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Final Report



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Final Report
EU Election Follow-up Mission to Sierra Leone
10 October – 7 November 2021

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EXECUTIVE SUMMARY

The European Union deployed an Election Follow-up Mission (EFM) to Sierra Leone from 10 October to 7 November 2021 to assess the degree to which the 29 recommendations from the 2018 EU Election Observation Mission (EU EOM) have been implemented. The EFM also discussed with stakeholders their proposals for further progress towards the implementation of the recommendations in advance of future elections.

The Mission was led by Mr Norbert Neuser, a Member of the European Parliament, who held high-level discussions in Freetown from 24 to 29 October 2021. Meetings were held with a broad range of interlocutors. These included the President, the Vice President, the Chief Minister and other ministers, leaders of all parliamentary parties including the Former President, the Chief Justice, the Speaker of Parliament and other parliamentarians, the leaderships of the National Electoral Commission (NEC), the Political Parties Registration Commission (PPRC), media and media regulators, and representatives of civil society including national election observers. The Mission also met with members of the diplomatic community in Freetown. During the visit of the Chief of Mission, three roundtable mini-conferences were held. Two of these were with representatives of civil society, on the role of non-governmental organisations in conflict monitoring and mitigation, and on increasing inclusivity in the political and public space. The third roundtable was with representatives of fifteen political parties on the implementation of EU EOM recommendations.

The Mission thanks the broad range of high-level actors who were generous with their time and open with their opinions. The Mission welcomes their commitment to engage with the EU EOM recommendations and with the EFM.

The EFM found that there is a high level of awareness among stakeholders of many of the EU EOM's recommendations and those of the other election observation missions from 2018. In the months preceding the deployment of the EFM, there were useful national validation conferences held on electoral legislative reforms (in August 2021 organised by NEC) and on the Political Parties Act (in October 2021 organised by the PPRC).

The EU EOM made 29 specific recommendations in 2018. According to the EU EOM Final Report, 4 of these could be implemented without legislative changes (for instance strengthening and communicating results tabulation processes by NEC), whereas the remaining 25 would require legislative changes, including in 9 cases, changes to the Constitution.

The Mission assessed that, so far, one recommendation, concerning the decriminalisation of libel, has been implemented in full.¹ This represents a positive step for freedom of speech and the media in the country. Two recommendations are partially implemented, on the appointment of the Independent Media Commission (IMC), and enhancement of civic and voter education. The Mission is encouraged to see that there is ongoing work on 18 other recommendations. There has been no change on six of the recommendations, of which four were rejected in 2018 by the first national stakeholder conference and two other recommendations, while not having been formerly rejected, are not currently being pursued. It is too early in the electoral cycle to assess the remaining two recommendations, concerning results tabulation and a potential ban on vehicle movements on election day.

Among the 25 recommendations that entail a change in the legislative and/or constitutional framework, 17 are currently under consideration for drafting legislative changes by the Attorney General's Office, as a result of proposals following national stakeholder conferences.

¹ The cut-off point for assessing information gathered by the Mission was its departure from Sierra Leone on 7 November 2021.

At the time of writing, there are two Bills before Parliament, which, if passed, could implement a recommendation on increasing women's representation in Parliament and local councils, and partially implement a recommendation ending limitations on the right to stand.

In addition to the 29 specific recommendations, an overarching theme of the EU EOM in 2018 was to call for a renewed commitment to constitutional reform to ensure a *“coherent Constitution in line with international standards and Sierra Leone's commitments to democracy.”* While this constitutional reform has not yet taken place, during the EFM's meetings, the Mission was told that there would be further legislative proposals in the coming months, as well as a government White Paper on Constitutional Amendments, which could address more recommendations. The Mission was told that the White Paper is likely to include one of the 2018 EU EOM priority recommendations of introducing a fixed date for the elections. The EFM has not seen so far unpublished draft legislative Bills, so cannot assess the unknown details of the proposals, other than to note that there is ongoing activity for the implementation of these recommendations.

While welcoming the commitment to an electoral reform process, the EFM noted from its meetings with both government and opposition, as well as other groups, that political polarisation in the country is high and increasing. According to several EFM interlocutors, there is a need to build trust in the impartiality and integrity of the electoral management bodies and the judiciary. This includes the appointment of impartial senior staff in constitutionally independent bodies, particularly NEC and PPRC Commissioners, which were raised by many interlocutors as a systemic issue as having undermined trust in the political and electoral process in this and previous administrations. NEC is in the process of implementing several institutional reforms, including in its structure, staffing, policies, communications and other areas including improving its approach to gender issues and its policies concerning persons with disabilities. However, key recommendations related to electoral management, which are designed to improve the integrity, accuracy, and transparency of elections, have not been implemented in by-elections since the EU EOM report in 2018. Some of the recommendations on election management remain under consideration by NEC, but NEC has not yet presented plans to improve the fundamental integrity of electoral results. The Mission notes that the implementation by NEC of key EU EOM recommendations on electoral management (recommendations 25 to 27) would be instrumental in building trust towards the integrity of the electoral process. The Mission welcomes the recent reinvigoration of the Political Parties' Liaison Committee (PPLC) and a commitment by parties to send high-level representatives to it.

There is still sufficient time to address electoral challenges and implement reforms before the 2023 elections, though the remaining time is limited, and the issues involved pressing. The Mission reaffirms that the 2018 EU EOM recommendations would contribute to the credibility and integrity of future elections. Additionally, the process of implementing the recommendations could itself, if conducted in a spirit of cross-party cooperation, contribute to the reduction of political tensions and demonstrate stakeholders' commitment to peaceful, inclusive and transparent future election processes in Sierra Leone.

The detailed overview of the state of implementation of the EU EOM recommendations is provided in [ANNEX C](#).

MISSION INFORMATION

An EU Election Follow-up Mission (EFM) was deployed to Sierra Leone between 10 October and 7 November 2021. The EFM was led by Mr Norbert Neuser, a Member of the European Parliament who had participated in the 2018 EU Election Observation Mission (EU EOM) as a

member of the European Parliament Delegation. In addition to Mr Neuser, the EFM comprised Mr Dominic Howell, Election Expert and Team Leader, Ms Florence Ganoux, Legal Expert, and Ms Julia Ruppel from the European External Action Service.

The main objectives of the Follow-up Mission were to assess the degree to which the EU EOM recommendations from 2018 have been implemented, as well as to discuss ways to achieve further progress in this regard. In addition, the EFM also considered the political context in which the recommendations are being considered, with approximately 18 months remaining before the next presidential and parliamentary elections, which are expected around the second quarter of 2023.

