup>141</sup> After the 7 March election the APC unfoundedly accused the SLPP of hacking the NEC's results management system and therefore insisted on a manual or at least off-line tallying of the run-off results.

<sup>142</sup> The system of progressive publication of results could not be applied, as in the modified procedure adopted after the mediated negotiations, tallying was done district by district. Their summaries were announced at RTC, from where they were picked up by media and immediately circulated.

<sup>143</sup> The sample of 1,127 PS results collected by the EU observers, as well as the parallel vote tabulation conducted by the NEW, confirmed the accuracy of the results.

Three independents were also elected as members of parliament. Of the 21 announced city mayors and local council chairpersons, the APC secured 10, the SLPP 8, the C4C 2 and the NGC 1 position. On 4 April the SLPP presidential candidate, Julius Maada Bio was declared winner of the run-off with 51.8% beating the APC rival Samura Kamara who got 48.2%. The incumbent president, Ernest Bai Koroma stepped down the same day after two terms in office as the Constitution requires.<sup>144</sup> (For details of results, please see Annex1).

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## RECOMMENDATIONS

An overall recommendation is that the new parliament and government will resume the constitutional review process started in the last parliamentary term. The end point of this should be a coherent constitution in line with international standards and Sierra Leone’s commitments to democracy.

NO.	CONTEXT (Including reference to the relevant section of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWOR	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
<b>LEGAL FRAMEWORK</b>					
1	<p>Despite the Constitution stating that the term of the presidential office is five years, a combination of various constitutional provisions allows for holding the election later; consequently extending the duration of the presidential term.</p> <p>Chapter Legal Framework p. 10</p>	<p><b>PRIORITY:</b> Consider holding regular presidential elections in conjunction with parliamentary elections on a fixed basis to avoid the unnecessary extensions of the presidential mandate.</p>	<p>Review of Constitution, s.42(2)(f), s.42(3), s.43, s.46(1), s.49(1), s.38</p> <p>Amendment of Public Elections Act, 2012, s.55, 57-58, s.43</p>	Parliament	<p>Promote best practices in the management of elections for purposes of political stability and good governance</p> <p>African Charter on Democracy, Elections and Governance, art.13</p> <p>Protocol a/SP/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, art. 2(2)</p> <p>To vote and to be elected at genuine periodic elections. ICCPR, art.25</p> <p>Each State Party [to the ICCPR] undertakes to adopt such laws or other measures to give effect to the rights recognised in the Covenant. (ICCPR, article 2.2)</p> <p>The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections. (UDHR Article 21.3)</p>
<b>ELECTORAL ADMINISTRATION</b>					
2	<p>Despite evident improvements compared to the previous elections, there has been a persistent need for financial assistance to the NEC in order</p>	<p><b>PRIORITY:</b> In order to strengthen its independence and institutional capacity, the NEC should be provided with sufficient financial resources in a timely manner. To</p>	<p>Amendment of the Public Elections Act, 2012, s.10</p>	Government/ Parliament	<p>Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections. ACDEG, article 17.</p> <p>Strengthen and, where necessary, establish an appropriate electoral administration and oversight</p>

	<p>for it to fulfil its tasks on time. Even though the SL government pledged to provide most of the electoral budget, the disbursement of payments was often late and still did not cover all costs.</p> <p>Chapter Election Administration, p.12 - 13</p>	<p>avoid shortages in election years, the funding could be distributed throughout the electoral cycle.</p>			<p>bodies, in our respective countries and provide the necessary resources and capacity to conduct elections which are free, fair and credible The New Partnership for Africa’s Development (NEPAD), article 13.</p> <p>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. ICCPR GC 25.</p> <p>Notes the importance of adequate resources for the administration of efficient and transparent elections at the national and local levels, and recommends that Member States provide adequate resources for those elections, including considering the possibility of establishing internal funding, where feasible GA Resolution: A/RES/68/164 [2013]</p>
<p>3</p>	<p>Although the NEC has engaged in regular consultative multi-stakeholder meetings including with CSOs, the public was not sufficiently informed about the NEC’s decisions. The main political parties sent letters which were not responded to in a timely manner. The EU EOM has often had difficulties acquiring NEC’s documents or decisions.</p> <p>Chapter Election Administration, p.13</p>	<p>To enhance the transparency, credibility and acceptance of election processes, the NEC should publish all its decisions, procedures, planned measures, PPLC meeting minutes and results data on their web page and in appropriate means of communication. Sessions of NEC commissioners could be open for parties/candidates’ representatives and accredited observers.</p>		<p>NEC</p>	<p>Transparency and access to information  <i>Commitment to regularly holding transparent, free and fair elections</i>                  ACDEG, article 3.4.</p> <p><i>Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs.</i> ACDEG, article 2.10.</p> <p><i>Establish the necessary conditions to foster transparency and accountability in the management of public affairs.</i> AUCPCC, article 2.5</p> <p><i>To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest.</i> ICCPR GC 34, para 19.</p> <p><i>Each State Party shall... endeavour to adopt, maintain and strengthen systems that promote transparency.</i> UNCAC, article 7.4.</p>

4	<p>Low levels of literacy combined with the complexity of holding several concurrent elections tends to result in a high share of invalid votes, which has a negative impact on the right to participate in public affairs.</p> <p>Chapter Election Administration, p. 14 – 15</p>	<p>Civic and voter education programmes could be developed and implemented with a focus on individual choice, ability to compare proposed policies and the accountability of those elected. Disadvantaged groups such as illiterate people, PWD, first-time voters, elderly and women should be specifically targeted. Consideration could also be given to introducing these programmes into schools’ curricula.</p>		<p>NEC                  Government</p>	<p><i>Integrate civic education in their educational curricula and develop appropriate programmes and activities.</i> ACDEG, article 12.4.</p> <p><i>Member States shall use the services of civil society organisations involved in electoral matters to educate and enlighten the public on the need for peaceful elections devoid of all acts of violence.</i> ECOWAS, Protocol A/SP1/12/01 on Democracy and Good Governance, article 8.</p> <p><i>Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.</i> ICCPR CG 25, para 11.</p>
VOTER REGISTRATION					
5	<p>While the Constitution s. 33 mandates the NEC with the task of “<i>the conduct and supervision of the registration of voters</i>”, the National Civil Registration Act (2016), tasks the National Civil Registration Authority with the duty to “<i>maintain the national civil registration system for vital statistics at chiefdom, district, regional and national levels</i>” (s. 13(d)), from which the register of voters would be extracted (s.25). The controversy related to the question of which body should be in charge contributed to the delay in the 2017 voter registration exercise. Even though the legal framework provides for an inclusive registration of voters, many eligible persons, <i>de facto</i>, are unable to register.</p> <p>Chapter Voter Registration, p.15 – 16</p>	<p><b>PRIORITY:</b> Revisit the conflict in the legal framework governing the registration of voters and clarify which institution should be in charge of the voter register. The terms of interaction between the institutions responsible for the civil register and the register of voters should be clearly defined. A permanent, free of charge and constantly updated civil register, which would be a basis for the register of voters, could be in a long run a more cost-effective and sustainable alternative to the current practice of conducting a fresh voter registration exercise before each election.</p>	<p>Review of Constitution s.33, s.38,</p> <p>Amendment of the Public Elections Act, 2012, Part IV</p>	<p>Parliament</p>	<p><i>Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.</i> ICCPR CG 25, para 11.</p> <p><i>Each ECOWAS Member State shall ensure the establishment of a reliable registry of births and deaths. A central registry shall be established in each Member State.</i> ECOWAS, Protocol A/SP1/12/01 on Democracy and Good Governance, article 4.1.</p>

6	<p>As a result of different approaches to conducting the census (passive) and voter registration (active), there are at times considerable discrepancies between the share of inhabitants and registered voters among individual wards and constituencies which led to significant differences in the weight of a vote in different parts of the country.                  Chapter Voter Registration, p.16-18</p>	<p>Mechanism to address current discrepancies between the share of inhabitants and registered voters within electoral units could be developed. The permanent civil registry / register of voters once fully functional and reliable (see the recommendation no.5) could be used as a basis for ward and constituency delimitation, instead of census data. It is recommended that new boundaries enter into force as drawn-up by the NEC after public consultations, with no further modifications by the parliament.</p>	<p>Review of Constitution s.38</p>	<p>Parliament</p>	<p><i>The principle of one person, one vote, must apply, and within the framework of each State’s electoral system, the vote of one elector should be equal to the vote of another.</i> ICCPR, GC 25, para 21.</p> <p><i>The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters...</i> ICCPR, GC 25para 21.</p> <p><i>...the permissible departure from the norm should not be more than 10% and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity).</i>                  The Venice Commission’s Code of good practice in electoral matters. 2.2 on Equal voting power.<sup>1</sup></p>
CANDIDATE NOMINATIONS					
7	<p>Candidature for presidential and parliamentary office is limited to citizens by birth, excluding naturalised citizens and dual citizens.                  Chapter Candidates’ Nomination, p.18 – 20</p>	<p>Consider reviewing constitutional and statutory requirements for the nomination of candidates to permit the candidacy at presidential and parliamentary elections of naturalised citizens and citizens with dual nationality. Review legislation governing the acquisition of citizenship by birth to promote equality and end discrimination on ethnic grounds.</p>	<p>Review of Constitution s.75, s.76, Amendment of the Public Elections Act, 2012, s.44, s.62                  Amendment of the Citizenship Act, 1973</p>	<p>Parliament</p>	<p>Right to participate in public affairs <i>without distinction as to race, ethnic group, colour, sex, language, religion political or other opinion, national and social origin, fortune, birth or other status.</i> ACHPR, art.2</p> <p><i>State parties shall eliminate all forms of discrimination, especially those based on ... ethnic, religious and racial grounds.</i>                  African Charter on Democracy, Elections and Governance, art.8</p> <p>Right to participate in public affairs without discrimination as to race. ICCPR art.2.1(a), 24, 25 and 26</p>

<sup>1</sup> Although Sierra Leone is not bound by the Venice Commission, its documents and recommendations could be taken into consideration as examples of good practice.

