

EISA Pre-Election Assessment Mission Report



**SIERRA LEONE
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LIST OF ABBREVIATIONS

| | |
|----------------|--|
| ADP | Alliance Democratic Party |
| ACDEG | African Charter on Democracy, Elections and Governance |
| APC | All People's Congress |
| CDP | Citizens Democratic Party |
| CSOs | civil society organisations |
| DFID | Department For International Development |
| EISA | Electoral Institute for Sustainable Democracy in Africa |
| EU | European Union |
| IESPC | Integrated Elections Security Planning Committee |
| IGR | Inter Governance Reforms |
| IMC | Independent Media Commission |
| IRIN | Integrated Regional Information Networks |
| NECDiP | NEC Disability Policy |
| NDA | National Democratic Alliance |
| NEC | National Electoral Commission |
| NPD | National Progressive Democrats |
| ONS | Office of the National Security |
| PAM | Pre-Election Assessment Mission |
| PDP | Peoples Democratic Party |
| PEMMO | Principles for Election Management, Monitoring and Observation |
| PLP | Peace and Liberation Party |
| PMDC | Peoples Movement for Democratic Change |
| PWDs | persons with disabilities |
| RUFP | Revolutionary United Front Party |
| SLAJ | Sierra Leone Association of Journalists |
| SLP | Sierra Leone Police |
| SLPP | Sierra Leone Peoples Party |
| SLUDI | Sierra Leone Union on Disability Issues |
| UDM | United Democratic Movement |
| UK | United Kingdom |
| UNDP | United Nations Development Programme |
| UNIPSIL | United Nations Peace Mission in Sierra Leone |
| UNPP | United National Peoples Party |
| USAID | United States Agency for International Development |
| WFD | Westminster Foundation for Democracy |

EXECUTIVE SUMMARY

In line with its mission to promote credible elections and citizen participation and to strengthen political institutions for sustainable democracy in Africa, the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed a Pre-Election Assessment Mission (PAM) to Sierra Leone from 19-24 November 2017. The purpose of the PAM was to assess the state of preparedness of the National Electoral Commission (NEC) of Sierra Leone, political parties, civil society organisations (CSOs) and other stakeholders for the 7 March 2018 elections.

The PAM also assessed the pre-election context to ascertain whether the conditions are conducive to the conduct of credible elections in line with regional and international norms such as the African Charter on Democracy, Elections and Governance (ACDEG) and the Principles for Election Management, Monitoring and Observation.

In fulfilment of its mandate the PAM met with key stakeholders in the electoral process based in Freetown. These included the National Electoral Commission (NEC), the Political Parties Registration Commission (PPRC), the Office of National Security (ONS), political parties and civil society organisations (CSOs). (See Appendix 1).

The PAM assessed the state of readiness of the electoral and supporting institutions and whether the political environment was such as to facilitate and enable the discharge of a credible poll in sync with international best practice as well as regional and international benchmarks for the conduct of credible elections. The norms and standards against which the electoral environment was assessed include, inter alia, the ACDEG.

The PAM noted that the election date proclaimed by the NEC on 14 February 2017 allowed for adequate time for the electoral institutions to prepare for the 7 March 2018 poll. Indeed, it believed the NEC was ready and prepared for the elections. The PAM also noted that there were

perceptions of bias in the police service and in the public media, particularly the national broadcaster. There was also potential for conflict in areas represented by the two dominant political parties in the current Parliament and which they considered 'their' territory.

The mission also noted that the legal framework regulating campaign finance is inadequate as it does not provide for expenditure ceilings or for mandatory disclosure, leaving the process open to the uncontrolled influence of money.

There is a vibrant civil society actively engaged in civic and voter education and public participation and which enhances the political participation of the youth, women and people with disabilities (PWD).

The PAM's findings will inform the deployment of an EISA Electoral Observer Mission (EOM) for the forthcoming elections.

HISTORICAL BACKGROUND AND CONTEXT

Historical background

Sierra Leone attained independence from Britain on 27 April 1961 and became a republic with an executive president in 1971. In the run-up to independence deep ethnic divisions surfaced between the Krios and those referred to as 'countrymen', people occupying the inland protectorate. Krios, who occupied the western region of the country, were regarded as having a better relationship with the British because of their level of education, which was higher than that of the 'countrymen'. Thus, ethnicity and regionalism were political challenges from the outset.

The founding leader, Sir Milton Margai, of the Sierra Leone People's Party (SLPP), died in 1964 and was controversially replaced by his brother, Albert Margai. Ethnic tensions arose during Albert Margai's rule. His attempt to change the country to a one-party state and his repression of the opposition made his administration increasingly unpopular. It was no surprise, then, that the SLPP lost the

1967 elections to the All People's Congress (APC), led by Siaka Stevens. There were three military coups between 1967 and 1968, when Stevens's administration was restored.

Subsequent elections saw the APC emerge even stronger and more repressive. After a violent election in 1977 an APC-led Parliament emerged, which oversaw the amendment of the Constitution and the conduct of a referendum that made Sierra Leone a one-party state in 1978.

A constitutional referendum in 1991 endorsed the return to multiparty democracy. However, civil war broke out in the same year before the new Constitution was implemented. The conflict pitted President Joseph Momoh's government against a rebel Revolutionary United Front (RUF) led by former army Corporal Foday Sankoh, which sought to overthrow the government. The RUF was supported in its endeavours by rebels from Liberia, led by Charles Taylor.

In 1992 the conflict escalated with the coup led by Captain Valentine Strasser in April of the same year, with the government in Freetown losing control of huge portions of the country. An estimated 70 000 people died in the conflict, while 2.6 million were displaced.¹ This triggered a serious refugee crisis in the region. The conflict was characterised by gross human rights violations, including deliberate amputations, rape, sexual slavery, cannibalism, wanton killings and the destruction of entire neighbourhoods. This created a large number of disabled persons, thrusting the issue of disability to the fore in future electoral cycles. Ethnicity, regionalism and religion were some of the factors that motivated the violations.

After peace talks, the RUF entered formal politics. Its leader, Foday Sankoh, was, however, arrested in Nigeria in 1997. Armed conflict was to remain a feature of Sierra Leonean existence for some years to come. The country also experienced military coups in 1967, 1968, 1992, 1996 and 1997, with ethnicity, regionalism, and cross-border

political and military dynamics playing a role in some of these military interventions.

The Economic Community of West African States (ECOWAS) intervention in 1998 reinstated the government of President Ahmad Tejan Kabbah, which had been overthrown in May 1997. Relative peace was restored and a semblance of normality was achieved.

