

# **AFRICAN UNION COMMISSION**



## **REPORT OF AFRICAN UNION ELECTIONS OBSERVATION MISSION TO THE 17 NOVEMBER 2012 GENERAL ELECTIONS IN THE REPUBLIC OF SIERRA LEONE**

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**List of Abbreviations**

AFRC:	Armed Forces Revolutionary Council
APC:	All People's Congress
APWA:	All Party Women's Association
AU:	African Union
AUEOM:	African Union Elections Observation Mission
AUC:	African Union Commission
BVR:	Biometric voter registration
CSOs:	Society Organizations
ECOWAS:	Economic Community of West African States
EISA:	Electoral Institute for Sustainable Democracy in Africa
EMB:	Election Management Bodies
EU:	European Union
FVR:	Final Voter Register
IMC:	Independent Media Commission (IMC)
INIS:	Institute of Electoral Administration and Civil Education
MPs:	Members of Parliament
NCD:	National Commission on Democracy
NDA:	National Democratic Alliance
NEC:	National Electoral Commission
NEW:	National Election Watch
PAP:	Pan-African Parliament
PEA:	Public Elections Act
PPLC:	Political Parties Liaison Committee
PPRC:	Political Parties Registration Commission
RUF:	Revolutionary United Front
SLBC:	Sierra Leone Broadcasting Corporation
SLP:	Sierra Leone Police
SLPP:	Sierra Leone People's Party

## **I. INTRODUCTION**

1. In response to the invitation from the Government of the Republic of Sierra Leone and of the National Electoral Commission, the Chairperson of the African Union Commission (AUC), H.E. Dr. Nkosazana Dlamini Zuma, deployed an African Union Elections Observation Mission (AUEOM) to the Republic of Sierra Leone, to observe the General Elections that were held on Saturday, 17 November 2012. The African Union Elections Observation Mission took place from 11 - 24 November 2012.
2. The AUEOM was led by H.E. Dr. Amos Sawyer, former President of the Republic of Liberia, and comprised 40 observers drawn from the Pan-African Parliament, African Ambassadors to the AUC in Addis Ababa, Election Management Bodies (EMBs) and African Civil Society Organizations (CSOs) from Burundi, Cameroun, Central African Republic, Ethiopia, Ghana, Liberia, Malawi, Nigeria, Saharawi Republic, South Africa, Tanzania, The Gambia, Uganda and Zambia.
3. The AUEOM was supported by a team of experts from the AUC, the Pan-African Parliament (PAP) and the Electoral Institute for Sustainable Democracy in Africa (EISA).
4. The Mission issued its Preliminary Statement on 19 November 2012 at a Press Conference at the Bintumani Hotel, Freetown, in the presence of local and international media.

## **II. OBJECTIVES AND METHODOLOGY**

### **Objectives**

5. The objective of the African Union Elections Observation Mission was to make an independent, objective and impartial assessment of the 17 November 2012 General Elections in Sierra Leone. In pursuance of this objective, the African Union Mission observed the elections within the spirit and letter of the Durban Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl.1 (XXXVIII), as adopted by the Assembly of Heads of State and Government of the African Union in July 2002; the African Charter on Democracy, Elections and Governance, which came into force on 15 February 2012; the Guidelines of the African Union Election Observations Missions and Election Monitoring, as well as the legal framework for the conduct of elections in the Republic of Sierra Leone.
6. The specific objectives of the Mission were to:
  - Determine whether the elections were conducted in accordance with the legal framework governing the conduct of elections in Sierra Leone;
  - Determine whether the election environment was conducive for voters to freely express their will;
  - Assess the level of fair and equitable access to media systems by political parties;

- Determine whether contending parties are free to campaign or whether the atmosphere is one of intimidation and violence;
- Determine the inclusivity of the voters roll, whether some citizens have been unduly disenfranchised and whether the register is complete, accurate and current;
- Evaluate whether or not the secrecy of the ballot was compromised and the degree to which the secrecy of the ballot was guaranteed; and
- Establish whether the results of the elections are a true reflection of the democratic will of the people of Sierra Leone and to assess whether or not the elections were credible.

