



HUMAN RIGHTS COMMISSION OF SIERRA LEONE



SPECIAL ELECTIONS REPORT 2018: A HUMAN RIGHTS PERSPECTIVE



HUMAN RIGHTS COMMISSION - SIERRA LEONE NEC BUILDING, TOWER HILL, FREETOWN

MESSAGE FROM THE CHAIRPERSON OF HRCSL

The Human Rights Commission of Sierra Leone is an independent institution that was set up by an Act of Parliament in 2004 to protect and promote the rights of everyone in Sierra Leone. Under section 7 of its 2004 Act, the Commission is mandated to not only monitor and document violations of human rights but also undertake studies, produce guidelines and reports and conduct public education and awareness raising programmes aimed at creating a culture of respect for human rights in the country.

During the 2018 elections, the Commission embarked on several activities in a bid to enhance a culture of respect for human rights before, during and after the elections. Some of the Commission's interventions in the March 2018 elections included the following: the Commission held a roundtable discussion with media practitioners on hate speech, conducted an inter-senior secondary school debate competition on human rights and elections, held a stakeholder symposium on elections preparedness, organized a national conference on human rights and elections, trained District Human Rights Committees in the regions on elections monitoring, established an elections situation room and monitored the 2018 elections nation-wide.

All of the above activities and together with the Commission's findings and observations during its monitoring of the elections have been consolidated into a report known as the "Special Elections Report 2018. I therefore have the honour and pleasure of presenting to you this special elections report 2018- A Human Rights Perspective.

It is our hope that this report will stimulate an environment for constructive dialogue and engagement that will lead to radical reforms in the legal and institutional electoral landscape in Sierra Leone.

As a Grade "A" Human Rights Institution, we remain proud to have been able to play our little part towards the successful outcome of the 2018 elections in Sierra Leone.

Thank you.

Rev. Dr. Usman Jesse Fornah.

Chairperson

ACKNOWLEDGEMENTS

This Special Elections Report of 2018 has been developed through the concerted effort of various people from within and outside the Human Rights Commission of Sierra Leone (HRCSL).

First, I wish to recognize the invaluable contribution of the Chairperson and other Commissioners of the Human Rights Commission of Sierra Leone whose policy direction and guidance at all stages of the process were critical.

I am grateful to the HRCSL staff from head office and the regions as well as the District Human Rights Committees whose field observation reports and practical experiences informed the development of this special elections report.

Special thanks go to the Oversight Commissioner for the Directorate of Education, Communications and Training, Commissioner Rashid Dumbuya Esq. the Director of Education, Communications and Training, Mr. Frederick Kamara, the Deputy Director, Mr. Abu Bakarr Kamara the Director of Programmes, Planning and Evaluation, Mr. Mohamed Kuyateh and the Director of Monitoring and Research, Ms. Josephine Thompson- Shaw for taking the lead in the production of this Special Elections Report 2018.

All staff members who took time to research, draft, compile as well as edit this report are also appreciated.

The Special Elections Report might not have been produced without the financial and technical support of the Government of Sierra Leone and the United Nations Development Programme (UNDP Sierra Leone) and I am grateful to them all.

Joseph Kamara
Executive Secretary

LIST OF ABBREVIATIONS

ACHPR	-	AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS
AU	-	AFRICAN UNION
APC	-	ALL PEOPLES CONGRESS
C4C	-	COALITION FOR CHANGE
DHRC	-	DISTRICT HUMAN RIGHTS COMMITTEE
HRCSL	-	HUMAN RIGHTS COMMISSION OF SIERRALEONE
IMC	-	INDEPENDENT MEDIA COMMISSION
IDEA	-	INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE
ICCPR	-	INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEC	-	NATIONAL ELECTORAL COMMISSION
NGC	-	NATIONAL GRAND COALITION
PPRC	-	POLITICALPARTIES REGISTARTION COMMISSION
SLP	-	SIERRA LEONE POLICE
SLPP	-	SIERRA LEONE PEOPLES' PARTY
UN	-	UNITED NATIONS
UNIPSIL	-	UNITED NATIONS INTEGRATED PEACE KEEPING MISSION IN SIERRALEONE
UDHR	-	UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREFACE

The 2018 multi-tier elections in Sierra Leone were the fifth to have been successfully conducted in the country since 1996 when the first multi-party democratic elections were held.

The elections were very much significant because they took place against the backdrop of the closure of United Nations Integrated Peace building Office in Sierra Leone (UNIPSIL) which has provided extensive security, technical and operational support to previous elections in Sierra Leone. The polls also took place within the context of a slow growing economy and an outbreak of an Ebola virus (March 2014-2016) and a ferocious mudslide in August 2017 that claimed the lives of thousands of people.

Furthermore, the emergence of political parties like the National Grand Coalition (NGC) and the Coalition for Change (C4C) as a third force in a political landscape that had been dominated by the All People's Congress (APC) and Sierra Leone People's Party (SLPP), contributed to the competitiveness of the elections. Also, the 2018 presidential elections being a transition election made the contest a clash of the titans.

It is important to emphasize that this special election report is by no means a perfect document and must not be perceived by anyone or any institution as a witch hunting exercise. It's primary aim is to highlight in a critical way the strengths and weaknesses of the 2018 elections from a human rights perspective so as to engender dynamism for legal , institutional and policy reforms and the respect for human rights in the electoral landscape of Sierra Leone.

HRCSL's assessment of the electoral process as opined in this report is based on the principles and obligations for democratic elections as stipulated in many international , regional and domestic instruments such as: the UDHR, the ICCPR, the International IDEA Electoral Standards, the African Union Declaration on the Principles Governing Democratic Elections; the African Charter on Democracy, Elections and Governance; the Principles for Election Management, Monitoring and Observation, the 1991 Constitution of Sierra Leone and the Public Elections Act of 2012 to name but a few. Hence, the Commission's assessment was based on an objective test.

Commissioner Rashid Dumbuya Esq,

Oversight Commissioner, Directorate of Education, Communications and Training

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INTRODUCTION

Sierra Leone gained her independence from Britain on the 27th April 1961. Between 1991 and 2002 however, the country witnessed a devastating civil war of cosmic and monumental proportions. Over 500,000 people were killed during the war, thousands of boys recruited as child soldiers and hundreds of girls abducted as sex slaves. The scale of crime exceeded beyond imagination. With the signing of the Lome Peace Accord between the government and the warring factions, the war officially ended in 2002.

The first democratic multi-party elections in Sierra Leone were held in 1996. Since then, the country has conducted its fifth democratic elections with relative peace and stability. A democracy is built on regular free, fair, transparent and non-violent elections. The electoral cycle in Sierra Leone is a period when certain fundamental human rights and freedoms are gravely challenged, namely: the freedom of assembly and association, freedom of thought, conscience and religion, freedom of expression and the press, freedom of movement, freedom from political violence and intimidation, freedom from arbitrary arrests and freedom from discrimination and of political participation.

The March 2018 elections were the first to be organized since the end of the civil war in 2002 without the presence of the United Nations Peace Keeping Mission in the country. The elections were also significant as they marked the first to be conducted under the full responsibility of the government of Sierra Leone. Since independence in 1961, political power has rotated between the All People's Congress (**APC**) and the Sierra Leone People's Party (**SLPP**). However, for the 2018 elections a total number of seventeen political parties registered for the elections. Sixteen parties nominated presidential candidates, 17 nominated parliamentary candidates while 43 independent parliamentary candidates competed during the elections.

Under the 1991 Constitution, only citizens of Sierra Leone who have attained the age of 18 years and are of sound mind and have registered in the elections can vote. The election law disenfranchises persons serving prison sentence from voting.

The National Electoral Commission is the constitutionally mandated body to conduct public elections in Sierra Leone. Its handling of the 2018 elections was reputed to have been credible by many election observers. Notwithstanding however, political tensions before, during and after the elections were commonplace. A run-off presidential election was held on 31st March, 2018 because none of the presidential candidates was able to secure 55% of the valid votes cast in the presidential polls on March 7th 2018.