During his visit in the country (24-29 October), Mr Neuser held 26 meetings with a wide range of interlocutors, including H.E. President Julius Maada Bio, former President H.E. Ernest Bai Koroma, H. E. Vice President Mohamed Juldeh Jalloh, Hon. Chief Minister Jacob Jusu Saffa, various other ministers, Chief Justice Desmond Babatunde Edwards, the parliamentary leaders of all four parties represented in the legislature, the Rt. Hon. Speaker, Dr Abass Chernor Bundu, representatives of the electoral management bodies including the Chairperson of the National Electoral Commission (NEC), Mr Mohamed Konneh and of the Political Parties Registration Commission (PPRC), Dr Abdulai M. Bangura, as well as representatives of civil society, the media and the Independent Media Commission. Mr Neuser met with representatives of all 17 political parties and more than a dozen different national civil society organisations. Mr Neuser also met with the Ambassadors and Chargés d'affaires of EU member states,² the UN Resident Coordinator, the British High Commissioner and the Ambassador of the USA. Furthermore, the EFM experts engaged with some of the above and other stakeholders in another 30 meetings including the Attorney General and Minister of Justice, Hon. Anthony Brewa.

During the visit of the Chief of Mission, three roundtable mini-conferences were held. One with representatives of 15 political parties³ on their priorities for implementation of the EU EOM recommendations, and two held with a range of non-governmental organisations on the subjects of civil society's role in monitoring and mitigating political conflict and on increasing inclusivity in public and political offices.

The Mission expresses its gratitude to the very many interlocutors who were generous with their time and views, and also to the Ambassador and staff of the European Delegation in Freetown for their support in organising the meetings.

CONTEXT

Following the general elections in 2018, the EU EOM formulated 29 recommendations, identifying 6 of them as priorities. These priority recommendations concerned establishing fixed term elections, enhancing the independence of the National Electoral Commission (NEC) through a secure funding mechanism, moving to a passive voter registration system in line with the National Civil Registration Policy, reducing the scope and time of the restrictions on public sector workers from standing as candidates, strengthening campaign finance regulation and measures to increase women's representation.⁴ In addition, the EU EOM made an overall

² France, Germany and Ireland have diplomats resident in Freetown.

³ Not including the two largest parties, who were both met with separately on several other occasions.

⁴ Respectively, these are recommendations 1, 2, 5, 10, 17 & 22.

recommendation that the constitutional review process of the previous parliamentary term be resumed.⁵

The EU EOM identified that of the 29 recommendations (not including the overall recommendation of further constitutional review), 4 could be implemented without changes to legislation. Of the remaining 25 recommendations, in addition to legislative amendments, 9 require constitutional changes, though none of the recommendations would require a referendum to be held to enact changes to entrenched clauses in the Constitution.

One of the EFM's findings is that there is a high level of awareness of the EU EOM recommendations, and those of the other election observation missions from 2018.⁶ This stems from efforts spearheaded by civil society organisations and the national authorities, notably NEC, towards raising awareness, dialogue and implementation of the recommendations by national stakeholders at large. A two-day national Consultative Conference for Election Stakeholders was organised in October 2018 with UNDP to review the total of 111 recommendations made by the various missions. Following this, an Election Observation Mission National Taskforce (hereafter Task Force) was established to support the monitoring and implementation of all the accepted recommendations. The Task Force is chaired by NEC and comprises political parties, electoral management bodies, the judiciary, concerned Ministries, Departments and Agencies (MDAs), media and representatives of National Election Watch (NEW), the coalition of civil society based national electoral observers. At the inaugural Task Force meeting convened in February 2019, the EOMs' recommendations were further categorised into six thematic areas.⁷ Stakeholders agreed upon on Task Force membership, mandate and individual MDAs responsibility towards the implementation of the EOMs' recommendations. The Task Force did not meet in 2020, partially due to restrictions related to the COVID-19 pandemic, but it was successfully relaunched by NEC in June 2021 with the EU's financial and technical support, with a one-day conference to review the status of implementation of all 103 agreed recommendations and build awareness and consensus on critical action needed.

In August 2021 a National Conference on Electoral Legal Reforms (hereafter 'the August conference') was convened by NEC. In October 2021 the Political Parties Registration Commission (PPRC) convened a conference on reforms to the Political Parties Act (hereafter 'the October conference'). Both of these conferences had broad and high-level stakeholder participation and were held with financial and technical support by the EU and UNDP. These conferences discussed and validated a roadmap towards electoral legal reforms and PPRC proposals for amendments of the Political Parties Act. In so doing they also made important contributions towards building a certain degree of political consensus. Nevertheless, the conferences only showed the way to the implementation of the recommendations discussed; following due process, further steps will involve the drafting by the Attorney General's Office, debating and passing by Parliament and implementation of the recommendations by the relevant authorities.

⁵ The 2018 EU EOM public statements and report are available [online](#) and the recommendations are listed in [Annex C](#).

⁶ Other observer groups in 2018 included citizen observers from National Election Watch (NEW) and international missions from the African Union, the Economic Community of West African States, the Commonwealth, the Electoral Institute for Sustainable Democracy in Africa and the Carter Center.

⁷ Thematic areas were identified as follows: 1) Electoral Legal Reform and Processes; 2) Electoral and Political Processes; 3) Election Security; 4) Electoral Offences and Petitions; 5) The role of media in elections; and 6) Electoral funding.

A. POLITICAL CONTEXT

The outcome of the general elections was that the candidate of the Sierra Leone People's Party (SLPP), Rtd. Brig. Julius Maada Bio, won the presidency in the second-round election of 31 March 2018. The parliamentary elections held on 7 March 2018 resulted in the All People's Congress (APC) remaining the largest party in the unicameral legislature, winning 68 of the 132 directly elected seats according to NEC's certified results.⁸ Since then, there have been several significant political developments, shaping the context in which the 2018 EU EOM recommendations may be implemented.

In April 2018 the Speaker of Parliament, Dr Abass Chernor Bundu from the SLPP was elected by MPs. Dr Bundu was elected after APC boycotted the vote because some of their MPs had High Court injunctions restraining their participation in Parliament. Subsequently, High Court decisions removed ten APC MPs and awarded their parliamentary seats to the second placed candidates who in each of the cases were SLPP candidates. (See [Post-Election Judicial Decisions](#)).

The EFM was informed by interlocutors that high-level discussions between the two largest parties have only happened on a few occasions since the last election. Given the level of political tension, and that the government has stated its intention to enact constitutional changes, which require a two-thirds majority in Parliament, genuine inter-party dialogue is needed.

B. ELECTION-RELATED DEVELOPMENTS

Electoral Reform Initiatives

As detailed above, a National Task Force was established following a stakeholder conference held in 2018 to consider the recommendations of the various EOMs. The subsequent conferences on legislative electoral reforms organised by NEC in August 2021, and on reform of the Political Parties Act by the PPRC in October 2021, re-engaged participants in the consideration of electoral reforms, including those proposed by the EU EOM. A wide range of stakeholders participated in both meetings, including government ministers, all the registered political parties and key representatives of civil society.