### **Methodology**

7. To enable it achieve its objectives in accordance with the above-mentioned instruments, the Mission undertook the following activities:
  - The Mission consulted with key electoral stakeholders including the NEC, representatives of CSOs, Leaders of Political Parties, Elder Statesmen, the Independent Media Commission, the Office of the United Nations Integrated Peacebuilding Office in Sierra Leone, Leaders of other International Elections Observation Missions and Representatives of Security Agencies;
  - The Mission also participated in the briefing for international observers organised by the NEC on 13 November 2012.
  - Briefing and orientation sessions for members of the Mission were held from 14 to 15 November 2012;
  - Members of the AUEOM observed the final stages of the campaigns;
  - On 15 November 2012, the AU Mission deployed thirteen (13) teams of observers to 10 districts, namely: Western Urban, Western Rural, Kailahun, Kenema, Kono, Bombali, Kambia, Port Loko, Tonkolili, Bo and Moyamba. On Election Day the teams visited a total of 191 polling stations in their areas of deployment.
- On 18 November 2012, the AUEOM Teams returned to Freetown for a debriefing at which the Mission's assessment of the elections was formulated.

### **III. BACKGROUND TO THE 17 NOVEMBER GENERAL ELECTIONS**

8. Sierra Leone is a West African country bordered by Guinea to the North and East, Liberia to the South East and the Atlantic Ocean to the West. Sierra Leone occupies an area of 71, 749 square kilometres and has an estimated population of 6 million people.
9. It has a largely non-arid terrain, which is divided into four regions; Northern Province, Southern Province, Eastern Province and the Western Area. It is further divided into 12 administrative districts, which include; Bo, Bombali, Bonthe, Kailahun, Kambia, Kenema, Koinadugu, Kono, Moyamba, Port Loko, Pujehun, and Tonkolili. The country's ethnic groups include the Mende who are spread across the south eastern districts, Temne

and the Limba found in the northern districts, the Kono found mainly in Kono district while the Mandingo are also found in Kono and they are spread over other districts such as Koinadugu and across the border in neighbouring Guinea and Liberia.

10. Sierra Leone's history has largely been influenced by the relations between its indigenous people and the re-settled freed slaves (Creole/Krio) who were repatriated to Africa as part of the emancipation and decolonisation efforts in the Americas in the 18<sup>th</sup> century. The Krios are found mainly in the Western Area.
11. The official language of Sierra Leone is English but there are other ethnic dialects. Krio, which make up a significant portion of the population, has adopted Krio (Creole) as an alternative language of communication. This has also become a *lingua franca* for other peoples in Sierra Leone.
12. With regard to its political history, Sierra Leone gained independence from the British in April 1961. Sir Milton Margai of the Sierra Leone People's Party (SLPP) became the first Prime Minister and ruled until 1964 when he died and his brother Albert Margai became Prime Minister. The closely fought elections of 1967 were won by the All People's Congress (APC) of Siaka Stevens who became the Prime Minister. An ensuing crisis from the results of the elections led to a military coup which overturned the swearing in of Siaka Stevens as Prime Minister. Another coup in 1968 reinstated Siaka as Prime Minister.
13. Sierra Leone became a Republic in April 1971 with Siaka Stevens as the first president and ruled for 14 years until 1985 when he retired and replaced by Major-General Joseph Momoh. From 1978 to 1991 the country became a one-party State. Multiparty democracy was restored amidst international pressure in 1991 with the adoption of the 1991 Constitution. In spite of that the country was plagued by a series of coup d'états and armed conflict in 1991 by the Revolutionary United Front (RUF) that led to the displacement of over 2 million people and the death of over 50,000 people.
14. In 1992, the government of President Joseph Momoh was overthrown by Captain Valentine Strasser who remained in power until his ouster by his deputy, Brigadier Julius Maada Bio who oversaw the first multiparty elections and return to constitutional rule in 1996. The 1996 elections were won by Ahmed Tejan Kabbah of the SLPP. The return to democracy suffered a blow in May 1997 when a military insurgency led by Major Johnny Paul Koroma overthrew the government of President Kabbah and installed the Armed Forces Revolutionary Council (AFRC). The new military leaders invited the RUF rebels led by Foday Sankoh into government with Sankoh becoming the vice chairman of the AFRC. A military intervention by Economic Community of West African States (ECOWAS) led to the reinstatement of President Kabbah as president in March 1998

even though the civil war continued until January 2002 when international military intervention by the British and United Nations (UN) succeeded in restoring order.

