



SIERRA LEONE 2012 GENERAL ELECTIONS

CARTER CENTER REPORTS TRANSPARENT AND ORDERLY PROCESS; URGES SIERRA LEONEANS TO AWAIT RESULTS

FOR IMMEDIATE RELEASE

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The Nov. 17, 2012, elections are the first self-administered elections to be conducted in Sierra Leone since the end of the civil war, representing an important test for the country's democratic consolidation. Carter Center observers reported that voting and counting processes were peaceful, orderly, transparent, and in general accordance with Sierra Leone's legal framework and obligations for democratic elections. While the Center noted some limited administrative shortcomings, observers reported that the electoral process was well-conducted by NEC officials, that polling staff performed admirably in difficult conditions, and that the people of Sierra Leone turned out in high numbers to cast their ballots freely.

At this stage, while the tabulation of final results is still underway, it is too early to provide an overall assessment of the electoral process. Carter Center long-term observers continue to observe the tabulation process, and will remain in Sierra Leone to observe post-election processes. This statement is preliminary; a final report will be published in coming months following the conclusion of the electoral process.

The Carter Center encourages all political parties and candidates to await the announcement of results. In the event of any challenges or complaints, parties and candidates should follow the prescribed legal channels.

The Center's main findings are as follows:

- The process was conducted with a high degree of transparency. Party agents, citizen observers, and international observers had access to all stages of the electoral process.
- Political party and independent candidate agents, particularly from the APC and SLPP, were seen in strong numbers across the country.

- Citizen observers were deployed to polling stations across the country, particularly those from the National Election Watch (NEW). NEW observers were professional and well-trained, and released several statements based on reports from a large sample of polling stations.
- Carter Center observers reported strong turnout in the polling stations visited, in most cases exceeding 75 percent.
- The number of female candidates participating in the elections was very low, and represents one of the most important shortfalls of the 2012 electoral process.
- The Sierra Leone Police (SLP) reported very few cases of election-related violence across the country, and Carter Center observers did not report any incidents of violence during their deployment. This is a remarkable improvement on past elections, for which the people of Sierra Leone should be commended.
- Carter Center observers noted several administrative shortcomings on election day, including late poll openings, shortages of election materials, and problems due to long queues in the morning. These shortfalls generally were addressed by mid-day, and they did not undermine the fundamental integrity of the electoral process, nor prevent registered voters from participating in the process.
- While Carter Center observers noted that the layout of some polling stations and the placement of voting booths did not sufficiently ensure the secrecy of the ballot, they reported that the overall integrity of the process was not undermined.
- Although voter education efforts in advance of the election were poor, on election day, ballot paper issuers provided instructions to individual voters which appeared to contribute to voter's overall understanding of the process.
- Carter Center observers reported that the campaign period was generally peaceful, allowing political parties to assemble freely and to convey their message to potential voters. The campaign was conducted in a lively and generally peaceful manner throughout the country with active participation of the citizens.
- The Center commends the parties for agreeing to abide by a campaign calendar in order to avoid clashes that could lead to violence. At the same time, the Center notes that such campaign limits are inconsistent with the right to freedom of movement and expression. The Center hopes that in the future, the need for such restrictions will not arise as the political parties mature and citizens reject the notion of electoral violence.
- Although The Carter Center did not conduct a formal media monitoring program, the Center noted that the incumbent president and the ruling party received considerably more coverage than opposition parties from the SLBC and other outlets, providing them with an unfair advantage during the campaign period.

The Carter Center conducts election observation missions in accordance with the Declaration of Principles of International Election Observation which was adopted in 2005 at the United Nations. The Center assesses electoral processes based on states' obligations for democratic elections contained in their regional and international commitments and in their domestic legal framework.

At the invitation of the National Electoral Commission (NEC), the Center commenced its observation mission in Sept. 2012, deploying eight long-term observers (LTOs) to assess the campaign period and electoral preparations. For the voting and counting processes, the Center deployed 40 observers, visiting 217 polling stations across all 14 districts and in 64 constituencies.

Statement of Preliminary Findings and Conclusions

The Carter Center Election Observation Mission has been in Sierra Leone since September 2012 following an invitation from the Sierra Leonean National Election Commission (NEC). The Carter Center Mission was led by H.E. Rupiah Banda, former president of Zambia, and Dr. John Stremlau, Vice President of the Carter Center's Peace Programs. Eight Long-Term Observers (LTOs) from six countries were deployed throughout the country in September to assess election preparations. On election day, 40 observers from 18 countries visited 217 polling stations in 64 constituencies across Sierra Leone's 14 districts to observe voting and counting. One team was deployed to each district, with additional teams deployed to Western Urban, Bombali, and Bo.

Carter Center LTOs continue to assess the vote tabulation process and will remain in Sierra Leone to observe the post-election environment.

BACKGROUND

The Nov. 17, 2012, elections are the third set of elections to be conducted in Sierra Leone since the end of the civil war and represent an important test for democratic consolidation in the country. Presidential and parliamentary elections were held in 2002 and 2007 and local government elections were held in 2004 and 2008.

