



CROSS-PARTY COMMITTEE ON ELECTORAL SYSTEMS AND MANAGEMENT BODIES REVIEW



**REPORT
JULY 2024**

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The above represents a partial list of materials that were used by committee members either independently or collectively in completing their work. These reference materials were provided to H.E. Brig. (ret.) Julius Maada Bio at the time of presentation of this report. The documents are available to the general public at the linked websites. The Committee does not endorse the content of any of these documents or attest to their veracity. The All Peoples Congress Analysis of the 2023 Election Results is presented by the APC committee members to substantiate their recommendations.

The Committee has included them as an illustrative example of reference materials available to Committee members that may be useful to the general public in understanding the information and recommendations contained in this report.

List of Abbreviations

ECSL	Electoral Commission for Sierra Leone
IESPC	Integrated Election Security Planning Committee
IPCB	Independent Police Complaints Board
NCRA	National Civil Registration Authority
NEC	National Election Commission
NEW	National Elections Watch
ONS	Office for National Security
PPLC	Political Parties Liaison Committee
PPRC	Political Parties Regulation Commission
RSLAF	Republic of Sierra Leone Armed Forces
SL Police	Sierra Leone Police
SSL	Statistics Sierra Leone

Terminology note

Within this report, the term ‘Electoral Commission’ is used to refer to the electoral management body established by the 1991 Constitution, which has had different names in its different formation.

Constitution refers to the 1991 Constitution, as amended

Public Elections Act refers to the 2022 Act unless stated

Political Parties Act refers to the 2022 Act unless stated

This report is respectfully submitted to His Excellency the President of the Republic of Sierra Leone and the Parties to the Agreement for National Unity - Government of Sierra Leone, APC, and International Partners

Chief Negotiator, David Moinina Sengh

Chief Negotiator, Samura M W Kamara

The Committee

Committee Terms of Reference

EXTRACT FROM TERMS OF REFERENCE (TOR) FOR THE CROSS-PARTY COMMITTEE ON ELECTORAL SYSTEMS AND MANAGEMENT BODIES REVIEW 2023

6 February 2024

1. INTRODUCTION

The June 24 2023 multi-tier elections which declared H.E President Julius Maada Bio as winner ended in a controversy with the APC rejecting the announced results; a three-day mediated dialogue between the Government of Sierra Leone and the All Peoples Congress (APC) Party (hereinafter referred to as the PARTIES), was held to address the political impasse; the mediation was facilitated by the African Union, ECOWAS, Commonwealth, and The Independent Commission for Peace and National Cohesion (ICPNC). One outcome of the mediation agreement (Resolution 3) was the constitution of a Cross-Party Committee on Electoral Systems and Management Bodies Review (The Committee).

The Terms of Reference of the Committee were developed under the joint leadership of the committee within 30 days of the commencement date of 19th December 2023. The duration of the Committee will be six (6) months from the date of its commencement.

The recommendations from the Committee shall be actionable and implementable;

The Committee is being established to examine the electoral systems, structures, and processes of the 2023 multi-tier electoral cycle. The Committee will be informed by previous elections with a view to highlighting and addressing the contentious issues of elections and results management including the collation, verification, authentication and publishing of electoral data consistent with international best practice to enhance the credibility of all future elections in Sierra Leone that guarantees elections to be free, fair and credible. No such comprehensive analysis has been undertaken to evaluate the electoral architecture in Sierra Leone within the context of its functional capacity to deliver credible elections that can foster faster and smoother political transitions, reducing the cost of elections to stability and, development. This exercise will rely primarily on the recommendations of Election Observer Missions spanning 2007 to 2023. Additionally, it will assess the institutional capacity of Election Management Bodies (EMBs) and other entities that are part of the election's architecture in Sierra Leone. Using a combination of desk review and primary data collection methodologies such as key informant interviews, the Review Committee will prepare a report on key recommendations to improve the performance of EMBs and the peripheral institutions that support the delivery of elections. The examination will primarily address the erosion of institutional capacity of key institutions that make-up

Sierra Leone's electoral system with a view to bolstering their independence and credibility through institutional and legal reforms. This technical assessment which will be contextualized within Sierra Leone's broader political economy dynamics will result in the development of a legal and institutional reform roadmap to strengthen the capacity and the independence of the entities responsible for delivering elections. The reform roadmap will seek to enhance the simplicity, transparency, and modernization of Sierra Leone's electoral system to consistently deliver free, fair, and peaceful elections.

2. CONTEXT

On 27th June 2023, His Excellency, the President, Brigadier (Rtd) Dr. Julius Maada Bio was declared winner of Sierra Leone's presidential race, by the Electoral Commission for Sierra Leone (ECSL), securing 56.1% of the popular vote. Thirteen candidates contested in the presidential election and fourteen parties put up over 870 candidates for parliamentary seats, and 2,784 candidates in 22 local councils across the country. The 24th June 2023 elections re-introduced the District Block Proportional Representation system (DBPR) with a threshold of 11.9% for a political party or independent candidate to gain a parliamentary seat. Additionally, the recently adopted Gender Equality and Women's Empowerment Act promoted the political participation of women in elected offices, political parties were required to have 30% women nominated for elected seats which is roughly about every 1 in 3 seats in Parliament designated for women.

While the lead up to and the election day were widely considered peaceful, but with reported cases of fracas between political party supporters and security forces, the period between voting and the announcement of election results on the other hand was marred with escalating tensions. Moreover, consistently weak communications by the ECSL and operational challenges such as the (alleged) poor quality of the voter identification cards, limited voter education, concerns about the timeliness of the publication of the national register of voters, and late delivery of ballot boxes in certain polling centers significantly undermined the "good faith" extended to ECSL and by extension, the credibility of the elections process. These concerns were further amplified by statements made by some Partners and Election Observer Missions calling into question the integrity and credibility of results before they were announced by ECSL. Additionally, immediately after ECSL results were announced, the National Elections Watch (a coalition of civil society organizations) published its own parallel results using the Process and Results Verification for Transparency (PRVT) that showed that no candidate met the threshold of 55%. These factors have created a post-election environment that is marred with mistrust resulting in heightening tensions between the ruling party and the opposition. This has also put into focus the ECSL and how the election was conducted.

It is evident that ECSL, a de jure independent entity charged with the responsibility to undertake the 2023 election process has struggled with communication and operational challenges during the election process resulting in an erosion of public trust. As a result of these weaknesses, following the announcement of the election results, the re-elected Bio administration was called upon by development partners to respond to concerns about the transparency and credibility of the process. However, the Bio administration has remained steadfast that it would not interfere at any point in the process to maintain in law and in practice the independence of ECSL. The governing party itself was a participant in the election conducted by an independent institution that declared a winner, and there are established due processes to challenge the results. In a burgeoning democracy such as Sierra Leone, the integrity and independence of institutions, especially those that confer legitimacy to the political leadership of a country must be preserved. As such, significant steps have been taken over the years to establish the independence of ECSL as a necessary and sufficient condition to grow Sierra Leone's democracy especially in a post-conflict context.

Key markers of the independence of ECSL include the appointment of its leadership requiring the approval of the Sierra Leone Parliament in consultation with other Political parties. ECSL's activities are also governed by a strong legal framework including the 1991 Constitution (as amended as to 2008); 2012 Public Elections Act (as amended 2022); 2022 Political Parties Regulation Act; 2022 Gender Equality and Women's Empowerment Act; 2022 Local Government Act; and the other regulations and procedures. There is also a 2020-2024 Electoral Cycle ECSL Strategic Plan. Essentially, given that its authority has emanated from a multi-partisan Parliament, the ECSL in principle should have strong credibility and legitimacy to conduct national and sub-national elections. However, each election cycle presents its own set of challenges as seen during these elections.

An assessment of Election Observer Mission findings, example, the *Carter Center's Sierra Leone 2023 National Elections and the European Union Election Observer Mission Reports* outlined some of the following challenges that undermined public trust in ECSL during the 2023 election cycle resulting in statements of concerns from some Partners on the process. While this list is not exhaustive, identified below are the key concerns presented:

Pre-Election

- i. Introduction of the DBPR less than six months before the elections with limited consultation amongst political parties and other relevant stakeholders
- ii. Restrictively high DBPR threshold of 11.9%, reducing the space for smaller parties to participate in political life
- iii. Lack of acceptance of the voter register by political parties

- iv. The process of determining boundary delimitations using the “contested” 2022 census
- v. Only 4 out of all parliamentary lists had women as the first candidate which indicates some unwillingness to fully embrace the GEWE Act
- vi. Lack of clear communication by ECSL in the lead up to the elections eroded public confidence
- vii. Unbalanced coverage by media houses of the candidates during the campaign period, most the coverage was focused on Sierra Leone People’s Party (SLPP) and the All Peoples Congress (APC)

Election Day

- i. Lack of transparency in the tabulation of polling results
- ii. Observation of ballot boxes with broken seals and inappropriately opened ballot boxes
- iii. Polling stations opened later than planned

Other

- i. Electoral redress mechanisms are often slow

Similar observations were made by other Observer Missions in their reports. However, the preliminary statement from the African Union Observation Mission noted that “the elections were conducted in a generally peaceful, transparent, and credible manner, up to the counting on polling day, despite reported incidents of violence particularly during the pre-election period” (African Union, 2023). While concerns have been raised by external parties, no legal filings contesting the election results were made in the Courts of Sierra Leone by any political party or private citizen within the stipulated period as provided for in the laws, which is a minimum standard to prompt investigations into an election process. However, the Committee notes records of cases filed in the Supreme Court against the ECSL. Additionally, there are lingering concerns raised by the international community and some civil society organizations on alleged election “irregularities” that are yet to be substantiated.

3. Establishment of the Cross-Party Committee on Electoral Systems and Management Bodies Review

In His Excellency, President Dr. Julius Maada Bio’s statement for the Opening of the Sixth Parliament of the Second Republic of Sierra Leone, he announced the establishment of a National Electoral Systems Review Committee (NESRC) to be chaired by the Honorable Vice President. He indicated that the objective of the Committee is two-fold:

- i. review the prevailing legal framework related to institutional and operational arrangements to deliver elections, and

- ii. propose key reforms for institutionalizing the recommendations to enhance the operations of the entire electoral architecture in Sierra Leone. However, the said Committee, as proposed by H.E the President, was never established.

The post-election phase of the June 24th multi-tier elections was characterized by the declaration of non-participation in Governance and in particular the 'refusal' by elected representatives of the All Peoples Congress (APC) Party to present themselves, subscribe to oath and take up their positions and roles in the House of Parliament and Local councils. This situation was viewed with concern by His Excellency the President who despite directing the establishment of the NESRC also sought ways of ensuring that the 'political impasse- through the non-participation in Governance by the APC be addressed for amicable resolution.

The Independent Commission for Peace and National Cohesion (ICPNC) an entity established by an Act of Parliament in 2021 and whose mandate can be traced in part to the Lome Peace Agreement that ended Sierra Leone's 10+ years of civil war, initiated actions to settle the 'political impasse' of APC non-participation in governance. After a number of institutional efforts could not yield much progress and on the suggestion of the APC, 'Third Parties' were subsequently identified and invited to support a mediated dialogue.

The ICPNC succeeded in getting the endorsement of the United Nations, Commonwealth, the African Union, and the ECOWAS, to support a mediated dialogue. In the Bintumani Hotel in Freetown from the 16th October – 18th October 2023 the three organizations through their envoys undertook a mediated settlement and on Wednesday 18th October, 2023 the 'National unity Agreement'' was signed between the Government of Sierra Leone (GoSL) and the All Peoples Congress (APC) party. In Resolution (03) of the 'Agreement for National Unity', it was agreed thus " Constitution of a Cross party Committee on Electoral systems and Management Bodies Review with a three-way Leadership."

On the 1st November, 2023 a meeting was convened at the National headquarters of the All Peoples Congress (APC) party between representatives of the GoSL (led by the Chief Negotiator, Dr David Moinina Sengeh, Chief Minister) and the APC (led by Dr Samura M.W. Kamara, National Leader). The details of the 'Agreement for National Unity' were discussed and a matrix of actions agreed by the 'Parties'. As part of the deliberations, it was agreed that each party shall nominate seven (07) Persons for the consideration of His Excellency the President in constituting the Cross-party committee. The GoSL and APC nominated members and His Excellency the President endorsed and approved the APC list (as submitted in its entirety) alongside the GoSLs nominated representatives. The United Nations Resident Coordinated (UNRC) was also endorsed as the third Co-chair. In the spirit of inclusivity and participation, representation from CSOs and critical State institutions were included as part of the expanded committee as observers.

To this end the Committee shall:

- A.** Review and examine the electoral systems of the 2023 multi-tier electoral cycle;
 - a) The First-Past-the-Post Single-Member Constituency
 - b) Proportional Representation (PR) System (District Block);
- B.** Review and examine the Structures and processes of the 2023 multi-tier elections and other electoral cycles consistent with the law and international best practice.
- C.** Review and examine the evolution of electoral cycles and previous elections to highlight and address the contentious issues in elections.
 - i. Elections management
 - ii. Legal framework and an assessment of reforms that came out of the assessment of previous elections that were implemented during the 2023 elections cycle
 - iii. Functional review of the key Elections Management Bodies (EMBs) that deliver elections
 - iv. Electoral redress mechanisms (within the EMBs, Security Sector and the Judiciary)
 - v. The role of political parties
 - vi. Media landscape with a focus on social media
 - vii. Security landscape

By assessing the aforementioned factors, the Review Committee will develop an electoral systems reform roadmap for the implementation of its recommendations. The reform roadmap will seek to enhance transparent, free, fair, peaceful and credible elections in Sierra Leone consistent with international best practices. Elections are the foundation of a strong democratic polity as the process of voting allows individuals to exercise their civil liberty to choose representation. In this vein, the confidence of citizens in the capacity of the institutions (EMBs) to deliver credible elections that reflects the will of the people is critical to creating a peaceful and stable environment where democracies can flourish.

4. Mandate of the Committee

In the fulfilment of its mandate, the Committee shall take the following actions:

- i. If during the course of its examination, the Committee determines that certain persons, groups or institutions bear responsibility for undermining democratic elections in Sierra Leone, including the 2023, 2018, 2012 and 2007 electoral cycles, the Committee shall recommend appropriate action to the President.
- ii. Request access to all relevant documents, records, and information necessary for the conduct of its examination.

- iii. Invite and speak to experts, government officials, EMBs, political party representatives and any other individuals deemed necessary for the examination.
- iv. Request resources, technical expertise, or assistance from relevant national or international organizations and development partners to support its work.
- v. Recommend necessary actions and reforms thereafter, improvements or amendments to electoral laws, procedures, and regulations to ensure free, fair transparent, and credible electoral process in future elections in the country.