15. With the civil war ended, the country held its first post-conflict elections in May 2002 under a transitional legal framework that allowed for some form of proportional representation electoral system. President Kabbah of the SLPP won the elections by a total of 70 % of the votes cast with his closest challenger, Ernest Koroma of the All Peoples Congress (APC) coming second with 22% of the votes cast. The second post conflict elections were held in August 2007 under the plurality first-past-the-post electoral system. The incumbent President Tejan Kabbah having served two terms was not eligible to run again. No candidate attained the set threshold of 55% of the total votes cast thereby necessitating runoff elections. Ernest Koroma of the APC emerged victorious against Solomon Berewa of the SLPP and was sworn in as President on the 17<sup>th</sup> September 2007 to serve for a five year term.
16. The 17 November 2012 elections were the third post-conflict elections held in the country with the incumbent President Koroma seeking re-election and challenged by candidates from 8 other parties. These elections were crucial because three categories of elections were held in one day, that is, Presidential, Parliamentary and Local Council. Unlike presidential and parliamentary elections that were held throughout the period of instability, the 2012 Local Government elections were the fifth in Sierra Leone's history considering the fact that Local Councils were abolished between 1972 and 2004. It is also important to note that the 2012 elections were the first post-conflict elections managed by national institutions of Sierra Leone.

#### **IV. LEGAL AND INTITUTIONAL FRAMEWORK FOR THE ELECTIONS**

##### **Legal**

17. The 2012 elections were guided by the Constitution of 1991, the Political Parties Act of 2002, the Local Government Act of 2004, the Public Elections Act of 2012, and regulations and codes issued by the NEC and the PPRC.

##### *Constitution of Sierra Leone*

18. The Constitution of Sierra Leone in its Articles 15-28 recognise and guarantees fundamental rights and freedoms to the individual. These include the rights to freedom of assembly, movement, expression, and association, it also provides for protection from slavery and the right to life. The Constitution also provides for Universal Adult Suffrage in public elections which are by secret ballot and the right to be registered as a voter to all persons of sound mind aged 18 years and above.

***Public Elections Act 2012***

- 19.** Elections in Sierra Leone were previously regulated by several pieces of legislations, namely: the Electoral laws Act 2002, the NEC Act 2002, the Local Government Act 2004, and the Electoral Laws (Amendment) Act, 2007. After the 2007 elections, there were proposals for electoral reform which included the consolidation of election related legislations. This led to the passage of the Public Elections Act in May 2012 which makes provisions for the registration of voters, the nomination of candidates, the conduct of elections, electoral offences and electoral dispute resolution. It also establishes the operational framework of NEC and empowers it to issue guidelines on the electoral process.
- 20.** Beyond harmonising previous legislations into one document, the Public Elections Act (PEA) also includes new provisions on the powers of the NEC to invalidate elections in polling stations where there has been over-voting (section 87). It also provides for persons who are yet to turn 18 as at the time of voter registration but will turn 18 before Election Day to register as voters (section 15). It also reinstates the requirement for serialisation of the ballot (section 75) which was initially taken out of the electoral law.
- 21.** It will be recalled that there were controversies about the powers of the NEC to invalidate elections during the 2007 elections when it invalidated the outcome of elections in 447 polling stations across the country and its powers to do so was challenged by political parties. The new legislation therefore strengthens the powers of the NEC in this regard.

***Political Parties Act of 2002***

- 22.** Based on articles 34 and 35 of the Constitution, the Political Parties Act of 2002 provides further details on the functions of the Political Parties Registration Commission (PPRC). It also provides further details on the registration and funding of political parties in Sierra Leone.
- 23.** It is important to highlight the fact that there is no public funding of political parties in Sierra Leone. Section 19 of the Political Parties Act limits the sources of funding for political parties to cash or in-kind contributions made by persons registered as voters in Sierra Leone. It also empowers the PPRC to set ceilings for contributions and make regulations for annual disclosure of political parties funding and expenditure.
- 24.** While the PPRC has effectively enforced the annual disclosure of funding and expenditure by political parties, there is no regulation providing ceilings on campaign expenditure.



*Local Government Act of 2004*

25. The passage of the Local Government Act in 2004 restored local governance in Sierra Leone. It stipulates the number of localities and empowers the President to establish a Local Council on the recommendation of the Ministry for Finance, Ministry for Local Government and the National Elections Commission (Section 2). Each Local Council consists of a Chairperson, elected councillors from the locality and a specified number of Paramount Chiefs in the locality. The Chairperson and Councillors are elected through Universal Suffrage and they serve for a period of four years. Section 4(3) of the Act provides that each Local Council shall consist of not less than twelve Councillors.