Between 1991 and 2001, Sierra Leone's civil war claimed over 50,000 lives. Hundreds of thousands of people were forced from their homes and many became refugees in Guinea and Liberia. Following the collapse of the 1999 Lomé Peace Accord, UN and British forces intervened and began disarming rebel fighters. With the war officially over in January 2002, Sierra Leone began rebuilding its political institutions and reestablishing the rule of law. By 2004, disarmament concluded and an UN-backed war crimes court was established. By December 2005, UN peacekeeping forces withdrew from Sierra Leone.

In August 2007, Sierra Leone held presidential and parliamentary elections. Following a closely contested first round of balloting in which no candidate won the required 55 percent of the vote, Dr. Ernest Bai Koroma, the candidate of the main opposition All People's Congress (APC), defeated president Ahmad Tejan Kabbah of the Sierra Leone People's Party (SLPP) in a runoff election. The parliamentary elections resulted in three parties gaining representation with the APC gaining 59 seats, the SLPP gaining 43 seats, and the People's Movement for Democratic Change (PMDC) gaining 10 seats.

The 2012 elections are the first time that presidential, parliamentary, mayoral, and local council elections were held on the same day, testing the country's emerging democratic institutions, particularly the National Electoral Commission (NEC), the Political Parties Registration Commission (PPRC), and the Judiciary. The NEC, in particular, faced a difficult test, taking sole responsibility for the conduct of the electoral process for the first time without significant international assistance. The NEC's autonomy demonstrates meaningful institutional reform.

ELECTORAL FRAMEWORK AND LEGAL FRAMEWORK

Sierra Leone has a single chamber parliament composed of 124 elected members, of whom 112 are directly elected with a single-member plurality system in 112 constituencies (40 constituencies in Northern Province, 27 in Eastern Province, 25 in Southern Province, and 20 in Western Area). The parliament and local government elections are “first-past-the-post” where the candidate with the most votes wins. The remaining 12 seats are filled by paramount chiefs elected in separate elections, which took place on Nov.10 in the four districts where elections were contested.

The presidential election in Sierra Leone is based on a two-round system, where if no candidate receives 55 percent of the valid votes cast in the first round, a runoff is held between the two candidates with the most votes. The candidate who receives the highest number of votes in the second round is elected. The President is elected to serve a five-year term and can be re-elected only once.

Legal Framework

A sound legal framework is essential to the effective administration of democratic elections. The legal framework includes the rules found in the domestic laws of the country that regulate the electoral process. Based on its international commitments, Sierra Leone is obligated to take measures to promote the principles of the rule of law¹, recognizing that laws must be consistent with the principles of human rights.²

The legal framework that creates the foundation for elections in Sierra Leone includes the Constitution of Sierra Leone of Oct. 1, 1991, as amended on Feb. 7, 2002, and July 31, 2008, the 2012 Public Elections Act³ (EA), the Political Parties Act (PPA), and the regulations and procedures of the NEC.

The Constitution provides for the separation of executive, legislative, and judicial powers and guarantees fundamental rights and freedoms, including the freedom of conscience, the freedom of expression, the freedom of movement, and the freedom of association. Section IV of the Constitution provides the overall framework for elections. It guarantees the right to vote and register and establishes the Electoral Commission and the Political Parties Registration Commission (PPRC).

There also are several codes of conduct and declarations/agreements that have been signed by political parties, candidates, and other stakeholders for this election. They include the Political Parties Code of Conduct of 2006, which was reaffirmed for the 2012 elections, the Declaration on the 2012 Elections, a Resolution of the Consultative Meeting with Political Parties and Stakeholders convened by the Sierra Leone Police (SLP), and the Sierra Leone Open and Safe

¹ UN, United Nations Convention against Corruption, art. 5.1, AU, African Union Convention on Preventing and Combating Corruption, AU, African Charter on Democracy, Elections, and Governance, art. 4

² UN, ICCPR, art. 2; AU, AfCHPR, art. 1; ECOWAS, Protocol on Democracy and Good Governance

³ The 2012 Act compiles and updates most of the laws related with the electoral process, such as the Electoral Laws Act of 7 February 2002 (and amendments), the National Electoral Commission Act of 7 February 2002 and the Election Petition Rules of 2007

Elections Pledge. However, since none of these documents have been enacted by the NEC as a regulation or included in the Electoral Act or the Political Parties Act, they are not legally enforceable. The Center recommends that all codes be reviewed for compliance with the Constitution and international standards and that they be incorporated into legislation so there is no question as to their legal enforceability.

In addition, Sierra Leone has ratified a series of international and regional human and political rights instruments that are relevant to the electoral process. These treaties include the Convention of the Political Right of Women, (CPRW), the International Convention on the Elimination of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights, (ICCPR), the Convention of the Elimination of all Forms of Discrimination Against Women (CEDAW), the African Charter on Human and Peoples' Rights (ACHPR), the Declaration of Political Principles of the Economic Community of West Africa (ECOWAS), the ECOWAS Protocol on Democracy and Good Governance, the African Union Charter on the Principles Governing Democratic Elections in Africa (AU CPGDEA), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ACHPR-PW), and the Convention on the Rights of Persons with Disabilities.