5. Scope of the Terms of Reference

The Scope of the Terms of Reference as provided for by the agreement as thus:

“... This body will examine the electoral systems, structures and processes of the 2023 multi-tier electoral cycle. The Committee will also be informed by previous elections with a view to highlighting and addressing the contentious issues of elections and results management including the collation, verification, authentication and publishing of electoral data consistent with international best practice to enhance the credibility of all future elections in Sierra Leone that guarantees elections to be free, fair, and credible”. These have been organized within the factors below:

i. a) Elections Result Management

- Review the processes involved in printing the Provisional and Final Voter Register.
- Assess the procedures for shipment, tallying, and announcement of results at regional and national levels.
- Examining procedures for the transmission of results from Polling Centers to Districts.
- Examine the procedures for the transmission of results from regional tally centers to the national tally center, including staff involvement, verification, and authorization.
- Examine the results announced by ECSL/NEC for the June 2023, 2018, 2012 and 2007 elections.

b) Examine the procedure for the certification and publication of results in the June 2023 multi-tier and previous elections in Sierra Leone including 2018, 2012 and 2007 consistent with the law.

ii. Review Electoral Laws and Regulations:

- Examine the efficacy of the Public Elections Act 2022 and other relevant laws and regulations that relate to the conduct of elections
- Examine the processes and procedures for data migration in elections management
- Examine stakeholder involvement in the review of the PEA 2022 and other electoral laws

iii. Elections Management Bodies (EMBs)

- Examine the role and conduct of Elections Management Bodies and related institutions as it relates to the 2023 multi-tier and previous elections, and adherence to the law and international best practise. These include: Electoral Commission for Sierra Leone (ECSL), Political Parties Registration Commission (PPRC), Sierra Leone Police (SLP), Office of National Security (ONS), Republic of Sierra Leone Armed Forces (RSLAF), Statistics Sierra Leone, the Judiciary, National Civil Registration Authority (NCRA).
- iv. Examine the Institutional, Staff Capacity, and Infrastructure of the ECSL
- v. Examine Elections Observation Mission (EOM) recommendations in their final reports
- vi. Review Elections Financing, Accountability, and Transparency for political parties and EMBs:
- vii. Voter Registration Process:
 - Examine the voter registration process to ensure accuracy, inclusivity, and compliance with electoral laws.
 - Operational plan and timeline for Voter Registration
 - Criteria for allocation of Voter Registration Centres
 - Conduct of Voter Registration, Exhibition, Card Distribution, Inquiry, Inclusions, Voter Transfers and Corrections
 - De-Duplication exercise details
 - Compliance with Voter Registration publication timeline
 - Voter ID Cards printing and distribution
 - Assess methodology of mapping Voter Registration Centres
- viii. Conduct of Elections and Referenda:
 - Announcement of election dates and timelines
 - Assess the nomination processes and the development of an online application system for candidate nomination, accreditation of political party agents/observers, and its impact.
 - Examine the fairness and transparency of the campaigning process, assessing media coverage and its impact on public opinion.
 - Polling day activities and tallying procedures
 - Evaluate the execution of election day procedures, focusing on the conduct of polling officials, security measures, established protocols, etc.
- ix. Electoral Education, Communication, and Outreach:
 - Strategy and funding sources for education and outreach
 - Impact of education and outreach on the electoral process

- x. Review and examine the evolution of electoral cycles and previous elections to highlight and address the contentious issues in elections.

Membership of the Committee

The Committee was co-chaired by the representative of the Government of Sierra Leone, Dr Emmanuel Gaima, the representative of APC Dr Kaifala Marah and the UN Resident Coordinator Ms Seraphine Wakana, representing Sierra Leone's development partners, and comprised seven members representing the Government of Sierra Leone and seven representing the APC party.

Government of Sierra Leone (GoSL)	All Peoples Congress (APC)
Co-Chair Dr Emmanuel Gaima	Co-Chair Dr Kaifala Marah
Hon Dr Fatmata Hassan	Dr Richard Konteh
Mdm Isatu J Kabbah	Hon Amb Dr Alimamy Philip Koroma
Hon Helen Kuyembah	Mr Boniface Sidikie Kamara
Hon Umaru Napoleon Koroma	Mr David Fornah
Hon Alpha Sesay	Mdm Bernadette Kargbo
Hon Justice Jon Kamanda	Mr Prince Tholley

The Committee established an Ad-Hoc Secretariat, with a Head of Secretariat to facilitate the work of the Committee, including coordinating its meetings.

Methodology and Approach

Consistent with its Terms of Reference, the Committee's overall methodology and approach comprised five broad phases:

Phase 1: Desk Reviews

The Committee undertook desk reviews and examination of Election Observer Mission (EOM) Reports, including the recommendations of all EOMs since 2007, relevant laws, policies and regulations; publications of the Electoral Commission of Sierra Leone and other bodies, international electoral standards and principles and other relevant information.

Phase 2: Data Collection

The Committee, with support from the Secretariat collected primary data with a specific focus on Election Management Bodies, supporting public institutions, the security sector and other entities that constitute the elections framework. This took the form of documents requested and submitted and direct research by Committee members and staff. The Committee sought, inter alia, to gain a deeper understanding of the legal and regulatory framework, human and other resource constraints and root causes of challenges experienced.

The Committee held direct engagement with electoral management bodies and supporting public institutions, as well as selected CSOs and former officials to both follow up documents submitted to the Committee and seek views and suggestions on electoral matters. All these engagements were held in Freetown.

27 May	28 May	29 May	Thu 30 May	Date
Security Institutions*	ECSL	NCRA	Statistics SL	Judiciary
CSO/NGO panel	Former NEC Chairman Conteh	PPRC		

* ONS, Sierra Leone Police, RSLAF, IPCB, Ministry of Defence

Phase 3: Public Engagements

The Committee undertook a series of nationwide public engagements to increase the inclusion of key national stakeholders in the elections’ examination process and to collect suggestions for enhancing the credible conduct of elections in Sierra Leone. To this end, the public engagements were held between 15 to 19 April in five (5) regions (North, South, East, Northwest, Western Rural/Urban) of Sierra Leone attended by 730 participants from political parties (at district/regional levels), local authorities, traditional and religious leaders, paramount chiefs, CSOs, CBOs and media groups.¹ Received suggestions from the participants, where possible, were taken into consideration by the Committee during the finalisation of the recommendations.

Phase 4: Production of Final Report and Reform Roadmap

The Committee prepared its Final Report outlining its findings, conclusions and recommendations. The Committee addressed institutional and legal shortcomings within the current electoral system, in the context of regional and international good practice. The Committee made recommendations on necessary actions and reforms, including amendments to electoral laws, procedures and regulations to ensure free, fair, transparent and credible electoral process in future elections.

The Report will eventually be accompanied by a Timed Reform Roadmap that identifies key reform activities to be implemented with timelines. Such a Timed Roadmap could not be completed prior to the submission of the report. It will be developed and presented by the Chief Negotiators within two weeks.

Phase 5: Submission of Report

The Committee will submit a report of its findings and recommendations to H.E. the President of Sierra Leone on July 1, 2024.

Committee Delivery Framework

To increase organisational efficiency and to carry out the electoral review and examination process in a timely manner, the Committee adopted a Delivery Framework according to which it established three (3) thematic teams (hereinafter “Sub-Committee”), notably, Legal Reform, Elections Management and Institutional Reform. Each Sub-Committee was composed of four (4) members appointed by the Government (2) and the APC party (2) representatives with the international electoral experts assigned to each Sub-Committee in an advisory capacity to support the implementation of the Sub-Committees’ functions.

Membership of the Sub-Committees

Electoral Management	Institutional Reform	Legal Reform
Dr Richard Konteh (APC) David Fornah (APC) Umaru Napoleon Koroma (GoSL) Isatu Jabbie-Kabbah (GoSL)	Hon Amb Dr Alimamy Philip Koroma (APC) Ibrahim Prince Tholley (APC) Hon Helen Kuyembeh (GoSL) Hon Dr Fatmata Hassan (GoSL)	Boniface Kamara Esq. (APC) Bernadette Kargbo (APC) Hon Alpha Sesay Esq. (GoSL) Hon. Justice Jon Kamanda (GoSL)

In compliance with the Delivery Framework and following the identification of relevant sources of information, international electoral standards and observer recommendations, the Sub-Committees carried out the examination of the electoral systems, structures and processes of the 2007, 2012, 2018 and 2023 electoral cycles based on the information received from the state organisations in writing and at interview and proposed findings-based recommendations for improving the conduct of future elections in Sierra Leone. Due to time constraints, the Committee was not able to complete an electoral reform

¹ North (Port Loko) - 119 participants, South (Kenema) - 148 participants, East (Bo) - 166 participants, NorthWest (Makeni) - 192 participants, Western Rural - 47 participants, Western Urban - 58 participants.

roadmap prior to the presentation of this report. Such a timed electoral reform roadmap will be developed, endorsed, and presented by the Chief Negotiators within two weeks to identify further steps for the implementation of the Committee recommendations.

Committee Rules of Proceedings

As prescribed by the Rules of Proceedings, the Committee held the regular plenary sessions twice a week to oversee the implementation of the Committee's mandate in respect to the examination of the electoral systems, structures and processes, in coordination with development partners managed the recruitment of technical staff (experts), endorsed the recommendations, and addressed the contentious issues stemming from the deliberations of the Sub-Committees. Every plenary session of the Committee was held with the quorum prescribed by the Committee's Rules of Proceedings.

Committee Communications Framework

During the period of electoral examination, the Secretariat of the Committee managed internal and external communication with the members of the Committee, technical staff, key national stakeholders, and the general public. To promote public awareness about the electoral examination process, the Committee in partnership with the Ministry of Information and Communication of Sierra Leone held a joint press conference (6 February 2024, New Brookfields Hotel) attended by over 100 participants from media and civil society groups, traditional and religious leaders, political parties, state institutions and development partners. The Secretariat has also managed the corporate email account of the Committee (cpcessierraleone@gmail.com) which gave an excellent opportunity to external stakeholders to share their suggestions in respect to the electoral examination and legislative reform process. The Secretariat disbanded on June 30, 2024.

Acknowledgement of support from development partners

The Committee was supported with funding from the development partners in Sierra Leone (Canada, Iceland, Ireland, Germany, the UK, the US, the EU, and UNDP) to cover technical experts and the logistics of the committee. Development partners, as is their normal practice, have not provided any funds in any form to the Committee's members.

This section of the report presents the Committee’s findings and recommendations grouped under the three themes of Electoral Management, Institutional Reform and Legal Reform.

Findings and Recommendations: Electoral Management

Electoral Commission²

The 1991 Constitution provides for an independent electoral commission, alongside an independent political parties regulation commission. Following the end of the civil war in 2002, reforms were undertaken to improve the functioning of the electoral commission and as a basis for improving trust in the organisation. Trust in the independence of the electoral commission is an inescapable ingredient for acceptance of electoral results by the voting public and electoral stakeholders.

Electoral Commission transparency

Ultimately, the EMB is the custodian and guarantor of the integrity and legitimacy of the democratic process, and in this regard it is responsible for protecting the political rights of citizens. It can enhance its profile and confidence among stakeholders by approaching its management of the electoral process in a transparent and service-oriented way.³

While the Constitution establishes an independent electoral commission with operational independence and security of tenure, in line with international electoral standards and good practice, to gain and maintain the confidence of the electorate and key stakeholders the electoral commission must not only act independently but be seen to do so. This requires a commitment to transparency at every stage of their work. It is not sufficient to provide only information as required by law; an electoral commission must provide all information except when precluded by law, such as to protect personal information or to safeguard commercially sensitive data when the national legal framework so requires.

A key element in the operation of a transparent electoral commission is a commitment to full and effective consultation. Consultation must occur during the development of regulations, policies, manuals, tools and electoral forms; it is not sufficient to merely share already formalised or adopted documents.

FINDINGS

- Review the Public Election Act 2022 to include provision for the publication of ECSL decisions and regulations and all other elections related documents on its website and social media platforms.
- PEA to mandate that ECSL publish a decision-making policy, a calendar of Commission meetings, their minutes and a separate register of Commission decisions.
- Publication to be on website and a hard copy to be available for inspection at every ECSL office.
- ECSL to cease the use of ‘classified’ for documents. A new information/document management policy should be developed that protects information privacy and commercially sensitive materials while starting from the principle that all Commission documents should be public.
- Failure to comply with the decision-making policy to be a form of misconduct in public office.
- Section 171 of the Public Elections Act gives power to make Regulations under the Act. It is recommended to make regulations to govern:
 - Timely publication of their decisions
 - The setting of timelines for all matters that are time-bound.
 - Format of publication of their decisions.

² As noted above, the name ‘electoral commission’ is used in this report and refers to all electoral commissions established under the 1991 Constitution, regardless of the name used at the time or in the future

³ Commonwealth Secretariat (2016), *Independence of Electoral Management Bodies*, page 1

Recommendation 1: The Electoral Commission must consult on a consultation policy, must promulgate and publish this policy within three months of the submission of this report. The consultation policy is to apply to all commission policies, regulations and guidance.

The policy should provide for designation of 'Electoral Commission stakeholders' who form a standing consultation list.

The consultation policy must fit with the new regulation making process.

The Electoral Commission must report on compliance with the Consultation Policy in its Section 32(12) reports to President and Parliament.

The legal framework for elections in Sierra Leone gives a great deal of latitude to the Electoral Commission to establish the detailed rules of the electoral process. The Commission has broad powers to make regulations in this regard and to provide guidance to their permanent and temporary staff. It can be concluded that Parliament has provided these powers to the Commission to allow them to adopt policies and procedures to fit emerging circumstances in Sierra Leone's development. Parliament is not likely to have agreed to such broad regulation making powers to be exercised in such a manner that provides less legal certainty and precision than the primary legislation. It therefore behoves the Commission to exercise its regulation-making and policy-setting powers in an open and consultative manner, aiming again to act with the greatest possible transparency, not the least.

The Electoral Commission informed the Committee that their policy decisions are reflected in the guidance and manuals provided to their staff, whether permanent or temporary. This should be reflected by the practice of every guidance or manual being made the subject of a Commission Regulation, providing clarity to staff that the guidance is a lawful direction they must follow.

Recommendation 2: The Electoral Commission to make a policy on exercise of regulation-making powers within six months. The Electoral Commission to consult Electoral Commission stakeholders on draft policy before making and ensure that the regulation-making policy fits with the consultation policy recommended above.

The Electoral Commission to publish any regulation made on website within 48 hours, in the Gazette and make available a hard copy for inspection at every Electoral Commission office.

The Electoral Commission to report on regulation-making in Section 32(12) report to the President and Parliament.

All Electoral Commission manuals and guidance to be the subject of a formal Electoral Commission decision or regulation.