*Electoral System*

26. The electoral system in Sierra Leone has evolved over time. The simple plurality majority system (first-past-the-post) was adopted for elections prior to the 1996 elections. The proportional representative system was adopted for the conduct of the 1996 and 2002 elections and the district block system was adopted in the 2002 elections. Following the delimitation of constituencies in 2006, the simple plurality system was restored. For the election of parliamentarians, the 2012 parliamentary elections were conducted using the simple plurality system with members elected from single member constituencies. On its part, the President of the Republic is elected by absolute majority in a two-round system. The winner of the presidential elections is required to obtain 55% of the total votes cast in the elections. If none of the candidates attains the set threshold runoff elections are to be contested by the top two candidates.

*Electoral Dispute Resolution*

27. Electoral Dispute Resolution in Sierra Leone is governed by the 1991 Constitution and the Public Elections Act 2012. The responsibility of determining post election disputes is vested in the Judiciary.

28. Disputes arising from the presidential elections are heard by the Supreme Court of the Republic pursuant to article 45 of the Constitution. Furthermore, section 55 of the Public Elections Act provides that any person who voted in the presidential elections may challenge the validity of that election. The Act vests jurisdiction to hear such challenges to the Supreme Court of Sierra Leone. The Act does not specify the duration within which the Supreme Court should make a determination on the challenge.

29. Article 138 of the Constitution vests jurisdiction for the hearing and determination of election petitions challenging the election of a Member of Parliament on the High Court, which is mandated to hear and determine the dispute within four months from the date of commencement of proceedings before the Court. A right of appeal is granted to the Court

of Appeal, to be determined within four months from the date the appeal is filed. The decision of the Court of Appeal is final.

30. The Electoral Offences Court is a division of the High Court which has jurisdiction to try electoral offences stated in the Public Elections Act 2012. Appeals on the decision of this Court are addressed to the Court of Appeal.

### **Institutional**

31. Elections in Sierra Leone are primarily managed by the NEC. The NEC holds the primary responsibility for conducting elections, while the Political Parties Registration Commission is responsible for registering and regulating the activities of political parties.

#### ***National Electoral Commission***

32. Article 32 of the Constitution establishes the NEC and Article 33 vests it with the principal responsibilities for the conduct and supervision of registration of voters for all public elections and referenda. Article 32 provides that membership of NEC comprises of a Chairperson and four Electoral Commissioners who are appointed by the President in consultation with leaders of political parties and subject to parliamentary approval for a renewable tenure of 5 years. Gender and ethnic diversity are part of the criteria considered in the appointment of the NEC Commissioners. The Commission is responsible for constituency delimitation, continuous voter registration, regulation of candidate nomination, civic electoral education, facilitation of observation and monitoring of elections and conduct of elections and referenda.
33. The independence of the NEC is guaranteed in article 32 of the Constitution which stipulates that the Commission is not subject to direction or control of any person or authority in the exercise of its functions. Its independence is further strengthened by the power it holds to recruit its own staff and by the security of tenure guaranteed its members. The PEA 2012 makes supplementary provisions on the procedures for the removal of members of the Commission, which are similar to the procedures for the removal of Judges.
34. It is important to mention that the 2007 and 2012 elections were conducted under the leadership of Dr. Christiana Thorpe. The Mission noted the efforts taken by the NEC to make the 2012 electoral process transparent and inclusive through the different dialogue mechanisms it has set up such as the Political Parties Liaison Committee (PPLC).

#### ***Political Parties Registration Commission***

35. The Constitution also establishes the PPRC as the principal state agency tasked with the registration of all political parties in the country (Article 34). The Commission comprises of a Chairperson who is a person qualified to be appointed as a judge of a Superior Court,

nominated by the Judicial and Legal Service Commission, the Chief Electoral Commissioner, a legal practitioner nominated by the Sierra Leone Bar Association, and a member nominated by the Sierra Leone Labour Congress. Members of the PPRC, except the Chief Electoral Commissioner, are appointed by the president subject to parliamentary approval for a renewable tenure of 5 years.