The Human Rights Commission of Sierra Leone (HRCSL) played a pivotal role during the 2018 multitier elections. In line with its mandate under the 2004 Human Rights Commission Act; and in a bid to ensure that fundamental human rights were upheld and respected throughout the electioneering process and people exercised their civic responsibilities without hindrance, HRCSL embarked on series of activities including; Capacity building of Commissioners and staff, training on election monitoring for members of District Human Rights Committees, Public education and Awareness raising, community engagements on human rights and elections, monitoring of the electoral processes and handling of complaints of human rights violations during the elections.

Sierra Leone's Election Model

In Sierra Leone, the Presidential election system is model thus:

The president is elected for a period of 5 year term, with a two term limit. A candidate who receives at least 55 percent of the valid votes cast in the first polls is elected president. If no candidate receives 55 percent, a second round of poll is held between the top two candidates within fourteen days following the announcement of results in the first rounds. The candidate who then receives the highest number of votes is elected president.

With regards the parliamentary election system, it is modelled on a first- past-the -post- system with each electoral constituency returning one member to the legislature. In May 2016, Parliament approved 20 additional electoral constituencies, increasing the number from 112 to 132 seats.

In addition to the parliamentarians directly elected from constituencies, the parliament also includes seats reserved for paramount chiefs who are indirectly elected into parliament by a select group of chiefdom councilors, with one chief elected for each administrative district. In Sierra Leone, the system for election of paramount chief members of parliament is not based on direct elections.

Methodology

Mixed methods and techniques which included quantitative, qualitative, observation and focus group discussion were adopted in the development of this report. HRCSL deployed a total of sixteen teams (each comprising three to four people) to monitor the western area Freetown, which was divided into two zones (East and west). HRCSL's Regional officers and staff were supported by two representatives from each of the District Human Rights Committees (DHRCs) in their respective regions (Western Area Rural, Northern, Southern and Eastern Regions). Commissioners and selected staff from Headquarters in Freetown also joined the regional staff to do specialized monitoring in the provinces. The monitoring teams were guided by a checklist

in order to ascertain whether rights have been respected or violated. Desktop review of election reports of other countries and international observer groups were also undertaken to ascertain whether the 2018 elections in Sierra Leone met international standards and best practices.

Scope and limitations of the election report

This report is a narrative of the various election related activities undertaken by the Human Rights Commission of Sierra Leone in fulfilment of its mandate to protect and promote human rights in Sierra Leone. The scope of the report covers monitoring and engagement activities undertaken by the Commission before, during and the immediate periods after the pronouncement of the March 2018 elections results. It is vital to note that this report does not portend to give a comprehensive picture of the March 2018 elections but rather it only assesses the elections from a human rights perspective.

Setting of the Report

This report is structured into seven parts. Part one discusses in detail the legal, institutional and policy frameworks governing elections in Sierra Leone. Part Two gives a picture of the Commission's capacity building, public education and awareness raising programmes on elections and human rights. Part three presents the Commission's monitoring activities during the electoral process. Part Four deals with the Commission's handling of human right election- related complaints in the 2018 elections. Part five highlights the key findings and observations. Part six elucidates on the successes and challenges encountered while part seven proffers recommendations and conclusion.

Significance of the election report

The importance of this election report cannot be overemphasized. Firstly, it critically assesses the viability of the Commission's activities, interventions and strategies on elections monitoring.

Secondly, it provides the basis for increased capacity building and technical support to election management bodies in the country.

Furthermore, the report showcases the extent to which fundamental human rights have been upheld/ violated throughout the electioneering process in Sierra Leone.

The report also provides an empirical yardstick for assessing Sierra Leone's compliance to international, regional and domestic instruments it has signed, ratified and domesticated on human rights and elections.

Also, this special election report will serve as a stimulus for legal, policy and institutional reforms in the electoral environment in Sierra Leone.

Finally, this report will also serve as a useful research tool to students and international researchers alike undertaking studies on human rights and election related topics.

Facts and Figures

POPULATION	7.092 million (Statistics Sierra Leone Census 2015)
ETHNIC GROUPS BY POPULATION	Mende, Temne, Limba, Kono, Koranko, Fullah, Susu, Kissi, Loko, Madingo, Sherbro, Krio, Yalunka, Krim, Vai, (Statistics Sierra Leone Census 2015)
RELIGION	Islam 77% Christianity 21.9% Others 0.9% (Statistics Sierra Leone Census 2015)
SYSTEM OF GOVERNMENT	Constitutional democracy
LIFE EXPECTANCY AT BIRTH	51.3 years (UNDP HDR 2016)
LEGAL SYSTEM:	English common law and customary law

PART ONE

LEGAL, INSTITUTIONAL AND POLICY FRAMEWORKS GOVERNING HUMAN RIGHTS AND ELECTIONS IN SIERRA LEONE

Sierra Leone has acceded to a number of international and regional instruments that deal with the issue of human rights and governance of elections. Below are listed a few of them:

At the International Level

The Universal Declaration of Human Rights

The right to participate in public life is a fundamental human right for everyone. Article 21 of the Universal Declaration of Human Rights (**UDHR**) provides that “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives”.

International Covenant on Civil and Political Rights

Article 25 of the International Covenant on Civil and Political Rights (**ICCPR**) states that “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without reasonable restriction:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives
- (b) To vote and be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

International IDEA Electoral Standards

International Institute for Democracy and Election Assistance (IDEA) are Guidelines that set out the basic components of a legal framework governing democratic elections. These Guidelines are intended to identify electoral standards which contribute to uniformity, reliability, consistency, accuracy and overall professionalism in elections.

At the Regional Level

African Charter on Human and Peoples' Rights

Article 13 of the African Charter on Human and Peoples' Rights (**ACHPR**) provides that; "Every citizen shall have the right to participate freely in the government of his country,

The African Union Declaration on the Principles Governing Democratic Elections

This declaration which was developed by African Union, stressed the imperative of ensuring good governance through popular participation based on the respect for human rights and dignity, free and fair elections, as well as on the respect of the principles of freedom of the press, speech, association and conscience.

The African Charter on Democracy, Elections and Governance

The African Charter on Democracy, Elections and Governance was adopted on 30 January 2007 and came into effect on February 15, 2012. The Charter is a response to decades of poor governance and particularly mismanagement of electoral processes and human rights abuses. It aims to reinforce the commitment of the African states through the AU towards the universal values of democracy, respect for human rights, the rule of law, supremacy of the Constitution and constitutional order in the political arrangements of States.

The Principles for Election Management, Monitoring and Observation (PEMMO).

PEMMO was first adopted at a SADC regional conference held in Johannesburg, South Africa on 6 November 2003 under the auspices of EISA and The Electoral Commissioner's Forum of the SADC. Subsequently these election principles have served as benchmarks on for observation, monitoring and assessment of elections in the South Africa Development Cooperation (SADC) region from 2004 onwards.

At the Domestic Level

There are a plethora of legal, institutional and policy frameworks that have been established for the smooth and efficient conduct of Public Elections in Sierra Leone.

The relevant legal framework on public elections in Sierra Leone includes the following:

The 1991 Constitution of Sierra Leone

The 1991 Constitution of Sierra Leone serves as the highest governing law on elections in Sierra Leone. It establishes a National Electoral Commission under section 32 and in Sections 31, 41, 75 and 76, it enshrines fundamental human right rights and procedures for the smooth conduct of public elections and the effective participation in national electoral processes. The Constitution also confers independence on the NEC in the exercise of it functions. It states, 'in the exercise of any function vested in it by this Constitution, the Electoral Commission shall not be subject to the direction or control of any person or authority'. Furthermore, the Constitution empowers the NEC to make regulations by statutory instruments for the registration of Voters, the conduct of Presidential, Parliamentary or Local Government elections and referenda and connected matters, including registration for voting by proxy.

The Constitution of Sierra Leone Amendment Act of 2001

This Amendment legislation to the 1991 constitution makes provision for a district block representation system in Sierra Leone and mandates the NEC to implement same.

The Electoral Laws Act of 2002

This legislation makes provision for registration of electors, procedures and arrangements for elections, president and parliamentary elections and election of paramount chief members of parliaments amongst others.

The National Electoral Commission Act of 2002

This Act makes provision supplementary to sections 32 and 33 of the Constitution with respect to the National Electoral Commission.