Article 31 of the Constitution guarantees the right to vote to all citizens of Sierra Leone who have reached the age of 18 without restriction. However, because there are no provisions in the law for voting outside of the polling stations and no mechanism for mobile voting, several groups of citizens effectively are disenfranchised. These include the elderly or infirm that either are in hospital or cannot physically go to the polling station and those who are in pre-trial detention.⁴ Additionally, Article 16(d) imposes a total ban on voting for those who are serving a sentence of incarceration.⁵

Although the existing legal framework provides for the conduct of democratic elections if implemented in a consistent and fair manner, there are several areas that should be reformed in advance of Sierra Leone's next elections. For example, the Electoral Act should include guidance regarding counting procedures, as well as procedures and a defined timeframe for electoral complaints to be resolved.⁶

The 2012 Electoral Act also includes a restriction on public officers being candidates unless they resign from their positions 12 months before the election.⁷ This restriction could undermine the right of some citizens to be elected.

The Electoral Act calls for serial numbers to appear on the ballot papers as well as the counterfoil, which has the potential to undermine the secrecy of the vote.⁸ The Carter Center recommends that this specification be removed from the Act for future elections in accordance

⁴ See UN ICCPR, General Comment 25(1) and (11).

⁵ UN ICCPR General Comment 25 (14).

⁶ The law is silent on complaints filing provisions except to say that they can be filed with the NEC, Article 152 EA.

⁷ Clause 76 of the Constitution states that you cannot stand for election if you are a public officer, which is subsequently defined as a person who is paid from the Consolidated Fund as per Clause 115. See also Political Parties Act art. 15(iii), ICCPR art. 25 and AU AfCHPR art. 13.

⁸ See EA art. 75.

with international obligations regarding the secret ballot. The Electoral Act also would benefit from a specific timeframe regarding the announcement of final results.

In some cases, there are inconsistencies between the content of the 2012 Electoral Act and regulations passed by NEC that should be addressed in advance of Sierra Leone's next elections. In most cases where there is a discrepancy between the Electoral Act and NEC procedures, the NEC procedures reflect best practices and Sierra Leone's international obligations. The Center recommends that Sierra Leone consider making revisions to the Electoral Act for future elections to ensure consistency with NEC procedures.

ELECTION ADMINISTRATION

An independent and impartial election management body (EMB) that functions transparently and professionally is recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic process, and that other international obligations related to the democratic process can be met.⁹ It is the responsibility of the EMB to ensure that the electoral process is in compliance with Sierra Leone's obligations for democratic elections and human rights. The EMB also should ensure accountable, efficient, and effective public administration as it relates to elections.¹⁰

The Carter Center notes that the mandate for all NEC commissioners will expire in 2014. To preserve the Commission's institutional memory and independence, The Carter Center recommends that commissioners be appointed on a staggered basis.

In its preliminary statement released on Nov. 1, 2012, The Carter Center mentioned several positive steps the NEC has taken to ensure a fair and timely electoral process. Though the NEC did not publish an official electoral calendar, which would have served to measure the progress of the election preparations at each stage, the Center notes that most of those preparations were executed in a reasonable time period conducive to the smooth running of the elections.

The Center also acknowledges the success of NEC's program to distribute voter cards. More than 2.6 million voter cards were issued by the NEC in the months before the election, despite the logistical difficulties of distributing cards to rural and isolated parts of the country. However, The Center recommends that future distribution efforts be conducted with better communication between the central NEC and the district-level political parties. In addition, The Carter Center recommends a more energetic voter education campaign to encourage voters to collect their voter identity cards.

The Center was encouraged by the release of the NEC manual on voting and counting procedures, which served as an official document to clarify the processes of polling and counting for poll workers as well as voters. Recruitment and training of polling staff began in mid-October, and by election day, about 63,000 poll workers were recruited and trained across Sierra Leone.

⁹ UNHRC, General Comment No. 25 para. 20

¹⁰ Venice Commission, Code, sec. II.3.1.c

VOTER EDUCATION

Voter education is an essential part of the electoral cycle and it is recognized in the international law as an important means of ensuring that an informed electorate is able to effectively exercise their right to vote.¹¹ Voter education was of particularly critical importance given the country's high rate of illiteracy and considering that four elections were conducted simultaneously for the first time in Sierra Leone's history. Observers reported that the visibility and breadth of the voter education campaigns were disappointing.

On election day, ballot paper issuers provided voter education to individual voters, which appeared to contribute to voter's overall understanding of the process. The NEC has the primary responsibility to conduct voter education, which it carried out through its own structure, with one commissioner responsible for all voter education efforts.

Each of the 14 NEC District Offices had one District Voter Education and Training Officer who was to coordinate voter education activities in his/her areas of responsibility. The District Voter Education and Training Officer disseminated information mostly through media outlets, using radio and TV adverts and videos providing valuable information to voters. These messages were also broadcast in local languages.

Civil society organizations played an active and important role to disseminate information to voters, despite having limited resources and limited access to timely information from the NEC about the process. In future elections, political parties as key stakeholders in an election should also become engaged in voter and civic education activities.

In urban areas, Carter Center LTOs observed the display of posters showing main voting steps. Ward Electoral Education Committees (WEECs) were tasked with reaching out to voters in rural areas. As a result of budget restrictions, the number of WEEC members was reduced from eight to three members. Voter education materials were received very late, arriving at NEC District Offices in late October and arriving at the ward level in early November.