36. The independence of the PPRC is guaranteed in the Constitution which empowers it to recruit its own staff and make regulations related to the performance of its functions. The Political Parties Act of 2002 also makes supplementary provisions on the procedures for removal of members of the Commission which are similar to the procedures for removal of a Judge.
37. The PPRC is mandated to monitor and supervise political parties with regard to internal democracy and compliance with their terms of registration; promoting political pluralism; mediating inter and intra party disputes when approached by parties and enshrining democratic ideals. The decisions of the PPRC can be appealed in court.
38. Article 35 of the Constitution requires political parties to submit to the PPRC statement of their sources of income, audited accounts and statements of assets and liabilities annually.
39. The PPRC is vested with powers to resolve inter-intra party disputes through mediation when approached by the parties. The Mission noted pivotal role played by the PPRC in the prevention of election related violence through its alternative dispute resolution and dialogue mechanisms.
40. The Mission notes the level of collaboration between the NEC and the PPRC in the planning and conduct of the 2012 electoral process. Specifically, their efforts at resolution of inter and intra party disputes and the establishment of dialogue mechanisms to promote the transparency of the electoral process.

## **V. PRE-ELECTION CONTEXT**

41. The mission's assessment of the pre-election context is based on the findings of the joint AU/ECOWAS pre-election assessment mission that was in Sierra Leone from 1-5 October 2012 and consultation with stakeholders since its arrival in Sierra Leone.

### **Voter Registration**

42. The voter register is a fundamental element of the electoral process that could largely impact on the final outcome of an election. The voter register used for the conduct of the 2007 presidential and parliamentary elections was updated in 2008 for the local government elections to ensure that persons who had attained the voting age after the 2007 elections were included in the Register.

- 43.** Article 41 of the Constitution mandates the NEC to compile and maintain a national register of voters. The PEA 2012 further stipulates that the registration of voters or updates of the voters register should be done not less than six months before an election. The law permits all citizens of Sierra Leone who have attained the age of 18 or would be 18 years old on the date of elections and are ordinarily resident in a ward to register to vote in an election. While the law provides for registration of citizens in the diaspora, this provision is yet to be enforced by the Commission.
- 44.** For the first time in Sierra Leone elections, the NEC introduced the use of biometric technology for the registration of voters. The biometric voter registration (BVR) entailed the use of a mobile registration kit comprised of a laptop, a camera and a finger print scanner. The use of the biometric system of registration enabled the NEC to capture a photo and finger print of each voter. The choice of the biometric system was based on its usefulness for eliminating multiple registrations and the cost effectiveness of future registration and review exercises. A pilot test of the biometric voter registration was conducted from 1-3 November 2011.
- 45.** The registration of voters entailed four processes: data capture, data consolidation, de-duplication process, display and distribution of voters cards. The NEC established 2,998 registration centres for the data capture process that was conducted from 23 January to 26 March 2012. A movement plan was designed by the NEC that provided for the registration kits to be on site in each ward for a period of 15 days<sup>1</sup>. The process was open to observation by political parties and citizen observer groups. The consolidation and de-duplication analysis of the data captured was done in Brussels in May 2012 and this process was also open to observation by all political parties, the National Election Watch (a citizen observer group) and the Sierra Leone Police (SLP)<sup>2</sup>. The display of the provisional voters' roll for claims and objections was conducted from 30 June to 17 July 2012. Observer groups commended the process as successful, especially with regard to the detection of multiple registrants which yielded a total of 794 cases which were referred to the police for prosecution. It is expected that prosecution of offenders would serve as a deterrent to others. Distribution of voter's cards was done in August 2012.
- 46.** At the end of the data capturing process, the provisional number of registrants was given as 2,701,299. After the de-duplication and re-registration processes the final number of registrants for the 2012 elections was given as 2,692,635 voters. It is important to note that this is lower than the 2008 revision exercise at which 2,761,423 voters were registered. Some stakeholders are of the opinion that this could be attributed to the use of

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<sup>1</sup>. See <http://www.nec-sierraleone.org/Registration.html> for further details.

<sup>2</sup>. See [http://www.nec-sierraleone.org/index\\_files/Observer%20Report%20on%20de-duplication.pdf](http://www.nec-sierraleone.org/index_files/Observer%20Report%20on%20de-duplication.pdf) for observation report on de-duplication of biometric voter registration database in Brussels.

the biometric voter registration system that enabled the Electoral Commission to delist multiple registrants and other forms of irregularities.