The Public Elections Act of 2012

While the Constitution provides the foundation upon which the legislative framework for representation of the people and good governance is built, it is the Public Elections Act and regulations derived therefrom which provide specificity in the administration, management and conduct of election and all related processes. The Public Elections Act 2012 came into effect in May 2012, effectively replacing the National Election Commission Act 2002 and The Electoral Laws Act, 2002. It consolidated the previous pieces of legislation and in some instances amended specific provisions to improve the electoral process. The Act further outlines the procedures related to the Registration of voters and arrangement for elections and establish an Electoral

Offences Court to try election offences under the Act. The PEA 2012 also empowers the NEC by statutory instrument to make regulations for giving effect to the Act.

The Political Parties Act of 2002

The Political Parties Act of 2002 establishes the PPRC for the registration and regulation of the conduct of political parties in accordance with sections 34 and 35 of the 1991 Constitution of Sierra Leone.

The Local Government Act of 2004

This law deals with local government administration and provides for the decentralization and devolution of functions, powers and services to local councils and for other matters connected therewith. It is very instrumental to local council elections conducted by the NEC.

The Disability Act of 2011

This law sets out among other things the electoral rights of persons with disabilities in Sierra Leone and indicates how they should be treated in public elections.

The Election Petition Rules of 2007

The Election Petition Rules was passed in Parliament in 2007. Petitions challenging parliamentary election results must be submitted in the procedural form set by the High Court in line with the Election Petitions Rules.

The National Civil Registration Act of 2016

This law provide for the amendment and consolidation of the laws relating to the compulsory registration of citizens and non- citizens resident in Sierra Leone as well as the issuance of identity cards. This legislation is very instrumental in the conduct of public elections especially in relation to data and statistics of citizens and non -citizens that are resident in Sierra Leone.

Chieftaincy Act of 2007

This acts deals with Chieftaincy matters in Sierra Leone. It shows how they can be elected, removed or petitioned against.

Wards (Boundary Delimitation) Regulations, 2008;

This regulation sets out procedures on wards and boundary limitations.

Institutional Frameworks

The relevant institutional frameworks set up for the effective administration and regulation of elections in Sierra Leone includes the following:

National Electoral Commission

The National Electoral Commission (NEC) is the sole authority that is constitutionally-mandated to prepare and conduct all public elections and referenda. It is established pursuant to section 32 of the 1991 constitution of Sierra Leone. The President appoints all members of the Commission, after consultation with all registered Political Parties and subject to the approval of Parliament. The tenure of office of the Commissioners is five years, and their terms and conditions of service are prescribed by parliament.

The Constitution confers independence on the NEC in the exercise of its functions. It states, 'in the exercise of any function vested in it by this constitution, the electoral commission shall not be subject to the direction or control of any person or authority.'

NEC's vision is an independent, credible and well-resourced institution that promotes democracy and good governance by continually administering credible elections that meet international standards and best practices.

The Supreme Court

The Supreme Court of the judiciary of Sierra Leone has original jurisdiction to hear and determine petitions brought before it on the outcome and results of the Presidential elections. Any challenges related to presidential elections is the sole jurisdiction of the Supreme Court.

The High Court

The High Court of the judiciary of Sierra Leone has jurisdiction to hear and determine petitions brought before it on the outcome and results of the parliamentary or local council elections. For matters relating to the parliamentary elections, two courts were established under the High Court: the Elections Offences Court (EOC) and the Elections Petitions Court (EPC). The establishment of the EOC covers any criminal offenses related to the conduct of the election, such as tampering with materials, ballot stuffing, and other election-related irregularities. The court operates for a six-month period, and each case must be completed within three months. The EPC on the other hand had a narrower mandate and was established to address any specific challenges to the results of the parliamentary elections. The EPC is mandated to convene within seven days of the

date the final election results were announced and to hear all cases and render verdicts within four months.

The Election Offences Court

Section 137 of the PEA 2012 establishes the Electoral Offences Court. The Court is charged with the responsibility to try all those alleged to have committed electoral offenses under the Act. These offences range from those committed at the stage of voter registration to offences committed at the polls. The Election Offences Court is a division of the High Court which sits in such places in Sierra Leone as the Chief Justice may determine. It is presided over by a High Court Judge or a retired Judge of the Superior Court or a Barrister or Solicitor who is qualified to hold office as a High Court Judge. Trials are by summary procedure subject to appeal.

The Political Parties Registration Commission

The institutional mandate and independence of the Political Parties Registration Commission are enshrined in the 1991 Constitution of Sierra Leone. PPRC principally exists for the registration, regulation and supervision of the conduct of political parties in accordance with Sections 34 and 35 of the Constitution. In conformity with the Political Parties Act - 2002, the Commission in collaboration with registered political parties and civil society established a Code Monitoring Committee to function as a forum for discussion of issues of common concern, including breaches of the Code before, during and after the elections.

The Sierra Leone Police

The Sierra Leone Police is charged with the responsibility of providing electoral security for staff of the National Electoral Commission, their materials and ballot papers, polling stations and ensures the safety of the election process.

Policy Framework

The NEC Disability Policy of 2015

The policy guides NEC on its dealings and interactions with Persons with Disabilities during its conduct of public elections.

A cursory look at the above normative frameworks reveals that, it is unarguable that comprehensive legal frameworks on elections exist in Sierra Leone for the efficient and effective conduct of public elections. What is largely in dispute however, is the extent to which these legal, institutional and policy frameworks have been fully implemented to realize the desired objectives for which they have been established.

PART TWO

CAPACITY BUILDING, PUBLIC EDUCATION AND AWARENESS RAISING ACTIVITIES ON HUMAN RIGHTS AND ELECTIONS UNDERTAKEN BY HRCSL

Training of Commissioners and staff

In a bid to deliver on its investigation, monitoring, public education and awareness raising functions during the electoral processes, the Human Rights Commission of Sierra Leone contracted the services of a Consultant Rev. James Lahai who developed a training manual for monitoring human rights violations and abuses during electoral processes. The consultant later used the manual as a guide to train Commissioners and staff on human rights monitoring and reporting during elections.

The aim of the training was to build the capacity of Commissioners and staff in handling complaints in respect of election related human rights violations and abuses before, during and after the electioneering process as well as monitor and document human rights abuses and violations. The training enabled the Commission to effectively provide redress mechanisms for elections grievances and also monitor and document human rights violations during the entire process.



Consultant, Rev. James Lahai training HRCSL Staff on the Elections Manual



A cross section of HRCSL's staff and the facilitator during the training

The one day training was conducted on the 12th of December, 2017 and facilitated by Rev. James Lahai and characterized by presentations, role plays and interactive sessions.

At the end of the training, Commissioners and staff acquired the requisite knowledge and skills to monitor and document human rights violation during elections and to address complaints of alleged human rights violations during the electoral processes.

Training of Members of District Human Rights Committees

HRCSL conducted training for members of District Human Rights Committees (DRHCs) on Monitoring Human Rights Violations during the election period from the 6th -12th February 2018. A total of one hundred (100) members of District Human Rights Committees were trained in 4 regions (25 per region) in the following locations: Port Loko town for the northern, Moyamba town for southern, Kailahun for the eastern and Waterloo for the western regions respectively.

The aim of the training was to strengthen the capacity of the DHRC representatives in Human Rights monitoring during elections. The training was also geared towards equipping DHRCs with the requisite knowledge and skills to identify and report on human rights violations and abuses during and after the elections; and to empower them to replicate the training among their constituents.

The training sessions were facilitated by Commissioners and staff of HRCSL and supported by the UN Human Rights Advisor, Erica Bussey who also facilitated a session in Port Loko. Some of the topics covered include:

- Rights of citizens to participate in elections
- Sierra Leone electoral cycle activities
- Overview of Human Rights Issues During Elections/Monitoring Human Rights Violations in elections
- HRCSL Complaints handling mechanisms
- Documentation and reporting of human rights violations

At the end of the training the Commission signed an MOU with the various DHRCs in order to strengthen the relationship and establish a formalized working relationship between HRCSL and DHRCs. They were also provided with HRCSL's checklist for monitoring election processes.



Training of Moyamba District Human Rights Committee on human rights & election monitoring



HRCSL Signing of MOU with District Human Rights Committees after the training

Production and Airing of Jingles on Human Rights for the 2018 Elections

Jingles have been one major medium used by the Commission in conducting awareness campaigns. These have been done using key local languages that can be easily understood by members of the public and are normally aired on various radio and television stations around the country.