The August conference aimed to build consensus, develop proposals and timelines for the implementation of legislative changes following a lack of momentum throughout 2020 caused in part by the COVID-19 pandemic. The outcome was a communique validating the roadmap towards legislative amendments to the electoral process, which resulted in NEC sending a series of proposals to the Attorney General's Office for consideration by the government for drafting into parliamentary Bills.⁹ At the October conference, out of 42 proposals for amendments to the Political Parties Act, 37 were approved and validated by the stakeholders.

These conferences were useful in fostering dialogue and creating consensus among political parties and other stakeholders. Given that they have no legal standing though, it remains up to

⁸ SLPP won 49, Coalition for Change (C4C) won 8, National Grand Coalition (NGC) 4 and 3 independents were also elected. There are 14 additional seats, not open to direct election by voters for Paramount Chiefs who sit as MPs.

⁹ The August conference focused on the following thematic issues: 1. strengthening the independence and performance of Electoral Management Bodies; 2. building fair and equitable electoral rules and framework; 3. more effective mechanisms for electoral disputes resolution and conflict mitigation; 4. more equitable and inclusive electoral process; 5. regulating political parties and electoral campaigns; 6. strengthening media's role and operating environment in elections.

the government to propose Bills, and for Parliament to legislate. NEC released the report on the August conference on 21 October. The EFM had not seen the October conference report, as it was being prepared during the visit of the Mission.¹⁰

According to the information gathered in meetings held during the EFM, there is the possibility that the forthcoming White Paper on Constitutional Amendments might propose significant changes to the electoral system, involving a move to a proportional representation system but in principle such moves, if pursued, are not expected to come into force for the 2023 elections. The possible introduction of a proportional representation system would, according to some interlocutors, result in a number of significant advantages in the Sierra Leonean context; including making it easier to have a widely accepted temporary special measure to ensure a higher proportion of women candidates are elected, and fostering inclusiveness and plurality in the electoral system.

The government proposed a new decentralisation policy in 2020, which, if it had been passed by Parliament, would have introduced ‘non-partisan elections’ at council level. This proposal was opposed by a wide range of political parties and others, and was ultimately not taken forward in the Local Government Bill currently under consideration. The government’s recognition of the strength of feeling against the proposal is demonstrative of the possibility of building political consensus with key national actors as democratic reforms are pursued.

Post-Election Judicial Decisions

In May 2019, ten High Court judgements overturned the parliamentary elections of ten APC MPs. In all these cases, the second placed SLPP candidates were declared the new winners, without re-elections. This did not appear to many EFM interlocutors to follow the rule of law, as Section 146.4 of the Public Elections Act states: “*If the election is declared void, another election shall be held.*” The timeframe for adjudication was questioned also.¹¹ In addition, EFM interlocutors pointed out that these ten verdicts were not consistent with three other similar cases, involving two SLPP candidates and one APC, in which the High Court ordered by-elections. In these by-elections, the parties retained the seats they had originally won. The consequence of these High Court rulings was that the government gained a working majority in conjunction with other supporters in Parliament. These judgements were considered by several interlocutors the Mission met as a source of distrust towards the judiciary. According to the Court of Appeal Register, the APC candidates affected by the High Court rulings appealed. However, the Court of Appeal did not act within the required four-month time period. They then submitted a Notice Motion to the Supreme Court on 20 February 2020 for an interpretation of Section 78.4 of the Constitution, to no avail at the time of writing.¹²

Out of the ten seats concerned, six were challenged and declared void on the basis of alleged irregularities and malpractices that took place on election day. In those cases, the results of only one candidate of the parliamentary elections were declared void, despite the alleged irregularities affecting the local elections and other candidates. The remaining four cases were heard on the grounds that the winning candidate had been a “public officer” in the previous 12 months, which is not permitted in the Constitution – and is the subject of an EU EOM priority recommendation (10) as it is an unwarranted restriction on the right to stand for election.¹³ One

¹⁰ The EFM has been informed that the October conference report was circulated to political parties on 5 November.

¹¹ Section 78.4: “*The Court of Appeal [...] shall determine and give final judgment within 4 months after commencement of the proceedings.*”

¹² Constitution Section 78.2: “*The High Court shall determine and give judgment within 4 months after commencement of the proceedings.*” In those cases, the Court made its decision 11 months afterwards. Constitution

¹³ Section 76.1.b of the Constitution.

of them for instance, had been a head teacher. However, the legislative basis for objecting to their candidature had expired prior to the election. In the opinion of some EFM interlocutors, natural justice principles suggest that when the Court declared the candidacy of the winner as nullified, and consequently, the declaration of results nullified, it de facto declared the election null and void.

By-Elections held since 2018

Around 20 by-elections have been held since the general elections of 2018.¹⁴ Three were parliamentary, one at district level and the remainder were local council ward elections. In addition to their important democratic function, by-elections also provide an opportunity for national stakeholders to assess the relevance of the EU EOM recommendations between general elections. As such, they can provide a context for the EFM to assess progress towards the implementation of recommendations. Nevertheless the EFM did not observe any by-elections directly, only noting the impact of them on wider discussions about the implementation of recommendations.

Several of these by-elections were held without major incidents of intimidation or violence, however a child died as result of a shooting during disturbances in a by-election in Tonko Limba in 2018. According to interlocutors and media reports, of the three parliamentary by-elections held, two, which were retained by SLPP passed off without incidents. In constituency 110 in Freetown, according to NEC and other interlocutors there were serious incidents of intimidation and violence, including the destruction of voting materials on election day in August 2019, leading to the cancellation of the by-election.¹⁵ The EFM was informed that at the third attempt to elect an MP in the constituency, in December 2020, more than halfway through the parliamentary term, the seat was retained by the APC.

On 2 October 2021, immediately preceding the arrival of the EFM, the first district-wide election since the general elections of 2018 was held, encompassing around 200,000 registered voters in Koinadugu. Citizen observers from National Elections Watch (NEW) observed, and members of the diplomatic community were also present. The Mission was informed that acts of intimidation and violence were witnessed, including the destruction of electoral materials and disruption of voting, counting and tallying, and inadequate policing. According to several reports, high-level government officials were present at polling places and party officials were reportedly involved in some incidents of intimidation. The tallying process was moved to Freetown because of authorities' security concerns. The APC disputed NEC's certification of results, claiming they were based on fraudulent Results and Reconciliation Form data being accepted. Interlocutors shared with the EFM that the disputed data changed the overall outcome of the Ward Chairman result. The management of electoral results in this by-election and the subsequent internal NEC inquiry undermined confidence in the impartiality of NEC. Further, the aggrieved party reported that it was originally prevented from contesting the results in the Courts due to the belated transmission and gazetting of final results.