### **Political Parties and Candidates Nominations**

- 47.** There are currently ten (10) registered political parties in Sierra Leone of which nine (9) parties fielded candidates for the 2012 presidential elections while all ten parties fielded candidates for the 2012 parliamentary and local council elections.
- 48.** To qualify to contest elections, a presidential candidate is required to be a citizen of Sierra Leone, a member of a party, not less than 40 years of age and qualified to be elected as a Member of the Parliament. Presidential candidates are also required to pay a mandatory election fee stipulated by the NEC. Candidates for membership of the parliament are required to be citizens of Sierra Leone, not less than 21 years old, and a registered voter with fluency in spoken and written English.
- 49.** The nomination fees set by the NEC as provided in sections 46 (1) and 60 (5) of the Public Elections Act 2012 was one of the controversial issues in the run up to the 2012 elections. In its press release of 30 July 2012, the NEC announced an increase in the nomination fees for the different categories of elections. For presidential candidates the fee was increased from 1 million Leones to 100 million Leones (23,255 USD<sup>3</sup>), for MPs it was reviewed from 100,000 Leones to 25 million Leones (5,813 USD), for Mayors and Local Council Chairpersons the fee was reviewed and set at 5 million Leones (1,162 USD) and for Councillors the fee was fixed at 2 million Leones (465 USD). The NEC justified the upward review of fees for budgetary reasons, stating that the estimated budget for the elections was 20.1 million USD with only 9.6 million USD received through donor contributions. In response to the increase, seven opposition political parties disagreed with the increase in election fees as it was interpreted as an exclusionary measure intended to discourage willing and qualified candidates from the opposition who may not be able to afford the new fees. This dispute was mediated by the PPRC and a resolution was reached with a commitment from the President to subsidise the nomination fees for all parties. Eventually the parties paid the same nomination fees as they paid in 2007.
- 50.** Sections 44 and 60 of the Public Elections Act require nominated candidates to make formal submission of documentation for their nomination to the NEC. The Commission in consultation with political parties prepared a schedule of submissions of nominations to the NEC for the different categories of elections which took place from 12 September to 15 October 2012. The days for submission of nomination documentation as mandated by the Public Elections Act were allocated by casting lots among the political parties.

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<sup>3</sup>. Exchange rate: \$1= 4,300LE.

Candidates were required to submit their nomination papers in person to the returning officers for the different categories of elections.

- 51.** For presidential elections, the returning officer is the Chair of the Electoral Commission. Nominations for presidential candidates are required to be subscribed by three party executives and the vice presidential candidate. Candidates for ordinary parliamentary elections are required to be nominated by three registered voters in their electoral area. Candidates for Paramount Chief Members of Parliament are required to be nominated by three members of their Chiefdom Council.
- 52.** At the end of the nomination process, 1,624 candidates were nominated for Local Council elections, 586 candidates for the parliamentary elections and 9 for the presidential elections. It is important to mention that the National Democratic Alliance (NDA) did not meet the nomination deadline due to an internal party dispute which led to a court order for the NEC to hold off the nomination of a presidential candidate for the party.

### **Campaigns**

- 53.** Campaigns for the 2012 elections began on 17 October 2012 and ended on the 15 November 2012 to provide for a 24-hour silence period. Campaigns are regulated by the Code of Election Campaign Ethics 2012 and the Code of Conduct for Political Parties, voluntarily agreed to by the nine political parties in 2006. Adherence to the Code of Conduct is monitored by the PPRC and complaints against its violation can be filed before the PPRC for mediation. On the other hand, commitment to the Code of Campaign Ethics is a mandatory condition for acceptance of candidate nomination documents. This code is enforceable under the PEA 2012 and offences or violations can be prosecuted by the Electoral Court.
- 54.** The Code of Election Campaign Ethics defines activities that are permitted as campaign activities under the law. It prohibits the use of abusive language, acts of violence and intimidation and activities that may aggravate tensions. It also commits parties and independent candidates to adhere to the law and respect the period of campaign silence.
- 55.** To address the issue of electoral violence, the NEC set out the schedule of campaigns which was done by drawing lots among the political parties. Each political party was allocated three days to campaign in each district over the 30 days campaign period, thus providing equitable access to the campaign space for all parties and avoiding clashes and confrontations between party supporters.
- 56.** The Mission observed the final stages of the campaigns which were colourful and peaceful. The role played by security personnel to guarantee security of the campaigns is also noted. The Mission also noted that the campaigns were largely peaceful with isolated incident reports.