In 1998 Foday Sankoh was convicted of treason and sentenced to death, touching off a resurgence of armed hostilities that pitted his supporters against the government. A peace and power-sharing agreement reached in 1999 halted the conflict.

Conflict again flared up in 2000 when United Nations (UN) peacekeepers sought to take control of diamond-mining areas under the control of RUF forces. The conflict ended in 2002. In 2004 the UN established a special war crimes tribunal to try those from both the RUF and the government who had been accused of war crimes. Since the end of the war the international community, through the combined efforts of ECOWAS and the United Nations Peace Mission in Sierra Leone (UNIPSIL), has provided support to the government. UNIPSIL was officially closed in 2014. Now, more than a decade after the end of the civil war, the country remains largely underdeveloped.

Context of the 2018 elections

The 2018 elections will be the fourth presidential elections since the end of the civil war.² They take place against the backdrop of the closure of UNIPSIL, which provided extensive operational support in previous elections and are the second to be organised and administered primarily by the government. They also take place in the context of a slow-growing economy and poor infrastructure, affected by recent disasters such as the Ebola epidemic that claimed 3 955 lives between March 2014 and March 2016³ and mudslides in and around Freetown in August 2017 that killed more than 1 000 people.

¹ Evaluation of UNDP Assistance to Conflict-Affected Countries: Human Security, Case Study of Sierra Leone UNDP. Available at: <http://web.undp.org/evaluation/documents/thematic/conflict/SierraLeone.pdf> (Accessed 9 February 2018).

² Previous elections were held in 2002, 2007 and 2012.

³ Sierra Leone was declared Ebola-free on 17 March 2016.

Sierra Leone has a history of alternation of power, although the political scene has been dominated by two political parties, the Sierra Leone Peoples Party (SLPP) and the APC. These two parties are expected to maintain their strength in the coming elections. However, there appears to be an emerging third force, the National Grand Coalition (NGC).⁴ Sierra Leone's ethnic makeup, like those of the dominant parties, has been decisive in shaping previous election outcomes. The APC garners support from the northern region while the SLPP draws most of its support from the southern and eastern parts of the country. As indicated in Table 1, Sierra Leone has a history of run-off presidential elections, as winners have failed to cross the high threshold set in the legal framework for determining the winner.

The incumbent, President Ernest Bai Koroma, is constitutionally ineligible to stand, having served the maximum ten years in office. The 2018 presidential election will be contested by 16 candidates,⁵ it is however considered a contest among three strong candidates, namely: Samura Kamara⁶ (APC); retired Brigadier Julius

Maada Bio (SLPP);⁷ and Kandeh Yumkella (NGC).⁸ There is only one female presidential candidate, Madam Olufemi Claudius-Cole of the Unity Party.

THE CONSTITUTIONAL AND LEGAL FRAMEWORK

The 1991 Constitution of the Republic of Sierra Leone, as amended on 7 February 2002 and 31 July 2008, is the cornerstone of the legal framework for both the electoral process and the institutions set up to administer that process. In addition to the Constitution, several Acts control election procedures. They are: the Public Elections Act of 2012, which provides for the NEC, the registration of voters, presidential, parliamentary, and local elections, electoral procedures and electoral conflict resolution; the Political Parties Act 2002, which provides for the registration and regulation of the conduct of political parties in accordance with sections 34 and 35 of the Constitution, and the Electoral Commission Regulations and procedures of the NEC.

Table 1 :Overview of presidential elections (1996-2012)

| Year | Candidate | Party | Vote | | Percentage |
|------|--------------------|-------|-----------------------|-----------|------------|
| 1996 | Ahmad Tejan Kabbah | SLPP | 1 st Round | 266 893 | 35.80% |
| | | | 2 nd Round | 608 419 | 59.50% |
| | John Karefa-Smart | UNPP | 1 st Round | 168 666 | 22.62% |
| | | | 2 nd Round | 414 335 | 40.50% |
| 2002 | Ahmad Tejan Kabbah | SLPP | One round | 1 373 146 | 70.1% |
| | Ernest Bai Koroma | APC | | 426 405 | 22.4% |
| 2007 | Ernest Bai Koroma | APC | 1 st Round | 815 523 | 44.34% |
| | | | 2 nd Round | 950 407 | 54.62% |
| | Solomon Berewa | SLPP | 1 st Round | 704 012 | 38.28% |
| | | | 2 nd Round | 789,651 | 45.38% |
| 2012 | Ernest Bai Koroma | APC | One Round | 1,314,881 | 58.70% |
| | Julius Maada Bio | SLPP | | 837517 | 37.4% |

Source: *African Elections Tripod*.

Available at: http://africanelections.tripod.com/sl.html#1996_Presidential_Election (Accessed 16 February 2018)

⁴ A progressive, liberal political party formed by a faction of former members of the SLPP.

⁵ http://www.necsl.org/index_files/2017_Press_Releases/Presidential%20Provisional%20List%20of%20Nominated%20Candidates%20for%20the%202018%20March,%202018%20Elections..pdf

⁶ The current Foreign Affairs Minister and a seasoned diplomat.

⁷ A former military junta ruler who held power briefly in 1996. He also stood in the presidential election in 2012 but lost to the incumbent

⁸ A former UN under-secretary general. He resigned from the SLPP after about two years of infighting for the party's ticket.

The Constitution

The Constitution proclaims that the 'Republic shall be based on the principles of Freedom, Democracy and Justice'. Chapter III contains the Bill of Rights. Among the rights guaranteed are the following, which are critical for electoral processes:

- Freedom of movement;
- The secure protection of the law;
- Freedom of expression and of the media;
- Freedom of assembly and of association; and
- Protection from discrimination.

Section 28 lays down the mechanisms for enforcing the fundamental rights and freedoms of the individual as well as access to legal representation for indigent victims of human rights violations.

The Constitution provides for the conduct of regular elections managed by the NEC, which is established by Section 32 to 'conduct and supervise the registration of voters for and of all public elections and referenda' and to regulate for those purposes. It also provides for the establishment of the Political Parties Regulation Commission (PPRC), which is responsible for regulating the registration and operation of political parties. The two institutions are complementary.

The Constitution also provides for issues relating to the media. Chapter II Section 11 states as follows:

"The press, radio and television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Constitution and highlight the responsibility and accountability of the Government to the people".

The Constitution also recognises the separation of powers by providing for an independent judiciary and for the legislature.