In this regard, the Commission with support from UNDP produced and aired out jingles in five local languages (Krio, Kono, Mende, Themne and Limba) in various radio and television stations. The jingles carried messages to raise public awareness on the right of every registered voter to participate in the electoral process and to advocate for a free, fair and violence free 2018 elections. The jingles were used in the Commission's public education and outreach programmes in local communities and during its media engagements.

Production of Information, Education and Communication (IEC) Materials and Newsletter

To effectively create awareness and complement capacity building efforts, the Human Rights Commission of Sierra Leone from time to time produces human rights Information, Education and Communication (IEC) materials and disseminates them to state actors, partner CSOs and CBOs and the public. For the purpose of the March 2018 elections, HRCSL produced and disseminated posters, stickers and billboards carrying elections and human rights related messages calling for the respect of human rights in the political processes. One of the functions of the Human Rights Commission of Sierra Leone as stated in Section 7 (2) (b) (I) of the Human Rights Commission of Sierra Leone Act 2004, is to promote respect for human rights, through public awareness and education programmes aimed at creating a culture of human rights in Sierra Leone. Also, the Commission publishes guidelines, manuals, and other materials explaining the human rights obligations of public officials and others.

The overall aim of producing these IEC materials was to promote awareness and increase advocacy on human rights issues and a peaceful, free, fair and credible elections 2018 Presidential, Parliamentary and Local Council's Elections. These materials were used in HRCSL's public engagement and outreach activities and were displayed in strategic locations for easy access and visibility.

Roundtable Engagement with Media Practitioners on Elections Reporting, Hate Speech and Equal Access for All Political Parties

In line with the Commission's function of promoting respect for human rights through public awareness and education programmes aimed at creating a culture of human rights in Sierra Leone, HRCSL with support from the United Nations Development Programmes (UNDP) held a roundtable engagement with media practitioners on the 25th October, 2017 on the topic: "Elections Reporting, Hate Speech and Equal Access for all Political parties". 25th October was coincidentally the commemoration of the African Human Rights Day. It was deemed necessary to engage media practitioners as they had a crucial role to play in educating the general public on the different activities in the electoral process.

The roundtable targeted fifty participants as journalists that were drawn from both the print and electronic media. This was not limited to junior staff of media houses but also members of the senior management and representatives from the Sierra Leone Association of Journalists.

At the end of the discussions, participants had increased knowledge about elections reporting; hate speech; freedom of opinion and expression; and the details of HRCSL's 2012 elections communique, particularly the section relating to Freedom of Opinion and Expression. The recommendations proffered by participants were also a clear demonstration of the level of interaction and the impact of the engagement on preparing the media landscape on their role to ensure fair reporting, creating the space for all shades of opinion and discouragement of hate messages.



HRCSL's Chairperson making a speech on African Human Rights Day before journalists



HRCSL's engagement with journalists on human rights and elections

Second National Consultative Conference on Elections and Human Rights

The Commission held a Second National Consultative Conference on Human Rights and Elections at the British Council Auditorium on 28th November, 2018 on the theme, “Respect for Human Rights as a Prerequisite for a Politically Tolerant and Peaceful 2018 Elections”. This theme was couched simply because Sierra Leone’s general elections were scheduled for the 7th March, 2018.

The Conference was aimed at ensuring that political parties and their leaders pledged their commitments to respecting human rights before, during and after the elections. It was also aimed at creating a level playing field for all parties and candidates in the March 7th, 2018 elections. The Conference further provided an opportunity for stakeholders to discuss issues that would promote human rights and democratic good governance in the electoral process as well as chart the way forward for a peaceful, free, fair and credible elections.

The conference attracted approximately one hundred participants across the country from various political parties, civil society organisations, United Nations Agencies, Diplomatic missions and Ministries, Departments and Agencies of government. During the official opening session statements were delivered by speakers from MDA, Election Management Bodies (EMBs), including the keynote address which was delivered by Dr. Samuel Doe, UNDP Country Director. The various speakers registered their commitments to ensuring that human rights were upheld and respected during the electoral processes. The official session was followed by two panel discussions by EMBs and representatives of political parties respectively.

A major outcome of the conference was the development and signing of a communique by political parties, registering their commitment to upholding and respecting human rights in the electioneering processes.



Members of the High table on the Conference on Human Rights and Elections



Political Parties and other stakeholders attending the conference



UNDP Country Director—Dr. Samuel G. Doe Making the Keynote Address in the Conference

Engagement with Local Communities on the Need to Respect Human Rights in the 2018 Elections

The engagements were conducted from the 16th – 23rd February, 2018 in five locations countrywide (Kambia and Kabala in the north, Kono in the East, Mattru Jong in the south and Adonkia in the western rural area of Freetown). The aim of these engagements was to promote respect for human rights during the electioneering process. The discussions during the community engagements were focused on issues relating to human rights in the electioneering process.

Particular attention was paid on issues highlighted in the HRCSL training manual on monitoring human rights violations developed in November-December 2017, and the communique of the National Conference on Human Rights and Elections adopted on the 28th November, 2017. The engagements targeted thirty community members in each location including: market women, political parties representatives, youth groups, teachers, students, health workers, journalists, human rights defenders, Okada riders, MDA's and the Sierra Leone Police.

The community engagements were done in the form of town hall meetings facilitated by Commissioners and staff of HRCSL. Community members were educated on their rights and responsibility during the electioneering process. The discussions were also centred on identifying and raising awareness about those human rights issues that often arise in election contexts, including potential violations of the right to vote, freedom of expression and association, guidelines on the use of force by the police during crowd control, as well as focus on the inclusion of disadvantaged groups such as women and persons with disabilities in the electoral processes.

At the end of the engagement, participants had increased knowledge about the contents of the Communique adopted on the 28th November, 2017 during the conference on human rights and Elections. They also committed themselves to sharing the knowledge acquired with their constituents and other community members.



Community engagement on human rights & Elections in Kono



Community Education on Human Rights & Elections in Matru-Jong

The Commission also did public education on the need to respect human rights during the election process in selected secondary schools in the various localities visited. The public education exercise resulted in increased awareness about the role of students in the electoral process. The engagements were climaxed by one hour radio discussion programme to sensitize the wider community about human rights, elections and non-violence.

Media Engagements

Most of the activities undertaken by the HRCS were covered by both the print and electronic media. As part of its public education and awareness raising drive, the Commission conducted radio discussion programmes in all of its community engagements in the provinces and Freetown. Its press releases and initial elections reports were read and discussed on radio and television and were carried in the newspapers. The Commission also broadcast its elections jingles on radio and television and engaged in TV and radio programmes calling on political parties and stakeholders to respect human rights in the elections.



Comm. Rashid on Media engagement during the elections



Chairperson of HRCSL doing a TV Broadcast on the Elections

PART THREE

MONITORING OF THE HUMAN RIGHTS SITUATION DURING THE ELECTORAL PROCESS

Pre-Elections Monitoring

The Human Rights Commission of Sierra Leone monitored the voter registration, nomination of candidates and political campaigns/rallies. These processes were monitored by Commissioners, staff, interns, volunteers and some members of District Human Rights Committees. The general aim of the exercise was to observe whether human rights were respected or violated.

In developing its monitoring and deployment plan, HRCSL was guided by the National Electoral Commission's campaigns and rallies timetable (which assigned specific days from 4th February to 5th March 2018 to each political party as their campaign days). HRCSL deployed a total of sixteen teams (each comprising three to four people) to monitor the western area Freetown, which was divided into two zones (East and west). Regional officers were supported by two representatives from each of the District Human Rights Committees (DHRCs) in their respective regions (Western Area Rural, Northern, Southern and Eastern Regions). Commissioners and selected staff from Headquarters in Freetown also joined the regional staff to monitor the last campaigns of the APC in Bo on 27th February and the SLPP in Kono on 4th March 2018.