The EFM was told by NEC and by other stakeholders, that NEC had not adopted the EU EOM's electoral management recommendations (25 to 27) on clarifying tabulation processes and increasing the integrity of results through more comprehensive and secure results and reconciliation forms.

¹⁴ NEC's website does not at the time of writing list all the by-election results which were subject to recommendations 3 and 27 (for the full disaggregated polling station results).

¹⁵ Media reports including the NEC press release are [here](#).

‘Mid-Term’ Census

The December 2015 census results and subsequent new constituency and district delimitations leading to new seats allocation late in 2017 were contested by the then opposition SLPP. The census data was acknowledged by the World Bank to be of insufficient quality.¹⁶

A significant number of interlocutors who met with the EFM expressed strong concerns that the government’s unprecedented decision to organise a ‘mid-term’ census in 2021, outside of the decade-long cycle, may result in pressure on NEC to conduct a new boundary delimitation and seats allocation ahead of the 2023 elections.¹⁷ In its Strategic Plan, NEC is slated to undertake the boundary delimitation between January and April 2024, consistent with provisions of part IV Section 38(4) of the 1991 Constitution. However, NEC’s Strategic Plan foresees that should the mid-term census indicate a significant variation in the population distribution among the existing electoral constituencies, NEC would proceed with the review of the electoral boundaries.¹⁸ Data based on this census would arrive late in the electoral process, likely causing significant challenges for NEC, and indeed parties and candidates seeking to contest seats. The census was reported to the Mission to be increasing political tensions in the run-up to elections due to several interlocutors’ concerns that it could affect the distribution of seats in the political heartlands of the government and opposition parties. The EU EOM made a recommendation (5) in 2018 that the census data (which covers people present in an area on a single day) should not form the basis of the boundary delimitation, but rather the more up-to-date data of the National Civil Register (which covers resident citizens of voting age). However, progress in making this possible has been limited due to delays at the National Civil Registration Authority (NCRA).

Upcoming Local Elections

Council elections are due to be held, according to the Local Government Act 2004, every four years. However, the previous local elections were postponed to 2018 due to a reorganisation of ward boundaries following the 2015 census.¹⁹ The revised National Decentralisation Policy adopted by cabinet in July 2021 proposes to extend the tenure of office for all elected officials of local councils to five years. However, no formal announcement of a delay to the local elections due in 2022, nor legislation to enact this proposal had been made by the government during the time of the EFM’s assessment. Nevertheless, it is widely understood that the next local elections will now take place with the general elections in 2023. This is included in NEC’s Strategic Plan for Electoral Operations which has foreseen a likely postponement of local elections. The necessary preparations, including producing a voter register, in order to hold local elections according to the legislated timetable have not yet been undertaken.

C. INSTITUTIONAL CONTEXT

Appointment of new NEC Commissioners

The Constitution states that the President should appoint four NEC Commissioners and a Chairperson. All Commissioners who served at the time of the 2018 elections have been

¹⁶ The [World Bank](#) has a West Africa project to improve the collection of data in several countries in the region.

¹⁷ NEC is mandated by the Constitution (Section 38.4) to conduct a boundary delimitation between 5 and 7 years after the last review of constituencies. That is to say between August 2022 and August 2024.

¹⁸ [NEC Strategic Plan](#) 2020-2024, page 60. No operational deadline has been defined in the case of a boundary review ahead of the 2023 general elections.

¹⁹ Section 5 of the Local Government Act (2004), which was amended in 2016 to allow the President to delay elections pending reorganisation of council wards following a delay to the census caused in part by the Ebola outbreak.

replaced at the end of their terms, with one vacancy remaining. In addition to the loss of institutional memory,²⁰ the appointment of the new commissioners was regarded by opposition parties to have been marred by a lack of meaningful consultation, which they argue is both in the spirit and the letter of the Constitution.²¹ The lack of confidence in the process and in the personnel was demonstrated by a walk-out from Parliament of the opposition parties over the appointment of the nominee for a Commissioner for Western Area during the visit of the EFM. Some interlocutors also raised objections to what they alleged were the political affiliations and regional/ethnic composition of appointments to NEC at Commissioner and District Election Manager levels, both factors, which they claimed undermined the perception of impartiality of NEC. Civil society and opposition interlocutors noted that the appointment of the last vacancy to the NEC could provide an opportunity for meaningful consultation between the presidency and all of the political parties, which they argued would reduce political tensions.

Positively, the new commission has undertaken some reorganisations of the institution which may result in enhanced communication by NEC and more internal prominence for women. Two of the four newly appointed Commissioners are women.

The EFM highlights the importance of the full implementation of EU EOM recommendation 2 by the government (secure funding of NEC) and 3, 25, 26 and 27 by NEC (transparency of NEC, enhanced results and reconciliation forms, communication of tabulation procedures and publication of timely disaggregated results) in order to enhance stakeholders' confidence in the vital impartiality of NEC. The EFM welcomes that some progress has been made on recommendations 2 and 3; and stresses that future by-elections before the 2023 general election provide an opportunity for NEC to implement recommendations 3, 25, 26 and 27.²²

Political Parties Registration Commission

The PPRC also has a new chairperson since the 2018 elections, following the death of the previous holder. At the October 2021 national conference which brought together a broad representation of political parties, several proposals of amendments to the Political Parties Act (PPA) were discussed, including that the PPRC be renamed and retasked as the Political Parties Regulation Commission, strengthening its regulating powers with regard to political parties. During the conference, political parties agreed on many proposed amendments to the PPA. Strengthening the PPRC could be in line with recommendation 16 and possibly 17 on campaign finance regulations and if they involved the powers to sanction violations of the electoral code of conduct by political parties, in particular intimidation, violence and inflammatory speech, or to separate party and government responsibilities, could theoretically contribute to a more peaceful campaign. It is important that any reform in this direction is accompanied by enhanced trust in the independence of the PPRC, as some political parties conveyed to the EFM a current lack of confidence in the impartiality of the PPRC due to alleged political affiliation of senior members, and also the perception that the PPRC is under pressure to close down smaller parties. The EFM notes the importance of inclusive and genuine consultation and consensus building between government and opposition on reforms to this aspect of the electoral management process.

²⁰ Only one of the commissioners has previous experience within the NEC, having been a District Election Commissioner and Head of Training for the NEC.

²¹ Section 32.3 of the Constitution "*The members of the Electoral Commission shall be appointed by the President after consultation with the leaders of all registered political parties and subject to the approval of Parliament.*"

²² It should be noted that by-elections are not held in the six months preceding general elections.