The electoral system

Chapters II and III of the Constitution embrace the principles of fairness, inclusivity and equality. These principles are supplemented with provisions relating to the electoral process. For instance, elections are held by secret ballot; each electoral constituency returns one member of Parliament (MP) and the boundaries of each constituency 'shall be such that the inhabitants thereof are as nearly equal to the population quota as is reasonably practicable'.

The president is elected in a first-past-the-post (FPTP) system based on an absolute majority of votes cast by a national constituency of eligible voters, after nomination by a political party. If neither party wins the requisite 55% of the valid votes cast, a run-off election is held between the two top candidates within 14 days, pursuant to section 42(2)(f) of the Constitution.

The president is elected for a tenure of five years and is limited to two terms in office. Members of Parliament are also elected by secret ballot using a FPTP system based on a simple majority of votes cast. The Constitution provides for the election of one MP for each district who must be a paramount chief and such other MPs as may be prescribed by an Act of Parliament. There should not be fewer than 60 MPs.

Parliament is elected for a five-year term. Since the last election was held in 2012, there should have been one in 2017 and some representatives of opposition parties consulted by the EISA PAM attribute the delay to the ruling party's reluctance to seek a fresh mandate. The ruling party also tried to use the Ebola epidemic and the mud slide as grounds for delaying the elections.

Polling in presidential and parliamentary elections takes place between 7am and 5pm, or any other time as the NEC may determine. A polling station may not be closed until those in the queue in or outside the polling station at closing time have voted.

While Section 18 of the Public Elections Act 2012 provides for the registration of Sierra Leonean citizens in the Diaspora, the PAM was advised that no arrangements had been made to cater for citizens outside the country. The trend globally, in keeping with the principle of inclusivity, and acknowledging that globalisation has resulted in the geographical spread of citizens, is to ensure that citizens in the Diaspora are not disenfranchised by their location. The PAM accordingly encourages the authorities in Sierra Leone to reconsider this matter in future polls.

The EISA PAM considered the 55% threshold for presidential candidates to be too high. A 50% plus one threshold would be substantially fair and might significantly limit the cost of elections by eliminating the need for a second round.

Party and campaign financing

Although the state does not fund political parties, the legal framework provides for reporting on the financial affairs of registered parties. The Constitution provides that a statement of the sources of income and the audited accounts of a political party, together with a statement of its assets and liabilities, be submitted annually to the PPRC. There are limitations on the capacity of the PPRC to enforce these provisions in the absence of quasi-judicial powers, as the judicial route is long and expensive, a serious problem in a country with poor economic growth. Sierra Leone's largely cash-based economy was badly affected both by the Ebola epidemic of 2014 and 2015 and by the drop in global commodity prices in the same period.

Article 19(1) of the PPA 2002 stipulates the sources from which a political party may receive funds. The law restricts sources of contributions to individual who are entitled to be registered as voters. In addition, it stipulates that the commission may, through regulations, provide for limits on the size of a contribution or donation to a political party and the disclosure of information that may limit the influence of money in the political process.

There is no law regulating campaign financing and no caps on how much candidates may raise or spend. This gives undue advantage to candidates who have resources and prevents potential candidates, especially women, who have been historically disadvantaged by patriarchy, from contesting.

There is also no legislation regulating the use of state resources for campaign purposes. This leads to misuse of state resources, especially by the party in power, distorting the level playing field during the campaign period and being discriminatory.

Election management

The National Electoral Commission (NEC)

The NEC is established by Section IV, Article 32 of the Constitution. The commission comprises five commissioners appointed by the president after consultation with the leaders of all the registered political parties and the approval of Parliament. The Board of Commissioners (BOC) consists of a chief electoral commissioner/chairperson, who is the head of policy and spokesperson for the commission and four other members who are called electoral commissioners. The tenure of all commissioners is five years and their terms and conditions of service are prescribed by Parliament.

The current commissioners are:

- Mr Mohamed M N Conteh, Chief Electoral Commission and Chairperson. He also provides oversight of the Finance, Administration and Internal Audit Departments
- Madam Augusta Bockarie, Electoral Commissioner (South);
- Mr Macksood Gibril-Sesay, Electoral Commissioner (North);
- Madam Miatta L French, Electoral Commissioner (West); and
- Mr Stephen Aiah Mattia, Electoral Commissioner (East)

The commissioners were appointed in 2014 following the expiry of the mandate of all the previous commissioners.

The NEC is supported by a Secretariat, which comprises administrative and technical staff hired on both ad hoc and permanent bases by the commission. It is headed by the Executive Secretary (ES), Mr William A Davies. The management comprises one executive secretary, 10 directors, one executive assistant to the CEC and one assistant to the executive secretary.

In terms of Section 33 of the Constitution and Section 28 of the Chieftaincy Act, the NEC is the only institution with the constitutional mandate to prepare and conduct all public elections and referenda. Its other functions include: registration of voters; boundary delimitation and making regulations for the efficient performance of its functions.

The independence of the NEC is guaranteed by the Constitution and reinforced by the Public Elections Act. The institution, in the conduct of its work, is not subject to the control or direction of any person or authority. Although public servants may be seconded to the NEC, it is responsible for the recruitment and employment of its own staff.

While the independence of the NEC is mentioned in the Constitution, which provides that 'in the exercise of its functions, the Commission shall not be subject to the direction or control of any person or authority', it should be noted that it is required to submit its reports to the president for tabling in Parliament. The EISA PAM considers that this line of reporting could compromise the commission's independence

The NEC, along with all other constitutional bodies, receives its funding directly from the Consolidated Revenue Fund. While it is entitled to receive gifts and donations, it is prohibited from receiving any that might compromise its independence. For instance, it may not receive gifts or donations from political parties or gifts that are given on condition that it performs a certain

function, duty or obligation other than those created by law. The PAM was informed that while the NEC had initially faced funding challenges, these had been overcome, and government was honouring its commitment to release funds in tranches.

The Political Parties Registration Commission

The PPRC is established by section 34 of the Constitution. Section 6 of the Political Parties Act 2002 reinforces the constitutional position and outlines its functions. Its mandate includes the registration of political parties, monitoring the affairs and conduct of political parties, conflict mediation and promoting political pluralism. The PPRC consists of a chairman and three other members who hold office for five years and are eligible for re-appointment. The chief electoral commissioner (the NEC chairperson) sits as a commissioner on the PPRC. The other members of the PPRC are appointed by the president with the approval of Parliament.