VOTER REGISTRATION

Voter registration is recognized as an important means to ensure the right to vote, and should be made available to the broadest pool of citizens possible to ensure universal and equal suffrage.¹²

For the first time in the history of elections in the country, the NEC introduced a Biometric Voter Registration (BVR) system and the field data capture ended in March 2012. Although The Carter Center did not directly observe the voter registration process, it was monitored by a number of institutions, including political parties and citizen observers who generally described it as credible. The next phase of the process required the consolidation and matching of BVR data, which necessitated expertise and technical support not available in Sierra Leone. The UNDP, in collaboration with the NEC, embarked on an international bidding process to identify and select

¹¹ ICCPR, art. 25; UNHRC, General Comment 25, para. 11

¹² UNHRC, General Comment 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service", para. 11; UN, ICCPR art. 25

a vendor with the required IT competence to match and de-duplicate the Biometric Voter Register.

Of the 2,663,746 registrants in the database 2,632,742 were matched with fingerprint data and 29,607 were matched using facial data. A total of 9,890 were found to be duplicates. Of these, 99 cases were subsequently filed with the High Court, alleging that these individuals had committed an electoral offence of double registration.

After these data checks, the voter identity cards and the Provisional Voter Register were produced for the 2012 elections. There was confusion regarding whether or not those who did not collect their voter card before the deadline of Nov. 11 would be able to vote. The last figures available indicated that one to two percent of registered voters failed to collect their cards, or between 26,000 to 52,000 voters.¹³ The NEC determined that voters without cards would be allowed to vote by presenting an alternative form of ID to the Voter Enquiry Officer at the polling centers, provided that their name appeared on the Final Voter Register (FVR).

CANDIDATES, PARTIES AND THE CAMPAIGN ENVIRONMENT

Equitable treatment of candidates and parties during an election, as well as the maintenance of an open and transparent campaign environment are important to ensuring the integrity of the democratic election process.¹⁴

Right to Be Elected. To be nominated as a candidate for parliament, a person must be a qualified voter who is at least 21 years old; a Sierra Leonean citizen; able to speak the English language with a degree of proficiency to enable them to take an active part in the proceedings of parliament; and pay the registration fee of 10 million Leones (approximately \$2,300 USD).

To be nominated as a presidential candidate a person must be a citizen by birth; a member of a political party; older than 40 years; otherwise qualified to be elected as a member of parliament; and pay a registration fee of 100 million Leones (approximately \$23,000 USD). The Carter Center recommends that for future elections, independent candidates also should be allowed to contest the presidency in compliance with Sierra Leone's obligations to protect the right of citizens to be elected.

No person who has been convicted and sentenced for an offence which involves fraud or dishonesty may run for parliament or the presidency. A person who has been convicted of an offence connected to a parliamentary election also is ineligible to run for parliament or the presidency. The period of disqualification shall not exceed five years from the date of the general election following the one for which they are disqualified.

Registration fees became an issue during the nomination process when they were raised by the NEC for the 2012 elections. Political parties and civil society organizations complained that the fees were a significant increase and disproportionately high when compared to regional

¹³ The high number of unclaimed cards in some districts became a major issue for the SLPP in the Western Area in the weeks leading up to the election.

¹⁴ ACHPR, arts. 3 and 13; UN, ICCPR, art. 25(b)

standards. In response, the government agreed to pay the amount of the increase in the fee.¹⁵ However, the high fees put in place by the NEC remain in effect for future elections, and The Carter Center recommends that they be reconsidered.

Nine of the 10 registered political parties nominated candidates to contest the presidential election. One party, the National Democratic Alliance (NDA), missed the deadline for nominations when a member of the party was expelled and refused the right to run for flag bearer. He filed a petition with the court asking for an injunction preventing the party from nominating its chosen candidate because they had violated their own rules in choosing the flag bearer. The high court granted the injunction which led to the party missing the deadline for nominating a candidate. The candidate from United Democratic Movement (UDM), Mohamed Bangura, withdrew from the race on Nov. 9 and announced his support for the incumbent president. However, the NEC determined that his withdrawal was beyond the deadline and that his name would appear on the ballots and any votes cast would be counted.

A total of 589 candidates contested the parliamentary elections. Only two political parties, APC and SLLP, nominated candidates in all 112 constituencies. Except for a few reports of intimidation of female candidates, Carter Center observers found the nomination process to be generally transparent and straightforward. The NEC addressed four complaints filed on parliamentary nominations in four districts (Bo, Kenema, Port Loko, and Kailahun). The nominations were upheld due to lack of sufficient evidence.

Political Parties Registration Commission (PPRC). The PPRC was established in the Constitution and became operational in 2005. Although the PPRC currently has little enforcement authority, its mandate includes the authority to register legally recognized political parties, monitor their conduct, monitor their accountability to their membership, and promote political pluralism.

The Carter Center welcomes PPRC efforts to resolve interparty disputes and monitor parties' adherence to the Code of Conduct. The Center's observers noted that District Code Monitoring Committees (DCMCs) were operational in most districts and well respected by the majority of political parties as an effective conflict resolution forum. In Kailahun District, however, observers have found that the DCMC was not meeting regularly and that political parties barely participated in the proceedings.

The Center recommends that the incoming parliament pass the recently introduced PPRC Act that would expand the authority of the PPRC to sanction political parties that do not conform to the code of conduct.