The monitoring teams were guided by a checklist in order to ascertain whether the following indicators were respected or violated:

- Freedom of Assembly
- Freedom of Association
- Right to Political Participation
- Hate Speech
- Conduct of the police/Security
- Conduct of political party supporters

General monitoring was done in the first half of the campaign period (4th – 17th February, 2018). During this period, most of the activities of political parties were low key. As time progresses and the campaign period drew closer to the end, activities of political parties intensified with outdoor engagements and street rallies. In the second half of the campaign period (18th February – 5th

March 2018), HRCSL heightened its monitoring activities through radio and tv programmes, regular engagement and physical presence at these events. Particular attention was given to the activities of four parties – the All People’s Congress (APC), the Sierra Leone’s People Party (SLPP), the National Grand Coalition (NGC) and the Coalition for Change (C4C) as these were the parties that were regarded as most popular during the March 2018 elections.

The Commission observed the use of hate speech and inflammatory statements by supporters of the All Peoples Congress and the Sierra Leone Peoples party during their campaigns and rallies. There were reported cases of political violence particularly between supporters of the All Peoples’ Congress and the Sierra Leone Peoples’ Parties in various parts of the country due to blatant disregard for NEC’s campaign timetable.

The Commission published a press release on the 22nd February, 2018 stating its observations during the campaign and rallying period and call for adherence to the National Electoral Commission’s campaign timetable.

HRCSL Elections Situation Room

The Commission established an Election Situation Room in February 2018 in order to gather relevant information across the country that will inform the action and decision of the Commission and to ensure that elections were conducted using the right-based approach. It became fully functional after it was commissioned on 27th February, 2018.



Comm. Rashid Dumbuya doing the Commissioning of the HRCSL Election Situation Room



A cross section of HRCSL's staff working in the Election Situation Room

The Election Situation Room was operational on polling day and a total of 15 (fifteen) calls were received: 1 (one) which related to security was forwarded to the ONS Situation Room while 3 (three) which related to the freedom of participation and therefore the conduct of the elections

were forwarded to NEC. HRCSL provided the necessary information or guidance to the callers for the remaining 11 (eleven) complaints which related to the freedoms of participation and movement.

Elections Day Monitoring (first rounds - March 7th 2018)

HRCSL monitored both the March 7th general elections and the presidential runoff elections conducted on the 31st March 2018. The Commission deployed 3 Commissioners, 57 Staff (including support staff) and 22 interns and volunteers to monitor polling day (7th March and 31st March 2018), using the revised Checklist for Monitoring the Human Rights Situation in the Electioneering Process. Regional officers were supported by 30 DHRC representatives (two from each district).

The overall objective for monitoring the elections was to observe respect for or violations of human rights standards during the electioneering process.

The specific objectives were to ensure that:

- Citizens were able to exercise their political rights and fundamental freedoms without hindrance, sanction or reprisal;
- The authorities took necessary measures to protect the political rights and fundamental freedoms of all those involved to facilitate access to political and voting processes;
- In the event of human rights violations and abuses, the authorities react appropriately to prevent further violations and abuses and investigate any allegations thoroughly, holding those responsible accountable;
- The conduct of the electoral process was conducted in a non-violent and non-discriminatory manner.



Monitoring on Elections Day

On 9th March, 2018, HRCSL issued an initial report on its observance of the human rights situation during the 7th March polling. The following were noted:

- Many of the polling stations opened on time
- Voter turnout was impressive.
- Security personnel were visible in almost all polling stations.
- **Freedom of movement:** Vehicular restrictions were enforced by the SLP. Although the Government of Sierra Leone provided buses to enable persons access polling stations, in some areas buses were insufficient and there were some delays of people accessing polling stations.
- **Vulnerable groups** such as Persons with disabilities, lactating mothers, pregnant women and the aged were largely given priority to exercise their franchise. Although NEC provided board ramps, there were polling centers that were not easily accessible to persons with disabilities particularly those on wheelchairs or crutches. Tactile ballot guides were available in all polling stations to aid particularly the visually impaired.
- **Domestic observers and party agents** of mainly the APC, SLPP and NGC were present in almost all of the polling stations. In particular, the National Elections Watch (NEW) had observers deployed in all stations monitored. In some stations international observers and agents for the Coalition for Change (C4C) and the People's Movement for Democratic Change (PMDC) were seen.
- **Exercise of the right to vote and be voted for:** In general, the right to vote and be voted for, was enjoyed by the majority of registered citizens except in the Bonthe Municipality where the Mayoral ballot papers were not available and in some wards in Kenema and Pujehun and in constituency 123, where some aspirants' photos did not appear in the respective ballot papers.
- **Right to privacy and secrecy of the ballot** was compromised in many open-space polling stations.
- **Freedom of Expression and the Press** was largely respected.

Monitoring of the Presidential Runoff Elections (March 31st, 2018)

It is important to note that the Presidential Runoff elections of 2018 were postponed to March 31st as a result of the High court injunction that was slammed on NEC preventing them from conducting the elections on an earlier date slated. The overall objective of monitoring the runoff election was to determine whether human rights standards were adhered to on polling day.

The Human Rights Commission deployed a total of eighty one monitors across the country. The focus of the monitoring teams like the 7th March presidential and parliamentary elections was to observe the general situation of the polling centres/stations, the comportment of voters, the voting procedures and other technical issues. The Commission also monitored adherence to or violations of fundamental human rights with specific reference to those rights which are likely to be challenged during polling day. Such rights include: freedom of expression (hate messages/provocative songs), freedom of movement, freedom of peaceful assembly, freedom from political violence/intimidation, security of persons and freedom from discrimination.



HRCSL Staff Monitoring the Presidential Runoff Elections

The Commission issued a preliminary report on its observance of the human rights situation during polling day of the runoff elections and published its observation in both print and electronic media. The undermentioned issues were the focus of the monitoring exercises during the runoff on polling day:

- **Opening of polling stations:**

The Commission observed that a large number of polling stations across the country opened on time as prescribed by the National Electoral Commission (NEC). However, there were delays in few areas due to administrative and logistical challenges but these did not affect the conduct of the elections in those areas.

- **Voter turnout**

Generally, voter turnout was encouraging nationwide but in some areas it was low in contrast to the 7th March 2018 elections; women and youth formed a greater majority of the voters.

- **Security of the Elections**

The Military Aid to Civil Power (MAC-P) was raised to level 2 to help provide additional security throughout the country.

The presence of security personnel was visible in almost all polling centres. In addition to the Sierra Leone Police there were other security sector agencies such as the RSLAF, Sierra Leone Correctional Service, the National Fire Force and the Metropolitan/Local Council Police. Generally, the security forces were professional in the manner they conducted themselves. However, the presence of armed military personnel appeared to be intimidating to some voters.

- **The right to life**

HRCSL monitors did not observe any infringement on the right to life on polling day nationwide.

- **Freedom of movement**

Vehicular restrictions were enforced by the SLP. The Government of Sierra Leone provided 100 buses to enable persons access polling stations. However in some areas buses were insufficient and there were some delays in accessing polling centres. Tri-cycles (Kehkehs) and vehicles carrying the old, infirmed and the disabled to polling centres were allowed to ply the route without accreditations.

- **Exercise of the right to vote and be voted for:**

In general, the right to vote and be voted for, was enjoyed by the majority of registered citizens. Even though it was a presidential runoff election, NEC conducted outstanding local council elections in Bonthe, Pujehun and Kenema and parliamentary elections in Freetown on the same day, thereby guaranteeing the right to participation in the electoral process.

- **Accessibility of polling stations by vulnerable groups and provision of assistive devices**

Vulnerable groups such as Persons with disabilities, lactating mothers, pregnant women and the aged were largely given priority to exercise their franchise. Although NEC provided board ramps, there were polling centers that were not easily accessible to persons with disabilities particularly those on wheelchairs or crutches. Tactile ballot guides were available in all polling stations to aid the visually impaired.

- **Right to privacy:**

The elections were to be done by secret ballot. This was achieved by the general lay out of the polling booths and effective queue control by the security forces and polling staff.

- **Freedom of Expression and the Press**

Generally, there was no report of censorship of the press and social media. Media houses including television and radio stations were very much in active discussion on topical issues during Election Day. There was also no report of arrest of any media personnel. However, there were reports of alleged intimidation and assault of some journalists in Freetown which is currently being investigated.

- **Freedom from arbitrary arrests and security of the person**

There were no reports of arbitrary arrests on polling day. However, a few arrests were made by the police on polling day on allegations of Public Order and Electoral Offences.