The PPRC regulates party campaigns and plays a key role in conflict prevention through its powers to mediate inter- and intra-party conflicts.

Election Dispute Resolution

Section 120(3) in Chapter VII of the Constitution provides for an independent judiciary headed by the chief justice. The superior courts comprise the Supreme Court, the Court of Appeal and the High Court of Justice. The electoral law provides for an Electoral Offences Court to be established as a division of the High Court, to try electoral offenders. The jurisdiction of this court covers all offences listed in the electoral law, including campaign-related violence. The court is expected to sit for three months. The judiciary also judges trained to deal with electoral offences.

The Constitution provides that candidates and registered voters have a right to petition the courts about the outcome of an election. Petitions from presidential elections are heard by the Supreme Court, while those

arising from parliamentary elections are heard by the High Court, with appeals filed at the Court of Appeal. No time limits are imposed on dispute resolution, thereby creating the possibility of an ineffective dispute resolution mechanism: time is of the essence in the management of electoral disputes.

In the assessment of the EISA PAM, the legal framework provides sufficient basis for the conduct of competitive elections, albeit with gaps in the areas of party finance regulation and affirmative action for under-represented and vulnerable groups. None of the stakeholders consulted by the EISA PAM raised issues relating to limitations of political space within the electoral environment for the forthcoming polls.

KEY FINDINGS ON THE PRE-ELECTION PHASE

Constituency delimitation

The NEC is mandated to undertake boundary delimitation as per the 1991 Constitution of Sierra Leone (Act No 6 of 1991). Section 38(1) empowers the commission to divide the country into constituencies for the purpose of electing members of Parliament using a single member first-past-the post system. The Local Government Act of 2004 assigns the task of delimiting wards to the NEC, while Section 14 of the Public Elections Act 2012 forms the legal basis for the allocation of council seats and delimitation of wards. In conducting boundary delimitation the NEC is also guided by the Wards (Boundary Delimitation) Regulations 2008, The Local Government (Amendment) Act 2004, The Provinces (Amendment) Act 2017 and Eight Establishment Orders 2017.

The boundary delimitation process of 2017 established the number of constituencies as 132 and wards as 446.⁹ The PAM was informed that the delimitation process was long and consultative. New districts were added by the executive after the NEC had completed its initial delimitation process, necessitating the repetition of the

process. The timing of the creation of the new districts may have raised eyebrows among some stakeholders. The object and impact of the process are yet to be determined.

Voter registration

Voter registration in Sierra Leone is voluntary. The Public Elections Act 2012 provides for the continuous registration of voters and the continuous review of the voters' register by the NEC. The registration of voters and the updating and review of the voters' register must take place at least six months before the polls.

To qualify to be registered a voter must be Sierra Leonean, 18 years old or more, of sound mind, not have been imprisoned following conviction for a crime or under death sentence and be a resident in the area where he/she wishes to register.¹⁰ The Sierra Leone Citizenship Act 1973 (as amended) recognises citizenship by birth, descent, naturalisation or registration. Persons who cannot be registered as voters include: persons who have been committed to a mental asylum or judged to be insane, persons who are imprisoned pursuant to conviction for a crime or under death sentence.

Section 32 of the Constitution mandates the NEC to conduct and supervise the registration of voters for all public elections and referenda. Voter registration for the 2018 elections took place from 20 March to 16 April 2017. It was conducted jointly by NEC and the National Civil Registration Authority (NCRA). Section 14 of the NCRA 2016 stipulates that the purpose of the authority is to maintain an accurate electronic national population database and to issue national identity cards.

Section 25(a) directs the NCRA director general to provide the NEC with information for the purpose of updating the register of voters for the conduct of public elections and referenda. After the registration the NCRA must retrieve data and send them to the NEC. There were, however, claims that not all data were sent to the NEC, with data

⁹ See NEC website. Available at: http://necsl.org/PDF/Electoral_Activities/BD-Constituency%20Description%20and%20Maps.pdf (Accessed 9 February 2018).

¹⁰ If the eligibility, identity or residential status of an applicant is in doubt, the registrar may request him/her to provide any of the following evidences: for nationality, a national ID card, a Sierra Leonean passport, birth certificate, certificate of naturalisation or affidavit indicating nationality; for age, a national ID card, a Sierra Leonean passport, driver's licence, birth certificate or affidavit indicating age; for residence, local tax receipt, bills of public utilities, or affidavit indicating residence. An applicant can also provide non-documentary proof of identity and eligibility when he or she cannot produce any of the above documents. Acceptable non-documentary proof of identity and eligibility is defined as a declaration by one of the following people: paramount chief, village head, tribal religious leader, town chief, head of educational institution, section chief, councillor.

relating to about 23 000 registrants found to be missing.

The NEC confirmed reports of missing data, attributing the problem to faulty registration devices, but informed the mission that the information was all in the devices and just needed to be retrieved. The EISA PAM confirmed that the data have been retrieved.

Voter registration was biometric. A total of 3 133 413 voters was generated in the provisional voter register, which was exhibited at all exhibition centres (previously voter registration centres) in the country from 22 June to 27 August 2017. Following the exhibition the voter register was reviewed and the final figure was 3 178 663 registered voters. Voter identification cards were distributed from 25 November to 4 December 2017.