Codes of Conduct. The Code of Conduct for Political Parties was signed in 2006 in advance of the 2007 national elections. All parties and candidates contesting the 2012 elections recommitted to observing the Code for the 2012 elections. The Public Elections Act of 2012 mandated the NEC to prepare a Code of Campaign Ethics/Code of Conduct.¹⁶ The acceptance of the Code by

¹⁵ The 2007 fees were 1 million Leones for presidential candidates and 250,000 Leones for parliamentary candidates.

¹⁶ Article 155 (1) of the Electoral Act

all candidates and parties was mandatory if they wished to contest the elections. The Code was established to help ensure that the elections occur without violence or electoral malfeasance.

In April 2011, a “Sierra Leone Open and Safe Elections Pledge” was signed by the eight registered parties at the time, and was developed by a group of civil society organizations to call on parties to avoid violence and facilitate the participation of women and disabled people in the electoral process.

Campaign Period. The campaign period began on Oct. 17 and ended on Nov. 15 as announced by the NEC. Carter Center observers reported that the campaign period was generally peaceful, allowing political parties to assemble freely and to convey their message to potential voters. The campaign was conducted in a lively and generally peaceful manner throughout the country with the active participation of the citizens. Parties used posters, banners, and leaflets and held rallies, processions, and small meetings in all 14 districts. Carter Center LTOs noted that parties and candidates were free to campaign and assemble without restriction.

Many political parties lacked the necessary resources to conduct the campaign and complained about the financial advantage enjoyed by the APC during the campaign period. Carter Center observers reported several instances of the destruction of campaign posters where cases were filed with the police for investigation.

After consultations with all political parties the NEC created a campaign calendar which limited the days that parties could campaign in any given district to three specified days. Although the Center commends the parties for agreeing to abide by the calendar in order to avoid clashes that could lead to violence, it notes that such campaign limits are inconsistent with the right to freedom of movement and expression. The Center hopes that in the future the need for such restrictions will not arise as the political parties mature and citizens reject the notion of electoral violence.

Many parties did not respect the calendar and conducted campaign activities in districts on days that they technically were not allowed. In addition, some parties and candidates also violated the 7 p.m. ending time for campaigning, and some complaints to this effect were addressed by the PPRC. Political parties did not agree on what the definition of campaigning was for the purpose of the calendar, with some parties believing that no campaigning of any kind should occur in a district by any other party except for the one designated. Others felt that the calendar only applied to big rallies and processions and that “silent campaigning,” such as door-to-door efforts to speak with voters, was allowed on all days.

PARTICIPATION OF WOMEN

Equality before the law and the absence of discrimination are obligations in a number of regional and international treaties.¹⁷ Specifically, international law requires that women shall enjoy equal rights to men¹⁸, and that in some cases, a State may take special, temporary measures to achieve

¹⁷ These include the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, and the ECOWAS Protocol on Democracy and Good Governance.

¹⁸ UN, ICCPR, art. 3

de facto equality for women.¹⁹ Political parties also should embrace the principles of equal opportunity for female candidates.²⁰ For a democratic government to be truly representative of its people, it is critical that fundamental democratic rights to participate in political affairs as voters and as candidates be recognized, including those that protect the rights of more than half the population.

Sierra Leone's Constitution provides for equal rights for men and women.²¹ The country ratified the Convention on the Elimination of All forms of Discrimination against Women in 1988.²² Sierra Leone also has signed but not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Legislation passed in 2007 outlawed domestic violence, forced marriage, and the right to inherit property, but discriminatory customary law is still followed.

Carter Center observers reported that women participated in good numbers as voters, poll workers, citizen observers, and police. However, fewer women were represented among the political party agents at polling stations visited by Center observers.

Although women make up 52 percent of the total population, they made up only 13 percent (16 members) of the outgoing parliament. This number likely will be lower for the incoming parliament as women candidates make up only 6.5 percent of all candidates.²³ Women were approximately 20 percent of candidates nominated by the SLPP and less than 5 percent of APC candidates. Although no presidential candidates were women, the SLPP candidate for vice-president notably was a woman.²⁴

High registration fees, intimidation, and a legacy of electoral violence all contribute to fewer women standing for parliament. Carter Center observers noted cases of electoral violence targeting women candidates during the campaign, and received reports of intimidation against women during the nomination period.

A Gender Equality bill was drafted to support women's political participation but failed to pass before the dissolution of the outgoing parliament. The Carter Center strongly encourages that the bill be revisited, strengthened, and reintroduced for consideration by Sierra Leone's next parliament. The Center notes that women's quotas are found most often in proportional representation systems and are harder to implement in "first-past-the-post" systems.²⁵ The Carter Center recommends further consideration of alternative steps to ensure greater numbers of women candidates that would reflect Sierra Leone's international obligations to ensure that women are able to participate fully in politics as equal citizens alongside men as voters and as

¹⁹ UN, Convention on the Elimination of all forms of Discrimination Against Women, art. 3

²⁰ CEDAW Committee, General Recommendation 23, para. 22

²¹ Constitution, Article 27

²² Sierra Leone has yet to ratify the Optional Protocol on violence against women.

²³ According to the NEC there are 38 women candidates out of a total number of 589.

²⁴ Ms. Kadi Sesay is the SLPP candidate for vice-president.

²⁵ International IDEA, Global Database of Quotas for Women.

candidates.²⁶ The Carter Center recommends that Sierra Leone ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

The low number of women candidates participating in the elections represents one of the most important shortfalls of the 2012 electoral process.