Transparency has been a guiding principle in the last two strategic plans (2015-2019 and 2020-2024) of the Electoral Commission. Despite this, during the period under review there has been a perceived decrease in openness and information sharing by the Electoral Commission, and this has been noted by various observer groups and other stakeholders. Successive Commissions appear to have published less and less information on the electoral process, including Commission-made regulations, policies, manuals and results data, despite the advent of web publishing and social media making it easier and less costly to share

information than at any time since independence. Electoral observation reports over the period have noted various data requests that were refused, despite not relating to legally protected information.

During the 2023 cycle, there were repeated requests from registered political parties and accredited observers for access to key electoral data, including voter registration and electoral results data, that were refused by the Electoral Commission, despite there being no legal barrier to the provision of this information. Some stakeholders have told us that information that was published on the Electoral Commission website and social media channels at times during the cycle has been subsequently removed, hindering future analysis and possibly raising questions as to the veracity of the initially available information.

FINDINGS

- ECSL decision making is opaque with little public/stakeholder access to documents, demonstrating both poor transparency and poor governance.
- No information available on delegations of authority within the Commission or from Commission to staff.
- Commission considers some internal manuals to be 'classified' with no legislative basis for such a decision made available.
- There is currently no legal obligation to publish ESCL decisions, regulations and procedures in a timely manner.

Recommendation 3: The Electoral Commission to cease the use of 'classifying' documents. A new information/document management policy should be developed that starts from the principle that all Commission documents should be public unless to protect information privacy and commercially sensitive issues.

An electoral commission expends substantial amounts of public funds across the electoral cycle. As a public body, the Electoral Commission is of course subject to Sierra Leone requirements for the expenditure, report and audit of their accounts.

The Committee was not able to find copies of any published annual accounts or audit reports on either the Electoral Commission or the Audit Service Sierra Leone website. The Electoral Commission should proactively share its annual accounts, audit reports and audit responses with the public, and with major stakeholders.

Recommendation 4: Electoral Commission should ensure that it complies with the provisions of the Audit Services Act.

The Electoral Commission should also make available its annual audited accounts to registered political parties.

Electoral Commission internal organisation

In the early days of the Commission following its post-war reformation, it was not surprising that electoral commissioners themselves took on direct operational tasks, as is common in any start-up organisation. However, having developed as a permanent body with a nation-wide presence and a fully staffed secretariat, it is now timely for the commission to be re-assessed and re-designed to meet the needs of a modern electoral process, with commissioners taking only the role of providing strategic direction and

provision of oversight while leaving the implementation and coordination of electoral operations to the staff of the secretariat.

Recommendation 5: The Electoral Commission Secretariat must be responsible for the electoral operations. Electoral Commissioners should only be engaged in the development of regulatory policies and refrain from interfering in the work of the Secretariat staff.

Over the electoral cycles under review the Commission has displayed commitments to good practice in public management with the development of periodic strategic plans. However, these plans have become overly detailed and task prescriptive rather than forming guidance to the Commission and its staff. There has also developed a confusion between organisational documents – which is what the strategic plan and its implementation documents should be – and electoral operational documents, which are crucial for stakeholders and supporting organisations. The Committee found that the seeming focus on the strategic plan has been to the detriment of the development and publication of accessible electoral operational plans.

Working to an Executive Secretary, the Electoral Commission currently has 15 functional directorates. The Committee was told at our engagement with the current Commissioners that this structure was formed to provide internal staff promotion opportunities; such decisions are more regularly taken on the basis of functional or operational needs. This does marry, however, with the focus also shown to us by the Commission of retaining staff within the organisation rather than searching for the best fit according to qualifications and experience. Such an approach might win approval from within the staff cadre but is also capable of fostering organisational inertia and a resistance to innovation. This retention effect may have fuelled perceptions reported to us that the commission staff does not reflect the ethnic and regional diversity of the country.

FINDINGS

- For permanent staff, ECSL do not share adequate information on potential roles and opportunities. We have concluded that ECSL staff (both headquarters and in the district offices) do not reflect the ethnic and regional diversity of the country. This has led to a further perception of partisanship.

The Commission should be the subject of an urgent institutional and functional review with full access to internal commission policies and documents. The review should be capable of:

- developing potential organisational structures that assign to Electoral Commissioners a strategic role of policy setting and oversight with implementation by the staff of the secretariat;
- providing a basis for new organisational guiding documents, where the strategic plan is forward looking and at the strategic level and is supported by appropriately detailed implementation and electoral operational plans;
- incorporating the whole staff of the Commission secretariat, including those in district offices, in all areas of the Commission's work using modern concepts of cross-functional teams and project management;
- setting out arrangements for electoral operational planning and oversight.

In line with our recommendation that the Electoral Commission shift the implementation focus from commissioners to the secretariat staff it is crucial that there be further efforts made to ensure that the permanent staff of the Commission are fully equipped and capable of performing their tasks.

Recommendation 6: There must be an urgent external functional review of the Commission (in line with current GoSL effort), including benchmarking against international good practice. The findings of the review to be published and discussed at PPLC and with other critical national stakeholders.

The review is to be conducted by an independent team that comprises both GoSL public sector management expertise and electoral expertise with Parliamentary oversight. The review should be concluded within six months after the submission of this report.

Following the review the Commission must:

- Develop a sound organisational and staff development policy for permanent staff based on the functional review findings that includes a skills matrix for all permanent roles; and
- Develop a new permanent staff recruitment policy that takes into consideration regional diversity and establishes that all staffing decisions are to be based on functional needs and to be merit based.

The Commission should also aim to forge a strategic partnership with accredited tertiary institutions to provide foundation training for electoral matters.

Electoral operational planning

As a permanent electoral management body, the Electoral Commission has the entire five-year cycle to plan and prepare for a general election. Of course, when Sierra Leone used a single member constituency voting system for Parliament and local councils, by-elections were also required to be run on occasion.

The Committee has elsewhere recommended that general election dates be fixed in law (see recommendation 34). This will provide the Electoral Commission with an excellent operational and financial planning framework for all tasks to be performed over the electoral cycle. If the fixed date recommendation is not implemented, the Electoral Commission will still enjoy a quite high level of certainty as to a time window for the next general elections, given that both the President and Parliament serve fixed terms.

It is good practice to publish as early as possible key dates and tasks that will take place in an electoral cycle. In some countries, electoral commissions publish such a document as soon as the last election is complete. In Sierra Leone, commissions have varied in their practice as to when to publish a calendar, but it has been most often around the time of the fixing of the election date.

FINDINGS

- Operational challenges and insufficient logistical planning negatively affected the conduct of the 2023 election day operation. As reported by the observer groups, logistical challenges were associated with the late delivery of polling materials causing delays in the start of the polls in many polling stations across the country. “The longest delays were reported in Kono and Western Urban Freetown, where at some polling stations voting started as late as five hours after the scheduled opening”⁴ and ECSL was not able to deliver promptly electoral materials to the polling stations. This points to the weak logistical and operational structures of the Electoral Commission and lack of planning.

⁴ Sierra Leone 2023 – EU EOM Final Report on General Elections June 2023 - https://www.eeas.europa.eu/eom-sierra-leone-2023/sierra-leone-2023-final-report-general-elections-june-2023_en?s=410315

- It should be the responsibility of states to establish a competent election management body with the primary task to organize credible, transparent and inclusive elections where all voters will be given an opportunity to participate in elections without constraints and delays.

Recommendation 7: Electoral Commission to publish a full electoral cycle calendar within twelve months of the declaration of a presidential election result. An update should be published every six months. Electoral Commission to publish this calendar on the website, in the Gazette and have a hard copy available at every Electoral Commission office.

A key item in the electoral cycle calendar is the development and release of electoral operational plans. In the cycles under review these plans have varied in the level of detail included, time of their approval by the Commission, and availability to stakeholders and the public. In line with the proposal to streamline the strategic plan into an organisational document, the Commission should enhance the emphasis given to operational plans and ensure they are sufficiently detailed to provide both internal staff guidance and external stakeholder assurance. They must be produced and published in a timely manner.

Recommendation 8: Electoral Commission to adopt regulations specifying the format of electoral operational plans, including timelines for their adoption and publication in relation to any given electoral event (voter registration or election).

Publication dates for electoral operational plans to be included in the electoral cycle calendar.

For most Sierra Leoneans, their only contact with any electoral commission will be with the thousands of temporary staff recruited for work at elections or during voter registration. Our stakeholder engagements collected many comments revealing a perception that these temporary staff are either not suited to their roles, or do not receive adequate guidance, training and support from the electoral commission, or do not receive this in a timely manner.

In line with revisions of the permanent staffing structures, the Electoral Commission should also conduct a 'blank sheet' review of their temporary staffing structure, to support an open and transparent recruitment effort for temporary staff roles. Building on the requirements of the Public Elections Act, the review should enable the commission to then develop a new training and capacity programme for temporary staff. This training needs to focus on the practical skills that the staff must demonstrate in their roles; this is essential in regard to polling staff, who perform their tasks on one day in locations remote from direct supervision.

The electoral commission must produce a large amount of formal, written guidance for use by both permanent and temporary staff during electoral operations. This material is often produced late and is not provided in an accessible and easy to follow format. As will be noted elsewhere in this report, this guidance provides the essential instructions to ensure that the temporary staff perform their task correctly and complete all essential electoral paperwork accurately. If they are not capable of this, there is a danger of voters being disenfranchised. Experience in other countries has shown that clear and comprehensive manuals need to be accompanied by hands-on, practical training that includes simulations and test exercises rather than extensive 'chalk and talk' sessions.

Recommendation 9: Electoral Commission to publish a calendar of when and how they will review their suite of procedural guidance, including allowing for a period of consultation on the procedural guidance documents, with Electoral Commission stakeholders. This calendar should be mapped against the full electoral cycle calendar.

Procedural guidance documents to be made by regulation so that there is a penalty under the Public Elections Act for failure to comply. Procedural guidance documents to also clearly state the source of the instructions therein (Constitution, statute and/or Commission regulation).

Electoral Commission to publish documentation of planned training cascades in year three of the electoral cycle.

Recommendation 10: Electoral Commission to develop and consult upon a new temporary staff recruitment policy that includes (a) job descriptions for all temporary staff roles (b) qualifications/experience matrix mapped to all temporary staff roles (c) recruitment and testing methodologies.

Electoral Commission to show regard to national spread and diversity in recruiting temporary staff as well as ensuring relevant local knowledge in the relevant District.

Electoral Commission to open dialogues with other state institutions to investigate opportunities to collaborate on temporary staff recruitment.

Electoral Commission to ensure timely and transparent selection of polling staff and conduct of polling staff training programme close to polls to ensure polling staff retain the knowledge acquired.

The training courses must be based on cascade and interactive training methodology.

Electoral Commission to train polling staff using training polling/counting materials and mock ballot papers and operational forms for simulation exercises.

Electoral Operations

Voter Information and Education

The provision of voter information and education is a core function of an electoral management body. This is reflected in Sections 7(1)(e) and (g) of the Public Elections Act.

During the cycles under review, successive Electoral Commissions have shown a commitment to the provision of voter information. At the same time, successive reports from electoral observers suggest that there needs to be more such information provided – in different languages, formats, and through different channels and at earlier points in the electoral process. There is also a continuing theme of resource constraints on the provision of voter information and education and sometimes a suggestion that voter information and education is an added ‘extra’ when it is a core electoral operational task.

The current Electoral Commission did submit some strategies for voter information and an internal assessment report. The Committee finds that these were not suitable for purpose, lacked rigour and can be improved in the future, especially following the internal organisational review recommended (see recommendation 6). The Commission’s own evaluation unit should take the lead on assessment of voter information and education efforts, not the functional staff themselves.

Over the electoral cycles under review, Commissions have at various times engaged other organisations to deliver voter information and education messages. The Committee appreciates the effort of these other Sierra Leonean organisations and hopes that the Commission can institutionalise these efforts more for the future, while retaining responsibilities for the production of voter information messages and materials.

FINDINGS

- Insufficient information provided to the public on the electoral system, apportionment of seats for Parliamentary elections under the PR electoral, electoral operations and events.
- While ECSL does provide some voter information, it is not timely or comprehensive.
- The quantity of voter information has declined over the elections under review.
- An independent assessment of voter information in 2023 should be performed, as internal reports claim success without evidence.

Recommendation 11: There should be an independent assessment of voter information provided in 2023.

The Electoral Commission to develop, consult and finalise a new electoral cycle voter information strategy in the first year of each electoral cycle (for the 2028 cycle, this will be informed by the assessment above) that uses practical and cost-effective methods for the development and dissemination of voter information and education.

Electoral Commission to devote more resources to the provision of voter information as per Public Elections Act Section 7(1)(e) and (g) and improve the capacity of its staff at headquarters and district levels to perform these functions.

Electoral Commission to increase the use of local languages in their voter information and education efforts and encourage other organisations to do the same.

Recommendation 12: Electoral Commission voter information and education campaigns to be included in the electoral cycle calendar and details to be included in electoral operational plans as per recommendation 8.

Electoral Commission voter information efforts to start no later than six months before (a) the commencement of the voter registration period and (b) polling day respectively.

Electoral Commission to establish a permanent mechanism for voters to check if they are registered and their place of voting, possibly via a search engine on the website as well as a mobile app and SMS messaging processes.

Electoral Commission voter information to specify the identification documents required to vote at polling stations.

Recommendation 13: Electoral Commission to work with the Ministry of Education to include the governance and electoral topics in the school/university curriculums

There should be a national effort to provide sufficient resources to CSOs, CBOs, Paramount Chiefs, local stakeholders, and media to conduct effective civic and voter information and education to ensure informed participation of voters in elections.

Over the electoral cycles under review, the voter registration process has evolved significantly from a paper-based process to one that now benefits from modern biometric technology. The introduction of the national civil register after 2016 has also provided opportunities for Sierra Leone to streamline its registration of the population for a variety of purposes, including elections.

In the two elections since the establishment of the National Civil Registration Authority (NCRA) – 2018 and 2023 – there have been concerns over clarity on the tasks attributed respectively to the NCRA and to the Electoral Commission, where responsibility and resources should be, and what are the processes to be undertaken. The role of NCRA is discussed in the Public Institutions section below.

The Committee anticipates a voter registration process where responsibility for the accuracy and completeness of the voter register remains the responsibility of the Electoral Commission, and the NCRA civil registry database is only one data source into the voters' register.

Recommendation 14: That the Electoral Commission undertake the following voter registration process under current legal provisions:

1. Electoral Commission to receive a voting age population database from NCRA for the purpose of updating a voter register;
2. Electoral Commission to conduct a national voter registration fieldwork exercise following receipt of the data from NCRA. This will also allow voters to verify their names on the provisional list of voters.
3. Electoral Commission to conduct a deduplication process in Sierra Leone in a transparent manner following their field work process.

Electoral Commission must ensure that the list of locations of the registration centres are published and communicated with political parties and other stakeholders two months before the start of voter registration fieldwork. Prior to this, the Electoral Commission must have reviewed the locations of registration centres, taking into account both distance from the population and the number of expected voters, with full engagement of stakeholders in the review process.