D. EU ACTIONS ON EU EOM FOLLOW-UP

Following the publication of the EU EOM Final Report in June 2018, the EU Delegation in Freetown monitored the status of the recommendations and identified how to provide support for their implementation, including assistance to institutions and organisations involved in electoral reform.

Among other projects, funding was provided for the national validation stakeholder conferences in August and October 2021, and also the funding of independent Technical Advisors to several key institutions including NEC, PPRC, NCRA and Parliament.

The EU Delegation continues to advocate for the implementation of the EU EOM recommendations through regular political dialogue with the authorities as well as through coordination among other stakeholders. Under the main financial tool of the EU's international cooperation (NDICI – Neighbourhood, Development and International Cooperation Instrument), the Delegation is currently preparing the new country programme identifying priority areas of support in alignment with the national country strategy. (See section on [Ongoing and Planned Donor Support](#)).

IMPLEMENTATION STATUS OF EU EOM RECOMMENDATIONS

The implementation status of the recommendations has been assessed according to a standard methodology applicable to all EU EFMs around the world, which categorises the status of the recommendations to one of six categories:

Cate gory	Description	Guidance
1	No change	No action has been taken to implement this recommendation.
2	Action or activity ongoing but implementation of the recommendation has not yet been confirmed	Examples may include the formation of a working group to review legislation, or the preparation of a legislative Bill of reform, but the change has not yet been confirmed by legislative change.
3	Partial implementation of recommendation	The recommendation has been addressed/implemented in part, but other elements of the recommendation have not been addressed.
4	Full implementation of recommendation	The recommendation has been implemented in full e.g., electoral legislation has been amended and all aspects of the recommendation have been addressed.
5	Too early in electoral cycle to determine	Some recommendations may relate to administrative action/practice which can only be assessed at a later stage i.e., strengthening of civic/voter information
6	Recommendation is no longer relevant	For example, a change in the electoral system may make redundant a recommendation on candidate registration under the old electoral system.

Overview

In addition to the 29 specific recommendations, the 2018 EU EOM made what it referred to as an ‘overall recommendation’ which called for a resumption of the constitutional review process. According to meetings held by the EFM with government officials, a White Paper on Constitutional Amendments had been prepared but not yet published at the time of the EFM’s assessment. Some of the measures contained in the White Paper may be put before Parliament in advance of the 2023 election, while others may be put forward after the election. Therefore, the overarching recommendation of renewing the constitutional review process is currently assessed as activity ongoing.

Of the six priority recommendations, (1, 2, 5, 10, 17 & 22), all are assessed as ongoing activities, the outcome of which cannot be confirmed at this stage since the required legislative amendments have not been passed.

So far only one recommendation (18 – decriminalisation of libel) has been implemented in full and two have been partially implemented (4 - enhancement of voter education and 21 – concerning the nomination process for Commissioners of the Independent Media Commission (IMC)). In addition, two Bills have recently been formally introduced in Parliament, which would potentially address recommendation 22 on increasing women’s participation in public and political life, and would partially address recommendation 7 by allowing for candidates who are citizens by birth, but who also hold another country’s citizenship, to contest elections.²³

Among the 25 recommendations that entail a change in the constitutional or legislative framework, 17 are the subject of proposals from the two stakeholder national validation conferences held in August and October 2021.²⁴

During the initial election conference by national stakeholders held in October 2018, three EU EOM recommendations were reportedly rejected. These were recommendation 6 (constituency boundary limitation to be based on civil registry/voter register and not on census data); recommendation 23 (random ordering of candidates on the presidential ballot) and recommendation 25b (additional security measures on results forms). Additionally, recommendation 29 (removing the ban of vehicle movements on election day) was neither approved nor rejected, due to a lack of consensus.

EU EOM recommendation 8 (possibility for independent candidates to stand as presidential candidates), was rejected by the national conference on electoral legal reforms in August 2021.

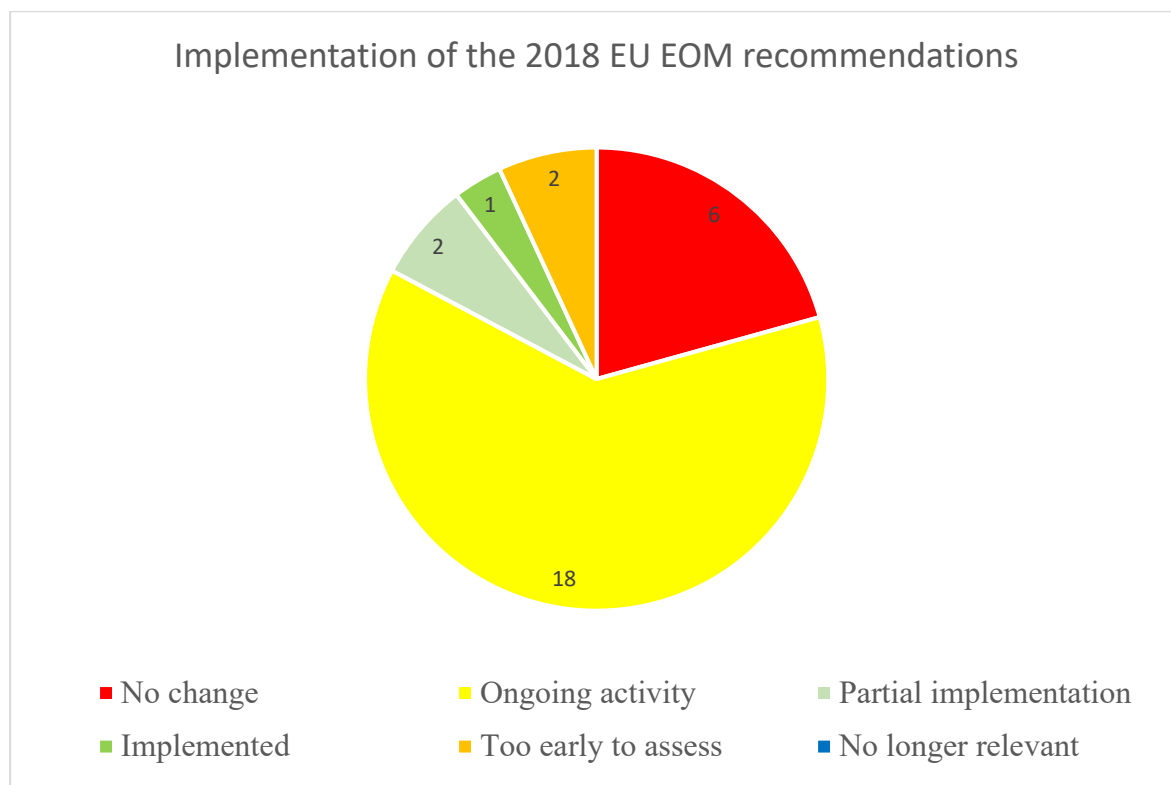
Although the August conference suggested that the size of the constituencies should not vary by more than 10% to 15%, from the current situation of up to 25%, NEC in its proposal to the Attorney General’s Office to amend the Public Elections Act said that the maximum deviation should be 20%. The EFM notes that this would not represent a significant improvement, and also that the essence of the final part of recommendation 6 (that Parliament should not have a role in determining the electoral boundaries) is not addressed. Consequently it is categorised as no change. However, it is possible that the variances in sizes of constituencies will be reduced through any delimitation process that might occur before the next election.