MEDIA ENVIRONMENT

The media play an indispensable role during democratic elections by educating voters and political parties about major issues, thus giving them access to information so they can make a truly informed decision.²⁷ Sierra Leone's regional commitments indicate that in order to promote equality, political parties and candidates must have access to the public media on a non-discriminatory basis²⁸ and that public service media should ensure that the public receive adequate and balanced information during election periods.²⁹ This includes ensuring that women candidates are able to secure equal media coverage to their male counterparts.³⁰

There are a large number of newspapers in Sierra Leone whose distribution is mostly limited to Freetown. Radio remains the main source of information for the majority of the population, particularly in rural areas.

Local radio stations have been instrumental in the dissemination of voter education messages, while at the same time offering air time to candidates available to pay for it in an overall neutral manner. However, the cost of air time has not been consistent throughout the country from one region to another. In addition, in some cases it has been inconsistent among candidates in the same region.

An independent media agency, the Independent Media Commission (IMC) was created in 2000 to register and regulate the press, audiovisual, and electronic media by monitoring their compliance with the Media Code of Practice. The IMC has the legal authority to enforce fines and to suspend or ban print and electronic media when not complying with media regulations. IMC indeed tried to suspend two newspapers close to the ruling party and suspended one journalist for not respecting the Media Code of Practice. In spite of the efforts of the IMC, cases of noncompliance with the code of practice were observed by the Center during the pre-election environment. A piece of legislation has been drafted that if passed, would strengthen the regulatory role of the IMC over the media.

While The Carter Center did not conduct a media-monitoring program as part of its mission, the European Union Election Observation Mission's reporting indicated an uneven playing field in the media coverage of candidates and political campaigns. The incumbent president and the ruling party received considerably more coverage than opposition parties from the Sierra Leone

²⁶ Some examples might include voluntary steps by parties such as waiving nomination fees and creating a fund to finance women's campaigns.

²⁷ UN, ICCPR, art. 19(2); United Nations Convention Against Corruption, arts. 10(a) and 13(b)

²⁸ AU, Declaration on the Principles Governing Democratic Elections in Africa, art III.a

²⁹ AU, Principles on Freedom of Expression in Africa, art. 6

³⁰ OSCE, Handbook for Monitoring Women's Participation in Elections, p. 34

Broadcasting Corporation (SLBC) and other outlets, providing them with an unfair advantage during the campaign period.

CIVIL SOCIETY AND CITIZEN OBSERVERS

According to public international law, all persons have the right to participate in the public affairs of their country.³¹ This includes the right of citizens to participate in non-governmental organizations³² as well as the right of citizens to participate in citizen observer organizations, and contribute to voter education efforts.³³ Through these means, civil society can actively play an essential role in upholding an electoral process that is accountable and in which all participants can have confidence.

There are a large number of civil society organizations (CSOs) present in the country that are actively involved in the electoral process. CSOs have played a crucial role in the electoral process by conducting civic and voter education, calling for a peaceful process, assisting in training of candidates, and advocating that democratic rights be enjoyed equally by all Sierra Leoneans including women and the disabled. Carter Center observers noted that in most cases, civil society has acted neutrally. Observer reports also indicate that civil society is particularly active and diverse in Bo and Makeni.

The electoral process also has benefited from the work of the main citizen election observation organization, National Election Watch (NEW), which observed the voter registration period, candidate nominations, and deployed long-term observers and short-term observers across the country. Carter Center observers noted other civil society organizations represented at polling stations, including those from the Women's Situation Room and the Council of Churches of Sierra Leone (CCSL).

NEW was created in 2000 in advance of Sierra Leone's first post-war elections, and today is an umbrella organization composed of dozens of civil society organizations and professional associations from across the country. NEW observers were noted in most polling stations visited by Carter Center observers. NEW observers at the polling station level were professional and well trained. NEW's leadership and organizational structure is strong, and their observation was conducted in accordance with the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, which emphasizes the neutrality and professionalism of observation. NEW observers utilized a well-constructed checklist and the organization released information on election day on key elements of the polling process from a large sample of polling stations. Reports from observers also were made available online over the course of election day.

ELECTORAL DISPUTE RESOLUTION

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process. Effective dispute resolution mechanisms are essential to

³¹ UN, ICCPR, art. 25; AU, AfCHPR, art.13

³² UN, CEDAW, art. 7

³³ EISA, PEMMO, p.19

ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.³⁴ According to Sierra Leone's international and regional commitments, everyone has the right to an effective remedy before a competent national tribunal for acts that violate their rights or freedoms, including the right to genuine elections and all associated rights.³⁵ In the instance of a dispute relating to elections, everyone has the right to a public hearing in front of an independent and impartial tribunal.³⁶ Sierra Leone's political commitments also suggest that the legal framework for elections should provide effective redress for violations of electoral rights.³⁷

There are several avenues for the resolution of electoral disputes in Sierra Leone. They include filing a complaint with the NEC regarding the violation of campaign regulations by a party or candidate, filing a complaint with the Political Parties Registration Commission (PPRC), and filing a case with the Electoral Offences Court. For future elections, the Electoral Act should be amended to include a detailed list of what types of cases each electoral dispute resolution body has jurisdiction over.