Recommendation 15: The Government should consider further subsidising the acquisition of national ID cards so that the Electoral Commission does not need resources to issue separate voter identification documents.

Recommendation 16: Electoral Commission review the proposed locations of registration centres every cycle, taking into account both distance from the population and the number of expected voters, with full engagement of stakeholders in the review process.

Nomination process

In 2023 the Parliament was elected using a District Block Proportional Representation system that required the submission of political party candidate lists rather than individual candidacies. In moving to this system, which provides for the filling of casual vacancies by reference to submitted candidate lists rather than a by-election, the Commission also required that nomination fees be collected for all candidates on the lists, not only for the number of seats to be elected. This practice should be discontinued while the PR system is in use.

Recommendation 17: Candidate nomination fees to only be collected to a maximum of the number of seats to be elected, regardless of the number of candidates submitted on the list.

Holding three levels of elections at the same time means that thousands of nomination documents must be submitted for Electoral Commission processing, and initially gathered and collated by political parties. To streamline this process, the Commission has developed a software to enable the collection of the essential data required to both assess the eligibility of potential candidates and to collect the information to appear on the ballot paper, including photographs. While appreciated by candidates and parties as a useful innovation in 2023, problems were encountered that can be avoided in the future by improved planning and longer implementation timelines.

FINDINGS

- The entire nomination process was implemented with challenges. Political parties could not fully comply with the nomination process requirements due to the complexity of the nomination software.
- Late and inadequate training of political parties on the use of the nomination application.
- The information about nomination fee for substitute candidates was not communicated to the political parties in a timely manner.

Recommendation 18: Electoral Commission to continue to offer a nominations software solution under the following conditions:

1. Commission to hold consultations with political parties on the development of any planned nomination software eight months before the start of a candidate nomination process and to include plans for stress and access testing in their design process.
2. Commission to ensure the nomination software is designed and finalised six months before the start of a candidate nomination process. Training for registered political parties to start immediately on finalisation of the software and to continue until two months to the start of the nominations period.
3. No modifications to the nomination system should be allowed 2 months before the start of a nomination process. Any update identified as essential to system operation should be advised to PPLC to enable discussion of any waiver to this timeline.

The Commission to discuss with registered political parties the amount of time to be allocated to the political parties for uploading relevant data.

Role of party agents in electoral process

Agents are appointed by candidates and political parties to follow various parts of the electoral process and perform vital accountability and transparency functions; they are accredited by the Electoral Commission on the nomination of candidates and parties to have full access to premises being used for electoral operations.

In order to perform these roles effectively, and therefore to build trust in the electoral process, they need full and timely access to information and to be adequately trained. There is therefore a shared responsibility between the Electoral Commission and political parties to ensure this is capable of being done.

Recommendation 19: Electoral Commission to process accreditation of party agents at least two weeks before the event.

Electoral Commission procedures and manuals to be fully provided to all registered political parties in hard and soft formats and the expected date of release to be included in electoral cycle calendar.

Electoral Commission to produce additional customisable materials for political party use (powerpoints etc) in the delivery of their training.

Findings and Recommendations: Institutional Reform

Public Institutions

Role of Parliament

Parliament has myriad roles to play in relation to elections. While individual Members of Parliament rely on electoral processes to gain their seats, Parliament of course also sets the rules of the elections through primary legislation and, if necessary, Constitutional amendment. Parliament also has a role in the setting of electoral boundaries and the receipt of the Electoral Commission's annual report alongside the President. In pursuance of their oversight of public expenditures they may also receive audit reports on electoral management bodies.

Parliament's role can be enhanced by the designation of a specific committee to have oversight of electoral matters.

Recommendation 20: Create a dedicated oversight committee in Parliament comprising representatives from all political parties represented in Parliament as a Standing Committee on Electoral Matters to review an electoral cycle, inquire into electoral preparedness, and guide legislative reform. The Committee is to be chaired by an MP from an opposition party.

Parliament to have an annual debate on the Electoral Commission's annual report submitted under section 32(12) of the Constitution.

Political Parties Regulation Commission

The 1991 Constitution established the Political Parties Registration Commission as a second electoral management body for Sierra Leone. The functions of this commission are largely covered by the Political Parties Act, a new version of which in 2022 changed the organisation's name to Political Parties Regulation Commission (PPRC).

The focus of the PPRC on political parties is unique and there is no similar body on the continent. Even in Sierra Leone, there is some confusion on the exact demarcation of the responsibilities of the PPRC and the Electoral Commission, which of course can lead to forum shopping and a loss of confidence. Stakeholders told us that there was a lack of understanding and faith in the mediation efforts of PPRC.

PPRC supplied a raft of documents to the Committee, and a meeting with the former Chair and senior officials was held. The Committee finds that PPRC has quite extensive legal powers in relation to the registration and regulation of parties, not all of which it is exercising. In line with the recommendations relating to the Electoral Commission (see recommendations 1 and 41), the PPRC should improve its communication and consultation processes.

FINDINGS

- A 2023 PPRC decision to limit rallies and parades for security reasons was not accepted as having been the subject of adequate consultation with all political parties.

- Need to respect freedom of assembly.

Recommendation 21: PPRC should make available its annual audited accounts to registered political parties.

That PPRC must consult on a consultation policy, must promulgate and publish this policy within three months of the submission of this report.

The policy should stipulate that all registered political parties, some CSOs and development partners be included on a standing PPRC consultation list.

PPRC to develop and consult (in line with the consultation policy) upon a new permanent staff recruitment policy that takes into consideration regional diversity.

PPRC to develop and consult upon a new temporary staff recruitment policy that includes (a) job descriptions for all temporary staff roles (b) qualifications/experience matrix mapped to all temporary staff roles (c) recruitment and testing methodologies.

PPRC to show regard to national spread and diversity in recruiting temporary staff as well as assuring relevant local knowledge in the relevant District or Region.

PPRC to open dialogues with other state institutions to investigate opportunities to collaborate on temporary staff recruitment.

National Civil Registration Authority

Established by law in 2016, the National Civil Registration Authority (NCRA) is a statutory body that reports to the Minister of Internal Affairs. It was established as part of Sierra Leone's acceptance of a growing African trend to establish stand-alone national population registers, incorporating the post-colonial model of Births, Deaths and Marriages registration and a reliable national identity database and documents.

In 2018 many observers found there to be confusion in the separate roles of the NCRA and the Electoral Commission in the matter of voter registration, confusion exacerbated by delays in NCRA being equipped to conduct registration fieldwork. Even by 2023, NCRA was not capacitated to undertake a national fieldwork exercise, and so, this was done again in conjunction with the Electoral Commission.

Recommendation 22: NCRA to be resourced to provide an inclusive and comprehensive civil register. NCRA to extend the data collection process to include all data fields relevant for the electoral process. NCRA operation should be further decentralised beyond the district level operation.

The Committee has made separate recommendations for how the Electoral Commission should organise their voter registration tasks (see recommendation 14).

Electoral Security

International electoral standards emphasise that each State is responsible for ensuring every electoral process is delivered in an environment that allows for peaceful participation by all citizens – not just as voters but also as candidates, party supporters and electoral staff. It is also important that electoral security arrangements can support all political rights at play in an election – beyond the right to a secret

ballot, rights such as freedom of association, freedom of speech, and freedom of assembly must be paramount in the planning and delivery of electoral security arrangements.

Planning for Electoral Security

Coordination and delivery of security for elections has of course evolved considerably over the electoral cycles under review, especially in light of postwar security sector reform and the withdrawal of United Nations mandates – and support - in this area. The most detailed information provided to the Committee is for the 2018 and 2023 electoral cycles, so these are the focus of the Committee’s comments.

There is a well elaborated process for planning and delivering electoral security that emanates from the National Security Council through the National Security Coordinator, who in this regard is the primary advisor to the Head of State on state security but also is tasked with the convening of a planning structure as well as overseeing and reporting on implementation of electoral security through the Office of National Security (ONS). Various documents were provided to the Committee in this regard and the security sector agencies had a dedicated engagement with the Committee to provide further detail.

The ONS convenes an Integrated Electoral Security Planning Committee (IESPC) well in advance of the conduct of the election. The IESPC brings together the security agencies, Electoral Commission, Political Parties Regulation Commission, and civil society, along with other relevant public institutions; for instance the Human Rights Commission and the Independent Police Complaints Boards are members. In 2018 and 2023 development partners also participated, reflecting their ongoing support to the security sector. This group represents good practice in its timings, approach, and membership. In the security sector engagement with the Committee, there was a clear assumption that the IESPC will be retained for future elections which is to be welcomed.

At the same time, the Committee recommends some enhancements to the work and products of the IESPC, firstly to enhance knowledge of the IESPC and its role. The Committee finds that IESPC could more actively inform the public on the existence of work of the group and ensure that there is an improved understanding of the role of the different security actors. While the ONS has an important convening and coordinating role, this should not be seen to overtake the primacy of the Sierra Leone Police who have ultimate and legal responsibility for the delivery of electoral security.

FINDINGS

- Consensus around lack of neutrality of the police during all previous elections
- Consensus around lack of neutrality, professionalism, and accountability of the security sector during all elections.
- Across elections, security forces have infringed on the FoM, FoA, activities of opposition parties.
- Self-styled security units attached to political parties and civil defense forces cause additional security threats to the people.
- The current Political Parties Code of Conduct does not include any sanctions for violation of the code.
- MAC-P has become a common feature.
- The police could deploy from other units and/or locations when there is a need for local events. MAC-P should be the last resort.
- At elections, presence of well-armed officers is intimidating.
- Little is known of the IPCB and its role.
- The Human Rights Commission has not released any report on the human rights violations during the electoral process.
- Provide further guidance and training for the SL Police to improve policing of elections, especially in regard to the entrench human rights in election policing and reduce reliance on firearms.
- SLP report on inadequate funding and limited logistics.

- Several cases of violence have not been investigated and those being investigated are not done in a timely fashion.
- Cases reported to the SLP both 2018 and 2023 show a number of gaps in record keeping.
- That there is a lack of accountability for security forces.
- Some of the cases of violations have not been investigated and for those that have been investigated and findings made, no action has been taken by the appropriate authority. These include:
 - the killings at the APC party office Freetown;
 - the burning down of the APC party office in Bo town;
 - the burning of the house of the APC southern region publicity secretary;
 - the killing at the SLPP party office in 2018;
 - the shooting at the APC party office by police officers prior to the declaration of the election result; and
 - the raid by presidential bodyguard and that there is a lack of accountability for security forces.
- Notes that the APC presidential candidate was the subject of criminal proceedings which had an impact on his campaigns.

Recommendation 23: IESPC to draft a Declaration outlining the security agencies involved in election security, defining their roles and responsibilities, the working procedures and use of force, and outlining the security Code of Conduct, for security personnel assigned to electoral activities and facilities.

There should be an accompanying Memorandum of Understanding between the Sierra Leone Police and the Electoral Commission that incorporates the Declaration and should specify the Sierra Leone Police as the primary electoral security actor as recommended to be prescribed in the Public Elections Act, the Police in turn being supported by the other participating election security agencies listed in the Declaration. It should also outline the documents to be shared with the Electoral Commission, including the deployment plan of the election security personnel, the risks assessment(s), and the time frames for sharing those documents. The said MoU to be shared with the IESPC and the participating political parties.

The security Code of Conduct should be revised to include reference to the penalties for non-compliance that already exist in law.

The IESPC develops a suite of materials for every election, including an overall Electoral Security Strategy, a Communications Strategy and a threat assessment. The Committee has noted various elements that can be improved to enhance compliance with international good practice and to inform the work for the next electoral cycle in a more structured fashion.

Recommendation 24: IESPC to enhance transparency and the right to information by drafting and submitting a post-elections security assessment report to the EMBs and political parties, which includes a lessons-learned section.

Threat Assessment

The Committee was provided with both a summary and a detailed National Elections Threat Assessment / District Risk Mapping for the 2023 General Election. According to the documents, the objective of the assessment was twofold: classify the kinds of threats and risks on the one hand and evaluate the degree of preparedness of electoral management bodies and stakeholders to ensure a safer, peaceful, free, fair, and

credible election, on the other. The threat assessment was commissioned by the National Security Council Coordinating Group with development assistance and carried out by a national CSO. While valuable in providing insight into public perceptions of electoral security, any assessment carried out by non-security actors will not be immediately ready for operationalisation. While CSO involvement in threat assessment and electoral security is to be encouraged, it cannot be a substitute for the security forces carrying out their own threat assessment that addresses their operational planning and needs.

FINDINGS

- Existing threat assessment is weak. No provision for response mechanisms and operational planning.
- Existing threat assessment was carried out by a CSO.

Recommendation 25: IESPC and security forces be resourced to conduct a comprehensive election threat and risk assessment that addresses their operational planning and needs. Guidance to be provided to reinforce capacities. Enhanced coordination and cooperation between CSOs, including women's organizations and organizations of persons with disabilities, and the security forces in the development of the assessment is encouraged, with each keeping their own line of operation and commands.

Communications

The Committee was also provided with the 2023 Electoral Security Communications Strategy. While the strategy helpfully identifies different messages for different electoral phases, it lacks structure, strategic thinking, and operational planning. Crucially, it is unclear whether the IESPC is the communications body for all security agencies during the elections. While the Committee commends the grassroots initiatives and community outreach efforts by the security forces, it also heard from stakeholders that there is a public demand for clearer and more timely information on electoral security than the strategy was able to deliver.

FINDINGS

- Issues with institution's external communications as regards content, channel, tone, professionalism, and timing of disclosure.

Recommendation 26: Future electoral security communications strategy documents to: (a) Enhance its purpose as a pan-security sector election communications strategy that sets out a clear and consistent approach to messaging during each election phase; (b) Enhance accountability and public trust by including a dedicated transparency section that mandates timely and ongoing reporting on investigations related to election violence and offences; (c) Recognise and build upon the effectiveness of existing communication methods, such as peace marches and "no violence" songs, by evaluating their impact and incorporating successful elements into the overall strategy. d) Produce a final assessment report based on pre-identified indicators.

The IESCP should meet and update the Electoral Commission on a regular basis and inform the public on progress and broad security issues via the publication of meetings minutes through pre-identified specific communication channels.

The Committee discussed at its engagement with the security forces the process that underpins the decision to invoke what has become known as MAC-P, or Military Aid to the Civilian Power. There are well elaborated procedures for this use of military assets to enforce civilian policing capacities. The Committee

was especially pleased to have the confirmation that the Sierra Leone Police remain in command no matter the origin of the forces under their command. This can be reinforced by more public information on MAC-P, including announcing when it is in force and when it ends.

Recommendation 27: Government to enhance the right to information and the right to security by recognising the importance for the public to be informed when MAC-P is invoked.