NEC shared its reservations with the EFM that it does not support the full implementation of recommendation 3 which calls for greater NEC transparency such as open meetings of Commissioners. NEC has not published minutes of meetings on its website to date. Further, it also indicated its reservations with regard to the implementation of recommendation 25 (inclusion of the total number of voters’ signatures/thumbprints on the Reconciliation and

²³ The Gender Empowerment Bill and the Constitution of Sierra Leone (Amendment) Bill.

²⁴ Recommendations 1, 2, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 19, 22, 24, 26, 27.

Results Forms (RRFs)). The EFM highlights the importance of this integrity feature for the implementation of mathematical reconciliation checks and balances in the results process, which is widely implemented as best practice. Implementing such a measure would enhance confidence towards the legitimacy and integrity of electoral results as well as the credibility of elections. Recommendation 28 (allowing prisoners on remand to vote), which was advocated for by the National Human Rights Commission, and is not prohibited by law, has not been addressed, and there do not appear to be proposals to do so.



The detailed overview of the state of implementation of the EU EOM recommendations is provided in [ANNEX C](#).

A. LEGAL FRAMEWORK

A priority recommendation to have a fixed date for elections (recommendation 1) was discussed during the August 2021 conference. There was reportedly a consensus among the participants to introduce a fixed date for holding presidential and parliamentary elections. This proposal was forwarded to the Attorney General's Office by NEC. The EFM understands that this may be contained in the forthcoming White Paper. Although there is activity ongoing, the implementation of this recommendation cannot be confirmed at this time.

B. ELECTORAL ADMINISTRATION

In order to strengthen the independence and the capacity of NEC, the EU EOM recommended that NEC should be provided with timely and sufficient financial resources distributed throughout the electoral cycle (recommendation 2 – a priority). In 2020, NEC advocated in its strategic plan for the creation of a National Elections Sustainability Trust Fund (NEST). The NEST would be managed by a committee composed of Electoral Management Bodies representatives, (i.e. NEC and the PPRC, with the addition of the police in their role as the

primary providers of electoral security). According to the NEC's current strategic plan, which covers 2020-2024, CSOs and the government would be in charge of approving NEC's budget. The NEC Chair confirmed to the EFM that a dedicated account has recently been opened by the government. However, the exact legislative and procedural mechanisms for allocating and accessing the funds from the government have not been negotiated yet. It is possible that the NEST will, over time assist electoral management bodies to act independently of government financial control, however, at this stage, the recommendation is assessed as ongoing activity.

Recommendation 3 proposed to improve the transparency and credibility of the electoral process by improving NEC's communications and openness with stakeholders. The EFM notes that some of the results for by-elections since 2018, voting procedures, annual reports and the current strategic plan can be found on the NEC website. However, sessions of NEC Commissioners are not open for party representatives and accredited observers, and minutes are not published, nor are the agenda and minutes of the Political Parties Liaison Committee (PPLC) chaired by NEC. Since NEC has the ability to implement this recommendation itself without any requirements for legislative changes, there remains time for further progress to be made towards this recommendation. Positively, in the EFM's meetings with NEC, although there was resistance to some aspects of the recommendation, it was noted that more results data would be provided on previous elections, and forthcoming by-elections. This recommendation is accordingly assessed as activity ongoing.

The EFM notes that a National Council for Civic Education and Development (NaCCED) was established in 2019 as a presidential initiative to enhance civic education in the context of national development. NaCCED signed a memorandum of understanding with NEC, the PPRC and the National Commission for Democracy in May 2021. The EFM welcomes that NEC through the Department of Voter Education in partnership with the Ministry of Basic and Secondary Education and the District Offices has implemented a new programme to some schools on elections. NEC also created gender and disability policies in late 2018 calling for measures to increase participation, which included dedicated voters and civic education projects. During the EFM's time in Sierra Leone, NEC launched the National Gender and Disability Networks which are intended to strengthen the inclusivity of electoral processes, in part, through voter education. Although the eventual outcomes of this work for more effective voter education cannot be fully assessed until the elections themselves, recommendation 4 is assessed by the EFM as partially addressed at this time.

C. VOTER REGISTRATION

The legal framework sets out civil registration and voter registration as separate events; EU EOM recommendation 5 advocates for the development of a regulatory framework for clarifying responsibilities and interactions between the National Agency for Civil Registration (NCRA) and NEC. The shift from active registration to passive registration, also advocated for in recommendation 5, is enshrined in the 2016 National Civil Registration Policy, but is hampered by delays encountered in the establishment of an effective Integrated Civil Register System based on continuous registration at permanent registration centres. A revised Memorandum of Understanding (MoU) between NEC and the NCRA was signed in July 2020. The MoU reasserted NCRA's transmission of data to NEC for the purpose of updating the voter register but did not clarify the difference between a national voter register and polling station voters lists and identified NEC as the body in charge of allocating voters to their respective polling stations. Census data continues to form the basis for constituency boundary reviews counter to EU EOM recommendations 5 and 6. These reviews are to be held, according to the

Constitution, between every five and seven years on the basis of the most recent census.²⁵ The December 2015 census (twice delayed by Ebola from December 2014) suggested that there were 7.1 million people in Sierra Leone. The National Civil Registration Authority data taken two years later found 5.9 million citizens. A precondition for continuous updating of the voter register is a functional civil registry of vital events, which is not currently fully operational. NEC has accordingly foreseen in its current strategic plan to open voter registration centres ahead of the 2023 national election to handle updates to voter data. NEC may also potentially confirm and reissue voter cards to those who registered previously. According to NEC, it is planned that NCRA registration officers should also be present to update the Civil Registration Database in parallel. Both the NCRA Act and the Public Elections Act are currently under review, presenting an opportunity for future progress to be made in this ongoing activity. Nevertheless, the full implementation of recommendation 5 in time for the 2023 elections is unlikely.

Recommendation 6 further suggested that constituency and ward delimitations be designed to ensure that the electoral units were of similar sizes rather than the significant variations of the current boundaries. In the August 2021 conference, the proposal of a 10% to 15% maximum variation in size of electoral units was made; however, NEC's proposal to the Attorney General's Office suggested 20%, which is not a significant change from the current 25%. Considering this does not address the discrepancies between the electoral units, nor is a fully functional civil register available therefore, the EFM assess that no progress has been made on recommendation 6.