If a candidate or party believes the campaign regulations have been violated, a complaint may be lodged with the NEC. There is no specified timeframe or procedure for the resolution of complaints at the NEC. The Electoral Act simply states that the NEC must act on the complaint without delay. There is also no provision in the Electoral Act calling for the transfer of complaints from the NEC to the Electoral Offences Court if the alleged facts amount to an electoral offense under the Electoral Act.³⁸

For future elections, The Carter Center recommends that clear timeframes be established during which electoral disputes should be resolved in accordance with Sierra Leone's obligations to ensure the right to an effective remedy.

Carter Center observers reported considerable confusion in the regions regarding whether or not the Electoral Offences Court was functioning. Many of the Center's interlocutors did not seem to be aware of the existence of the court or what its function was. As of Nov. 16, the day before polling, there were no cases filed with the court anywhere in the entire country. The court has six months from the date of its creation to resolve all cases. Appeals from the Electoral Offences Court are heard in the Court of Appeals, whose decisions are final.

Issues around the registration of voters, including those involving possible double registration and nomination of candidates were handled by the High Courts. There were less than 100 cases of double registration that were filed with the High Court after the registration process was concluded.

³⁴ UN, Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 47

³⁵ UN, ICCPR, art. 2; ACHR, art. 25

³⁶ UN International Covenant on Civil and Political Rights, art. 14(1); UN, Universal Declaration of Human Rights, art. 10; ECOWAS, Protocol on Democracy and Good Governance

³⁷ AU, ACDEG, art. 17

³⁸ Article 137 of the Electoral Act creates the Electoral Offences Court to hear violations of election offences listed in Part X and XI of the Act.

The candidate nomination process was concluded on Oct. 14. Any voter, candidate or party could complain about the nomination of candidates. The NEC addressed four complaints filed on parliamentary nominations in four districts (Bo, Kenema, Port Loko, and Kailahun). In each case, the nominations were upheld in favor of the candidates due to lack of sufficient evidence.

Challenges to the results of the parliamentary elections can be filed by citizens who have the right to vote or stand as candidates. Such challenges are heard by the High Court by filing a petition within 21 days of announcement of the results. The court can declare the election void if it is established that the non-compliance affected the results of the election. The petitioner can appeal to the Court of Appeals, whose decision is final.

Challenges to the results of the presidential election can be filed by any person who has lawfully voted by filing a petition with the Supreme Court within seven days of the announcement of the results. There are no deadlines in the Electoral Act for the court to decide on election petitions.

The Carter Center recommends that the Electoral Act be amended to include a deadline for the resolution of election petitions challenging the results.

VOTING

The quality of voting operations on election day is crucial to determining how closely an election falls in line with its democratic obligations. According to Sierra Leone's international and regional commitments, all citizens of Sierra Leone should enjoy the right to universal and equal suffrage,³⁹ and all citizens have the right to vote,⁴⁰ subject only to reasonable and objective limitations.

A core obligation under international law is that elections shall be held by secret ballot,⁴¹ which is recognized as a means of ensuring that the will of the people is expressed freely, and that a cast ballot cannot be connected with a voter to avoid intimidation and political retribution.⁴² Except in cases where a voter, such as an illiterate or disabled voter, is being lawfully assisted, a voter cannot waive their right to secrecy of the ballot.⁴³

For the 2012 elections, the number of polling centers was increased to 2,995 (9,461 stations), with the number of voters per polling station reduced from 500 to 300. This allowed greater access to the process by voters than was reported in past elections, and ensured that there was adequate time for those registered to vote on election day.

Carter Center observers visited a total of 217 polling stations on election day, where they observed the opening of the polls and the polling, closing, and counting procedures. Overall, Carter Center observers reported that the process was well conducted by NEC officials and that

³⁹ UN, ICCPR, art. 25; ACHR, art. 23; UNm UDHR, art. 21

⁴⁰ ICCPR, art. 25; AU, AfCHPR, art. 13; ACHR, art. 23

⁴¹ Un, ICCPR, art. 25; ACHR, art. 23, UN, UDHR, art. 23

⁴² EISA and Electoral Commission Forum of SADC Countries, Principles for Election Management, Monitoring, and Observation in the SADC Region, p. 24

⁴³ EU, Handbook (2nd Ed.) p. 79

voters turned out in high numbers. Polling station staff performed admirably under difficult conditions. Carter Center observers found that voting procedures were generally followed and that polling staff performed “very well” in almost all cases.

In many centers visited by Carter Center observers, the environment was calm and voters were enthusiastic. In some cases voters arrived at the polling center the night before, and long queues of people were noted across the country in the early morning. Voter turnout at polling stations observed by Carter Center observers was high, exceeding 75 percent in most cases.

About 17 percent of the polling stations visited opened late, although only seven percent experienced a delay of over half an hour, and in no area did the delays affect the ability of all registered voters to vote within the timeframe of election day.

In most cases, a delay in opening was due to the lack of understanding of opening procedure and to the lack of essential materials, which were later delivered. In some cases, the delayed opening caused isolated incidents of tension among voters in long queues, putting additional pressure on the queue controllers, particularly in the western urban district, where most centers visited by Carter Center observers reported challenges with queue management in the morning. The NEC responded promptly to these delays.

At poll openings, Carter Center observers saw campaign material at a very small number of polling centers visited, but there were no reports of any intimidation or coercion.