External monitoring of electoral security provision

Due to perceived partisanship and limited policing resources, external monitoring mechanisms are essential for ensuring electoral security and peaceful elections. These mechanisms can complement the efforts and the capacity of the Sierra Leone Police through monitoring election related violence nationwide and identifying early warning signals. This allows for preventive measures and de-escalation actions, such as community dialogue and mediation, to be taken before conflicts escalate. An appropriate body can be identified and resourced to lead these activities and engage communities, including women and people with disabilities, through effective nationwide campaigns and communication.

Recommendation 28: Establish a civilian-led multi-stakeholder structure incorporating non-security state and non-state actors to: (a) Monitor and report election violence in a timely, factual, and objective manner; (b) Publish data periodically through online reports, press releases, and open-source mapping, in order to ensure transparency, foster public trust, and reinforce accountability.

As noted above, a variety of fundamental human rights are engaged during an electoral process. While Sierra Leone has an independent Human Rights Commission, this Commission has not produced any reports on electoral matters that the Committee was able to locate. The Human Rights Commission has in the past sought accreditation from the Electoral Commission as an observer, and if it wishes to do so in future should be expected to produce a report. The Human Rights Commission also has an educational mandate and should expand its work in this area around electoral processes.

Recommendation 29: The Human Rights Commission to monitor election related human rights violations and release reports.

Under the auspices of the Human Rights Commission, increase human rights respect by developing a human rights campaign aimed at the security forces, the human rights organizations, and the public at large to foster dialogue and understanding, in advance of the election security trainings.

Sierra Leone Police

The Sierra Leone Police carry overall responsibility for election security. They are an active participant in the IESPC and must then translate IESPC documents into operational policing plans and orders. The Police also have responsibility for training the thousands of police and auxiliary forces to be deployed during the electoral period. As elections, and election offences, are relatively rare issues for the police compared to road traffic and personal safety, comprehensive guidance and training for these officers must be delivered in a timely fashion.

Recommendation 30: Sierra Leone Police to conduct a comprehensive election-focused training needs assessment to identify thematic gaps and the specific police units that require additional training, particularly in crowd management. Plan accordingly to address these needs effectively and ensure the training curriculum tailored to the specific needs of the trainees.

Plan for real time testing exercises and review training schedule to ensure all necessary cascade trainings are implemented, including for newly recruited constables.

Stakeholders repeatedly shared concerns with the Committee as to the time taken to investigate electoral cases and the lack of information shared with the public in this regard. As noted above, election offences are specific and unusual from a policing perspective and so the Police need additional resource and training to manage them, including on how to handle Violence Against Women in Elections (VAW-E) issues and cases.

The Committee was grateful to receive from the Sierra Leone Police summaries of electoral matters reported to Police in 2018 and 2023. Our review of these summaries demonstrated that there is no common approach across the country to recording and reporting electoral matters, and this is an issue on which the Police should take action.

Recommendation 31: Provide necessary funding and plan for adequate human resources and materials to capacitate the Sierra Leone Police in effectively carrying out their duties.

Reinforce investigative and interview skills and techniques to ensure impartial investigations, with specific training on handling complaints from women who should be encouraged to report offences. Additionally, provide training on the use of material.

The collection of data should be standardized across police divisions, regions, and elections. Data should be disaggregated by gender according to international standards. Election-related cases should be recorded to align with election offences identified in the Public Elections Act and Political Parties Act and guidance to be issued on recording and reporting electoral cases.

Reported and observed cases of violence have to be investigated by the police in a timely manner and appropriate actions taken.

Independent Police Complaints Board

Given public perceptions that the Police are not able to take appropriate action in response to perceived electoral offences, the Committee also found it useful to meet the Independent Police Complaints Board (IPCB). As the name suggests, this Board receives and investigates complaints on police conduct on an external basis. Should the ONS and Sierra Leone Police accept our recommendations in this part, then they should fully involve the IPCB in their reviews and assessments. The IPCB could also, in line with our recommendation to the Police, keep statistics on electoral-specific matters disaggregated from their wider statistical summaries. The IPCB should have its status and profile enhanced to help improve confidence in the policing of elections.

Recommendation 32: To reinforce accountability and transparency, develop a communications campaign aiming at informing the public about the IPCB, its role, and how the public can interact with it.

While issues have been raised during the electoral cycles under review about the activities of so-called 'militia' or armed groups being used by parties and candidates to shrink campaign space, there has been some effort to address this in the 2022 Political Parties Act, especially through giving the Political Party Code of Conduct a statutory footing and improving the definitions. The Committee feels that the strength of these sections should be kept under review.

Recommendation 33: PPRC to enforce Section 9 of the Political Parties Code of Conduct in relation to raising militia to sponsor violence.

Findings and Recommendations: Legal Reform

General electoral arrangements

Fixed election dates

The law does not set a date for election of the president or Parliament, despite the terms of the presidency and Parliament being fixed at 5 years by the Constitution. In some of the electoral cycles under review, there has been controversy in the setting of election dates, especially in light of the split constitutional responsibility where the Electoral Commission sets Presidential election dates and the President those for Parliament but with the underlying acceptance that these will be on the same day.

To avoid such issues in the future and to allow the electoral management bodies and the Government to reap the planning benefits of a fixed date, the Constitution should be amended.

Recommendation 34: It is proposed to amend Section 43 and 87 of the Constitution to provide a fixed date for holding Presidential and Parliamentary elections on the last Saturday in March, April, or May in every fifth year.

Appointment of Commissioners to Electoral Commission and PPRC

Section 32 of the Constitution provides a set of baseline qualifications for Electoral Commissioners, echoing those for other public offices. Section 32 does not set out merit-based criteria for appointment of ECSL Commissioners. Section 32 of the Constitution only lists disqualifications. The skills needed to compose an EMB consequently span a range of fields including management, integrity, professionalism and technical competence.

The Committee considers that the disqualifications in Section 32 can be usefully supplemented by a further requirement relating to professional experience. This will strengthen the commissioners' capacity to provide professional guidance to the Secretariat in the carrying out of the functions of the Commission.

Recommendation 35: Amend Section 2(3) of the Public Elections Act to require professional qualifications and experience in governance and public management for Electoral Commissioners in addition to the requirements of Section 32(4)(a) and (b) of the Constitution.

During the electoral cycles under review, stakeholders have pointed to perceived anomalies in the process undertaken before the nomination of individuals to the Commission by the President. Section 32(3) of the Constitution makes the appointment of the members of the Electoral Commission subject to consultation with the leaders of all registered political parties and approval of Parliament. However, Section 32 does not provide a formal structure for the consultations. As the Electoral Commission is a key constitutional body, the Committee believes that there should be a more open process to identify suitable candidates and a more prescriptive consultation process. The Committee further considers that the same process should be applied for the appointment of the Chair of the Political Parties Regulation Committee.

In engagements with the Committee, some political parties stated that they were not consulted in the appointment of Electoral Commissioners.

Recommendation 36: It is recommended to amend Section 32(3) of the Constitution, section 2 of the Public Elections Act and section 34 of the Constitution to provide for a Search and Nominating Committee for the appointment of all members of the Electoral Commission and the Chair of the Political Parties Regulation Commission that comprises nine persons from all walks of life (with an overall number of women in line with GEWE), including one from each of:

Inter-Religious Council

The Bar Association

Civil Society

Labour Congress

SL Association of Journalists

Women's organisations

Youth groups

Search and Nominating Committee to be administratively supported by the Public Services Commission.

Within six months of their establishment the Search and Nominating Committee will finalise an Electoral Commissioner job description that details roles and responsibilities, following consultation with Electoral Commission stakeholders and Parliament.

Following an application and search process the Search and Nominating Committee undertakes a selection process, including interviews.

The Committee will recommend to the President a shortlist of three persons for each post who have met the criteria under Section 32 of the Constitution and Section 2(3) of the Public Elections Act for appointment to the Commission. The President can only appoint a Commissioner that is on such a shortlist.

Electoral Commissioners must be appointed on a staggered basis over the electoral cycle.

Section 2(2)(b) of the Public Elections Act elaborates that the other (non-Chair) Commissioners are to be appointed for 'each region' of Sierra Leone. The Committee considers that this should be expanded so as to require those Commissioners to be stationed in their respective region, so as to be better able to reflect the needs and circumstances of that region in their work. If necessary, there may need to be amendments to the Public Elections Act to clarify that formal Commission meetings can occur through electronic means, allowing these regional Commissioners to utilise online meeting arrangements.

While the allocation of Commissioners to regions is still required, the Committee is concerned that this not give rise to perceptions of ethnic or political bias. Therefore, there should also be legal amendments to ensure that a Commissioner is not appointed to region of origin.

Recommendation 37: Include provisos to Section 2(2)(b) Public Elections Act to stipulate that regional Electoral Commissioners are (a) not to be appointed to their regions of origin and (b) that their duty station is to be in the region of their appointment.

Use of census data for electoral purposes

In many countries the use of official census data for electoral matters such as operational planning and boundary delimitation draws little notice and no controversy. In the electoral cycles under review, this has

not been the experience in Sierra Leone. Constitutional amendment could provide more clarity on the use of census data for electoral purposes.

Recommendation 38: The Constitution to be amended so that:

- a) The proviso to Section 38(4) to be amended so that only the data from decennial census to be used for electoral purposes; and
- b) A proviso to Section 38(5) should be inserted to provide that where the final report of a decennial census is published at or less than 24 months before a general election, the data collected from that census should not be used for purposes of delimiting boundaries for use at that general election.

Digital rights

After the 2023 elections, electoral observers noted that the relatively new Cyber Security and Crime Act, passed in 2021, was perhaps too heavy handed. The 2021 Cyber Security and Crime Act contains vague definitions of various cybercrimes and leaves room for enforcement agencies to exert pressure on critical voices and trigger self-censorship. This does not align with international and regional standards. The Committee agreed that this Act could be improved to guard against the arbitrary exercise of power and ensure alignment with international and regional instruments.

Recommendation 39: Consider aligning the definitions in section 2 of the 2021 Cyber Security and Crime Act with the regional and international instruments, in particular to review the definitions of:

- Cyber-terrorism
- Cyberstalking
- Cyberbullying
- Incendiary information

Electoral Observers

The presence of electoral observers, both national ('domestic') and international is a well-established feature of Sierra Leonean elections, and the contribution of electoral observers is well appreciated. This Committee has conducted a full review of international and domestic electoral observation reports that cover the electoral cycles under review, and they have been an invaluable resource for our work.

At the same time, over the cycles, stakeholders have seen an increase in the number and type of electoral observers being accredited. Many of these groups appear to have a tangential at best interest in improving the electoral process, and most do not publish or submit reports. We have noted that the Public Elections Act requires the submission of a report from accredited observers within three months of an election, but it does not appear to us that the Electoral Commission relies upon this section to either withdraw accreditation or refuse it at subsequent elections. We have concluded that the legislation for electoral observers should be strengthened in this regard and that the Electoral Commission should review their observers Code and accreditation procedures accordingly.

In common with other electoral participants there has been an increase in the level of vitriol and threats directed at electoral observers over recent electoral cycles. Observers should receive legal protection as human rights defenders in line with international good practice.

Recommendation 40: There should be a consultative process of drafting relevant legislative provisions to provide protection for election observers as human rights defenders.

Amend section 167 of the Public Elections Act to make explicit the obligation that observers submit reports and to provide that those observers who do not submit reports will not be eligible for accreditation in the future.

The Government of Sierra Leone to publish written responses to all submitted reports.

Recommendation 41: The Electoral Commission to use the 2012 *Declaration of Global Principles and Code of Conduct for Non-Partisan Citizen Election Observers and Monitors* and the 2005 *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers* as the basis for a new Sierra Leone code; then to consult upon the draft code and make a Regulation. Previously accredited observer groups should be included in the consultation process.

The Electoral Commission should send all observer reports received to the Parliamentary oversight committee.

The Electoral Commission to publish written responses to all submitted reports.

List of accredited observer groups to be published in good time and sent to registered political parties.

Electoral Commission operations

As discussed in the Electoral Management and Institutional Reform sections, the Committee has found that the Electoral Commission and the PPRC must improve their stakeholder consultation processes. As an important step in such an endeavour, the Committee believes that the Political Parties Liaison Committee (PPLC) should be placed on a statutory footing that provides for its role, membership and meeting frequency.

Recommendation 42: Amend the Public Elections Act to mandate that Electoral Commission convene a Political Parties Liaison Committee (PPLC) to meet at least monthly, and to make public all PPLC documents including the agenda and formal minutes.

PPLC should be chaired by the Chair of ECSL or their representative and consist of all registered political parties, HRC, NCD, NCRA, ONS, Peace Commission, PPRC, RSLAF, SL Police and CSOs accredited to ECSL. The two largest political parties in Parliament are to be co-chairs. Consideration should be given to making a reference to PPLC in the Political Parties Act in relation to the PPRC.

This statutory provision for PPLC is to include a mechanism for a political party's registered officer to make nominations and withdraw nominations for that party's PPLC membership (including provision for an alternate).

In its own work the Committee has experienced difficulties in accessing information and documents generated by the Electoral Commission, including regulations, election results, and Commission meeting documents. Over the electoral cycles under review electoral observers have also experienced the same and frequently recommended a more structured and open information sharing process be instituted. While in most cases a fully transparent electoral management body will do this in the course of their operations, our interaction with the Commission has suggested a need to mandate this in law.

Recommendation 43: Amend the Public Elections Act 2022 to include requirements and timeframes for the publication of:

- Electoral Commission decisions, regulations and formal policies;
- Electoral Commission meeting agendas and minutes;
- A register of formal Commission decisions;

in the Gazette, on the ECSL website and social media platforms. The law to require that these documents are permanently maintained for public access on their website and for hard copies to be available for inspection at all ECSL offices.

Section 52(b) of the Public Elections Act to be revised to provide a timeframe (7 days) of the announcement) for publication of the results of the presidential election.

Section 52(b) of the Public Elections Act be amended to stipulate that publication must be in the Gazette, website, and distributed to registered political parties.

Recommendation 44: The Electoral Commission to make a Regulation on the movement of electoral materials well in advance of each general election and the timing of the movements to be included in the electoral cycle calendar.

Qualifications for voting and candidacy

Electoral inclusion of incarcerated persons

Prisoners are currently disqualified from voting regardless of the nature of offence and duration of sentence, which is inconsistent with international standards prohibiting unreasonable restrictions on the right to vote.

The blanket ban on prisoner voting rights has been highlighted as needing review over several electoral cycles. The current ban is not in line with international human rights instruments to which Sierra Leone is a party. The Committee therefore recommends that such a review be undertaken and that as a minimum, prisoners be enfranchised for presidential elections. As candidacy qualifications start with the franchise, this will also need review.