- **Presence of international, Domestic observers and party agents**

Party agents of the All People's Congress (APC) and the Sierra Leone People's Party (SLPP) were present in all the polling stations; in some areas, two per each party. In some polling centres monitored, party agents from both parties were seen working together to resolve electoral issues.

Domestic observers such as National Elections Watch (NEW), Council of Churches in Sierra Leone (CCSL), Justice and Peace Commission (JPC), Sierra Leone Red Cross (SLRC), Women's Situation Room and District Human Rights Committees (DHRCs) were seen in most polling centres around the country.

International observers such as the American Embassy, the European Union (EU), the African Union (AU), Mano River Union (MRU), ECOWAS and the Commonwealth were on circuit observation of the polling process across the country.

- **Comportment of voters**

Voters largely comported themselves by adhering to the rules and regulations of NEC. For instance, they respected the prohibition on party colours and symbols on Election Day. However, in many areas monitored, voters were reluctant to return home immediately after voting.

- **Management of the elections by the National Electoral Commission (NEC)**

HRCSL commends the professionalism of NEC in the conduct of the elections and its openness, accountability and prompt response in handling some of the challenges that emerged on polling day.

Monitors did not observe long queues during the runoff which was attributed to better organization and understanding of the voting process by the electorate.

PART FOUR

POST-ELECTIONS MONITORING AND HANDLING OF HUMAN RIGHT ELECTIONS - RELATED ABUSES AND VIOLATIONS

Mobile Complaints Hearing

HRCSL on the 13th and 14th of March, 2018 conducted one mobile complaint hearing in Port Loko in the North-Western region. The purpose of the hearing was to provide the opportunity to members of that community to present in person to HRCSL their complaints relating to human rights violations that occurred pre, during and after polling day March 7th 2018. This was done because the Commission does not currently have an office in Port Loko and there were reported cases of political violence and allegations of human rights violations that needed the intervention of HRCSL. The Commission also used the occasion on the first day to engage in a town hall meeting, thirty community representations (22 male- 8 female) including traditional leaders, women's groups, political parties' representatives, youth groups, civil society organisations, the media and the Sierra Leone Police to educate them on the purpose of the mobile complaints hearing and the HRCSL complaints handling procedures.

Prior to the engagement, the team from the Human Rights Commission of Sierra Leone paid a courtesy call on the Assistant Inspector General (AIG) North-West – Mr. David Sahid Koroma at the Police Regional Headquarters North-Western region in Port Loko. The HRCSL team led by Commissioner Grace Coleridge-Taylor, had discussions with the regional management team. HRCSL was updated on the security situation in Port Loko and its environs and was assured by the AIG that all elections related matters brought to the attention of the SLP were being addressed accordingly. The AIG informed the Commission that his personnel were using the rights-based approach in doing their work thanks to the much training on human rights they have benefited from.

During the town hall meeting participants informed the Commission about the current political atmosphere in Port Loko Township and neighbouring villages. Three participants reported that they had moved from their residences as they were constantly threatened and intimidated by supporters of the All Peoples Congress Party and they were afraid for their lives. It was also reported that the house of the Mayoral candidate of the Sierra Leone Peoples Party was attacked and a school owned by her vandalized.

On the second day of the engagement the Commission received three complaints all relating to the elections processes. These were recorded and forwarded for admissibility opinion.

HRCSL also visited the Port Loko Correctional Centre to ascertain whether there were inmates in custody that were in conflict with the electoral laws and to assess their status. The team did not find any such persons in custody.



A Cross Section of stakeholders & Staff of the Human Rights Commission in Port Loko

The Commission also had a one hour radio discussion programme at the Community Radio (Bankasoka FM) in which issues such as: the observance and respect for human rights, nonviolence and acceptance of the outcomes of the elections were discussed. The programme was done immediately after the announcement of the final results of the presidential elections conducted on 7th March 2018. The feedback from some community members who listened to the programme was positive. They noted that it was a timely intervention made by HRCSL as the community was in state of uneasy calm. The radio discussion programme helped to reduce the anxiety and looming tension that were in the minds of the people.

HRCSL's Interventions in Post- Election Violence after the Pronouncement of Results

The Commission as part of its elections monitoring strategy monitored both the print and electronic media to collect primary data on the human rights situation in the country following the announcement of the results of the March 7th elections. The result for 7th March 2018 Presidential elections was announced on 13th March 2018. Through media monitoring, the Commission observed that the days leading to the run-off elections of 31st March were marred by tribal sentiments and hate speeches.

After the announcement of the runoff Presidential results on the 4th April, there were reported cases of political violence in some parts of the country (such as Freetown, Kono, Kenema, Kailahun, Bo, Kabala and Bumbuna) which led to the destruction of property, inhumane and degrading treatment, brutal killings and the displacement of people. The Human Rights

Commission of Sierra Leone (HRCSL) was gravely concerned about the situation and the effect it had on the enjoyment of the fundamental human rights and freedoms of the affected persons. It was against this background that HRCSL sent a team on a fact finding mission in various localities particularly in the Nimiyama Chiefdom Kono District from where people moved to settle in Masingbi town, in Tonkolili District to assess the situation and look into reports of violence in those areas.



Commissioner Grace and a cross section of HRCSL staff engages victims at Masingbi

The team had deliberations with all relevant stakeholders including the affected persons, highlighting the Commission's concern about the human rights situation that was unfolding as a result of the mass exodus and the negative effect this had on the enjoyment of rights. At the end of the team's fact finding visit, a report was prepared which detailed the causes of the event that unfolded and proffered recommendations to various stakeholders with a view to preventing future recurrence.

The Commission was also part of the Inter-Parties Peace Committee that was set up by His Excellency Julius Maada Bio immediately after the elections to address the spate of political violence that ensued after the pronouncement of the March 2018 presidential run-off election results. The Commission together with the Office of National Security and other stakeholders held several peace and reconciliatory meetings in affected districts, towns and communities such as Kanningo, Kenema, Kono, Masingbi, Port Loko, Falaba , Kambia and Kailahun to name but a few. The Chairperson, Rev. Dr. Usman Jesse Fornah represented the Commission in many of these engagements.



HRCSL's fact finding team led by Commissioner Grace Coleridge -Taylor

PART FIVE: KEY FINDINGS AND OBSERVATIONS

Pre-Elections Observations – (Political Rallies and Campaigns)

The Commission observed that the specific rights which were the focus of the monitoring exercises were largely enjoyed by all.

Freedom of assembly and association was enjoyed without hindrance as the rallies / campaigns were observed to be peaceful in Western Area Urban and other parts of the country, except for two incidents that occurred in the Western Area Rural and in the Karene District. Reports of intimidation and violence against SLPP supporters by APC supporters were observed during the APC rally on 28th March, 2018 in the Western Area Rural. In Karene District in the North, the aftermath of violence between SLPP and APC supporters during SLPP rally in Kamalo on 20th February was monitored by the HRCSL northern region office.

Freedom of movement was enjoyed by all aspirants and supporters. Aspirants for various political positions and their presidential candidates processed through the streets of the main towns without hindrance from any rival parties or government.

Freedom of expression - was respected by all throughout the campaign period. The media was open to all parties to send out campaign messages to their supporters and well-wishers. During the street rallies, HRCSL observed there was no infringement as people expressed themselves freely singing and dancing. However, it was noted that supporter of all four parties that had street rallies used provocative songs against rival parties, particularly the ruling party APC.

Non-discrimination – the NEC gave equal opportunity to all political parties to campaign in all parts of the country. A campaign calendar was developed by NEC in conjunction with all the 16 political parties. Provision was also made for independent candidates to conduct their campaigns.

Women and persons with disabilities were also seen at the rallies, in support of their various candidates and parties.

Hate speech – apart from the use of provocative songs by supporters during the rallies, there were no incidences of the use of hate speech throughout this period.

Presence of security personnel – Personnel of the Sierra Leone Police (SLP) provided security and marshalled the crowds as they processed along the streets. There were no reports of arbitrary arrests or torture.

Polling Day Observations

The following were some of the Commission's observations:

Opening of polling stations

The Commission observed that a large number of polling stations across the country opened on time as prescribed by the National Electoral Commission (NEC). However, there were delays in few areas due to administrative and logistical challenges but these did not affect the conduct of the elections in those areas.