D. CANDIDATE NOMINATION

Six recommendations were made by the EU EOM aiming at lifting unreasonable restrictions to the right to stand and to provide legal certainty for candidates. These were; recommendations 7 – permitting dual and naturalised citizens; 8 – permitting independent presidential candidates; 9 – clarifying the personal rather than party mandate of the presidency; 10 removing the restrictions on public sector workers; 11 providing legal certainty about the disqualification of a presidential candidate during the campaign and 12 – a reduction in the cost of candidates' fees.

In relation to recommendation 7, according to the Citizenship Act of 1973, automatic citizenship by birth is provided for on explicitly racial criteria. This is counter to African and international norms and commitments.²⁶ While Sierra Leonean citizenship can be acquired by long term residents who do not meet the historic and racial criteria through a complicated naturalisation process, children born to naturalised citizens have to apply for their own naturalisation. In addition, naturalisation through marriage is only provided for women married to Sierra Leone men.²⁷ These features of citizenship legislation have specific implications for the electoral process, since the Constitution restricts the right to parliamentary and presidential offices to citizens by birth only.²⁸ During the August conference, stakeholders approved of the principle of citizens by birth who also had a second nationality being permitted to stand as parliamentary candidates. However, in contradiction to part of EU EOM recommendation 7,

²⁵ Section 38.4 of the Constitution.

²⁶ See for instance the African Charter on Democracy, Elections and Governance, Article 8. "*State parties shall eliminate all forms of discrimination, especially those based on ... ethnic, religious and racial grounds.*"

²⁷ See [Sierra Leone Immigration Department Policy Guidance on nationality](#).

²⁸ Constitution Section 27.2.5 prohibits discrimination between citizens by birth or by naturalisation. But Section 75.1 prohibits naturalised citizens from elected office.

they rejected the possibility of a dual national president. Further, in EFM meetings held, there was no support for the notion that Sierra Leoneans who acquired their citizenship by naturalisation being able to contest for elected offices.

If enacted, the Constitutional Amendment Bill before the House would partially address recommendation 7, permitting dual nationals, but not naturalised citizens, to stand for parliamentary and local council elections. As currently drafted, and in the absence of other legislative amendments, the text would appear to permit dual national presidential candidates also, which is also in line with the recommendation, but enjoys less stakeholder support.²⁹ Since the Bill has not yet been passed, the recommendation is assessed as activity ongoing, but it appears unlikely that this recommendation will be implemented in full by the next elections.

The proposal to allow for independent candidates to run for presidential election (recommendation 8) was firmly rejected by stakeholders present at the August conference, in spite of the international commitment taken under the ICCPR that specifies that the right to stand for election should not be limited unreasonably by requiring candidates to be members of political parties.³⁰ At the time of research, there had been no published proposal to clarify the personal mandate of the presidency so that a president who lost their party position would not lose their presidential office (recommendation 9). Accordingly these two recommendations are currently assessed as no change.

The removal of the constitutional requirement to resign for public office 12 months ahead of presidential and parliamentary elections was discussed by stakeholders in August. The proposal put forward to the Attorney General's Office by the NEC is to reduce the resignation period to six months for presidential and parliamentary elections and to two months in case of a by-election. The entire removal of this provision or the establishment of an alternative mechanism, such as a provisory suspension without pay, do not appear to have been considered. It is not clear if the wide scope of "public office", which was used to judicially disqualify four MPs in 2019 and prevented many others from standing as candidates, has been addressed. Since the Constitution has not been amended yet, but the proposal to reduce the time period for resignation appears widely supported, the recommendation is assessed as activity ongoing, though full implementation of the recommendation seems unlikely to be supported by stakeholders.

Regarding the issue of providing legal certainty in case of disqualification of a presidential candidate, the Constitution Section 42.2.d states that *"where in an election to the office of President a candidate nominated for the election dies, is incapacitated or disqualified, the party which nominated him shall within seven days of such death, incapacitation or disqualification, nominate another candidate."* However, this provision is not currently included in the Public Elections Act in order to allow the party of a disqualified candidate to nominate a new candidate, in line with recommendation 11. Any citizen may lodge an objection to the nomination notice with the Supreme Court within seven days. The Supreme Court has 30 days to hear and decide upon the case, which may be too long given the length of the nomination deadlines. Then, the seven days deadline to nominate a new candidate should apply. According to the August conference, participants agreed that the judiciary, under the instruction of the Chief Justice, will instruct the Rules of Court Committee to develop rules of Procedures for Presidential Election Petition matters in the Supreme Court. These new rules of procedures for presidential petitions should foresee short deadlines for submission and decisions and be harmonised with the provisions of the Public Elections Act.

²⁹ Article 41.4 of the Constitution specifies that *"no person shall be qualified for election as President unless he (...) is otherwise qualified to be elected as a Member of Parliament."*

³⁰ ICCPR GC 25 para. 17.

Participants at the August conference agreed to suggest reducing the nomination fee formula, using a multiple of the minimum wage. This, along with most of the recommendations from the conference has been sent to the Attorney General's Office for drafting as a Bill to be considered first by Cabinet and then, if approved, by Parliament. Accordingly, recommendation 12 is assessed as activity ongoing.

E. ELECTORAL JUSTICE

The 2018 EU EOM assessed that the timeframe for adjudicating objections to candidates' nominations does not guarantee timely decisions and therefore made recommendations 13 and 14 to revise Courts' procedural rules to ensure that election petitions are adjudicated within a reasonable period.

During the August conference, participants agreed to propose amending the Public Elections Act to provide for a permanent fast track Elections Offences and Petitions Court. Another suggestion was to review the Rules of Court Committee of the Ministry of Justice regarding the elections petitions rules and procedures to include presidential election petitions. The EFM welcomes these proposals and assesses them as activity ongoing towards implementation of the recommendations, since if suitably crafted they could address the issue of delivering timely and effective judicial remedy. Nevertheless, the EFM also notes that it took the High Court 14 months to provide judgements in the ten cases of the MPs declared disqualified even though the law is clear that cases must be adjudicated in only four months. The EFM further notes that these former MPs have not, in the two and half years since, been assigned Court of Appeals or Supreme Court hearings for their appeal cases. Several stakeholders from civil society and political parties informed the EFM that they have limited confidence in the judiciary as an impartial and timely solution to election related disputes.

F. POLITICAL PARTIES, CAMPAIGN ENVIRONMENT AND CAMPAIGN FINANCE

Three EU EOM recommendations (15, 16 & 17) encourage measures to level the playing field between contesting parties and candidates by reducing incumbency advantage, to prevent the potential abuse of state resources, to sanction campaign offences with a proper enforcement mechanism subject to judicial appeal and to increase transparency in candidates' and parties' finances. All are assessed as being actions ongoing which may result in implementation or partial implementation of EU EOM recommendations, having been discussed during the October Conference, and sent for further consideration and to the Attorney General's Office by the PPRC.