Recommendation 45: Revise Section 17(c) Public Elections Act, which disqualifies all persons who are serving a sentence of imprisonment from voting, to make provisions for prisoners to vote in presidential elections, including persons in pre-trial detention.

Unless otherwise provided by law, status as a prisoner should not be a *de facto* disqualification for candidacy; any such disqualification should be as separately provided for in law.

Disqualification of public officers

Over the electoral cycles under review, the Committee noted several calls to reduce the period of time by which a public servant would have to resign their office to be qualified to run for elected office. The Committee agrees that the 12 months period does impose a burden on would-be candidates. At the same time, the Committee considered that there could be an examination of the definition of a Public Officer, to see if there could be further refinement made between those public officers who hold high level roles such as senior Ministry posts and those large cadre of public servants such as teachers and nurses who deliver vital public services across the country.

Recommendation 46: The Committee recommends an amendment to section 76(1)(b) of the Constitution to stipulate a six-month resignation deadline for public officers seeking elected office.

This Committee feels that further clarity on the legal definition of a Public Officer under Section 171 of the Constitution would be useful for the future.

Disqualification of dual citizens

The Committee notes that there have also been calls for the consideration of the disqualifications for potential presidential and parliamentary candidates in regard to citizenship. While finding that maintaining the requirement for presidential candidates to be only a citizen of Sierra Leone to be proportionate, we have concluded that dual citizens should be permitted to run for Parliament.

Recommendation 47: Section 76(1)(a) of the Constitution and section 43(2)(d) of the Public Elections Act and any other relevant law (e.g. Citizenship Act 1973) should be amended to allow a Sierra Leonean citizen with dual citizenship to be qualified to be nominated as a Member of Parliament, subject to safeguards such as a requirement of residency for the six months preceding the election or payment of Sierra Leone local tax, which is currently a requirement for seeking a parliamentary seat.

No changes are recommended for presidential candidacies.

Qualification of independent candidates

Over the electoral cycles under review, electoral observers have repeatedly noted that the prohibition on independent presidential candidacies is out of step with international electoral standards and human rights instruments to which Sierra Leone is a party. Accordingly, the Constitution should be amended to allow for independent candidates for the Presidency. Independents can already contest Parliamentary and local elections.

There needs to be a balance between enabling political participation and preventing unnecessary disruptions to the electoral process, such as excessive costs for managing candidacies and printing ballots. It is important to exclude candidates who have little chance of winning by requiring evidence of community support before accepting their candidature, typically achieved through the collection of signatures. However, laws should avoid discrimination by imposing overly restrictive conditions on independent candidates that party candidates do not face.

Recommendation 48: Allow independent candidates to nominate for Presidential election through amendment of section 41(b) and 42(1) of the Constitution. Additional conditions for independent candidacies may be considered by Parliament.

In making amendments to the primary legislation to allow independent candidacies, there should also be full application of all regulatory requirements relating to conduct and financing to be applied to independent candidates by the Electoral Commission and the Political Parties Regulation Commission.

Status of presidential candidates

In considering the provision of security and policing services around elections (see Institutional Reform section) the Committee received stakeholders' allegations around the use of criminal charges to deter citizens from pursuing election to the presidency. Respecting the independence of the prosecution process, the Committee nonetheless sees merit in providing some shield against this issue in statute.

Recommendation 49: In the event that a presidential candidate is standing trial on a criminal charge to which the State is a party one year prior to the election, such trial must be suspended until one year after the election. The legislation will need to incorporate independent candidacies into definitions.

Special inclusion measures

The introduction of the Gender Empowerment and Women' Equality Act has seen an increase in the proportion of women in elected office. While an important step forward for Sierra Leone, the country is also party to international human rights instruments that require similarly direct action by States to ensure the inclusion of young people and people with disabilities into the political process.

Recommendation 50: The Persons with Disability Act should be amended to ensure that there is progressive implementation of the principle that up to 5% of the members of the public in elective and appointive offices are persons with disabilities and that the starting point be at least 2%.

Section 58 of the Public Elections Act should be amended to require that all political parties must ensure that their national nomination lists for elective positions must include at least 2% PWD.

Recommendation 51: Adopt a National Youth Development Act, similar to GEWE, to provide for at least ten percent of the members in elective and appointive bodies to be youth using the African standard of up to 35 years old.

Section 58 of the Public Elections Act to be amended to reflect this quota.

For appointments to public office made by persons other than the President, at least 10% shall be youth.

International good practice is also to provide practical support for the inclusion of women, young people and people with disabilities in electoral processes. A concrete way to open candidacy to more such citizens is to provide for a reduction in nomination fees.

Recommendation 52: Amend Sections 45(1) and 58(6) of, and the Eleventh Schedule to, the Public Elections Act to provide that women, young people to the age of 35 and people with disabilities will only be required to pay half of the nomination fee prescribed by the Electoral Commission for other candidates.

Conduct of elections

Presidential voting system

The Committee noted that while various stakeholders and observers commented on the threshold for parliamentary elections in 2023, none raised issues with the presidential threshold. The Committee has considered this issue, noting that the 55% is an unusual threshold found nowhere else on the continent and being mindful of the financial burden of a second round of polling and counting. The Committee did note that some two-round presidential systems such as Kenya and Nigeria require both a numeric and geographic threshold in the first round, and so commends such a model for Parliamentary consideration.

Recommendation 53: A constitutional amendment to Section 42(2)(e) of the Constitution so that in presidential elections, a candidate can only be elected on the first round if they:

(a) Obtain 50% + 1 vote of the total valid votes cast nationally; and

(b) Obtain 25% of the total valid votes cast in each District in at least half of the Districts of Sierra Leone.

If the two thresholds are not met there is a second round and the candidate with the highest number of valid votes will be declared elected.

Voter Registration

The Committee has made recommendations elsewhere in this report regarding the voter registration process. Some refinement of the legislative framework will also enhance the process and improve access to voter registration data as well as the voters' register itself.

Recommendation 54: Amend section 13 of the Public Elections Act to require the Electoral Commission to use the National Identity Number for electoral purposes, including but not confined to the registration of voters and the identification of voters on polling day.

Recommendation 55: Amend section 15(2) of the Public Elections Act to require the Electoral Commission to publish the locations of voter registration centres two months before voter registration commences. This list is also to be provided to registered political parties.

Recommendation 56: Amend the Public Elections Act to require that before any deduplication of the voter registration database can occur, the Electoral Commission must make a formal decision to do so and notify all registered political parties of their intention. The legislation should further stipulate that deduplication can only be carried by Electoral Commission staff using Electoral Commission software and that this process is to be open to observation and party agents.

Recommendation 57: Amend section 37 of the Public Elections Act to require that the final voters' register for use at a general election must be published no later than six months to the polling day for those elections. This register must include for each voter the name, National Identity Number, address, and the polling station and polling centre assignment. This register must be publicly available for citizen verification.

This final register of voters should be provided to registered political parties no later than two months before the polling day. The legislation must also require the Electoral Commission to use appropriate technology for voters to access and confirm their entry on this list, such as through a mobile app, search engine and/or SMS service.

The Committee also proposes the introduction of a mandatory external audit of the voters' registration to improve public and stakeholder confidence in the register, as is the practice in other jurisdictions.

Recommendation 58: Amend the Public Elections Act to require the Electoral Commission to commission an independent and impartial organisation to conduct an external audit of the provisional voters' register to assess the accuracy and completeness of the register nine months before a general election. Only once the audit is completed is the register to be considered final. The report of the audit to be published.

Nomination issues

At present, in presidential elections a political party can nominate a replacement in the event of the death of a candidate. This should be extended so as to allow for the nomination of a replacement candidate by a political party within seven days should their candidate be disqualified before the election.

Recommendation 59: Amend section 47 of the Public Elections Act to align with section 42(2)(d) of the Constitution so that in a situation where a political party presidential candidate is disqualified before elections, a political party must be given seven days to nominate a replacement candidate.

Over several of the electoral cycles under review issues have arisen in relation to order in which candidates appear on ballot paper. This is left under the current framework to the Electoral Commission. The Committee feels that this is an issue that is important enough for primary legislation.

Recommendation 60: Amend the Public Elections Act to define the order that candidates should appear on the ballot paper following consultation on this issue.

Access to polling stations

The Electoral Commission has made notable improvements to the polling process for voters with disabilities over the cycle under review. As a consequence of the geography of Sierra Leone, however, providing fully accessible polling stations remains a challenge. In recent electoral cycles there has been confusion noted by late changes to polling stations for access reasons. The Commission should schedule access assessments for all electoral venues much earlier in the process.

Recommendation 61: The Electoral Commission to make access assessments of all proposed polling stations before the publication of the final voters' register and the final allocation of voters to polling stations. Where forced by local circumstance to use an inaccessible polling station the Commission to make suitable logistic provision to make the station accessible for voters with disabilities.

Procurement of electoral materials

As we were informed by the current Electoral Commission, Sierra Leone has now taken full responsibility for the procurement and purchase of electoral materials; this was previously provided by development partners. Accordingly, the legal framework should provide new safeguards for this to be performed in an open and transparent manner.

Recommendation 62: Amend the Public Elections Act to make the procurement and printing of electoral materials, including ballot papers, more transparent and open to registered political parties.

Missing ballot boxes

In the event that a ballot box is damaged or goes missing during transit, the provisions under Section 90 of the Public Elections Act should be amended to enhance transparency. The current legislation permits a counting officer to submit an affidavit certifying the accuracy of the statement of results in the case of the loss or destruction of a ballot box. This provision grants considerable discretion to the counting officer, which may adversely affect the integrity of the election process.

Recommendation 63: To improve accountability, Section 90 of the Public Elections Act should be amended to mandate that the counting officer's certified statement be witnessed by counting agents.

Campaign issues

In order to allow for better compliance with campaign regulations, it was felt that the current campaign period was not long enough to allow for all the campaign events that parties wished to hold to be done so in peaceful fashion on allocated days. If independent candidates are permitted at future presidential elections, time must be provided for their events as well.

Recommendation 64: Amend Section 154(1) the Public Elections Act to provide that the general election campaign period is three months.

Like many countries, all the electoral cycles in Sierra Leone under review gave rise to allegations of the misuse of state resources for campaigning. It therefore appears to the Committee that it would be timely to review if the legislation and its penalties are fit for purpose.

Recommendation 65: Increase penalties under section 132 and 160 of the Public Elections Act for the misuse of state resources in campaigning, including disqualification of candidates who do not comply or whose supporters do not comply.

Campaign finance regulation

While there is a legislative framework for the regulation of political party and campaign finances, this is not well instrumentalised.

Recommendation 66: It is recommended that the PPRC enact Regulations under Section 45(1) of the Political Parties Act to regulate campaign financing for both political parties and independent candidates.

Disputes relating to presidential elections

Electoral Dispute Resolution in general

There is an inordinate delay in the resolution of disputes filed after elections. Following consultation with the representative of the Chief Justice, it was proposed to draft specialised rules on election petitions to address the handling of presidential, parliamentary, and paramount chief elections.

Disputes preceding declaration of election results

Section 46(3) of the Public Elections Act stipulates that any objections to a presidential candidate's nomination must be submitted within 7 days of the nomination and must be adjudicated within 30 days of filing. However, this timeline does not ensure effective or timely resolutions of objections. The limited time between the nomination and election day creates a likelihood of decisions on objections being rendered very close to the election date. The Act also lacks clear guidelines on how the 30-day period for hearing objections is to be managed. Consequently, it has been proposed that the Supreme Court establish specific rules for handling presidential election disputes. These rules would cover both objections to nominations and the declaration of presidential election results, aiming to provide a more structured and predictable framework for resolving such disputes. This is also in keeping with the international and regional instruments that Sierra Leone has ratified, which require that an effective (timely and enforceable) remedy should be available for all citizens for violations of their rights throughout the electoral process.

Recommendation 67: The Committee recommends that the Chief Justice draft specialised rules on the handling of election petitions. These rules might cover such issues such as evidential standards and timeframes.

Disputes arising when the first round of a presidential election indicates the need for a second round

Section 42(2)(f) of the Constitution, which requires the second round of a presidential election to be conducted within 14 days, does not leave room for resolution of any disputes that may arise out of the first round. The Committee considered the need for the Constitutional provisions to also allow for legal challenges to the first round of a presidential election which does not declare a president-elect and set timeframes for those challenges to be dealt with.

Recommendation 68:

The Committee presents this recommendation in narrative form, in the interests of wide comprehension, and invites those who wish to see the technical instructions to consult the legal annex.

It is recommended to revise Sections 42(2)(f) of the Constitution to provide for the following:

That when the National Returning Officer declares a first-round presidential result that indicates the need for a second round, he or she will send this result to the Chief Justice immediately.

There is then a period of three days within which a citizen who voted in the election may lodge a petition. If no petitions are lodged, the Chief Justice is to advise the National Returning Officer that the declaration is confirmed. The Electoral Commission shall immediately declare that the second round of polling will take place in 14 days.

If a petition is lodged, there is to be a 14-day period in which the case must be heard and decided. On decision, the Court will either confirm the first-round result as declared or order a fresh poll to be held. If the declaration is confirmed, The Electoral Commission shall immediately declare that the second round of polling will take place in 14 days. If a fresh poll is required, then the Electoral Commission must set a day for this to occur within 60 days of the court decision.

Disputes arising when a candidate is declared president-elect

While section 54 of the Public Elections Act allows a citizen who has voted to challenge the validity of the presidential outcome within seven days of the declaration of the result, section 42(3) of the Constitution requires that the person elected to the office of President assume office on the day that he/she is declared elected by the Returning Officer or upon expiration of their predecessor's term of office, whichever is the latter. This can give rise to a person being sworn in before any petitions as to their election have been lodged or resolved; there is also no specified timeframe for the resolution of presidential election petitions. Additionally, the law does not clearly define the grounds for invalidating an election or specify the level of evidence required to support such claims. The Committee has concluded that there should be amendments made to the Constitution to provide a reasonable time period for the disposal of presidential election petitions before a swearing-in and assumption of office can take place. There should also be a timeframe set for the holding of a fresh election if so ordered by the Court.

Recommendation 69:

The Committee presents this recommendation in narrative form, in the interests of wide comprehension, and invites those who wish to see the technical instructions to consult the legal annex.

It is recommended to revise Sections 42(3) of the Constitution to provide for the following:

That when the National Returning Officer declares a candidate elected to the office of President, he or she will send this result to the Chief Justice immediately.

There is then a period of seven days within which a citizen who voted in the election may lodge a petition.

If no petitions are lodged, the Chief Justice is to advise the National Returning Officer that the declaration is confirmed and after a further seven days can swear in the President-elect.

If a petition is lodged, there is to be a 21-day period in which the case must be heard and decided. On decision, the Court will either confirm the declared result as declared or order a fresh poll to be held. If the declaration is confirmed, the Chief Justice can swear in the President-elect after a further seven days.