8	<p>Candidature for the office of president is restricted to members and nominees of political parties, preventing independent candidates from running for the office. This requirement contravenes the right to stand for public office and the freedom of association.</p> <p>Chapter Candidates' Nomination p. 18 – 20</p>	<p>Existing constitutional provisions could be modified to allow for independent candidates to run for presidential election.</p>	<p>Review of Constitution s.41 and s.42(1) and amendment of the Public Elections Act, 2012, s.44</p>	<p>Parliament</p>	<p><i>Every citizen shall have the right to participate freely in the government of his country...ACHPR, art.13</i></p> <p><i>State parties shall eliminate all forms of discrimination, especially those based on political opinion...</i>                  African Charter on Democracy, Elections and Governance, art.8</p> <p>Right to participate in public affairs; freedom of association. <i>Every citizen shall have the right and the opportunity... without unreasonable restriction... to be elected.</i> ICCPR article 25</p> <p><i>The right to stand for election should not be limited unreasonably by requiring candidates to be members of parties, ICCPR GC 25 para.17.</i></p>
9	<p>Currently, the office of the president is not constitutionally recognised as a personal mandate conferred directly by the electorate, in which an elected president together with the vice-president should be able to remain in office for the elected term irrespective of any subsequent internal party dispute or decisions. The Supreme Court appeared to suggest that a president or a vice-president could be removed from office if s/he is excluded from the party.</p> <p>Chapter Candidates' Nomination p. 18 – 20</p>	<p>The office of the president and vice president could be recognised as a mandate conferred by the electorate, allowing the holder to retain the office for the elected term irrespective of any internal party decisions.</p>	<p>Review of Constitution s.41 and s.42(1) and amendment of the Public Elections Act, 2012, s.44</p>	<p>Parliament</p>	<p>The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections. (UDHR Article 21.3)</p> <p>Such elections must be held at intervals which are not unduly long, and <i>which ensure that the authority of government continues to be based on the free expression of the will of electors.</i>                  ICCPR GC 25 para 9</p>



<p>10</p>	<p>The requirement for candidates to resign from “public office” 12 months prior to the elections, in addition to being unreasonably long, creates an uneven playing field amongst potential candidates considering the financial burden entailed. In practice, it has been interpreted to exclude almost all public-sector employees regardless of the nature of their post. If retained, the interpretation should be reviewed so any restriction only applies to those offices where abuse of position or state resources for campaign purposes could occur. This provision in particular was criticised by Civil Society Organisations as disproportionately affecting female potential candidates, as they are prominent in the education sector.</p> <p>Chapter Candidates’ Nomination p. 18 -20</p>	<p><b>PRIORITY:</b> Consider removing the constitutional requirement for candidates to resign from public office 12 months before presidential and parliamentary elections or provide for temporary suspension of employment to further encourage participation. Better define the term “public office” in the Constitutional provisions and clearly indicate specific public-service positions (such as police and/or armed forces) which are precluded from being elected.</p>	<p>Review of Constitution, s.76, s. 171</p>	<p>Parliament          (Proposed amendment by the CRC to reduce the time to six months)</p>	<p><i>Every citizen shall have the right and the opportunity, without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives.</i>          ICCPR, art 25</p> <p><i>Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria.</i>          ICCPR, art 25, GC 25 par 4</p>
<p>11</p>	<p>There is no statutory provision on appointment of another candidate in case of disqualification of a presidential candidate. For instance, if an objection to a presidential candidature is sustained by the Supreme Court, the relevant party is excluded from participating in the election.</p> <p>Chapter Candidates’ Nomination p. 18 – 20</p>	<p>Consider amending the Public Elections Act, 2012 to provide legislative certainty for what should happen in the case of disqualification of a presidential candidate during the campaign period in order to permit the political party to nominate an alternative candidate.</p>	<p>Review of Constitution, s.42(2)(d) and amendment of the Public Elections Act, 2012, s.47(4), s.48</p>	<p>Parliament</p>	<p><i>Every citizen shall have the right to participate freely in the government of his country.</i>          ACHPR, art.13</p> <p>Right to participate in public affairs  <i>Every citizen shall have the right and the opportunity... without unreasonable restrictions... to take part in the conduct of public affairs.</i> ICCPR art.25          (GC 25 paragraph 16)</p> <p>Right to a timely and effective remedy,  <i>...to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy.</i>          ICCPR art.2</p>

12	<p>The high non-refundable fees considerably tilted the playing field in favour of larger parties, wealthy candidates and men.</p> <p>Chapter Candidates' Nomination p. 18 – 20</p>	<p>Consider revising electoral laws to ensure reasonable nomination fees and/or other mechanisms for encouraging parliamentary and local council candidates to enhance a level playing field; but without running the risk of frivolous candidatures.</p>	<p>Public Elections Act, s.46, s.60(8)                  Statutory Instrument 156, 2017, 3 August 2017</p>	<p>Parliament</p>	<p>Right to participate in public affairs, directly or through freely chosen representatives; ICCPR art.25</p>
ELECTORAL DISPUTES					
13	<p>The timeframes for the adjudication of objections on nomination do not guarantee timely decisions and are further aggravated by the short period between the end of nominations and election day. The Supreme Court dealt with two cases essentially objecting to the nomination of presidential candidates that persisted up to the eve of the election day.</p> <p>The PEA does not provide for challenging the election result if no candidate is elected in the first round; the results cannot be challenged before the run-off winner is announced</p> <p>Chapter Electoral Dispute Resolution pp. 32-34</p>	<p>Consider permitting challenges to parliamentary and local council nominations to be brought to courts before elections. Consider revising the timeframe for publication of the list of candidates for presidential elections to allow for effective address of challenges.</p> <p>Provide for the possibility to challenge presidential elections in between the first and second round</p>	<p>Amendment of Public Elections Act, 2012, s.45(3), s.47 and s.63(6)</p>	<p>Parliament</p>	<p>Protocol a/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, art. 6</p> <p>Right to a timely and effective remedy, ICCPR art.2(3)(a)</p> <p><i>An important aspect of the fairness of a hearing is its expeditiousness. While the issue of undue delays in criminal proceedings is explicitly addressed in paragraph 3 (c) of article 14, delays in civil proceedings that cannot be justified by the complexity of the case or the behaviour of the parties detract from the principle of a fair hearing enshrined in paragraph 1 of this provision. Where such delays are caused by a lack of resources and chronic under-funding, to the extent possible supplementary budgetary resources should be allocated for the administration of justice</i>                  CCPR, GC 32, p.27</p>

<p>14</p>	<p>The presidential election may be challenged by election petitions filed with the Supreme Court, with no specific deadline provided for the delivery of judgment.</p> <p>Eleven judges were appointed to the EOC with a clear mandate to deal specifically with the offences specified in the PEA. According to the PEA the EOC has a six-month term to entertain such cases. The few cases that reached the EOC seemed to follow the regular judicial route leading to excessive delays. Several issues related to the operation of the EOC are still to be addressed in future elections, such as its special mandate, its term and the rules on procedures to be followed in expediting adjudication of cases, as well as relevant training of the police and public awareness on electoral offences.</p> <p>Chapter Electoral Dispute Resolution p. 35</p>	<p>Consider revision of courts’ procedural rules to ensure that election petitions are adjudicated within a reasonable period compatible with electoral timeframe. Establish provisions for a deadline to deal with election petitions on presidential elections. Review the operation and functioning of the Electoral Offences Court and establish special procedural rules.</p>	<p>Review of Constitution, 1991, s.45(2)(b); Amendment of Public Elections Act, 2012, s.55, s.137; amendment of Election Petition Rules, 2007</p>	<p>Parliament</p>	<p>African Charter on Democracy, Elections and Governance, art.17(2)</p> <p><i>An important aspect of the fairness of a hearing is its expeditiousness. While the issue of undue delays in criminal proceedings is explicitly addressed in paragraph 3 (c) of article 14, delays in civil proceedings that cannot be justified by the complexity of the case or the behaviour of the parties detract from the principle of a fair hearing enshrined in paragraph 1 of this provision. Where such delays are caused by a lack of resources and chronic under-funding, to the extent possible supplementary budgetary resources should be allocated for the administration of justice</i>                  CCPR, GC 32, p.27</p>
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POLITICAL PARTIES AND CAMPAIGN ENVIRONMENT					
15	<p>There were multiple times when the incumbent government used the campaign period to launch major initiatives such as the National Insurance scheme and the proposed new Mamamah international airport.</p> <p>Chapter . Election Campaign p. 20 – 23</p>	<p>Consider levelling the playing field between government and the opposition by making more explicit the distinction between the government and the ruling party during the campaign– i.e. a ban on politically advantageous government announcements, opening ceremonies, use of state vehicles etc.</p>	<p>Legislation to prevent state officials (ministers, president) who are candidates to campaign in their official capacity and to suspend their decision making powers.</p>	<p>Parliament, civil service, PPRC</p>	<p><i>“The legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantage of their positions by holding official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate. More precisely, reference is made to events which imply the use of specific funds (state or local budget) as well as institutional resources (staff, vehicles, infrastructure, phones, computers, etc.). This does not preclude incumbent candidates from running for election and campaigning outside of office hours and without the use of administrative resources.”</i></p> <p>Venice Commission Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes (2016)                      Section B. Prevention of the misuse of administrative resources: Paragraph 1.1</p>
16	<p>The Political Parties Registration Commission (PPRC) has overall responsibility for the regulation of political parties. It has some moral persuasion – but no effective enforcement abilities. There was a particular focus on tribal/regional speech and political violence in the run-off. Local PPRCs sought to mediate at a local level with some, but not total effectiveness. Posters which breached the constitutional ban on religious/tribal campaigning were not taken down by the police following the PPRC’s request because of a lack of legal authority.</p> <p>Chapter Election Campaign p. 20 – 23</p>	<p>PPRC could be equipped with an effective sanctioning mechanism for breaches of electoral codes. This will also require providing for an effective appeals mechanism. Political parties could also be urged to adopt internal mechanisms to ensure that all their members comply with the electoral codes.</p>	<p>Political Parties Act 2002</p>	<p>Parliament, PPRC and Political parties</p>	<p>Freedom from Discrimination and Equality under the Law  <i>Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.</i>                      ICCPR, Art. 20</p>