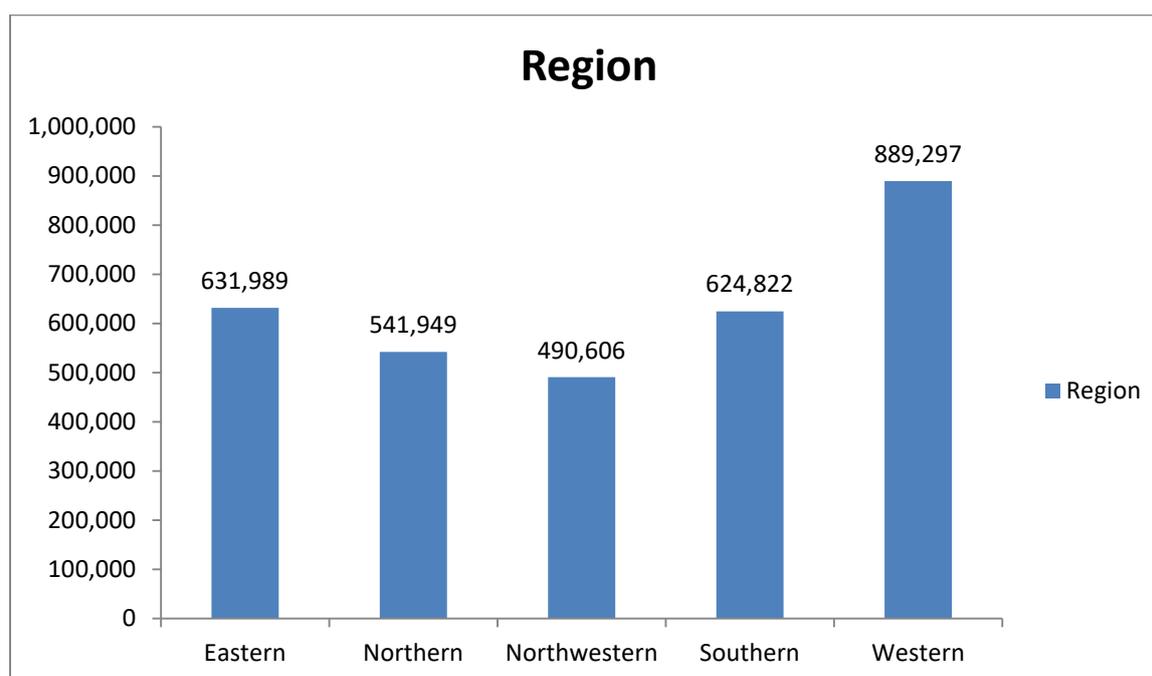
During that period the NEC distributed 2 867 130 of the 3 178 663 cards. The distribution period was extended to the end of February 2018 to allow those who had not collected their cards to do so in time for the elections. There will be 3 300 polling centres, divided into stations depending on the number of registered voters in each centre. The NEC expects there to be about 11 700 polling stations.

To ensure the success of voter registration the NEC engaged political parties and civil society organisations in a voter education process. The process was inclusive throughout, with the NEC holding regular forums for its stakeholders, to keep them abreast of events. The forums were ongoing during the PAM. Stakeholders did not raise any issues that might impugn the integrity of the voter registration exercise.

The stakeholders' assessment was that the joint registration process had not affected the quality of the voters' register. The NEC is an independent constitutional body. The civil registry process, on the other hand, falls under the purview of the executive. The PAM notes the possible impropriety of attempting to subject an independent constitutional body to processes under the control of the executive, as this may have an impact on the independence of the body or on stakeholders' perceptions of its independence. Further, such an approach may also compromise the quality of the voter registration process.

While most stakeholders were satisfied with the scale and reach of the voter registration process, organisations representing people with disabilities contend that the process fell short in terms of including such people.

Diagram 1: Voter registration statistics per region



Source: <http://ayvnews.com/AYVNews/index.php/news/item/4015-as-nec-publishes-final-voter-register-3-178-663-sierra-leoneans-eligible-to-vote>

Political party registration and candidate nomination

Section 34 of the Constitution creates an independent constitutional body, the Political Parties Registration Commission (PPRC). A party cannot participate in the electoral process unless it is registered with the PPRC.

The Constitution is reinforced by the Political Parties Act 2002, which gives life to provisions of section 34 of the Constitution. Article 6(2) of the Act establishes the PPRC and provides for the registration and regulation of political parties. It further mandates the PPRC, among other roles, to monitor the conduct of political parties and their accountability both to their membership and the electorate, to promote political pluralism, to mediate any conflicts between or among political parties or their leadership.

Article 11(2) of the PPA sets out the requirements for registering a political party. An application to be registered must be accompanied by two copies of the party's constitution and rules signed by the interim national chairman or leader and by the interim national or general secretary of the association; the business address of the proposed political party in Freetown and the names of those authorised to accept and issue process on behalf of the party; the address of the registered office in each of the provincial headquarters-towns; the abbreviation of the name of the proposed political party, which may be used on ballot papers and a full description of its symbol, colour or motto and a non-refundable registration fee of Le2 500 000.

Upon receipt of the application the PPRC must issue the association with a provisional certificate of registration and publish a Government Notice not later than seven days after receiving the application. The notice must invite objections from the public regarding the constitution, name, aims, rules, symbol, colour and motto of the association. If no concerns are raised, 60 days after the date of publication of the Government Notice the PPRC must register the association as a political party. The party may not be registered until any objection raised has been

disposed of to the satisfaction of the commission. This makes the process open and transparent.

The registration of political parties is continuous. For the purpose of elections, however, the NEC determines whether a party is eligible to participate in an election. This is because of the disaggregation of duties: the PPRC's mandate relates to the registration of parties. Electoral participation is, however, the domain of the NEC, which is entitled by law to register parties that meet the criteria for participation in the elections. Registration with the PPRC is one of those requirements. Political parties that register with the PPRC after the close of candidate nominations for an election may not participate in that particular election. They may only register with the NEC for participation in future elections. Fourteen parties are registered to participate in the 2018 election, three more than the 11 that participated in 2012.

In terms of Section 59 of the PEA, the NEC is responsible for deciding on the dates of the nomination period. According to the Act, this should not be more than 60 or less than 30 days before election day.

Accordingly, the nomination period for local council elections was set for 3-14 January 2018. The dates for the nomination of candidates running for the presidential and parliamentary elections (including paramount chief members of Parliament) were to be on 17-26 January 2018.

Articles 41, 42 and 75 of the Constitution and Article 44 of the Public Elections Act 2012 stipulate the eligibility criteria for a presidential candidate. A candidate must be a member of a political party, nominated by a political party, a citizen of Sierra Leone by birth, not less than 40 years of age, a registered voter and otherwise qualified to be elected as a member of Parliament.

Articles 75 and 76 of the Constitution provide the criteria for eligibility of parliamentary candidates. A candidate must be a citizen of Sierra Leone (not a naturalised citizen), not be under 21 years of age, a registered voter

and able to speak and read English ‘with a degree of proficiency sufficient to enable him to take an active part in the proceedings of Parliament’. According to Article 76, individuals who receive a salary from the Consolidated Fund – ministerial employees, civil servants or teachers employed by state-funded schools – may not stand unless they have resigned from their post 12 months prior to the date of polling.¹¹

While a candidate for Parliament can either stand on behalf of a registered political party or register as an independent candidate, a presidential candidate must be nominated by a party. This can be regarded as discriminatory as it limits presidential candidates to those backed by political parties. The fees for registration as an electoral candidate are also likely to deter less-resourced candidates, in most cases female and young candidates, who, in addition to having limited access to the political sphere, are also faced with the challenge of limited resources.