If a fresh poll is required, then the Electoral Commission must set a day for this to occur within 60 days of the court decision.

This process is applicable whenever a candidate is declared elected President, whether or a first or second round of polling.

Political Party Matters

The Political Parties Act provides a frame for the work of the Political Parties Regulation Commission (PPRC) in relation to the registration and de-registration of political parties. It was clear to the Committee in our interaction with PPRC that there could be a more useful stipulation for the PPRC to rely on in determining that a political party is non-functional for electoral purposes.

However, Section 35(1) of the Constitution (which is restated in Section 21 of the Political Parties Act, outlines the comprehensive role of political parties, which includes:

- Participating in shaping the political will of the people,
- Disseminating information on political ideas and on social and economic programs of national character,
- Sponsoring candidates for Presidential, Parliamentary, or Local Government elections.

The Constitution does not confine the existence or legitimacy of political parties to their electoral success. This broader mandate underscores that political parties are integral to the democratic process, facilitating dialogue and representing diverse viewpoints. Under international instruments to which Sierra Leone is a party, restricting party registration based on electoral success alone could undermine democratic participation by compelling individuals to align with more popular parties, thereby stifling diversity in political discourse.

Given these considerations, this proposal to deregister non-winning political parties would need to be reconciled with its international obligations under the ICCPR and the constitutional provisions safeguarding the broader functions of political parties.

Recommendation 70: The Political Parties Act to be amended to require that if a political party does not win any elected office (at local or national level) at two consecutive general elections then the party will be deregistered.

The Committee considered the regulatory role of the PPRC in addition to its registration functions. Recognising that the 2022 revision of the Political Parties Act remains relatively recent, there is a need for further tightening in some specific areas and to give effect to other Committee recommendations such as those on independent candidates.

Recommendation 71: Section 25 of the Political Parties Act should be amended to limit the right to object to an alteration to registered members of a political party.

Proposed new Section 25 (1):

Where a political party registered under section 22 intends to alter its Constitution;

its rules or regulations;

the name or address of a founding member;

the title, name or address of an office holder; or

its name, symbol, colour or motto

it shall notify the Commission of its intention and the Commission shall, within 14 days of the receipt of the notification, publish the intended alteration in the Gazette and invite objections from a registered member of the relevant political party to anything contained in the alteration.

Provided that the Commission shall not receive an objection from a member of a political party without proof of an attempt to first resolve the matter within the internal dispute resolution mechanism of the party before approaching the Commission.

To strengthen the dispute resolution capacity of parties, it is recommended to amend section 22 of the Public Elections Act to require that as part of the requirements for party registration, a party must supply information on its internal party dispute resolution mechanism.

Recommendation 72:

Part VIII of the Political Parties Act should be revised to regulate individual's non-compliant conduct in addition to that of political parties.

Part VIII-CONDUCT OF POLITICAL PARTIES AND INDIVIDUALS

To expand the scope of this party to over both party conduct and the conduct of individuals, replace the current section 39 (1) with the following new subsection:

(1) This part shall apply to:

every political party, its members, supporters, candidates and operatives;

independent candidates

to replace the current subsection 2 with the following subsection

(2) A person or political party listed in subsection 1 shall not be involved in

violent conduct in party or independent candidate offices or activities, whether directly or indirectly;

the use of thugs;

the use of profane and obscene language or provocative songs against political opponents;

the use of incendiary and inciting statements, including hate speech against political opponents or;

the obstruction of the activities of political opponents including the destruction of campaign materials.

(3) Where a person or political party listed in subsection (1) contravenes subsection (2), they are liable, upon proof by the Commission to penalties in the following order:

a written warning;

a fine not less than Nle 100,000;

a suspension and

de-registration.

(4) A penalty imposed by the Commission under subsection (3) shall not preclude a person who has suffered as a result of conduct prohibited in subsection (2) from seeking redress under any other law.

(5) A person or political party found liable by the Commission for any of the conduct proscribed in subsection 2 shall be at liberty to appeal against the decision of the Commission to the High Court of Sierra Leone and such appeal shall be determined within 30 days of the date of its assignment.

(6) A political party shall not extend the tenure of any of the executives for more than 6 months.

40 (2) replace the words 'a political party or independent candidate' with 'a person or party listed in subsection 1...'

40 (3) replace the words 'a political party or an independent candidate' with 'a person or party listed in subsection 1...'

Electoral Security

The Committee considered the arrangements in place for electoral security and has made recommendations on planning and practice in the Institutional Reform section. Our examination of these issues has also highlighted some areas of legislative reform to bring Sierra Leone into line with international electoral standards and to reflect developments in the classification and response to electoral violence.

Section 131 of the Public Elections Act provides an offence for disorderly conduct at an election. This needs to be updated to reflect the unfortunate emergence of gender-motivated electoral violence, as well as the use of technology in inciting or undertaking disorderly conduct.

Recommendation 73: Elaborate on election violence in Section 131 of the Public Elections Act to explicitly include gender-based violence (GBV), sexual gender-based violence (SGBV) and Technology-Facilitated Gender-Based Violence (TFGBV) in order to facilitate the collection and analysis of relevant incidents.

Our stakeholder engagements highlighted the perception that the security forces do not act in a suitably neutral manner when policing electoral events, including campaign events. This appears to have been an issue in all electoral cycles under review. As noted in the Institutional Reform section, there are also fundamental human rights considerations at play in electoral periods that must also be respected. The Election Security Strategy upholds the right of all political parties and their supporters to assemble peacefully, in accordance to existing laws and regulations. However, at the same time the Public Order Act undermines the freedom of assembly.

Recommendation 74: Enshrine the neutrality, the non-partisanship and the impartiality of the security forces in the exercise of their functions into the Constitution and all security sector-related Acts.

Ensure that all legislation in this space is drafted so as to safeguard the fundamental right of political parties and their supporters to assemble and rally in public. Amend the Section 17 of the Public Order Act to safeguard this right in line with international standards and regional standards and ensure that the Political Parties Act and Public Elections Act are also reviewed in this regard.

Develop an electoral security part in the Public Elections Act to: (a) Clearly designate the SL Police as the primary actor for implementing election security. (b) Stipulate that the security forces provide security coverage for all political parties on a level playing field. (c) Including the misuse (or other suitable definition) of security forces by any political party or individual as an electoral offence.

Noting the utility of the Independent Police Complaints Board as a redress mechanism for those who feel the police do not handle electoral cases appropriately, the Committee believes it timely to place this Board on a statutory footing in common with other public institutions that support electoral events.

Recommendation 75: Enshrine the Independent Police Complaints Board in legislation, along with its mandate, functions and powers.

Media Issues

The Committee noted a substantial increase in the strength and volume of hate speech during the 2023 elections. While this issue had occurred sporadically in the electoral cycles under review, the spread of social media and mobile phones by 2023 saw hate speech explode around the elections. At the same time, concerns were raised – as they had been in previous cycles – that the SLBC was not capable of acting as an independent public broadcaster, and that the Independent Media Commission was yet to be operationally capacitated to perform its role. The Committee has set out some initial recommendations below to address the most pressing issues of media regulation.

Recommendation 76: Amend the Independent Media Commission Act to make the appointment of the Independent Media Commission Chair subject to a more transparent process than at present. Independent Media Commission powers should be reviewed to ensure there is sufficient power to enforce the Media Code of Conduct. The Code should also be reviewed taking into account the role of social media in spreading hate speech during elections and whether sanctions are sufficient.

The Independent Media Commission could usefully offer training for journalists on political and electoral matters, perhaps in conjunction with the Electoral Commission and Political Parties Regulation Commission.

Recommendation 77: The state broadcaster, SLBC should be transformed into an independent public service broadcaster with editorial independence from government and financial autonomy.

Establish in legislation a limit in the maximum amount of airtime that political parties and candidates can buy on SLBC during an election campaign period, in order to avoid disadvantages between those parties with greater financial capacity than other parties.

Other Issues

Process to choose a voting system for parliament and local councils

In the electoral cycles under review, Sierra Leone used a single member constituency model, known as first past the post, to elect members of parliament and local councils in 2007, 2012 and 2018. In 2023, these bodies were elected using a proportional representation system with the existing Districts as the constituency, each District returning between 4 and 16 Members of Parliament.

Reports on the 2023 election and comments received at the outreach meetings indicated concern about two elements of this change – public understanding of the process that gave rise to the change, and then public comprehension of how the system would work, and what they as voters needed to know to correctly make their election choices. Comments on the second issue have underpinned Committee conclusions on voter information and education above.

In relation to the choice of system, the Committee firstly noted the ongoing process of Constitutional Review launched by H.E. The Presidency and agreed that this was the appropriate forum to discuss the provisions of section 38A of the Constitution. The Committee found that this should be accompanied by a national dialogue on the choice of voting system for Parliament and local councils.

Noting the progress made in women's representation since the passing of the Gender Equality and Women's Empowerment Act in 2022, that this dialogue should not undermine the implementation of this Act. If other representational special measures are to be legislated, implementation methods must be made clear.

Recommendation 78: There should be a national dialogue on the choice of electoral system to be adopted for Parliament and local councils between the district proportional representation system and the First Past the Post system.

Whichever electoral system is adopted should ensure that a minimum 30% female representation is maintained at all levels, consistent with the Gender Equality and Women's Empowerment Act.

In advance of each general election the Electoral Commission must make a regulation that sets out how the GEWE quota and any other similar measure (such as for youth, People With Disabilities) are to be managed in the voting system to be used at that election.

Special voting arrangements

While provision for special voting arrangements exist in the legal framework, these are not widely used before the implementation of supplementary voters' list for electoral and security staff enfranchisement. In 2023, special advance voting was offered to citizens departing Sierra Leone on the Haj pilgrimage which coincided with the electoral dates. This has led to calls for further special voting arrangements, including for the diaspora, to be made available at future elections.

Recommendation 79: The Committee recognises the need for early and diaspora voting but would suggest that this issue be discussed in the national dialogue recommended in recommendation 78.

Responses to our report and monitoring of implementation

This report contains recommendations not only for constitutional and legislative change but many internal actions for various state institutions. As noted above, some of these institutions are independent bodies that are not to be directed by the executive in their duties, and the Committee wishes to both respect and strengthen that principle.

Moral guarantors will help monitor progress towards implementation.

Recommendation 80:

That the final report be tabled in Cabinet and that the Cabinet develops a Cabinet Paper to guide Government of Sierra Leone implementation, including legislative reforms, as required.

Parties call upon development partners and other international organizations to provide technical and financial assistance for implementation.

Areas of Divergence

The bulk of the report represents the agreed findings and recommendations of the Committee, as above, intended to strengthen and protect our electoral system. The committee endeavoured to focus on national issues and reach concrete joint recommendations wherever possible. There are, however, some areas where the Committee had different analysis and could not reach joint conclusions, primarily around the 2023 election results, potential resulting accountability issues, and conduct of elections, which require continued discussions by the parties.

As part of the methodology adopted in working on the Final Report, the Committee broke up into individual Teams to work on the areas of divergence, where there were challenges in agreeing on text for inclusion in the Final Report. It is important to note, there is a degree of potential convergence in some of the recommendations in some areas of divergence. There are a number of areas where the parties' analyses differ, but we have nonetheless identified a shared recommendation.

The Government of Sierra Leone and the APC made a good faith effort to reach agreement on the results of the 2023 elections and potential resulting accountability issues. Despite this effort, the parties could not agree in some areas.

The APC holds that statistical inconsistencies called into question the results declared by the ECSL and demands a rerun facilitated by the ECOWAS Commission and the resignation of election management bodies personnel, as detailed in the APC report. The APC's full statistical analysis is available on its website and is annexed to this report.

The GoSL maintains that the results as declared by the ECSL are valid. They thanked the Election Management bodies for their great work in the 2023 elections and remain committed to implementing reforms to strengthen the performance of election management bodies in line with the next electoral cycle in 2028. The government party's full statistical analysis is available on the ECSL website and is annexed to this report.

Despite these differences, the Parties jointly committed to national cohesion, national security, and continued dialogue around these issues.

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
Section 92 (1 to 4) of PEA not respected	<p>The Government of Sierra Leone's agents who were part of the SLPPs election management Team and other political parties consulted indicated and confirmed that Section 92 subsections (1-4) was adhered to as summary of polling station results were compiled at regional tally centres, certified by District Returning Officers, and copies shared to political party agents present at the tally centres.</p> <p>Summary of district results were further compiled and certified by the Regional</p>	<p>Many ballot boxes arrived at the tally centres open and unsealed.</p> <p>Some tamper-evident envelopes TEE received at the tally centres were not sealed.</p> <p>The result tallying and tabulation process at the regional centres was not transparent and inclusive. Party agents and observers were not allowed to meaningfully observe the process and the result tallying was not projected.</p> <p>At regional tallying centres there was no progressive</p>	<p>Strict compliance with the provisions of Section 92 1-4 of the PEA 2022.</p> <p>Ensure strict adherence to the ECSL Tally and Results Procedures at the Polling Centres and Stations and Tally Centres.</p> <p>Tally and Results Procedures must be reinforced, made more transparent, allow for full observation of each step of the process in line with Articles 1.2 of the Tally and Results Procedures.⁸</p> <p>Procedures manuals and training materials must be</p>

⁸ Authorised persons who can observe tally process. ECSL Tally and Results Procedures, 2023.

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
	<p>Returning Officers and provided to the National Returning Officer.</p> <p>The summary of regional results was also compiled by the national returning officer which informed the final result announced by the national returning officer.</p> <p>It is recommended that Political parties are supported to identify, train and deploy experienced and dedicated Polling agents in all future elections to monitor and participate in the Results management processes</p>	<p>release of information provided on polling station results received, processed, audited and excluded per district.</p> <p><i>2007 EU EOM final observation report, the tally process: “was transparent and in line with best international practice regarding the publication of results.”⁵</i></p> <p><i>2012 EU EOM: “Publication of progressive presidential election results evenly representing all regions/districts during the tallying process, combined with prior voter education about the nature of these results, could increase the overall transparency of the results tallying process and defuse any potential tensions which may publicly arise during the period between election day and the day of the announcement of results.”⁶</i></p> <p><i>2018 EU EOM: “Publication of progressive presidential election results representing all regions/districts during the tallying process, combined with prior voter education about the nature of these results, could increase the overall transparency of the results tallying process and defuse any potential tensions which may publicly arise during the period between election day and the day of announcement of results.”⁷</i></p>	<p>developed and delivered to districts in a timely manner.</p> <p>Procedures for the transmission of results must be transparent, easily explained to the public, and as simple as practically possible taking into account cyber-security issues (avoid possible data breach).</p> <p>Procedures for shipment, tallying and announcement of results at regional and national levels have to be available well in advance and involved staff has to be well trained. Interactive training programmes must be conducted for the ECSL and tally staff.</p> <p>If resources and capacity are available, a tally should be carried out at the district level as defined by the Law Section 92 (1-4).</p>

⁵ EU EOM SLE 2007, Final Report page 34-35. https://www.eods.eu/library/FR%20SIERRA%20LEONE%202007_en.pdf

⁶ EO EOM SLE 2012, Final Report, page 39

⁷ European Union Election Observation Mission Final Report, Sierra Leone, Presidential, Parliamentary and Local Council Elections 2018.