CAMPAIGN FINANCE					
17	<p>The PPRC has limited powers over campaign finance. Campaign spending is supposed to be audited after the election, but there is no effective mechanism for this.</p> <p>Chapter Election Campaign p. 23</p>	<p><b>PRIORITY:</b> In order to increase transparency, the effective auditing (and publication) of the income and expenditure of parties and candidates should be enforced. Several routes to this could include a panel of independent auditors to be appointed in advance and/or to give the Anti-Corruption Commission a mandate to cover campaign finance.</p>	<p>PPA, PEA, PPRC Acts</p>	<p>PPRC, Parliament, Political parties</p>	<p><i>Political parties may receive private financial donations. Donations from foreign States or enterprises must however be prohibited. This prohibition should not prevent financial donations from nationals living abroad. Other limitations may also be envisaged. Such may consist notably of: a. a maximum level for each contribution; b. a prohibition of contributions from enterprises of an industrial, or commercial nature or from religious organisations; c. prior control of contributions by members of parties who wish to stand as candidates in elections by public organs specialised in electoral matters. Art. 7. The transparency of private financing of each party should be guaranteed. In achieving this aim, each party should make public each year the annual accounts of the previous year, which should incorporate a list of all donations other than membership fees. All donations exceeding an amount fixed by the legislator must be recorded and made public.</i></p> <p>(Venice Commission) Guidelines on the Financing of Political Parties (2001) art.6.</p>
MEDIA					
18	<p>Journalists and many CSOs consider the Public Order Act of 1965 as the major obstacle for freedom of expression as it criminalises libel. Criminal sanctions have the potential to create a chilling effect on journalists and the media.</p> <p>Chapter Media p. 24</p>	<p>Amend the Public Order Act, s. 33 to decriminalise defamation; introduce civil offences sanctions proportionate to the act.</p>	<p>POA of 1965</p>	<p>Parliament</p>	<p>Lohé Issa Konaté v. Burkina Faso, no. 004/2013, 5 December 2014, African Court on Human and People's Rights</p> <p><i>1. States shall review all criminal restrictions on content to ensure that they serve a legitimate interest in a democratic society.</i></p> <p><i>2. Freedom of expression should not be restricted on public order or national security grounds unless there is a real risk of harm to a legitimate interest and there is a close causal link between the risk of harm and the expression. ACHPR XIII Criminal Measures</i></p>
19	<p>The PEA SC 155 (1), establishes a Code of Election Campaign, which sets the campaign silence period for political</p>	<p>Clarify which monitoring mechanism should be put in place and which institutions should</p>	<p>PEA</p>	<p>Parliament</p>	<p><i>Member states may consider the merits of including a provision in their regulatory frameworks to prohibit the dissemination of partisan electoral messages on the day preceding voting or to provide</i></p>

	<p>parties 24 hours prior the election. However, in the PEA and in the code, it is unclear which body is responsible for the monitoring of any breach of the silence period.</p> <p>Chapter Media p. 24 - 26</p>	<p>be in charge of sanctioning any breach of the silence period.</p>			<p><i>for their correction</i></p> <p>COE - CM/Rec (2007)15                  Recommendation of the Committee of Ministers to member states (2007)</p>
20	<p>The president appoints both chairman of the board and director general of the SLBC. Moreover, financially the SLBC depends heavily on government funding.</p> <p>Chapter Media p. 24</p>	<p>The state broadcaster, Sierra Leone Broadcast Corporation (SLBC) could be transformed into a genuine public service broadcaster through editorial independence from government and greater financial autonomy.</p>	<p>The Sierra Leone Broadcasting Corporation Act</p>	<p>Parliament</p>	<p><i>State and government controlled broadcasters should be transformed into public service broadcasters... be governed by a board which is protected against interference... public broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets.</i></p> <p>Declaration of the Principles on Freedom of Expression in Africa: Public Broadcasting, article VI.</p> <p><i>States parties should ensure that public broadcasting services operate in an independent manner. In this regard, States parties should guarantee their independence and editorial freedom. ICCPR GC 34, paragraph 16.</i></p>
21	<p>Many EU EOM interlocutors noted that the Independent Media Commission (IMC) is seen as being passive in enforcing the laws and its independence has been criticised as it is under the <i>de facto</i> control of the Ministry of Communication and Information. The Independent Media Commission Act of 2000, s.4 (1), stipulates “<i>the commission shall consist of a Chairman and ten other members all of whom shall be appointed by the President acting on the advice of Sierra Leone Association of Journalists (SLAJ) and subject to the approval of parliament</i>”. However, at the end of 2014 the president appointed the board chairman of IMC without consulting SLAJ and in violation of the above-mentioned act.</p> <p>Chapter Media p. 25</p>	<p>Consider strengthening the impartiality of the Independent Media Commission by amending the chairman and the board members’ appointment procedures to make them free from political parties’ and government’s influence.</p>	<p>IMC Act</p>	<p>Parliament</p>	<p><i>1. Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature.</i></p> <p><i>2. The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party.</i></p> <p>Declaration of the Principles on Freedom of Expression in Africa: VII Regulatory Bodies for Broadcast and Telecommunications</p>

PARTICIPATION OF WOMEN					
22	<p>The proportion of women elected to parliament has remained at a mere 12%. There were no women on the ticket of the top four placed presidential candidates. CSOs have called for a quota – which is however not easily feasible in a FPTP electoral system.</p> <p>Chapter Participation of Women p. 27 – 29</p>	<p><i>PRIORITY: Consideration could be given to a legislative mechanism for increasing the number of women in parliament and local councils. This needs to avoid the pitfalls of female candidates being placed in unwinnable seats. A potential solution is to have a (temporary) quota per district rather than nationally, and also to encourage political parties to open up internal candidate nomination procedures. Other means of tackling this issue may involve working with CSOs on promoting women in politics, have communication strategies specifically on women and participation in politics as a fundamental right, and promoting women’s participation during all stages of the electoral process.</i></p>	PPA, PEA	Government, Parliament, (and constitution reform) Political parties	<p>CPRW (1952), CEDAW (1979) Article 4 (permitting temporary measures to eliminate disparities between genders). Article 7 (a).</p> <p><i>To review the differential impact of their electoral systems on the political participation of women and their representation in elected bodies and to adjust or reform those systems where appropriate” Women and political participation (General Assembly Resolution A/RES/66/130 [2011]). Article 6(a)</i></p> <p>Right to Participation in the Political and Decision-Making Process 1. <i>“States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that: a) women participate without any discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes; 2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.</i></p> <p>Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (ACHPR - PW) (2003)2 Article 9</p> <p>General Recommendation 23 on Political and Public Life (1997) Paragraph 18 &amp; 28                  General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures (2004): Paragraph 8</p>

POLLING, COUNTING AND TABULATION					
23	<p>In the current practice, and in contrast to other nation-wide elections in Sierra Leone, the presidential candidates are placed on the ballot in the alphabetical order of the full names of their parties. Especially in the context of high levels of illiteracy, this could give an undue advantage to the candidates placed at the top of the ballot. In the past four presidential elections the top position was always given to the APC candidates. A minor change in the undisclosed NEC's procedures barred the ADP from having the top position in the 2018 election.</p> <p>Chapter Election Administration, p.14</p>	<p>Consider a more equitable manner of ordering candidates on ballot papers, such as by lottery, which would provide a more level playing field among the candidates, as compared to the current practice of ordering them alphabetically by their parties' title or candidates' surnames.</p>	<p>Amendment of Public Elections Act, 2012.</p>	<p>Parliament</p>	<p><i>Equality of opportunity must be guaranteed for parties and candidates alike. This entails a neutral attitude by state authorities, Venice Commission Code of Good Practice in electoral matters, article 2.3.</i></p> <p><i>Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2, and without unreasonable restrictions... to have access, on general terms of equality, to public service in his country. ICCPR, article 25 (c).</i></p> <p><i>The State party should, in accordance with articles 25 and 26 of the Covenant, treat all political parties equally and give them all the same opportunities to carry out their lawful activities. CCPR/CO/79/GNQ, s.12</i></p>
24	<p>The presence of unarmed or armed security personnel in the polling station, especially during counting, was controversial. Different interpretations are possible, due to the PEA, s.77, 78 and 83.</p> <p>Chapter Polling and Counting, p.35 - 37</p>	<p>Consider clarifying the rules regulating when, and which, security personnel can enter polling stations.</p>	<p>Amendment of Public Elections Act, 2012, s.77(2), s. 78, s.83</p>	<p>Parliament</p>	<p><i>Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced. ICCPR, GC 25 para 11.</i></p> <p><i>Elections... shall be held by secret ballot, guaranteeing the free expression of the will of the electors. ICCPR, art. 25 (b).</i></p>
25	<p>The Reconciliation and Result Forms (RRF) include several ballot reconciliation options, yet they still do not allow for a cross-check between the number of voters and the number of votes cast. Such a reconciliation would considerably boost the overall integrity and transparency of the process, especially in the light of country's history of over-voting.</p> <p>Chapter Polling and Counting, p.35 - 37</p>	<p>Reconciliation of the number of voters who received ballots, as confirmed by their signatures or thumbprints in the register of voters, with the number of votes cast, should be introduced in the RRFs. Additional security features such as providing each RRF with a unique serial number could be considered.</p>		<p>NEC</p>	<p><i>Each State Party shall... endeavour to adopt, maintain and strengthen systems that promote transparency. UNCAC, article 7.4.</i></p> <p><i>The fairness of the ballot should be judged by two main criteria alone: the number of electors who have cast votes compared with the number of ballot papers in the ballot box. Venice Commission Code of Good Practice in electoral matters, article 32</i></p>