Voter turnout

Generally, voter turnout on the first round of the presidential, parliamentary and local council elections was encouraging nationwide but on the runoff of 31st March, Presidential elections, it was low in some areas as compared to the 7th March elections. Women and youth formed a greater majority of the voters.

Security of the Elections

The Military Aid to Civil Power (MAC-P) was raised to level 2 to help provide additional security throughout the country.

The presence of security personnel was visible in almost all polling centres. In addition to the Sierra Leone Police there were other security sector agencies such as the RSLAF, Sierra Leone Correctional Service, the National Fire Force and the Metropolitan/Local Council Police. Generally, the security forces were professional in the manner they conducted themselves. However, the presence of armed military personnel appeared to be intimidating to some voters.

The right to life

HRCSL monitors did not observe any infringement on the right to life on polling day nationwide.

Freedom of movement

Vehicular restrictions were enforced by the SLP. The Government of Sierra Leone provided 100 buses to enable people access polling stations. However in some areas buses were insufficient and there were some delays in accessing polling centres. Tri-cycles (Kehkehs) and vehicles carrying the old, infirmed and the disabled to polling centres were allowed to ply the route without accreditations.

Exercise of the right to vote and be voted for

In general, the right to vote and be voted for, was enjoyed by the majority of registered citizens. Even though it was a presidential runoff election, NEC conducted credible local council elections in Bonthe, Pujehun and Kenema and parliamentary elections in Freetown on the same day, thereby guaranteeing the right to participation in the electoral process.

Accessibility of polling stations by vulnerable groups and provision of assistive devices

Vulnerable groups such as Persons with disabilities, lactating mothers, pregnant women and the aged were largely given priority to exercise their franchise. Although NEC provided board ramps, there were polling centres that were not easily accessible to persons with disabilities particularly those on wheelchairs or crutches. Tactile ballot guides were available in all polling stations to aid the visually impaired.

Right to privacy

The elections were to be done by secret ballot. This was achieved by the general layout of the polling booths and effective queue control by the security forces and polling staff. The right to privacy was however compromised in some areas where polling stations were arranged in clusters.

Freedom of Expression and the Press

Generally, there was no report of censorship of the press and social media. Media houses including television and radio stations were very much in active discussion on topical issues during Election Day. There was also no report of arrest of any media personnel. However, there were reports of alleged intimidation and assault of some journalists in Freetown which is currently being investigated.

Freedom from arbitrary arrests and security of the person

There were no reports of arbitrary arrests on polling day. However, a few arrests were made by the police on polling day on allegations of Public Order and Electoral Offences.

Post-Election Observations (immediate periods after the declaration of results)

Following the announcement of the Presidential results of the runoff elections by NEC, HRCSL noted the following:

- ❖ Violent political outburst and reactions in the city of Freetown leading to the destruction of market stalls at Sani Abacha Street;
- ❖ Violent outburst in Kenema city leading to assault on some police officers;
- ❖ Violent outburst of supporters in Kono leading to internal displacements of persons;
- ❖ Violent reprisal attacks in Port Loko, Kambia, Makeni and Falaba;
- ❖ Violent political outbursts and reactions in Lumley, Kaningo and Goderich;
- ❖ His Excellency, President Julius Maada Bio formed an inter-party peace committee to help calm down tensions and look into the root causes of the violence; and
- ❖ Revenge and hate speeches, claims and counter-claims between supporters of the two main parties dominated the print and electronic media.

PART SIX: SUCCESSES AND CHALLENGES

Successes

The establishment and operations of HRCSL's Situation Room

- The Situation Room gave more impetus to the Commission's monitoring of the electioneering process particularly on Election Day and in the post-election period. It was very useful in the protection and promotion of human rights during the electioneering period. Calls were received from various parts of the country, giving an indication of the trust people have in the Commission. Also, prompt actions were taken by the Commission's partners on reports forwarded to them for attention. For example, on polling day, additional troops were sent to Kroo Bay (Constituency 125 Ward 431), after HRCSL had forwarded a request made by security personnel stationed for increased security during the counting process.
- Also, through HRCSL's communication with NEC on some challenges observed, NEC called an immediate press conference within an hour of receipt of information from HRCSL that mayoral ballots were not available for the Bonthe Municipality elections. Staff endeavored to update some callers who had concerns about events in their communities on actions taken or to be taken by the relevant authorities to whom their concerns were forwarded. In the post runoff election period, media monitoring through the Situation Room prompted the Commission to conduct its independent investigations into reports of violence and mass movement of people from Sewafe, Masabendu and other parts of Kono District into Masingbi, in the Tonkolili District.

The women situation room

- The Women's Situation Room was an innovative monitoring project which allowed voters and observers to report issues of concern which were then forwarded to the NEC and police. The Situation Room help highlight gender issues in the election and was also very instrumental in the promotion of peaceful mediation as well as non-violence campaigns before, during and after the elections.

Timely update and reporting on the elections by NEC

- There was great transparency and timely delivery of information from NEC about the elections. This helped in many ways to relieve tensions and rumours on social media.

Provision of tactile ballot guide for the visually impaired

- The provision of the tactile ballot guide for visually impaired persons in the 2018 elections puts NEC in compliance with not only the African Charter on Democracy, Elections and Good Governance but also its Disability Policy of 2015. This was also a realization of the advocacy campaign by the HRCSL for the provision of tactile ballot guide to ensure the secrecy of the ballot for the visually impaired voter.

Tallying of results at district level

- The tally of results at district levels did not only entrench credibility and transparency in the counting process but also dissipated tensions and brought wide acceptability of the results declared by NEC from the public.

Challenges

- ❖ Vehicular restrictions on polling day caused hardship to many voters especially in terms of accessing polling stations on time.
- ❖ A good number of NEC's polling centres/stations were not disable friendly
- ❖ Limited timeframe especially in the correction of mistakes on voter cards and re-taking of photos.
- ❖ Court injunction slammed on NEC to put on hold the conduct of the presidential runoff elections created uncertainty and undue hardship and led to the postponement of election runoff beyond the constitutional time limit.
- ❖ Lack of effective means or strategy by NEC in the distribution of uncollected voter cards. A lot of registered voters were disenfranchised in this way. Legal frameworks on elections put responsibility on National Electoral Commissions to undertake measures that will ensure that all registered voters participate in the elections.
- ❖ Lack of effective and transparent policies and measures by NEC in the management of uncollected and un-used voter ID cards.
- ❖ Minor mistakes in the tabulation process by NEC.
- ❖ Inadequate vehicles and logistics by the Commission to cover hard-to reach areas.

- ❖ Piecemeal disbursement of budgetary allocations to NEC by the state for the conduct of the elections.
- ❖ Over-securitization of the elections created unnecessary tensions and intimidation in areas like Goderich, Brookfields etc.
- ❖ Political reprisal attacks were evident in many places after the pronouncement of the results by NEC.
- ❖ The application of the dual citizenship clause for the first time in our electoral process, discriminated against a good number of sierra Leoneans from the diaspora who were potential aspirants for the Parliamentary elections.

PART SEVEN

RECOMMENDATIONS AND CONCLUSION

Legal Reforms

- Sierra Leone's political history shows a trend of ethnic politics and polarizing runoff elections which is largely occasioned as a result of the 55% threshold that is required to pull in the first round to win the presidential elections. This threshold has been considered by many election observer groups as considerably high. A national referendum, consultative conference and review of the existing law may be imperative to put the threshold at 51 % so as to effectively mitigate polarized elections along ethnic and regional lines.
- There is need for a legislative review to shorten the time between completion of voting, tabulation and the announcement of results. Too much time in waiting for results creates anxiety and panic among supporters which ultimately serves as a precursor for the spread of false news, violence and intimidation.
- Existing provisions in the Public Elections Act 2012 should be reviewed to limit the use of state resources, vehicles and other public assets by public officials during the electoral period.
- It is also worthy to pinpoint that while the law provides for independent candidates to contest in parliamentary and local council elections, the same right is not guaranteed to independent candidates who may want to contest in the presidential elections. This certainly impinges on the principle of equality and non- discrimination as well as the right to political participation in the electioneering process. Legal reforms need to be undertaken by the legislators to make room for independent candidates to contest in the presidential elections.
- A comprehensive review of the Public Elections Act 2012 is needed to identify areas where amendments may be necessary to help enhance a credible and transparent electoral process. Specifically, it is important that consideration is given to inmates in correctional facilities and patients in care giving homes to have a right to vote in public elections.