Nomination fees for candidates are set by the NEC. Prior to the 2012 elections the fees were increased by the enactment of Constitutional Instrument No 13 of 2012.¹² Political parties complained about the increase and the president subsidised the candidates’ nomination fees for the 2012 elections. A proposal seeking to reduce the fees was presented to Parliament¹³ but had not been passed by the time the House was dissolved on 7 December 2017.

Both political parties and interlocutors noted that the high fees are exclusionary and may deprive some individuals from exercising their right to participate in the elections. The opposition parties in particular believed that this was a ploy by the ruling party to maintain its parliamentary majority.

The electoral law stipulates that following the nomination of candidates and before declaration of the campaign period a campaign code of ethics prepared by the NEC and PPRC must be signed by all political parties and candidates participating in an election.

The media

Freedom of expression is a fundamental human right and is vital for democracy. The Constitution of Sierra Leone guarantees freedom of speech, of expression and of the media. These are critical civil and political rights vis-à-vis the electoral process. The Electoral Law also enjoins the management of the public broadcaster, the national radio and television, to ensure that each candidate and each political party has access to airtime during the campaign period.

The Independent Media Commission [IMC] Act of 2000, as amended in 2006 and 2007, provides for the regulation of media by the IMC, whose members are appointed by the president on the advice of the Sierra Leone Association of Journalists (SLAJ) and subject to the approval of Parliament. The IMC provides an alternative to litigation under the Public Order Act. Aggrieved parties can register complaints with the commission, which grants them a hearing. If the IMC agrees that a complaint of defamation or falsehood is valid it can impose a fine and require the offending outlet to publish a retraction and an apology. The IMC can also summon editors at its own discretion. As part of its regulation of the work of the media, it also regulates hate speech and is expected to improve fairness in media coverage, especially during political campaigns.

Stakeholders in Sierra Leone, in both civil society and opposition political parties, raised concerns about the partiality of the Sierra Leone Broadcasting Cooperation (SLBC), which is publicly funded and appeared to be biased in favour of the incumbent political party, despite the legal framework. It was also reported that the IMC has weak control over the media.

Apart from the public media there are private media outlets, some of which are owned by political parties and report along party lines. There are three television stations (1 state owned and two privately owned), over 42 radio stations and over 40 daily papers countrywide.

¹¹ Individuals who do not receive a salary from the public purse, including lecturers and teachers at private schools, are eligible to stand for election without impediment.

¹² President (Le100 000 000); MP (Le10 000 000); Paramount Chief MP (Le10 000 000); Chairperson of local council (Le5 000 000); ordinary member of local council (Le1 000 000) and village headman (Le500 000).

¹³ The fees political parties agreed to, as presented to Parliament, are president (Le30 000 000); MP (Le3 000 000); mayor/ chairman (Le1 500 000); local council (Le500 000) and village headman (Le250 000).

Social media are an increasingly widespread means of communication, including campaigning but they are difficult to monitor, especially for hate speech and fake news.

Civil society

Sierra Leone has a vibrant civil society. Civil society organisations have participated in voter education programmes countrywide and in pre-election assessment initiatives and electoral reform advocacy. They have also been engaged in promoting the political participation of the youth, women and PWDs through various interventions.

They played a role in shaping the electoral process and ensuring that the electoral calendar is respected. In particular, civil society was instrumental in pushing for the announcement of the election date.¹⁴ The mission was informed that an initial lack of political will to announce the date was seen as a ploy by the incumbent to prolong his presidency.

The ***Standing Together for Democracy Consortium*** is a coalition of seven organisations; two international and five national. The international organisations are the Westminster Foundation for Democracy (WfD) and Search for Common Ground. Each of the five national organisations focuses on supporting specific aspects of the electoral process. They are the Integrated Regional Information Networks (IRIN) (focused on the media); 50-50 group (gender); National Elections Watch (NEW) (election observation); Inter Governance Reforms (IGR) (research); Sierra Leone Union on Disability Issues (SLUDI) (inclusivity of PWDs) and Campaign for Good Governance (advocacy).

Due to its wide network, the coalition is dominant in civic education, which has involved event-based voter education. The network has been actively involved in the various aspects of the electoral process, including voter

education, voter registration and the observation of the NEC's discharge of its mandate.

Other activities include public policy development and dialogue in efforts to make elections issue based. Spearheaded by IGR, the citizens' manifesto¹⁵ pushes for political reforms that lead to inclusivity and accountability in the activities of political parties.¹⁶ The manifesto's proposal that parties declare their assets has resulted in the ADP flagbearer declaring his. It is hoped that other political parties will follow suit.

NEW, the main domestic observer group in Sierra Leone, comprises 375 organisations including NGOs and faith-based organisations, and has structures across the country. It plans to deploy 12 000 observers to provide real-time reporting on the election. It also plans to set up a citizen situation room where observers will report incidents, which will be shared with the relevant authorities. The last minute addition of two further areas after the boundary delimitation has stretched NEW's resources, but, although it will not deploy in the new areas, these areas will nonetheless be covered during observation.¹⁷ NEW has also engaged in observing the voter registration, voter verification and boundary delimitation processes.

In support of security for the elections the consortium has partnered with the Office of National Security (ONS) to bring together political parties to discuss the issue. It has also trained women at chiefdom and district levels in peace and security issues.

Civil society organisations advised that the NEC had involved them in all stages of the electoral processes, which enhanced their confidence in the transparency of the EMB in the discharge of its mandate.

Gender and minority rights

The legal framework provides for equality before the law. There is, however, no legal provision that expressly

¹⁴ Although the date is not set, the Constitution sets out the parameters within which it must be arrived at and announced. The date for the elections should be announced by the NEC, but the date of the 2018 elections was announced by the president on 14 February 2017.

¹⁵ IGR carried out a nationwide survey among hundreds of youth, resulting in the Citizens' Manifesto.

¹⁶ Among others, it requires that presidential candidates and political parties commit to nominating women for 40% of local council and parliamentary nominations. It also demands that at least 15% of local council and parliamentary nominations be allocated to people under 30.

¹⁷ The observers who were to be in charge of the regions before the division would continue to cover the entire region.

provides for affirmative action. In Sierra Leone, as in some other African societies, politics is male dominated, with men occupying leadership positions in most of the political parties. Women are, however, fighting for both inclusion and equality. The PPRC and CSOs have been working towards women's inclusion in political structures. Although it plays no active role, the NEC has, through consultative meetings with political parties, encouraged political parties to nominate more women as a means of ensuring inclusivity.