<p>26</p>	<p>The exact tally procedures were announced only one week before the election day. Due to unfamiliarity of the stakeholders with the procedures and the ambiguity of the relevant sections of the PEA (s. 94), questioning of the procedures occurred even before the run-off election. The tallying process which had been communicated, but informally and without party buy-in became a focus for delaying tactics between the two rounds. In addition, the High Court orders of 26 March prescribed the modalities of tallying, which appeared to infringe on the constitutionally guaranteed independence of the NEC.</p> <p>Chapter Election Administration, p.14 and Chapter XVI. Tallying and Results Process, p.37 – 41</p>	<p>Detailed procedures for the tabulation and publication of results could be established and communicated by the NEC at least one month in advance of any electoral event. This would increase the credibility and acceptance of the process and enable party/candidate agents and observers to meaningfully prepare for and scrutinise the results tallying process.</p>	<p>Amendment of Public Elections Act, 2012, s.94</p>	<p>NEC/ Parliament</p>	<p><i>The results of genuine elections should be respected and implemented. ICCPR, GC 25, para.19</i></p> <p><i>The security of ballot boxes must be guaranteed and votes should be counted in the presence of the candidates or their agents. ICCPR GC 25, para 20.</i></p> <p><i>Take necessary measures to ensure the independence and credibility of the bodies that will have primary jurisdiction over validating polling results in the 2012 Presidential and Parliamentary elections, as well as to ensure the appropriate level of security at the polls sufficient for all voters to freely exercise their franchise. A/HRC/18/10 (UPR, 2011), Sierra Leone, Recommendation No. 81.46:</i></p>
<p>27</p>	<p>The NEC made an effort to publish the 7 March presidential results for each polling station, however with a delay of several days. The results included neither the number of registered voters per PS, nor the number of invalid votes, making counting of PS turnout impossible. Disaggregated results of the three other concurrent elections or the run-off election were not published at all.</p> <p>Chapter Tallying and Results Process, p. 37 – 41</p>	<p>A breakdown of results of all elections by individual polling station to be published without delay and in full, as they are progressively tabulated, including the number of registered voters and invalid votes, in tally centres as well as on a webpage, to allow for cross-checking of results.</p>	<p>Amendment of Public Elections Act, 2012, s.52, s.53, s.94, s.95</p>	<p>NEC/ Parliament</p>	<p><i>Promote... integrity, transparency and accountability. UNCAC, article. 5(1)</i></p> <p><i>States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information. ICCPR, GC 34, para. 19</i></p> <p><i>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. ICCPR, GC 25, para. 20</i></p>

HUMAN RIGHTS					
28	<p>There are no arrangements in place to facilitate the registration and voting of prisoners on remand.</p> <p>Chapter Human Rights p. 29 - 31</p>	<p>Consider revision of electoral law to allow for arrangements to be put in place in order for prisoners on remand to be able to register and vote.</p>	<p>Amendment of Public Elections Act, 2012; NEC's regulations and procedures</p>	<p>Parliament</p>	<p><i>Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:</i></p> <p><i>(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;</i></p> <p><i>(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;</i></p> <p><i>(c) To have access, on general terms of equality, to public service in his country.</i></p> <p>Right to participate in public affairs, ICCPR art.25</p>
29	<p>Restrictions on vehicular movements enforced in the 2018 elections had a negative impact on the ability of some voters to vote including PWDs and persons with limited mobility as well as the elderly. The measure was controversial, poorly communicated and its legality was questioned.</p> <p>Chapter Human Rights p. 29 - 31</p>	<p>The ban on vehicular movements on election days is not recommended. The right to freedom of movement may only be subject to restrictions on justifiable grounds. On election day freedom of movement should not be restricted unless as a result of broad consensus supported by explicit legislative provisions.</p>		<p>NEC, Police</p>	<p><i>Positive measures should be taken to overcome impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively. ICCPR, GC 25 para 21.</i></p>

## 1. Annex - Election results

7 March 2018, Presidential election

Region	District	Number of Registered Voters	Nr. of excluded PSs	Reported PSs	APC	ADP	CDP	C4C	NDA	NGC	NPD	NURP	PLP	PMDC	ReNIP	RUFPP	SLPP	UDM	UNPP	UP	Invalid Votes	Total Turnout
East	Kailahun	165 753	10	581	14251	1911	471	850	444	2758	241	145	220	370	250	1585	111239	367	195	598	6220	142115
	Kenema	280 141	27	964	25727	1217	492	1101	644	4395	205	152	224	675	206	1969	195402	431	157	141	7787	240925
	Kono	186 095	17	638	28006	867	1312	70565	969	3071	342	203	321	341	233	842	30018	1515	408	510	10732	150255
North	Bombali	187 664	8	657	133640	2051	649	599	226	3640	119	77	121	91	81	178	13153	74	128	151	7002	161980
	Falaba	65 761	6	233	19696	1064	433	773	347	6897	226	122	302	134	138	346	11599	171	200	236	5039	47723
	Koinadugu	84 293	5	295	33987	1235	553	686	381	8915	227	115	331	139	173	370	12789	161	166	172	6330	66730
	Tonkolili	204 231	13	696	122106	3402	1390	1335	617	12703	359	196	324	210	142	351	15545	193	223	204	11524	170824
North West	Kambia	155 484	32	519	42335	1620	1075	839	955	46567	600	322	848	326	224	427	10973	161	266	191	10310	118039
	Karene	101 160	7	358	65045	1362	486	325	212	5268	119	64	173	83	68	180	6456	60	128	124	5367	85520
	Port Loko	233 962	38	781	123578	6077	1692	1205	819	20361	596	248	466	240	197	502	16184	219	362	497	13865	187108
South	Bo	284 348	6	993	24891	642	395	636	502	6721	193	163	224	2482	217	1464	202453	514	193	178	7940	249808
	Bonthe	92 183	4	328	3558	275	229	242	138	579	108	73	98	896	83	1066	69729	390	79	67	3301	80911
	Moyamba	147 041	11	514	20846	1025	651	596	415	2372	246	185	255	2112	233	1115	85686	433	215	194	8357	124936
	Pujehun	101 250	5	356	6429	292	174	277	204	1177	93	70	117	1122	133	755	70528	285	130	102	2971	84859
West	WA Rural	282 358	5	953	123765	1717	670	3325	621	12640	242	85	116	258	88	852	76826	216	104	177	12850	234552
	WA Urban	606 939	27	2035	294888	1947	821	4366	850	35950	323	98	93	385	89	825	168902	505	107	283	19832	530264
	Total	3 178 663	221	10901	1082748	26704	11493	87720	8344	174014	4239	2318	4233	9864	2555	12827	1097482	5695	3061	3825	139427	2676549
	Total %		2,0%	98,0%	42,7%	1,1%	0,5%	3,5%	0,3%	6,9%	0,2%	0,1%	0,2%	0,4%	0,1%	0,5%	43,3%	0,2%	0,1%	0,2%	5,2%	84,2%

7 March 2018, Parliamentary election (an EU EOM compilation of the published constituency level results)

Region	District	Number of Registered Voters	APC	ADP	CDP	C4C	NDA	NGC	NPD	NURP	PDP	PLP	PMDC	ReNIP	RUFPP	SLPP	UDM	UNPP	UP	Inde-pendent candidates	Invalid Votes*	Total Valid Votes
East	Kailahun	165 753	12228	282	942	2054		2771								82874			370	31879	8715	133400
	Kenema	280 141	26121	1808	1728	2747	690	5358	121				333	100	68	161081			367	13083	27320	213605
	Kono	186 095	27445	191	1197	67489	201	6716								32171				1887	12958	137297
North	Bombali	187 664	120844	1202	1741	2319		5751	162			1708				15881		122	241		11940	150040
	Falaba	65 761	16621		688	1567		8585								12367				1389	6506	41217
	Koinadugu	84 293	29634	1229	590	1984		10764				391				12388				1906	7844	58886
	Tonkolili	204 231	100881		4395	3655		21199	895							16949			117	5255	17478	153346
North West	Kambia	155 484	43988		64	2532	584	47102	855		1908					13692			452		6346	111693
	Karene	101 160	58470		1673	1490		7822								8323		151	218		7373	78147
	Port Loko	233 962	108359	8908	6032	3817		22734	649			179	454			25362				1642	8972	178136
South	Bo	284 348	24909	502	2899	7747		12133		165			10411	261	301	172450		347	434	5515	11734	238074
	Bonthe	92 183	9144	731	688	791		1577	228				383			52728				10530	4111	76800
	Moyamba	147 041	20843	994	1767	2641		8001					2761			76537	1161			2730	7501	117435
	Pujehun	101 250	8947	195	1008	573		3835					1300			43403			92	19557	5949	78910
West	WA Rural	282 358	108076	1427	1399	7071		16157	954				1369			72938			770	1493	22898	211654
	WA Urban	606 939	272921	2380	4778	10529	2059	34810	1309		520		1526	317		165515	484		654	1573	30889	499375
	Total	3 178 663	989431	19849	31589	119006	3534	215315	5173	165	2428	2278	19053	678	438	964659	1645	620	3715	98439	198534	2478015
	Total %		39,9%	0,8%	1,3%	4,8%	0,1%	8,7%	0,2%	0,0%	0,1%	0,1%	0,8%	0,0%	0,0%	38,9%	0,1%	0,0%	0,1%	4,0%		

\*EU EOM's estimation based on the difference of the valid votes in the parliamentary election and the total votes cast in the presidential election. The NEC did not publish the number of invalid votes, neither the number of excluded polling stations.

7 March 2018, Comparison between the Presidential and Parliamentary Election

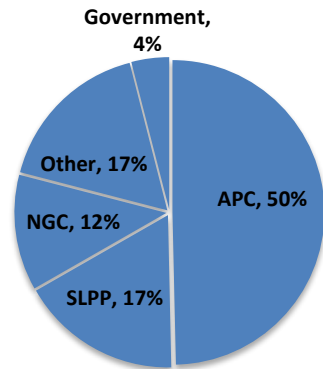
Region	District	Number of Registered Voters	APC			C4C			NGC			SLPP			Independent candidates
			Pres.	Parl.	diff.	Pres.	Parl.	diff.	Pres.	Parl.	diff.	Pres.	Parl.	diff.	Parl.
East	Kailahun	165 753	14251	12228	-2023	850	2054	1204	2758	2771	13	111239	82874	-28365	31879
	Kenema	280 141	25727	26121	394	1101	2747	1646	4395	5358	963	195402	161081	-34321	13083
	Kono	186 095	28006	27445	-561	70565	67489	-3076	3071	6716	3645	30018	32171	2153	1887
North	Bombali	187 664	133640	120844	-12796	599	2319	1720	3640	5751	2111	13153	15881	2728	
	Falaba	65 761	19696	16621	-3075	773	1567	794	6897	8585	1688	11599	12367	768	1389
	Koinadugu	84 293	33987	29634	-4353	686	1984	1298	8915	10764	1849	12789	12388	-401	1906
	Tonkolili	204 231	122106	100881	-21225	1335	3655	2320	12703	21199	8496	15545	16949	1404	5255
North West	Kambia	155 484	42335	43988	1653	839	2532	1693	46567	47102	535	10973	13692	2719	
	Karene	101 160	65045	58470	-6575	325	1490	1165	5268	7822	2554	6456	8323	1867	
	Port Loko	233 962	123578	108359	-15219	1205	3817	2612	20361	22734	2373	16184	25362	9178	1642
South	Bo	284 348	24891	24909	18	636	7747	7111	6721	12133	5412	202453	172450	-30003	5515
	Bonthe	92 183	3558	9144	5586	242	791	549	579	1577	998	69729	52728	-17001	10530
	Moyamba	147 041	20846	20843	-3	596	2641	2045	2372	8001	5629	85686	76537	-9149	2730
	Pujehun	101 250	6429	8947	2518	277	573	296	1177	3835	2658	70528	43403	-27125	19557
West	WA Rural	282 358	123765	108076	-15689	3325	7071	3746	12640	16157	3517	76826	72938	-3888	1493
	WA Urban	606 939	294888	272921	-21967	4366	10529	6163	35950	34810	-1140	168902	165515	-3387	1573
	Total	3 178 663	1082748	989431	-93317	87720	119006	31286	174014	215315	41301	1097482	964659	-132823	98439
	Total %		42,7%	39,9%	-9%	3,5%	4,8%	36%	6,9%	8,7%	24%	43,3%	38,9%	-12%	4,0%