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
Some Tamper Evident Envelops (TEEs) received at Tally Centres were not sealed	<p>Polling officials are required to seal all TEE at polling stations. Any unsealed TEE received at the tally centre was not entered into the result database.</p> <p>It is recommended that in future elections all Tamper Evident Envelops (TEEs) are inspected by Party accredited agents present, accepted and documented for reference and accountability purposes</p>	<p>For the 2023 elections, contrary to Section 88(4) of the Public Elections Act, many of the ballot boxes arrived at the regional tally centres open and unsealed.</p> <p>Some tamper-evident envelopes TEE received at the tally centres were not sealed.</p> <p>The result tallying and tabulation process at the regional centres was not transparent and inclusive.</p>	<p>Ensure that all ballot boxes are sealed consistent with PEA 2022.</p> <p>ECSL to ensure procurement of a sufficient number of ballot boxes for future elections.</p>
Ballot boxes arrived open and unsealed at Tally Centres	<p>The general practice in Sierra Leone's electoral system is that Ballot boxes procedurally need not be brought to tally centres. In cases where they are brought, they serve as containers to convey TEE. Therefore, whether they are open or not has no effect on the credibility and the transparency of the electoral process.</p> <p>It is recommended that in all future elections in Sierra Leone where Ballot boxes are required to be brought to Tally centres for any purpose information must be made public in advance especially to Political parties and accredited Election observers (National as well as International)</p>	<p>Party agents and observers were not allowed to meaningfully observe the process and the result tallying was not projected.</p> <p>At regional tallying centres there was no progressive release of information provided on polling station results received, processed, audited and excluded per district.</p> <p><i>2007 EU EOM final observation report, the tally process: "was transparent and in line with best international practice regarding the publication of results."</i>⁹</p> <p><i>2012 EU EOM:" Publication of progressive presidential election results evenly representing all regions/districts during the tallying process, combined with prior voter education about the nature of these results, could increase the overall transparency of the results tallying process and defuse any potential tensions</i></p>	<p>It is recommended that in all future elections in Sierra Leone where Ballot boxes are required to be brought to Tally centres for any purpose information must be made public in advance especially to Political parties and accredited Election observers (National as well as International)</p>

⁹ EU EOM SLE 2007, Final Report page 34-35. https://www.eods.eu/library/FR%20SIERRA%20LEONE%202007_en.pdf

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
		<p><i>which may publicly arise during the period between election day and the day of the announcement of results.”¹⁰</i></p> <p><i>2018 EU EOM: “Publication of progressive presidential election results representing all regions/districts during the tallying process, combined with prior voter education about the nature of these results, could increase the overall transparency of the results tallying process and defuse any potential tensions which may publicly arise during the period between election day and the day of announcement of results.”¹¹</i></p>	
Reception of material at district level slow and disorganised and procedural issues noted in 15 districts	<p>The Government of Sierra Leone finds this information paradoxical. The ECSL was in position to produce Presidential results within 48 hours of close of polling. This potentially could have been almost impossible where significant delay (as reported) could have taken place.</p> <p>It is recommended that ECSL prepares Regulation to indicate the duration between end of polling and release of results so that Political parties and citizens could predict the duration. In addition, any operational and logistical challenges encountered and or envisaged in the movement of Polling</p>	<p>For the 2023 elections, contrary to Section 88(4) of the Public Elections Act, many of the ballot boxes arrived at the regional tally centres open and unsealed.</p> <p>Some tamper-evident envelopes TEE received at the tally centres were not sealed.</p> <p>The result tallying and tabulation process at the regional centres was not transparent and inclusive. Party agents and observers were not allowed to meaningfully observe the process and the result tallying was not projected.</p> <p>At regional tallying centres there was no progressive release of information</p>	<p>It is recommended that ECSL prepares Regulation to indicate the duration between end of polling and release of results so that Political parties and citizens could predict the duration. In addition, any operational and logistical challenges encountered and or envisaged in the movement of Polling materials prior to and after polling should be instantly made known to Political parties, accredited Election observers and the public</p>

¹⁰ EO EOM SLE 2012, Final Report, page 39

¹¹ European Union Election Observation Mission Final Report, Sierra Leone, Presidential, Parliamentary and Local Council Elections 2018.

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
	<p>materials prior to and after polling should be instantly made known to Political parties, accredited Election observers and the public</p>	<p>provided on polling station results received, processed, audited and excluded per district.</p> <p><i>2007 EU EOM final observation report, the tally process: “was transparent and in line with best international practice regarding the publication of results.”¹²</i></p> <p><i>2012 EU EOM:” Publication of progressive presidential election results evenly representing all regions/districts during the tallying process, combined with prior voter education about the nature of these results, could increase the overall transparency of the results tallying process and defuse any potential tensions which may publicly arise during the period between election day and the day of the announcement of results.”¹³</i></p> <p><i>2018 EU EOM: “Publication of progressive presidential election results representing all regions/districts during the tallying process, combined with prior voter education about the nature of these results, could increase the overall transparency of the results tallying process and defuse any potential tensions which may publicly arise during the period between election day and the day of announcement of results.”¹⁴</i></p>	

¹² EU EOM SLE 2007, Final Report page 34-35.

https://www.eods.eu/library/FR%20SIERRA%20LEONE%202007_en.pdf

¹³ EO EOM SLE 2012, Final Report, page 39

¹⁴ European Union Election Observation Mission Final Report, Sierra Leone, Presidential, Parliamentary and Local Council Elections 2018.

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
Tabulation and announcement of result proved to be sticking point; system opaque, <u>meaningful</u> observation prevented	<p>The Party of the ruling Government (SLPP) and many other Political parties as well as members of the public are aware that Tabulation of 2023 election results was done in accordance with legal framework and existing historical practice in Sierra Leone and in similar manner as it was done in 2007, 2012 and 2018.</p> <p>It is recommended that the Government of Sierra Leone engage Political parties and other national stakeholders in a national consultation on determining the mode of Tabulation of Results for all future General elections in Sierra Leone consistent with international best practice in comparable jurisdictions</p>	<p>In the June 2023 elections, the ECSL announced presidential elections results in two phases; in the first phase the commission announced uncertified partial Presidential results representing 60% of polling stations on the 26th of June 2023 contrary to Section 92 (2) of the Public Elections Act of 2022. In the second phase, the Commission announced final Presidential elections results on the 27th. June 2023.</p> <p>Detailed analysis of the results, in comparison with other independently gathered data and data from previous elections, revealed several statistical inconsistencies and discrepancies in the results announced as follows:</p> <ol style="list-style-type: none"> the partial uncertified result released on the 26th of June 2023 constituted 7,098 polling stations. It was found that in eight districts (Kailahun, Kenema, Bombali, Karena, Port Loko, Bo, Bonthe and Pujehun) the average valid vote per polling station reported exceeded the 300-voter threshold per polling station, contrary to Section 84(1) of the Public 	For future elections verification of district-level tabulation should be conducted and Section 84 of the PEA should be applied, as appropriate.

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
		<p>Elections Act of 2022.</p> <p>ii. In the summary of the statement of final Presidential results announced by the ECSL on the 27th June 2023, the total invalid votes recorded by the ECSL is 10,883 representing 0.39%. This is not only inconsistent with the estimated 4.5% and 5.7%, from NEW's PVRT data but also deviates significantly from historical trends. In 2007, invalid votes accounted for 7.3% of total votes, while in 2012 and 2018, the rates were 4.7% and 5.2%, respectively. This calls to question the integrity of the results announced.</p> <p>iii. the summary of the statement of final presidential elections results was announced by the ECSL on the 27th June 2023. It was found that copies of district level result from all provincial districts were certified on the same date (27th June 2023). However, copies of Presidential results from Western Region (Urban and Rural) were certified on the 1st. of July 2023,</p>	

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
		<p>though announced on the 27th June 2023.</p> <p>After several attempts and engagements for clarification, ECSL was unable to provide any justification to support that the final results announced for the 2023 Presidential Elections is accurate.</p> <p>All of the above exhibit significant elections irregularities and malpractices that potentially influenced the outcome of the Presidential election results as not being a true reflection of the will of the people.</p> <p>It is however clear that this action to undermine the democratic elections in 2023 has been machinated by all elections management bodies and other public institutions designed to deliver democratic elections in Sierra Leone.</p> <p>Due to these statistical inconsistencies, the APC continues to demand a rerun facilitated by the ECOWAS Commission. Our full analysis is available in the APC analysis of the 2023 elections.</p> <p>The APC has low confidence in the judicial processes on election related matters, as it has had a bad experience with the court's ruling on its 2018 elections petition three years after filing. This is amidst several mishandling of cases against individual APC leaders and supporters. In addition, it is a globally accepted fact that</p>	

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
		the 2023 elections were rigged. This is backed by the APC's analysis of 70.2% of RRFs showing that Dr Samura Kamara had a commanding lead of 57.15% as against the SLPP's Julius Maada Bio with 39.80%. Therefore, it is impracticable that Julius Maada Bio could have won the presidential election on the first ballot with more than 55%. In addition, analysis of ECSL's 60% results of polling stations and 100% announced on 26 and 27 June 2023 respectively, showed statistical inconsistencies and over-voting in nine districts.	
Result tallying and tabulation process not transparent, result tallying not projected	<p>Tallying of result was not projected because it is not part of the legal framework. It must be noted that Political parties in Sierra Leone and members of PPLCs for various electoral cycles are aware that Result tallying as undertaken in 2023 followed similar patterns of 2007, 2012 and 2018.</p> <p>It is recommended that Government of Sierra Leone engage Political parties and other national stakeholders in a national consultation on determining how all future Results tallying and tabulation processes should be conducted/ undertaken by ECSL consistent with international best practices in comparable jurisdictions</p>		

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
2007 transparent tallying process and in line with international best practice	<p>The 2007 tallying process was done at National level where no projection of results was done. Political Party agents and observers were given access in similar fashion as they were given access in 2012, 2018 and 2023 election tally processes.</p> <p>It is recommended that national Consultation be held by Government, political parties and other Stakeholders to agree minimum standards consistent with International best practice in comparable jurisdictions as it relates to what is “transparent tallying process”.</p>	<p><i>2007 EU EOM final observation report, the tally process: “was transparent and in line with best international practice regarding the publication of results.”¹⁵</i></p>	
ECSL did not publish 2023 election polling station result	<p>PEA Section 92 does not require the ECSL to publish disaggregated polling station results.</p> <p>It is recommended that the PEA be revised to make provision for an amendment to Section (92) consistent with International best practice in comparable jurisdictions</p>	<p>Despite public demand, ECSL did not publish the 2023 Elections polling station level results.</p> <p>On the ECSL website is available the 2023 Presidential election results as total number of valid ballots cast per district, without providing number of polling stations counted per district.</p> <p>No information is provided by ECSL regarding the 120 polling stations not counted per district.</p> <p>Despite the high public demand, ECSL did not publish the 2023 Elections polling station level results.</p>	<p>Amend the PEA to require the publication of elections results by Polling Station immediately following the declaration of final elections results and copies of the said results be sent to every political party that participated in the elections and observers, with penalties for non-compliance.</p> <p>The PEA to be amended to stop all progressive/partial/preliminary results announcement at national level by percentages. The commission will instead announce final results at district level as completed and certified.</p> <p>Sections 92 of the PEA to be amended to require that in the compilation of summaries and certification of elections results</p>

¹⁵ EU EOM SLE 2007, Final Report page 34-35.

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
			<p>be done at district level in the presence of party agents of all participating political parties and elections observers.</p> <p>That party agents and observers present must sign the certified results for validation.</p> <p>The PEA to mandate ECSL to project the tallying and tabulation of all election results in the presence and full view of Party agents and elections observers.</p> <p>The PEA to ensure that non-compliance with legal requirements and regulatory framework of ECSL to establish procedures and criteria for transparency is punishable.</p>
		<p>Since ECSL has provided only district level results for the 2023, 2018 and 2012 elections, it is impossible to conduct proper review and examination of electoral results.</p> <p>There is no information provided by ECSL on how many polling stations have been counted for the 2023 elections in each district, therefore it is difficult to examine polling stations with possible overvoting cases.</p> <p>Please note that 120 polling stations¹⁶ were not entered in the 2023 elections results data and ECSL has not provided to the public any information regarding the</p>	<p>Publish on the ECSL website comprehensive election results data by polling station, including results per candidate and per party, the number of registered voters and of valid and invalid votes, in a timely manner and in an easily trackable and downloadable database format.” 2023 EU EOM final report.¹⁷</p> <p>ECSL must keep archive of the announced results on its website for public consumption and institutional memory.</p> <p>Necessary amendments to the 2022 Public Election Act should be made requiring the ECSL to publish results by Polling Station.</p>

¹⁶ ECSL Statement, June 27, 2023.

¹⁷ Sierra Leone 2023 – EU EOM Final Report on General Elections June 2023, page 40 -

https://www.eeas.europa.eu/eom-sierra-leone-2023/sierra-leone-2023-final-report-general-elections-june-2023_en?s=410315

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
		distribution of these polling stations by districts.	
Little information provided by ECSL in advance that provides certainty for electoral contestants	<p>The party of the ruling Government and other political parties that participated in the 2023 Electoral cycle were provided relevant electoral education to all contestants during stakeholder engagements that were held in all districts.</p> <p>It is recommended that ECSL collaborate with CSOs and other State institutions to supplement Electoral education for all segments of the population and particularly contestants in all layers of the electoral process. The information should ensure consistency in messaging, credibility, and predictability of events with dates etc. It must also be noted that political parties have obligations to facilitate and enhance electoral education for their membership which must be supported and encouraged by ECSL and PPRC</p>		
Section 94 does not create room for accountability on the part of ECSL	<p>Section 94 of PEA is essential as it prevents ECSL operations from being held to ransom due to the absence of party agents. There are political parties which fail to recruit agents and as such may necessarily not be available by wilful absence and may tend to present ECSL as being non-accountable.</p>		

GoSL team		APC team	
Findings from issues log	Recommendations	Findings from APC document	Recommendations
	It is recommended that ECSL records Parties in attendance as well as those that are absent as a mark of accountability		
Need for certification process of presidential result to be transparent	<p>There is need to define 'transparency definition and threshold'. The current mode of Certification is through signing and stamping by respective Returning officers of ECSL.</p> <p>It is recommended that Political parties engage ECSL on agreeing definition of transparency and threshold that is acceptable for all levels of elections consistent with International best practice in comparable jurisdictions</p>		

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