Women constitute more than 51% of the total population but occupy only 15 of 124 seats in Parliament (12%).¹⁸ Their participation is limited by challenges that include patriarchy, intimidation and lack of finances. The PAM was informed that none of the political parties treats gender equality as a serious issue that needs to be addressed.

In support of women, and through its 50-50 group, the Search for Common Ground consortium is engaging in a weekly programme, called 'woman to woman', to encourage women to participate. The Women Forum, an umbrella organisation for women, is preparing women for elections, training electoral aspirants and, through its coordinators in all regions, has sensitised women to the need for political participation. In addition, and as part of its strategy, the security sector has reported that it will provide more protection to female candidates who are awarded symbols by political parties.

In support of political participation of the youth, the CSO consortium has engaged with first-time voters in voter education activities. They have also invited NEC authorities to speak to young voters and conduct a simulated voting process. The Center for Coordination of Youth Activities (CCYA) encourages young people to resist violence by training them in transformational leadership. Through its nationwide structures it has organised activities including radio and TV talk shows targeting youth voters. It has also focused on electoral education and non-violence.

The political rights of PWDs are guaranteed in the 1991 Constitution, the 2012 Public Elections Act as well as the Disability Act of 2011.¹⁹ The NEC has taken some proactive steps to support the electoral participation of PWDs. These include publication of a Disability Policy (NECDiP)²⁰ in 2015 as well as the establishment of a Disability and Gender Unit in 2015. One of the five NEC commissioners is responsible for working for the inclusion of PWDs. The NEC has also convened workshops for PWDs aimed at advising them about voter education, accessibility issues with regard to registration and polling stations and to solicit their views on how the process can be improved to enhance their participation. The PAM was informed that assistance for PWDs such as the visually impaired will be provided by persons chosen by the voter. It was also informed that priority voting will be provided for PWDs.

SLUDI has mobilised PWDs to register. In partnership with WfD, SLUDI has also facilitated financial and technical support to encourage PWDs to vote. Since most polling stations are in schools, there were concerns that some may not be accessible to PWDs. SLUDI is also working with the NEC to provide tactile ballot guides for the 2018 elections.²¹

The PAM noted that, despite these efforts, political participation of PWDs is limited and political parties are making no deliberate efforts to enhance it by, for instance, providing for quotas or state campaign funding for PWDs. The NEC has not disaggregated data to include PWDs, which limits interventions targeting them. The legal framework governing political participation of PWDs is also limiting as it does not provide for affirmative action.

Stakeholders contend that the context of the political environment, in which there is a tendency to ring-fence areas in which the two parties represented in Parliament dominate, creates levels of political intolerance and the potential for violence. These are factors that tend to exclude women generally, as they lack the capacity to unleash violence on their opponents. In consequence,

¹⁸ <http://www.wfd.org/womens-political-participation-in-sierra-leone/>

¹⁹ Sections 15-28 of the Constitution; Sections 15(1) and 74 of the Public Elections Act and Section 29 of the Elections Disability Act.

²⁰ The NEC Disability Policy is designed to: (1) remove barriers to the full participation of persons with disabilities as voters and candidates; (2) ensure that voters with disabilities are afforded their full rights as citizens, including their rights to vote and to be voted for; and (3) develop a pattern of electoral inclusiveness for persons with disabilities in electoral processes.

²¹ They were introduced in the 2007 elections. However, since they were not used, the NEC did not provide them for the 2012 elections. SLUDI is thus lobbying the NEC to provide tactile ballot guides in 2018.

there was need to build tolerance in order to construct a political space conducive for women's participation in politics.

Stakeholders also contend that the high nomination fees impede the participation of women, youth and PWDs.

Civic and voter education

The NEC has a mandate to educate and inform voters about the electoral process and is carrying out that mandate. In addition, civil society organisations are accredited to conduct civic and voter education. The NEC disseminates voter education through posters, television and radio stations as well as at public bazaars.

In order to ensure uniformity in civic and voter education the NEC has developed uniform messages in partnership with other CSOs involved in voter education. The material, which has been developed from NEC procedures, includes the civic education manual developed by the NEC, in partnership with the Search for Common ground coalition, which is guiding civic engagement.

Political parties reported that they were conducting voter education during their countywide campaigns to inform their supporters, among others, about their right to vote and why they should vote.

Stakeholders were confident that so far civil and voter education, which has traditionally incorporated CSOs, was adequate.

Security

The Sierra Leone Police (SLP) has the primary responsibility for internal security. During the elections however, all security institutions play a role in support of the SLP to assist them to cope with any challenges that may arise.

In line with this, the Office of National Security (ONS) is spearheading and coordinating a national security initiative, the Integrated Elections Security Planning

Committee (IESPC). The IESPC was established by a National Security Council directive in 2014. It provides a framework within which security sector institutions can be adequately prepared, engendered and resourced to perform elections security-related duties.

The IESPC, through a national consultative exercise, developed the National Elections Threat Assessment/District Risk Mapping for the 2018 elections²² which is aimed at guiding the deployment of security resources before, during and immediately after the elections and enhancing the security of the 2018 polls. It also aims to highlight potential hotspots around the country.

One of the IESPC's initiatives has been the development of a training manual for the security sector on election violence and security for the 2018 elections. The manual has been used to train the security personnel involved in securing the elections to know their responsibilities during the entire electoral process.

The PAM was informed that the concerns shared with security forces relate to society's tendency to intimidate non-members or women, especially in party strongholds. Concerns were also raised about ritual murders for political purposes, heightening political intolerance within societies that are not open to opposing views, partisan village elders as well as the use of social media to provide fake news and hate speech messages.

Campaigning

The NEC is empowered to declare the election campaign period and may, for this purpose, issue a campaign calendar in consultation with stakeholders. The rights, duties and privileges of political parties and candidates are spelt out in the law, which also provides a mechanism for handling grievances related to the campaign period. The NEC is required to prepare a code of conduct and ethics for the campaign period, copies of which must be made available to all political parties and candidates at least 30 days before the campaign period begins. Acceptance of the nomination documents of each candidate and list of

²³ The consultative engagement was undertaken in all 16 electoral districts.

candidates of each political party is conditional upon their acceptance of the code of conduct.

At the time of the PAM that had not yet happened. According to the electoral calendar, campaigns for the presidential, parliamentary and local council elections were scheduled to take place for 30 days, from 4 February to 5 March 2018. This notwithstanding, campaign posters and other electoral messages were displayed in Freetown and, reportedly, in most parts of the country before then. The ruling coalition was accused of taking advantage of its incumbency and displaying campaign posters and bill boards bearing the image of the current president, who is not standing. This was viewed as both a campaign strategy using state resources and as an intimidation tactic. The president is also reported to have announced, on the record, that he would hand over power to his party.