31 March 2018, Presidential election

Region	District	Number of Registered Voters	Kamara APC	Bio SLPP	Total Valid Votes	Total Invalid Votes	% Invalid Votes	Total Votes Cast	% Turnout
East	Kailahun	165 753	13 343	119502	132 845	1219	0,92%	134 064	80,9%
	Kenema	280 141	27 308	211232	238 540	1926	0,81%	240 466	85,8%
	Kono	186 095	34 636	91823	126 459	2524	2,00%	128 983	69,3%
North	Bombali	187 664	144 056	14807	158 863	1565	0,99%	160 428	85,5%
	Falaba	65 761	22 562	16862	39 424	1174	2,98%	40 598	61,7%
	Koinadugu	84 293	40 210	19004	59 214	1621	2,74%	60 835	72,2%
	Tonkolili	204 231	143 500	22748	166 248	1889	1,14%	168 137	82,3%
North West	Kambia	155 484	69 542	30155	99 697	2477	2,48%	102 174	65,7%
	Karene	101 160	73 514	9146	82 660	1109	1,34%	83 769	82,8%
	Port Loko	233 962	153 608	27084	180 692	2729	1,51%	183 421	78,4%
South	Bo	284 348	26 145	219131	245 276	1709	0,70%	246 985	86,9%
	Bonthe	92 183	3 804	76119	79 923	671	0,84%	80 594	87,4%
	Moyamba	147 041	21 045	96456	117 501	1995	1,70%	119 496	81,3%
	Pujehun	101 250	6 701	73121	79 822	752	0,94%	80 574	79,6%
West	WA Rural	282 358	131 433	90170	221 603	3221	1,45%	224 824	79,6%
	WA Urban	606 939	315 764	202046	517 810	5113	0,99%	522 923	86,2%
	Total	3 178 663	1 227 171	1319406	2 546 577	31694	1,24%	2 578 271	81,1%
	Total %		48,2%	51,8%	98,8%				

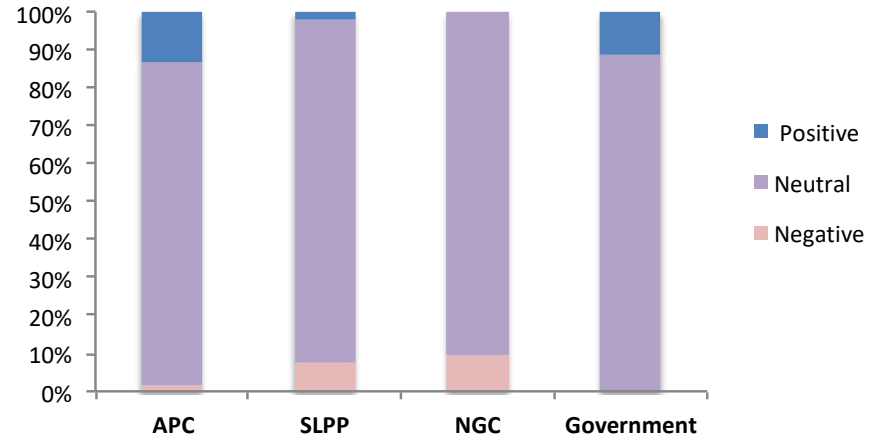
2. Annex - Media Monitoring charts (editorial programmes in TV and radio broadcasts; contents of newspapers)  
 First Round