- It is also imperative for urgent Constitutional Amendment to be made on Section 76 (1) (a) which deprives citizens with dual nationality from being voted for in public elections as Members of Parliament. While it may be necessary to have such restriction for the office of the President, the Commission holds the views that it may be unnecessary and unreasonable to have same extended to Members of Parliament.
- Parliament should ensure that budget allocation approved to NEC are provided by the state on time so that the NEC would be able to conduct public elections in a free, fair and credible manner without any budgetary constraint.

Sierra Leone Police

- Vehicular restrictions on polling day by the police posed a challenge on the enjoyment of the right to freedom of movement as enshrined under Section 18 of the 1991 Constitution of Sierra Leone. Even though efforts were made by the state to provide buses, there were many areas that lacked sufficient buses and as a result many people in hard to reach zones suffered hardship in terms of accessing polling stations on time. It is recommended that NEC and the SLP do a joint and thorough independent assessment of the impact of vehicular restrictions on polling day on voters in a bid to determine whether it is a viable initiative to continue with in future elections or not.
- Over-securitization of public elections may not only be intimidating to voters but can also serve as a precursor for violation of fundamental human rights. While the need for robust security must never be downplayed in public elections, it is important also that military armed personnel be restricted from carrying arms into polling stations where voting is taking place. Such public display of arms at polling stations might be intimidating to voters. The African Charter on Democracy, Elections and Governance requires that elections should not only be free and fair but must also be free from fear.
- The Sierra Leone Police should be prepared to quell down political reprisal attacks that might ensue in strongholds after the pronouncement of election results by NEC.
- There is need for Comprehensive training to be rolled out to the Sierra Leone Police on the UN Basic Principles on the use of force and fire arms and also on how to effectively police public elections so as to prevent high handedness and over-securitization of

elections as was displayed in areas like Goderich and Brookfields during the March 2018 elections.

National Electoral Commission

- Even though there was great improvement in the management and administration of the 2018 elections, the high number of void and invalid votes recorded still remains a cause for concern. In public elections, every vote is sacred and every vote counts. A comprehensive, effective and all-inclusive voter education programme should be developed by NEC in partnership with political parties and rolled out to all regions, towns and villages in the country well in advance of polling day to help reduce considerably if not eradicate the number of void votes in public elections.
- The NEC should endeavor to have constructive engagements with all political parties and other stakeholders, including women, youth, disability groups, civil society organizations and other election management bodies to determine a reasonable nomination fee to be paid by contesting candidates before the next electoral cycle. This will help prevent the disenfranchisement of vulnerable groups from participating in public elections.
- The tally of results at district levels is a core provision under the Public Elections Act of 2012. The NEC should ensure to request adequate resources from the state so as to be able to establish all the structures required under the Public Elections Act and the Constitution of Sierra Leone for the conduct of fair, credible and transparent elections.
- NEC should develop effective and transparent policies and measures in the management of uncollected and un-used voter ID cards to dissipate any suspicion of fraud from the public,
- In subsequent elections, NEC should consider the plight of the aged, pregnant women, lactating mothers, persons with disabilities and remote communities when locating Polling centres/stations in order to ensure that these categories of voters also fully participate during voting day.

Political Parties Registration Commission

- The Political Parties Registration Commission must ensure strict compliance to its code of conduct for political parties and must be seen to be taking punitive actions against

defaulters. Strong penalties must be taken against political parties that promote violence, hate speeches and inciting comments during campaign periods.

- The Commission should also ensure to create the enabling environment for the forming of and registration of political parties in the country. This will certainly help to guarantee the right to freedom of association as enshrined under the 1991 Constitution of Sierra Leone.

Political Parties

- National Executives of political parties should ensure that district party officials are made aware of the schedule for political rallies and provide political education to supporters to ensure strict compliance. A lot of the problems that ensued between political parties were largely as a result of the lack of knowledge of NEC timetable on rallies and campaigns by political party supporters especially at the regions.
- Political parties should also ensure to adhere to the PPRC code of conduct for political parties, refrain from hate speeches, inciting rhetorics, respect peace pledges signed and other policies established by NEC for the peaceful conduct of public elections.
- Affirmative actions and policies should be promulgated by political parties so as to create the enabling environment for a significant number of women, youth and persons with disabilities to take part in public elections.

Donors and International Partners

- Donors and International partners must ensure to support NEC in terms of capacity building and logistics so that the institution can be able to conduct free, fair and credible elections in the country. This must however be done in ways that do not compromise the independence of NEC.

Women, Youth and Persons with Disabilities

- The Public Elections Act of 2012 provided for non- discrimination and equal participation in public elections. However, there is an apparent lack of strong existing frameworks within political parties that promote the participation and representation of vulnerable groups such as women, youth and Persons with disabilities in the country. Women in particular constitute 52% of registered voters in Sierra Leone. This is a testament of their willingness to effectively participate and also be included in the electoral process. Parliament should therefore ensure the passing of a law that allows for reasonable quotas to be set for women, youth and persons with disabilities by political parties to increase their

representation in Parliament and Local Council elections. The ratio is still far from encouraging even though the TRC report recommended affirmative actions to be taken in this regard.

- Although frantic efforts were made in the 2018 elections to consider the rights of Persons with Disabilities in terms of voting and access to polling stations, much is still needed to be done. The NEC should ensure that when making their choice of polling stations, primacy is given to accessibility and where such may be impracticable, NEC must endeavor to construct ramps for easy access to polling stations by the aged and persons with disability.

Media

- Despite the improvements in relation to professionalism that was displayed by the media, the 2018 elections reveal that a lot of challenges still exist in media reporting of elections in Sierra Leone. Effective measures should therefore be taken by the IMC and the state to ensure that journalists are adequately trained in political and election coverage to prevent bias reporting, incitement and use of hate speech. The IMC should also be empowered to enforce strict compliance to its Media Code of Practice for all media houses and practitioners in Sierra Leone.

Local Observers

- Local observers must familiarize themselves with the relevant international laws and policies on observation of elections and election reporting. Clear- cut guidelines and Terms of Reference should always be developed to help prevent observers from overstepping their mandates. There were a lot of complaints to the Commission about some observers acting beyond their mandate. Pronouncement of results is not a reason for observing elections but rather to bring out the successes and challenges and further determine whether the process was free, fair and credible. Pronouncement of results remains the sole responsibility of NEC.

The Judiciary

- Without prejudice to the rights of citizens to bring action before the courts when aggrieved, it is important however for the courts to always consider the public interests when slamming injunction in public election matters. The Court injunction that was passed in the middle of the elections created uncertainty and led to the postponement of the slated date for the runoff which ultimately puts hardship on NEC, political party contestants and the

entire population as a whole. Election petitions should be encouraged to be brought before the close of nominations and after the pronouncements of election results as required by law and not in the middle of the game; except where it may be expedient to so do. Such must however be weighed in light of the public interest.

CONCLUSION

The Human Rights Commission of Sierra Leone congratulates all Sierra Leoneans who participated in the electoral process and for the peaceful manner in which they conducted themselves during the March 2018 multi-tier elections. The Commission is particularly impressed by the orderliness and tranquility that prevailed during polling day. Sierra Leoneans clearly demonstrated their overriding desire for development and the consolidation of democracy, human rights, rule of law, peace and stability.

The Commission acknowledges the work of the National Electoral Commission (NEC), the security forces and all other stakeholders who helped to ensure the successful conduct of the March 2018 elections.

With barely 15 years gone since the end of the war, the Global Peace Index Report of 2017 has ranked Sierra Leone as the third most peaceful country in Africa and the most peaceful in West Africa. This is a testament of the positive strides and investments that have been made by all Sierra Leoneans to transition from a brutal past to a peaceful, progressive and democratic nation. It is imperative therefore that these gains are sustained in future elections.

The Human Rights Commission of Sierra Leone calls on the general public to continue to maintain the peace and always respect human rights, the rule of law and democratic processes in public elections.

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