The PPRC administers a code of conduct, to which political parties must subscribe. Although not legally binding, it enjoins parties to shun violence and electoral malpractice. Stakeholders in the opposition, and some CSOs, submit that the ruling party benefits from incumbency as its officials in government have access to government vehicles and almost always get more favourable and dominant media coverage from the public media.

Interlocutors also pointed out the involvement of traditional rulers in political party activities, in support of both the ruling party and the opposition in the respective party strongholds.²³ Their neutrality is important because they are viewed as the principal source of justice for many voters, particularly in rural areas where they mediate local disputes or refer cases to police or the courts. They also reported that there was heightened political intolerance during the ongoing unofficial campaigns especially in the party strongholds.

Preparedness of the EMB

Stakeholders in the electoral process, including development partners, political parties and CSOs, were

convinced that the NEC is prepared for this election. They commended the commission for its transparency in providing regular updates to the stakeholders. The NEC holds separate biweekly meetings with the PPLC and also biweekly meeting with other electoral stakeholders, including CSOs and security forces.

The NEC itself advised that it was prepared for the polls. Despite initial challenges of not receiving adequate resources, the post-delimitation re-districting by the executive, the initial delay in announcement of the election date, names missing from the voters' register and the NEC being sued as a result,²⁴ planning for the elections is on course. In line with the election calendar, the NEC has already undertaken boundary delimitation, voter registration and exhibition of the voters' register and was on track in the distribution of ID cards, which was scheduled to take place from 25 November to 4 December 2017. The NEC has also trained ward coordinators who will, in turn, train their staff, and is engaged in continuous training as well as voter education.

This being the second election to be undertaken independently by the NEC, the government has provided funding for logistical arrangements, including staffing. Other donors providing support to the electoral process include the United Nations Development Programme (UNDP), which is handling the bulk of sensitive materials like the ballots. The European Union has donated US\$2m to the UNDP managed donor basket fund. Other donors who have contributed to the fund are the United Kingdom, Ireland, Germany and the United States Agency for International Development (USAID). The Department for International Development and USAID are also supporting the training of police and security forces.

The PAM believes that, all else being equal, the NEC is ready and is committed to the conduct of credible elections on 7 March 2018.

²³ The 2013 Code of Ethics and Service Standards for Chiefs (of which all chiefs are signatory), explicitly states that chiefs should be neutral in party activities.

²⁴ The NEC has been taken to court over names missing from the register. There is also another case where a lawyer has sued the NEC and the Speaker of Parliament over registration of voters based on the old delimitation.

APPENDIX: Stakeholders Interviewed

| Name | Organisation |
|--|--|
| James Lahai; Mohamed AK Koroma | National Elections Watch |
| Kamaru Koroma | SLPP (Sec Gen) |
| Joseph J Sankaituah; Mamoud I Tarawallie; Alicia Kamara | Search for Common Ground |
| Inga Krastina | European Union Delegation, |
| Commissioner Miatta French | National Electoral Commission |
| Francis Keili | Office of National Security (ONS) |
| Maude R Peacock | Women's Forum |
| Kabba F Bangura | SLUDI |
| Zainab U Moseray | PPRC |
| Dr. Denis Bright (Chairman and leader); Imran Silla (National Publicity Secretary); Francis L. Hindowa (Secretary General) | National Grand Coalition (NGC) |
| Auguster Admire Oyah Abdul Karim Samura John Thomas Bonyoh Abigail Stephens | Center for Coordination of Youth Activities (CCYA) |

ABOUT EISA

INSTITUTIONAL BACKGROUND

EISA has since its inception in July 1996 established itself as a leading institution and influential player dealing with elections and democracy related issues in the African continent. It envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The Institute's vision is executed by striving for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

Having supported and/or observed over 70 electoral processes in Africa, EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives. It has built an internationally recognised centre for policy, research and information and provides this service to electoral management bodies, political parties and civil society organisations in a variety of areas, such as voter and civic education and electoral assistance and observation. Besides its expanded geographical scope, the Institute has, for the past several years, been increasingly working in new in-between election areas along the electoral and parliamentary cycle, including constitution and law making processes, legislative strengthening, conflict management and transformation, political party development, the African Peer Review Mechanism (APRM) and local governance and decentralisation.

EISA provides assistance to inter-governmental institutions, like the African Union, and the Pan-African Parliament, to reinforce their capacity in the elections and democracy field. The Institute has signed an MOU with the Economic Community of Central African States (ECCAS); the Economic Community of West African States (ECOWAS); the East African Community (EAC); and the Common Market for East and Southern Africa (COMESA). Within the framework of these recently signed memoranda, the Institute will also provide similar assistance respectively these intergovernmental institutions. Its MoU with the African Union was also renewed in 2014.

With its headquarters in Johannesburg (South Africa), EISA has had field offices across the African continent and currently has offices in Democratic Republic of Congo, Madagascar, Mozambique, Somalia and Zimbabwe, and a regional liaison office at the secretariat of the ECCAS in Libreville, Gabon.

Election observation activities

EISA has deployed continental observer missions for the past ten years including missions to Angola (2008), Botswana (1999, 2004, 2009), Central African Republic (2010, 2011), Democratic Republic of Congo (2005 referendum, 2006 elections), Egypt (2011, 2012, 2014, 2015), Ghana (2008, 2012), Guinea Conakry (2010), Lesotho (1998, 2002, 2007, 2012, 2015, 2017), Liberia (2011, 2017), Madagascar (2005, 2007, 2013), Malawi (1999, 2004, 2009), Mauritius (2000, 2005, 2010, 2014), Mozambique (1999, 2004, 2009, 2013, 2014), Namibia (1999, 2004, 2009), Senegal (2012), Seychelles (2011), South Africa (1999, 2004, 2009, 2014, 2016), Tanzania (2005, 2010), Uganda (2011, 2016), Zanzibar (2005, 2010), Zambia (2005, 2008, 2011, 2015, 2016), and Zimbabwe (2000, 2002, 2008), Reports on these missions can also be found on our website.



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About EISA

EISA is a not for profit organisation established in 1996 based in Johannesburg (South Africa) with field offices in Democratic Republic of Congo, Gabon, Madagascar, Mozambique, Somalia, and Zimbabwe.

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Mission statement

EISA strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

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