**SLBC TV - Allocation of airtime**

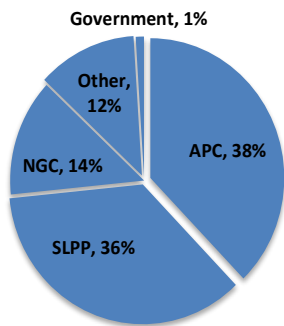


Base: 259880 seconds

**SLBC TV - Tone of the coverage**

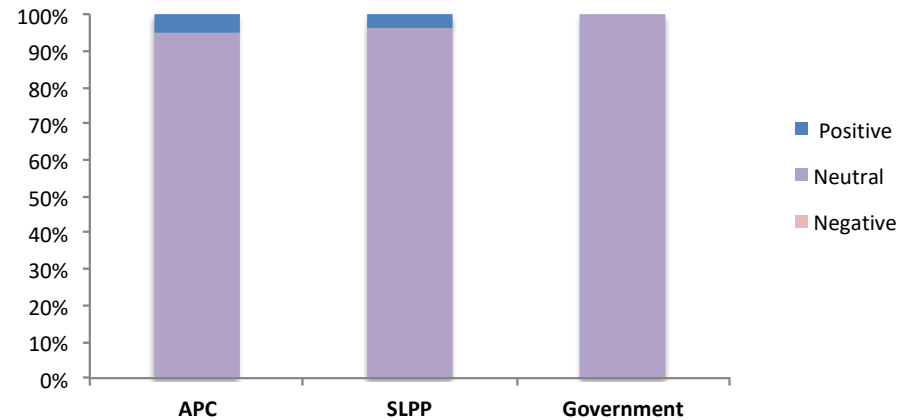


**SLBC Radio - Allocation of airtime**

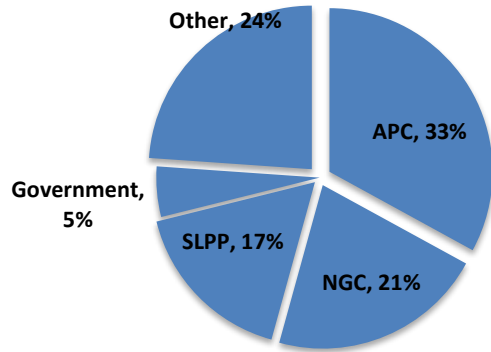


Base: 354988 seconds

**SLBC Radio - Tone of the coverage**

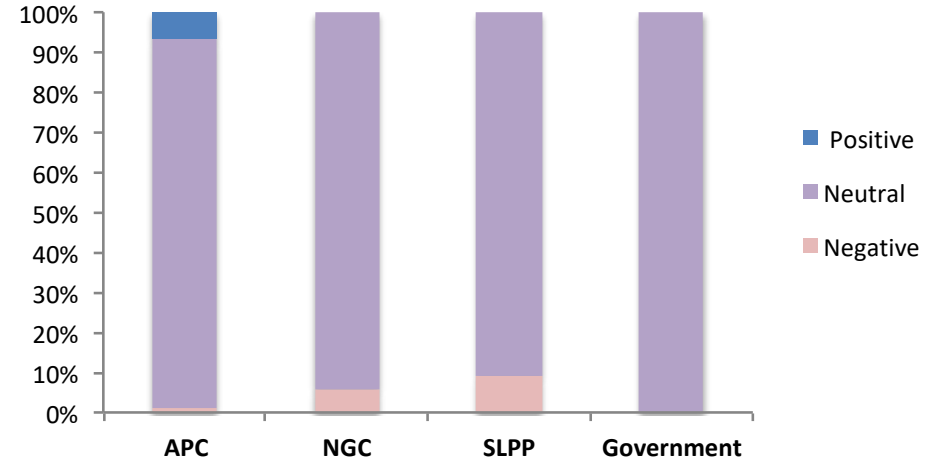


**AYV TV - Allocation of airtime**

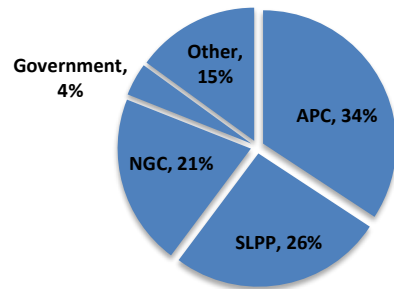


Base: 120200 seconds

**AYV TV - Tone of the coverage**

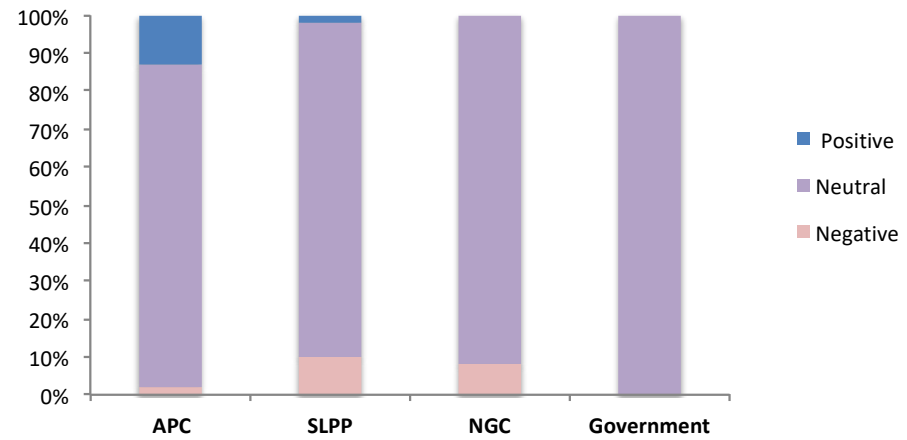


**AYV Radio - Allocation of airtime**



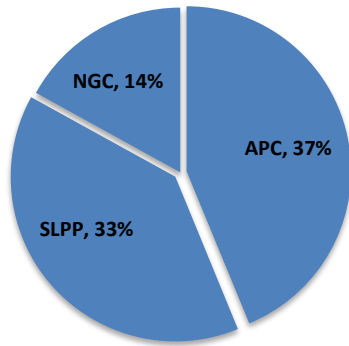
Base: 90178 seconds

**AYV Radio - Tone of the coverage**



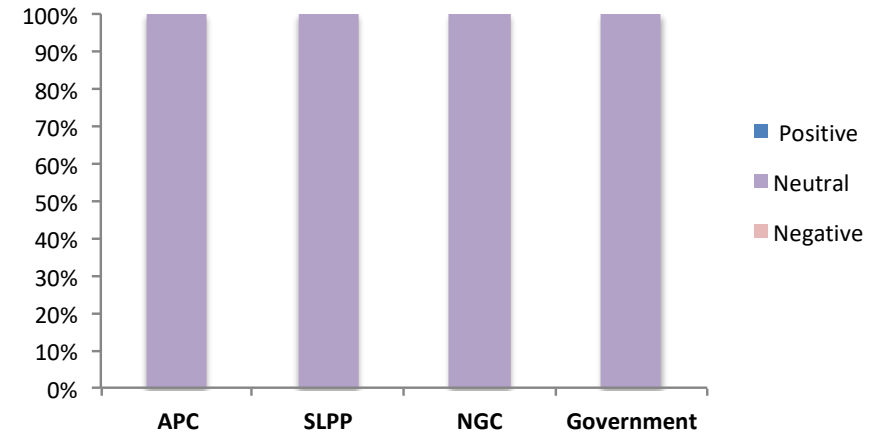


### Radio Democracy - Allocation of airtime



Base: 151470 seconds

### Radio Democracy - Tone of the coverage

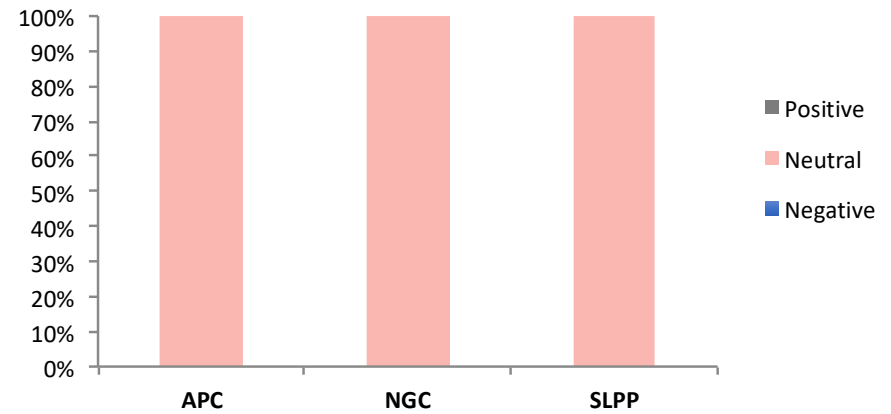


### Awoko - Allocation of space

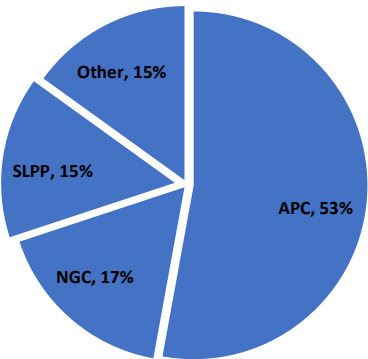


Base: 13064cm2

### Awoko- Tone of the coverage

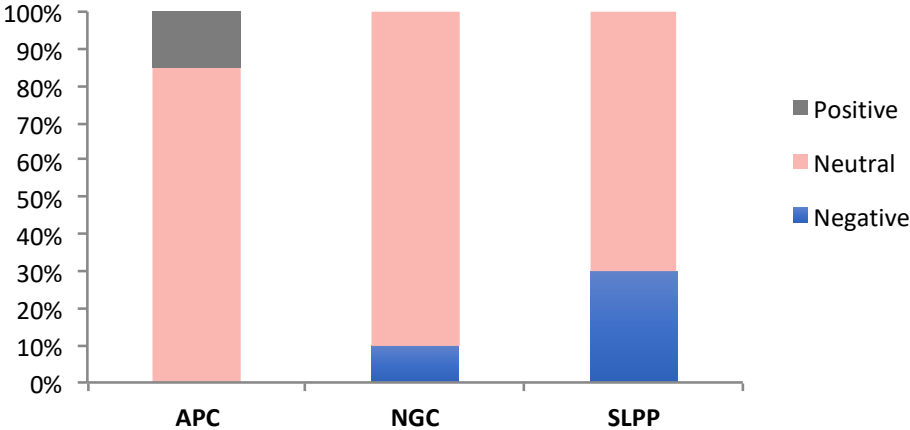


Awareness Times - Allocation of space

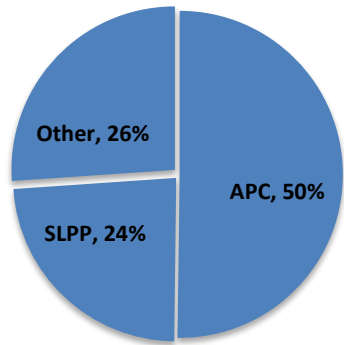


Base: 290000 cm2

Awareness Times - Tone of the coverage

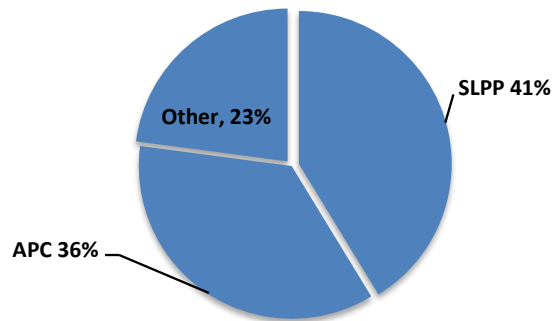


### SLBC TV - Allocation of airtime



Base: 42957 seconds

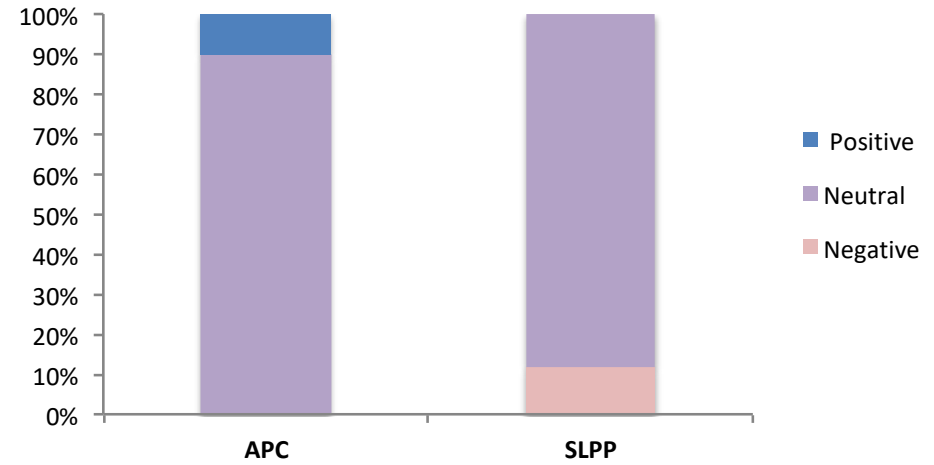
### SLBC Radio - Allocation of airtime



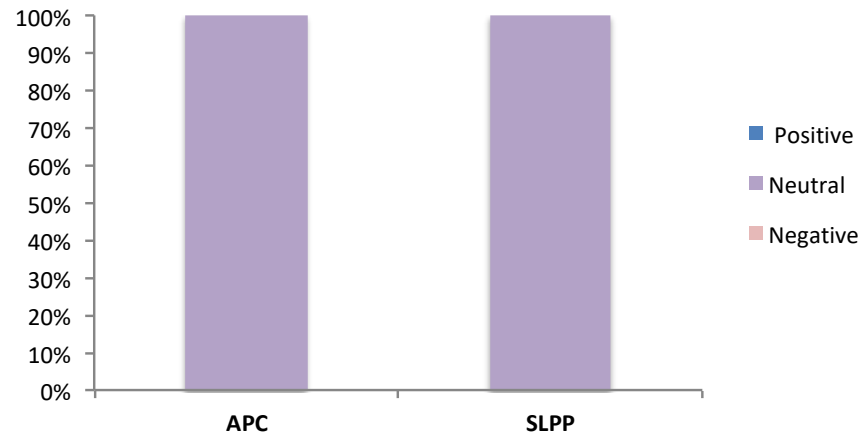
Base: 57676 seconds.