In many locations polling centers were not easily accessible to disabled and elderly voters. The NEC should continue to take steps to ensure that all polling sites are accessible.

Security forces were in place in almost all of polling stations visited by Carter Center observers.

In most cases, the voting process improved during the day, becoming more efficient as more voters were processed and polling staff and voters gained more confidence. By mid-afternoon, Center observers reported that queues were rare and turnout was already considerably high. Although Carter Center observers reported that the embossing device was not working adequately in many polling places, this did not undermine the fundamental integrity of the process given other safeguards in place to protect against multiple voting.

Carter Center observers noted that in some cases, the layout of the polling station and placement of the voting booth, particularly those in stations with limited space, could have compromised the secrecy of the vote. However, in these cases Carter Center observers did not report serious concerns about violations of ballot secrecy, or incidents of intimidation or concern among voters.

Political parties and independent candidates’ agents were present at almost all of the polling stations observed. APC and SLPP party agents were noted across the country, and agents from the PMDC had a consistent presence in the South as well as some stations in Freetown. In some cases agents were noted from smaller parties as well as independent candidates. Carter Center observers noted seeing two party agents per party in many polling stations visited; in most cases this included both the APC and SLPP.

On election day, there was a vehicular movement ban imposed on all vehicles in Sierra Leone in district capitals. This ban prevented any vehicle, including cars, buses, and motorbikes, from operating on the roads during election day in district capitals. Motorbikes were allowed in rural areas. The purpose of the ban was to avert violence and disorder during election day, and to mitigate the possibility of disgruntled or overexcited party supporters from committing acts of disorder or vandalism, as was reported in the 2007 elections. In order to accommodate citizens who may be unable or unwilling to reach their polling sites on foot, NEC provided limited transportation through the allocation of 24 buses to transport voters to and from their polling centers throughout election day. In addition, certain NEC-approved vehicles were issued stickers that would authorize them to appear on the roads on election day. These vehicles included those of certain political officials, the SLP, and international observers, among others.

Although the Center commends the parties, police, NEC, and other stakeholders for agreeing to abide by the vehicular movement restriction, it notes that the practice is inconsistent with the freedom of movement. The Center hopes that in the future, the need for such a restriction will not arise. Concerns about electoral violence can be effectively addressed through enforcement of laws against violence and threatening acts and through voluntary restrictions adopted by parties and others.

COUNTING

The accurate and fair counting of votes plays an indispensable role in ensuring the electoral process is democratic and reflects the will of the voters. International and regional commitments indicate that votes be counted by an independent and impartial electoral management body whose counting process is public, transparent, and free of corruption.⁴⁴

In the polling centers visited by Carter Center observers, closing and counting took place in a peaceful atmosphere. Although closing and counting procedures were lengthy and overly complicated, the processes were followed closely during the sorting and counting phases in most polling stations visited. However, procedures during the final packaging of election materials were overly complicated and cumbersome, causing confusion in many polling stations. In future elections, training should equally emphasize both polling and counting procedures.

While the reduction of the number of registered voters per polling station from 500 to 300 helped ensure that poll workers were able to process voters through all four elections, conducting four elections simultaneously contributed to making the counting process lengthy and more complicated than was reported in past elections.

TABULATION

⁴⁴ African Charter, art. 17(1); UNHRC General Comment 25, para. 20; UN Convention against Corruption, art. 18

One of Sierra Leone's core obligations concerns promoting transparency in public decision-making as a means of combating corruption.⁴⁵ To this end, international practice suggests that party agents and accredited citizen and international observers should be given copies of polling station protocols and tabulation sheets from results centers.⁴⁶ In addition, ballot tallies should be transmitted in an open and transparent manner.⁴⁷ Results of the count should be published in a timely manner, including at the polling station level.⁴⁸ This helps to facilitate cross-checking by parties and observers.

At the time of release of this statement, the process of tabulating votes at the district, regional, and national level is ongoing. Carter Center long-term observers are observing these processes. As the tally process began, Carter Center observers reported that citizen observers and party agents were not present at most district and regional tally centers. The Center encourages citizen observers and political party and candidate agents to observe the district, regional, and national tally processes. The procedures for the tally process were released very late, just days before the election and with little time for adequate training of staff and little time for party agents and observers to review them adequately and train their own observers.

In future elections, the NEC should strive to release procedures earlier to allow time for adequate training of NEC staff, party agents, and observers, of this critical stage in the process. The Electoral Act also should be adjusted to allow for the process to take place at the regional level without a simultaneous process at the district level.

The Center encourages political parties and candidates to continue to exercise patience as the process continues.

The Carter Center conducts election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct for International Election Observation adopted at the United Nations in 2005. The Center assesses electoral processes based on states' obligations for democratic elections contained in their regional and international commitments and in their domestic legal framework.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit: www.cartercenter.org to learn more about The Carter Center.

⁴⁵ UN, United Nations Convention against Corruption, art. 13(a); AU, African Union Convention on Preventing and Combating Corruption, art. 3(3)

⁴⁶ Norwegian Helsinki Committee, Human Rights Monitoring, p. 14.

⁴⁷ CoE, Handbook for Observers of Elections, para. 4.6

⁴⁸ EISA and Electoral Commissions Forum of SADC, PEMMO, p. 26