## **Participation of Women and Persons with Disability**

- *Participation of women*

**57.** In recognition of the need to improve the participation of women in the electoral process, a Gender Equality Bill was tabled before the Parliament but did not pass before the dissolution of the Parliament. The participation of women within political parties has been advocated through the All Party Women's Association (APWA) that serves as an inter-party platform for women's wings of political parties.

**58.** Out of the 586 candidates nominated to contest as MPs in the 2012 parliamentary elections, 67 (11.4%) were women and 519 (88.6%) men. Compared to the 2007 elections, there is no significant improvement in the representation of women with 11% women nominated in the 2007 elections. For the local government elections, only 290 (17.86%) out of the 1,624 nominated candidates were women. For the presidential elections, there are four female vice presidential candidates but no female presidential candidates. Political parties consulted mentioned that the increase in the nomination fees and the fear of violence may have deterred some female aspirants from contesting in the 2012 elections.

- *Participation of persons with disability*

**59.** Section 74 of the Public Elections Act provides that voters who require assistance due to any form of disability are entitled to be assisted by another registered voter of their choice. While this legal provision does not mandate the NEC to take further steps to provide special election materials for persons with disability, it is international best practice to make special materials available to ensure that they are able to exercise their franchise in secrecy.

**60.** During the 2007 elections, the NEC provided tactile ballot for persons who are visually impaired on a pilot basis. In its preparations for the 2012 elections, the Commission admitted that it will not make the same provision due to time constraints to conduct the special training required for the use of the tactile ballot. The Commission however made a commitment to ensure that voters requiring assistance would be given priority on Election Day.

## **Civic and Voter Education**

**61.** The NEC, the PPRC, the National Commission on Democracy (NCD) and civil society organisations undertook voter education to enlighten voters on the need to take an active part in the process and the required voting procedures. Civic education was also focused on non-violent elections among other issues. The NEC provided a manual on voting procedures to be used by its partner organisations and political parties for public

enlightenment. The Mission however noted that voter education did not achieve its full impact.

### **The Media**

- 62.** The media is regulated by the Independent Media Commission (IMC) which is responsible for licensing and monitoring the activities of media houses. The media environment in Sierra Leone is largely free with minimal State interference. There is one State-owned media house, the Sierra Leone Broadcasting Corporation (SLBC), and many private media houses, mostly community radio stations and newspapers.
- 63.** The IMC drew up a code of conduct for election coverage in 2006 to which many media institutions subscribed. There was an attempt to enact the code into legislation to make it binding but this was not passed before the dissolution of Parliament. Media coverage of the 2012 elections was therefore guided by the 2006 code which is not enforceable.
- 64.** The Mission noted that while the Public Election Act 2012 provides for equitable allocation of airtime to candidates during the campaigns, this is restricted to the state-owned media. The regulation and monitoring of private media houses is left to the will of the owners and management, therefore there is no forceful compliance of the provisions of the code by private media houses. Coverage provided to candidates and parties on privately owned stations was therefore determined by the financial capacity of the candidates and parties.
- 65.** The Mission noted that the media environment was highly polarised with the ruling party receiving preferential media coverage.

### **Preparation by the National Electoral Commission**

- 66.** The NEC recruited 77,000 staff for the 2012 elections to fill different categories of election duty. The different position was advertised in the papers for the different categories of ad hoc staff. The recruitment and training was done in a cascaded manner and completed about 2 weeks prior to the elections. During the recruitment of staff, the Commission gave priority to persons who have served as registration personnel earlier in the year and persons who served in previous elections.
- 67.** As part of its efforts to provide continuous training on electoral issues, the NEC and other institutions involved in elections such as the PPRC and the National Commission for Democracy instituted a training course for persons who would serve in elections as officials or observers through the Institute of Electoral Administration and Civil Education (INIS). In its recruitment of personnel, the NEC also gave priority to persons who have undertaken the diploma course offered by the INIS. The Mission notes this as a



commendable initiative which will enable the commission to maintain a pool of trained ad hoc election staff.

68. The Commission established 2,998 polling centres and 4,943 polling stations across the country. Each station was set up to attend to a maximum of 300 voters with extra 100 ballots to cater for emergency.