### Run-Off

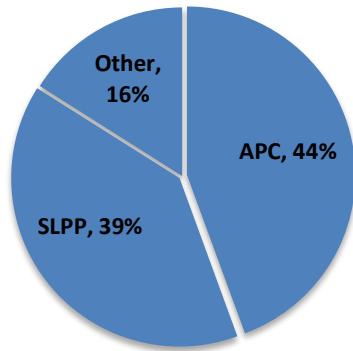
#### SLBC TV - Tone of the coverage



#### SLBC Radio - Tone of the coverage

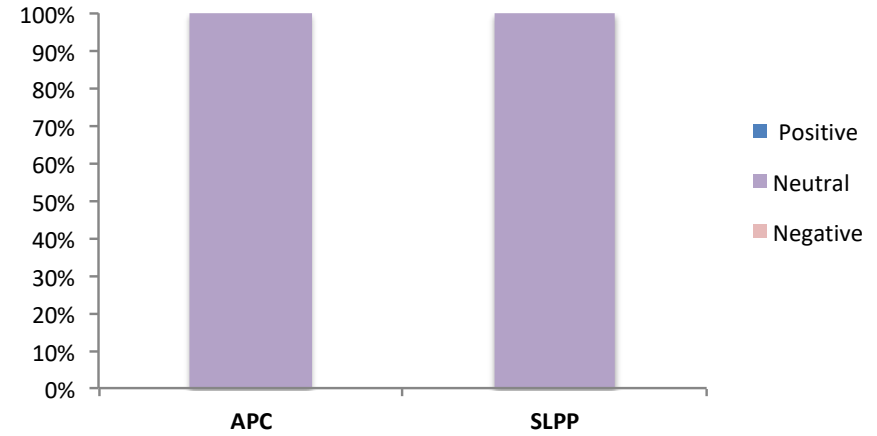


### AYV TV - Allocation of airtime

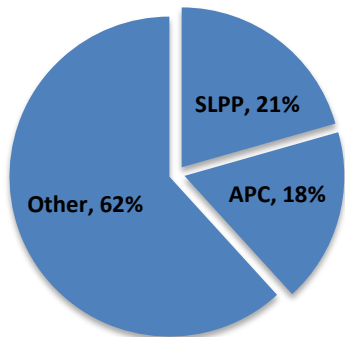


Base: 50268 seconds

### AYV TV - Tone of the coverage

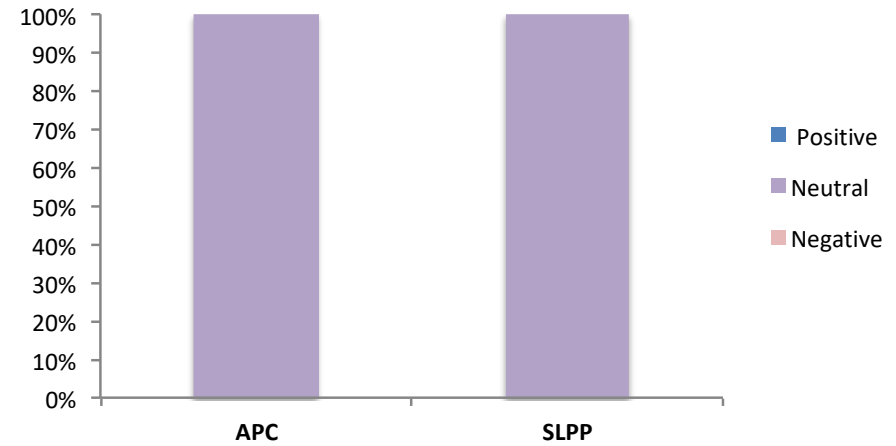


### AYV Radio - Allocation of airtime

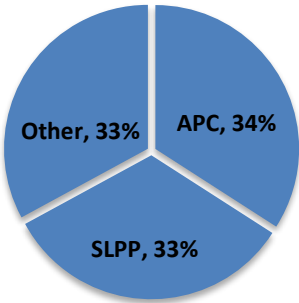


Base: 44730 seconds

### AYV Radio - Tone of the coverage

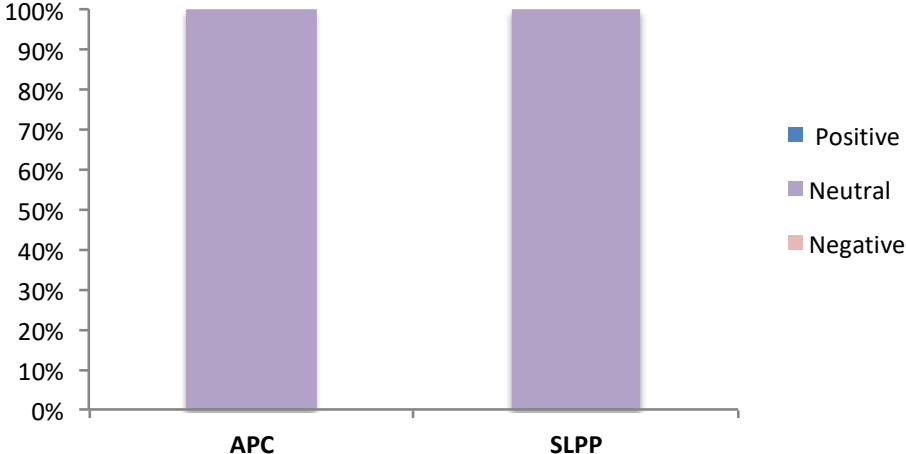


### Radio Democracy - Allocation of airtime

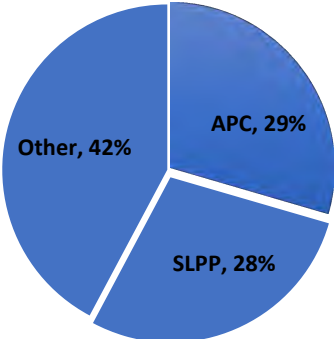


Base: 47565 second

### Radio Democracy - Tone of the coverage

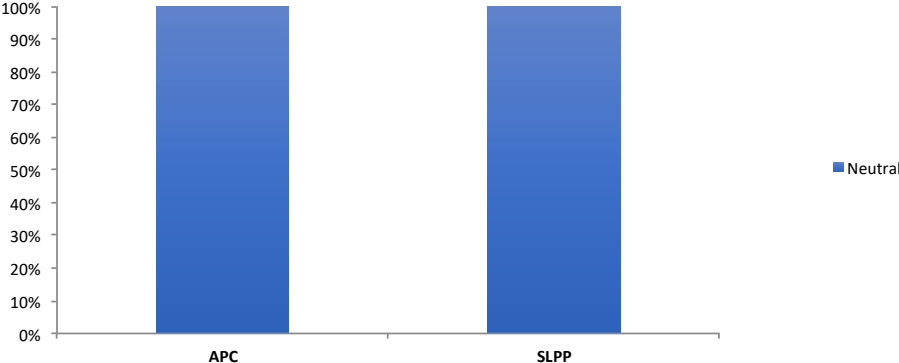


### Awoko - Allocation of space

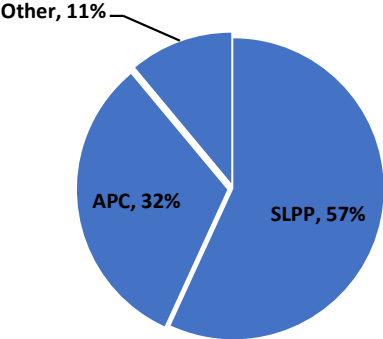


Base: 3806 cm2

### Awoko Newspaper- Tone of the coverage

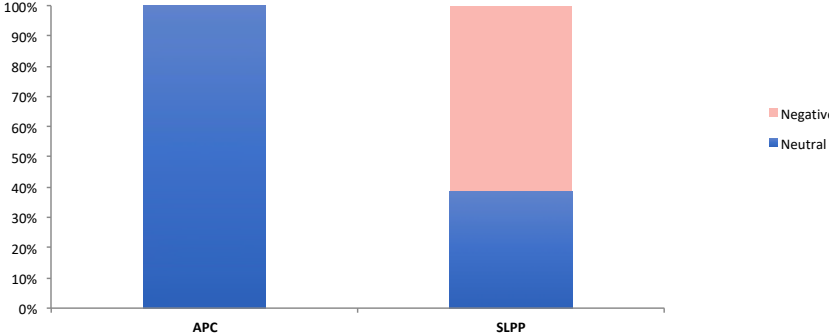


### Awareness Times - Allocation of space



Base: 2801 cm2

### Awareness Times - Tone of the coverage



## **Definitions**

**Quantitative:** the amount of airtime (in seconds) and the amount of space (in cm<sup>2</sup>) devoted to political actors during the campaign.

**Qualitative:** the tone of the coverage towards political actors during the campaign.

During the monitoring exercise the tone was measured in negative, neutral or positive values.

**Positive Tone:** where the media company/journalist is clearly biased in favour of the candidate/party; where the candidate/party is praised.

**Neutral Tone:** where information is presented in an unbiased way; there is no discernible tone; a balance of viewpoints have been presented.

**Negative Tone:** where the media company/journalist is clearly biased against the candidate/party; where the candidate/party is criticised with no right to reply.

### 3. Annex - Implementation of the 2012 EU EOM recommendations

<u>Recommendations by (organisation/year): Sierra Leone EU EOM 2012</u>					
<u>Rec #</u>	<u>Recommendation</u>	<u>Priority</u> * = In the final report executive summary priority recommendations	<u>Change in legislation required</u> C = constitutional change required PL = primary legislation change required D = desirable to be secured in law	<u>Status of implementation</u> Totally Mostly Minimal Not NA (e.g. if not yet at that stage of the election process)	<u>Notes</u>
<b>Legal Framework</b>					
1	Revise constitutional and electoral law to permit candidacy of naturalised citizens and those with dual nationality for parliament and local council elections.	*	C	Not	This was a topic of debate in the Constitutional Review Commission (CRC) process for parliamentary (but not presidential) candidates. Proposals were not enacted though could be returned to in the new parliament.
2	Revise citizenship law governing acquisition of citizenship by birth.	*	PL	Not	Citizenship Act Amendment passed in 2017 providing citizenship by birth to be granted through the mother as well as the father, however, the naturalised citizenship law has not yet been revised.
3	Remove restriction that independent candidates may not run for the office of president.	*	C	Not	Nothing was undertaken to this effect.
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.		C	Not	Proposed in the CRC report, not yet implemented. The CRC recommends that 76(1)(b) should be amended reducing the timeframe from 12 months to 6 months.
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.		PL	Minimal	The CRC recommended that the PPRC should decide about candidate fees for Presidential, Parliamentary and Local Council elections in consultation with the



					National Electoral Commission; but this was not enacted on 7 December 2017 the government declared that it would absorb up to 70% of the fees for the 2018 election.
6	Revise the Public Elections Act, 2012 to remove the requirement that ballot papers should have serial numbers.		PL	Not	Nothing was undertaken to this effect.
7	Revise NEC procedures in order to provide tactile ballot guides to facilitate voting in secret for those with sight impairment.		D	Mostly	Tactile ballot guides were made available but the law has not been amended.
8	Put arrangements in place to facilitate voting of prisoners on remand.		D	Not	Nothing was undertaken to this effect yet; no arrangements in place for registration of prisoners on remand or for voting were put in place.
<b>Election Administration</b>					
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.	*	D	Mostly	The electoral calendar was published soon after the declaration of the date of elections (14 February 2017). Its last and current version was published on 19 July 2017, i.e. after many electoral cycle processes had been finalised (e.g. delimitation of electoral boundaries, voter registration field phase, or the de-duplication of entries in the raw voter register).
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.		D	Minimal	The updates on the NEC website are limited to the bare minimum of documents prescribed by law (e.g. government notices on provisional candidate lists, schedules, declaration of election dates, etc.) At the start of the EU EOM, the most recent press release and NEC bulletins were published in 2016 and the last NEC annual report dates back to 2014. The situation improved only one week before the 7 March election when NEC's webpage was overhauled and election related press releases were published

					several times a week. The NEC has, however, engaged in regular consultative multi-stakeholder meetings including CSOs.
<b>Voter Education</b>					
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.	*		Minimal	Chronic underfunding of the NEC prevented an effective civic and voter education campaign. Consequently, only basic information on the date and type of election, as well as on how to mark ballots, was disseminated via posters, leaflets and so-called town criers (programme sponsored by the UNDP). Many CSOs ran voter education programmes focusing on women, youth or disabled. The public National Commission for Democracy also engaged in civic education programmes across the country. One of the indicators of the impact of voter education is the share of invalid votes which since 2012 increased from 4.7% to 5.2%.
<b>Voter Registration</b>					
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.			Mostly	A completely new biometric voter registration exercise was conducted in 2017, as a first phase of the attempted construction of a comprehensive civil register. Under the current funding situation, the sustainability of this model remains questionable. The civil register project, which would be a more sustainable solution, was put on hold in the electoral period.
<b>Electoral Campaign</b>					
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		PL	Mostly	The justification in this is that it avoids clashes between supporters of the major parties. In practice, this affects rallies, rather than door-to-door and media campaigns. It is uncontroversial amongst all stakeholders [though it does

	allowed outside of the area assigned for a party rally or public meeting.				discriminate against independent candidates]. It has the effect of reducing political party clashes, without seriously affecting the right to campaign. The NEC has applied sensible criteria and a lottery system.
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.			Minimal	There were many ‘pledges’ and ‘codes’ signed. However, the election day(s) vehicle restrictions (other than accredited vehicles) has undermined the confidence of some of the major opposition parties in the role of the police.
<b>Political Parties</b>					
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.	*	PL	Not	There are no state resources for this. The international donor community might not have confidence that any such money would be used wisely. Further, this would disadvantage new parties and favour incumbency.
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.		D	Not	This would currently be illegal under the PPA 2002s.19 – “donations in cash or kind should be limited to persons who are entitled to be registered as voters in SL.” There would be legitimate doubts that the implementation of this would be a net benefit to democracy in Sierra Leone. Parties tend towards personality and regional basis for support. Significant danger of abuse by divisive parties – and their (potential) foreign government partners.
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			Mostly	Party agent training is conducted by the parties themselves. In between the first and second round, more efforts to train was made by the two parties contesting,

	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.				leading to improved professionalism.
<b>Political Parties Registration Commission</b>					
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.		D	Not (first part) Mostly (second part)	The auditing of political parties' finances although provided for in the law is not fully implemented in practice. There are no usable enforcement procedures.  District level PPRCs operated in most of the districts (not the new ones). In some cases, they played an important role in mediating.
<b>Election Day</b>					
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.	*		Minimal	Completing reconciliation and results forms (RRFs) for four different elections and packing them appropriately was still difficult for presiding officers (PO) in two thirds of the PSs observed by the EU EOM in the first round. After targeted refresher trainings and following a much simpler process, still one in five POs appeared to have difficulties with these tasks.
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.			Not	The RRFs used included several ballot reconciliation options, yet they still did not allow for a comparison of the number of voters and the number of votes cast. Such reconciliation would significantly contribute to the overall integrity of the process.
21	Grouping of candidates into the party/independent candidate blocks on ballot papers in the local council multimember wards could reduce the number of invalid votes in these constituencies during the next local			Not	The candidates on ballot papers in the local council multi-member wards were not grouped, but placed in the alphabetic order of their surnames.

	council elections.				
<b>Tabulation and Publication of Results</b>					
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.	*		Mostly	The tallying procedures were adopted only one week before elections. Clear procedures for handling of the so-called ordered (previously quarantined) results were elaborated, consisting of a series of steps of investigation (verification of other related electoral material) and possibly recounts. However, it appears that in practice often a less rigorous approach was taken, as in total 221 PS presidential results were excluded from the count in the first round (about 2% of all PSs), at times before the investigation was concluded. No PSs were excluded in the run-off.
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.			Mostly	The NEC published the results of the first-round presidential election progressively by 25%, 50%, 75% and final results when all districts reached those levels. Already the first publication revealed the tendencies which were confirmed at later stages, including the publication of the final results. The strategy fulfilled the expectations. The new approach adopted for the run-off, based on sequential (as opposed to simultaneous) tallying of district, made the application of the progressive announcement of results, as done in the first round, impossible. Instead, full district results were published at regional tally centres from where they were picked up by media.
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			Minimal	The NEC progressively published valid votes only for the first-round presidential election per polling station with some lag after the respective publication of progressive results (at 25%, 75% and

	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.				100%). However, the number of invalid votes in each PS was not available in the published data (only in district summaries). The reasons which led to the exclusions of the 221 PSs have so far not been published.
<b>Complaints and Appeals</b>					
25	Revise time-frames in Constitution and electoral law and rules of court to ensure that complaints and petitions are adjudicated upon within a reasonable period.		C PL	Not	Nothing has been implemented to this effect; Constitutions.78(2) & (4) provides for a period of four months for the matters to be determined by the High Court and the Court of Appeal.
<b>Participation of Women</b>					
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.	*	PL and internal party reforms.	Not	Difficult to enforce in First Past The Post electoral systems. Parties have to an extent marginalised women by creating 'women's wings'. Men in positions of authority appear unwilling to support female candidates citing (incorrectly) the lack of sufficient quality/skills. Legislative attempts to introduce some sort of quota failed in the last parliament.
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.		D	Not	INGO, NGO and aid grants were made available to organisations such as 50/50. Some degree of progress was made at a local level, including the election of the first female mayor of Freetown since 1980. But at a national level there was a reduction in the percentage of female MPs.
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.		C	Not	Constitutional review was delayed by Ebola, and then rejected.
<b>Media Legal Framework</b>					
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.	*	PL	Not	Independent Media Commission (IMC) and Sierra Leona Association of Journalists (SLAJ) drafted a bill aiming at revision of IMC act and Code of Practice

					that was presented to attorney General's office, however this bill has not been introduced to the Parliament.
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.		PL	Not	IMC and SLAJ drafted a bill aiming at revision of IMC act and Code of Practice that was presented to attorney General's office, however this bill has not been introduced to the Parliament.
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.		PL	Not	Nothing was undertaken to this effect.
32	Clarifying who is the responsible body for taking action against breaches of campaign silence by the media.		PL	Not	Nothing was undertaken to this effect.
33	Revision of provisions in Public Order Act related to libel and defamation offences.		PL	Not	In 2016, IMC and SLAJ organised a consultative workshop funded by the British and the Irish embassies in order to repeal section 5 of the Public Order Act.
34	Approval of the Freedom of Information Bill		PL	Totally	Approved and gazetted on 31st October 2013.
<b>Public Service Broadcaster SLBC</b>					
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.			Minimal	The SLBC TV in its editorial programmes failed to treat the parties equally and provided additional coverage of the ruling party through their reporting on the then incumbent president.
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.			Minimal	<i>Ibid</i>
37	It would be advisable to establish a limiting 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.			Not	Nothing was undertaken to this effect.

<b>Media Training</b>					
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.			Mostly	Several trainings were conducted prior to 2018 elections.
<b>TOTAL</b>		<b>PRIORITY RATING (in the executive summary)</b> * = 10	<b>CHANGE IN LEGISLATION REQUIRED</b> C = 5 PL = 13 D = 7	<b>STATUS OF IMPLEMENTATION</b> Totally = 1 Mostly = 9 Minimal = 8 Not = 21	



#### 4. Annex – List of Acronyms

ACDEG	African Charter on Democracy, Elections and Governance
ACHPR	African Charter on Human and Peoples' Rights
ADEOs	Assistant District Electoral Officers
ADP	Alliance Democratic Party
AGMJ	Attorney-General/Minister of Justice
APC	All People's Congress
AUCPCC	African Union Convention on Preventing and Combating Corruption
AYV	African Young Voices
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CID	Criminal Investigation Department
CPRW	Convention on the Political Rights of Women
CRC	Constitutional Review Commission
CRPD	Convention on the Rights of Persons with Disabilities
CSOPAD	Civil Society Organisations for Peace and Development
CSOs	Civil society organisations
C4C	Coalition for Change
DEOs	District Electoral Officers
ECOWAS	Economic Community of West African States
EISA	Electoral Institute for Sustainable Democracy in Africa
EOC	Electoral Offences Court
EOM	Election Observation Mission
FPTP	First past the post
HRDN-SL	Human Rights Defenders Network-SL
HURIDAC	Human Rights Advancement, Development and Advocacy Centre
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IEOMs	International Election Observation Missions
IMC	Independent Media Commission
INGO	International non-governmental organisation
LTOs	Long-term observers
MEP	Member of European Parliament
MPs	Members of Parliament
NATCOM	National Telecommunications Commission
NCRA	National Civil Registration Authority
NDA	National Democratic Alliance
NEC	National Electoral Commission
NEPAD	New Partnership for Africa's Development
NEW	National Elections Watch
NGC	National Grand Coalition
NGO	Non-governmental organisation
ONS	Office of National Security
PC	Polling Centre
PCMPs	Paramount Chief Members of Parliament
PEA	Public Elections Act, 2012
PO	Presiding Officer
POA	Public Order Act
PPLC	Political Parties' Liaison Committee
PPRC	Political Parties Registration Commission
PSs	Polling Stations

PVT	Parallel vote tabulation
PWDs	Persons with Disabilities
RRFs	Reconciliation and Results Forms
RTCs	Regional tally centres
SEAG	Strengthening Electoral Accountability and Governance
SLAJ	Sierra Leone Association of Journalists
SLBC	Sierra Leone Broadcasting Corporation
SLHRC	Sierra Leone Human Rights Commission
SLPP	Sierra Leone People’s Party
SLUDI	Sierra Leone Union for Disability Issues
STOs	Short-term observers
TBGs	Tactile ballot guides
TEEs	Tamper evident envelopes
UDHR	Universal Declaration of Human Rights
UNCNC	United Nations Convention against Corruption
UNDP	United Nations Development Programme
VID	Voter Identification Document
WAR	Western Area Rural
WAU	Western Area Urban