## **VI. ELECTION DAY OBSERVATIONS**

### **Opening the Poll**

69. Most of the polling stations visited by the AU observers opened after 7am due to delayed delivery of election materials or slow completion of preparatory activities.

### **Polling Stations and Election Materials**

70. Most polling stations were located in neutral and public locations with the exemption of few that were located on private property. Polling stations were also accessible to persons with disability. Election materials were provided in adequate quantity.

71. For the 4 different categories of elections, each polling station was provided with 4 different ballot boxes. The ballot for each category of election was colour coded to match the colour of the sticker on each ballot box. To make the process more user friendly, voters were first issued the ballot for the presidential and parliamentary elections; thereafter they were issued the ballot for the mayoral and councillorship elections.

### **Voter Turnout**

72. The Mission noted the high voter turnout especially in the early hours of the day and the enthusiasm with voters queued up to cast their votes.

### **Voting Procedures**

73. It was observed that most of the voters understood the voting procedures to some extent. There were however cases of voters who required additional information on the procedures. In such cases, election officials made efforts to provide further explanation to such voters.

74. In most of the polling stations visited, priority was given to the aged, pregnant women, voters with infants and physically challenged persons. Physically challenged voters who required assistance were also allowed to vote with assistance from a person of their choice.

75. The voter verification process was very slow and cumbersome as voters initially had difficulty identifying their allocated polling station within polling centres. The manner in which the Final Voter Register (FVR) was compiled made it difficult for polling officials to locate names on the register. These challenges led to a slow and rowdy start of the process. Nevertheless, officials addressed the challenges and improvements were noted in the course of the day.

#### **Election Personnel**

76. Each polling center was managed by a Polling Centre Manager under the supervision of the District Electoral Officer. Each polling station had 7 officials namely: a Presiding officer, a Voter Identification Officer, 2 ballot Issuers, 2 Ballot Box Controllers and a Queue Controller.

77. The Mission noted that electoral officials reported for duty on time and displayed an appreciable understanding of the procedures.

#### **Women's Participation on Election Day**

78. The Mission noted the impressive participation of women in the process on Election Day.

#### **Party Agents and Independent Observers**

79. The presence of party agents and independent observers (national and international) was observed at all the polling stations visited. Specifically, AUOEM noted the presence of the following groups, the NEW, Religious Groups, the ECOWAS, the Commonwealth, the European Union (EU), the Carter Center and the Women's Situation Room.

#### **Security**

80. Security personnel were also observed at most stations visited by AUEOM Teams. Furthermore, the Mission noted the role of security personnel in maintaining order within the polling centres. Security personnel found within the polling stations were unarmed and they did not obstruct the process.

81. While the conduct of security personnel during the process was largely unobtrusive, the Mission notes with regret an incident involving the use of force by security personnel at Hill Station area in Freetown on Election Day.

#### **Closing and Counting Procedures**

82. Most polling stations closed at 5pm as required by law. Counting procedures continued late into the night with inadequate lighting in many polling stations. The Mission also noted the inconsistent application of procedures during the counting, with some Presiding Officers skipping the screening and re-unification processes.

## **VII. RECOMMENDATIONS**

**83.** Based on its observations and consultations, the AUEOM offers the following recommendations:

### **The National Electoral Commission should:**

- Make provisions for persons with disability in future elections in line with international best practice and to uphold the right of participation to all voters regardless of their disability;
- Review the compilation of the Final Voter Register to ensure that it is set out either alphabetically or serially to make for easy verification of voter details;
- Provide adequate lighting for the counting process;
- Improve on civic and voter education;
- Improve the training of polling staff; and
- Make efforts to locate all polling stations in public and neutral places.

### **The Political Parties Registration Commission should:**

- Make regulations providing ceilings on campaign expenditure as a means of limiting the influence of money in politics; and
- Enforce the regulations on the abuse of state resources by political parties.

### **The Sierra Leone Police should:**

- Further sensitise officers on election security.

### **The State should:**

- In line with article 8 of the African Charter on Democracy, Elections and Governance, develop mechanisms for achieving increased representation of women and persons with disability in elective positions.

### **Political parties should:**

- Improve the training of party agents to enable them understand their role in the process; and
- Undertake affirmative action for participation of women in politics.

### **Legal reforms:**

- The laws regulating media coverage of the elections should be reformed to strengthen the powers of the IMC to enforce the Code of Conduct.