During the October conference, participants agreed that party officials should not be appointed to ministerial positions, or heads of Ministries, Departments and Agencies (MDAs) and parastatals. Any appointee with a party function should resign from all party duties after appointment. While this proposal partially addresses recommendation 15, it is not known to what extent the drafted amendments to the Political Parties Act will also provide for good practices to limit the misuse of state resources such as banning the use of state vehicles during campaign events, providing clear criteria for the use of public facilities for party activities and election campaign purposes and banning non-essential appointments to public bodies during the campaign. Equally, it is not known whether the establishment of enforceable, proportionate and dissuasive sanctions will be included in the revised legal framework.

Regarding parties and candidate finance, the suggestion for amendments to the Political Parties Act propose that one more non-statutory PPRC commissioner³¹ with an auditor's profile and tasks could be appointed by the President, the introduction of a limit for campaign expenditures and the strengthening of the Commission's oversight and competence on political finance. Further, the sources of private funding of political parties would be expanded and a limit to campaign expenditure introduced. The parties, compelled to make full disclosure of funds raised, would be eligible for public funding. Therefore these recommendations are assessed as activities ongoing. However, detailed proposals have not been seen by the EFM, so it is not possible at this stage to assess to what extent EU EOM recommendations would be fully or partially implemented.

G. MEDIA

Welcome progress has been made towards the implementation of media related recommendations – notably the full implementation of recommendation 18 – the decriminalisation of libel, and the partial implementation of recommendation 21 – strengthening the independence of the Independent Media Commission (IMC). Recommendations 19 – media regulation of campaign silence and 20 – editorial and financial independence of the Sierra Leone Broadcasting Corporation (SLBC) are assessed as activity ongoing.

In compliance with the SLPP's campaign commitment, in October 2020, Part V of the Public Order Act, 1965 which criminalised seditious libel was repealed, thereby fully implementing recommendation 18. Shortly after the repeal, the Attorney General entered a *nolle prosequi* in all matters in which accused persons were standing trial for such offences. The EFM welcomes this full implementation of recommendation 18.

In July 2020, the government tabled, and Parliament passed, a new Independent Media Commission Act. In a positive development, this mostly addressed recommendation 21, which called for the appointment of Commissioners to be free from political influence. Under the new IMC Act, the appointment procedures of the board members were revisited and authority to nominate devolved to various entities; only the Chairperson remains a presidential appointee. During the August conference, there was consensus to review the appointment procedure of the IMC Chair and of the Director of SLBC, the state broadcaster. These would lead to the full implementation of recommendation 21 and the partial implementation of recommendation 20.

The conference identified the Ministry of Information and Communications (MIC) as the primary duty bearer responsible for submitting a proposal to the Attorney General's Office for drafting revisions to these Acts. At the time of writing, MIC does not appear to have completed this task. Consensus was also reached on the need to review the code on election reporting and coverage with the aim of including social media and prohibiting 'hate speech'. The PPRC proposes that the revised Political Parties Act would confer appropriate regulatory power, including for sanctioning any breach of the silence period. The breach of campaign silence would be assessed by the Independent Media Commission district monitors. If this proposal is approved by Parliament, it would address recommendation 19.

Participants at the October conference agreed that SLBC must be accessible to all political parties before, during and after general election and that the SLBC elections broadcast guidelines developed in 2012 should be reviewed and updated for future elections. Under the proposed revised legal framework, both IMC and PPRC would be in charge of monitoring and

³¹ The number of statutory commissioners is specified in the Constitution in Section 34.1.

enforcing equal access for political parties, which would potentially partially implement recommendation 20.

H. PARTICIPATION OF WOMEN

In the current Parliament, 12% of the elected MPs are women, contrasted with women accounting for 52% of the population in the country. Sierra Leone ranks 156 out of 187 countries for representation of women in the national legislature.³² To promote women's participation in public and political life, the 2018 EU EOM prioritised recommendation 22. It called for a legislative mechanism that would increase women's representation through a temporary quota to ensure that women were selected to compete in winnable seats. The commitment of the present government at the highest level to the principle of greater representation of women in elected and appointed offices is welcome. The EFM notes that progress has been made in the appointment of women to positions of power in both the government and wider administrative positions.³³ It also welcomes that the government put forward a Gender Empowerment Bill in October 2021 which has turned attention to the pressing need for women's representation in Parliament and local councils. The Bill, if adopted and successfully implemented, would fulfil recommendation 22. In addition to welcome measures designed to ensure that at least 30% of positions of responsibility would be held by women, it foresees a quota of 30% reserved seats to be open solely to female candidates on a rotational basis. To enforce the reserved seats, the sanction foreseen for non-compliance is disqualification of the list by NEC.

As the rotational reserved seats entail a de facto term limit on all parliamentary seats, MPs from both government and opposition raised objections to the current proposals in the House, and in meetings with the EFM. Since the method for assigning the reserved seats is not established in the Bill, the Mission cannot fully assess the proposal at this stage. The date of the Second Reading, when substantive discussions should take place, has not been set at the time of writing.

Participants at the October conference also agreed to a 30% gender quota in their party executives at all levels, which when implemented would also address an aspect of recommendation 22. The President has also made clear commitments to the appointment of women to ministerial and other official positions of responsibility, which is due to be increased to a 30% minimum quota for a future administration if re-elected. These commitments can be achieved by the parties and government on a voluntary, non-statutory basis, regardless of whether the Bill is passed.

I. POLLING, COUNTING AND TABULATION

There are five recommendations designed to ensure equitable conditions for candidates and parties and to enhance the integrity of voting, counting and tabulation. Recommendation 23 sought to level the playing field between candidates by placing the order of candidates on the ballot paper by lottery. This was rejected for reasons which were not established by the Mission during the initial stakeholder conference held in 2018 and has not been taken forward.

³² [Women in Politics](#), Inter Parliamentary Union and UN Women, situation report as of 1 November 2021.

³³ The Independent Media Commission Act of 2020 for instance provides that when an institution has two nominations to fill, one must be a woman. NEC has taken a number of welcome measures to increase the attention given to gender in its operations. Nevertheless it is notable that at the highest level, only 4 out of 30 members of the current [Cabinet](#) are women.

Recommendation 24 calls for clearer rules to govern when and which security personnel can enter polling stations. The Office of National Security (ONS) and the Integrated Election Security Planning Committee (IESPC) is reviewing the practices, though it is not clear at this stage if this will result in changes to the Public Elections Act, which in Sections 77.2, 78 and 83 provides contradictory legal provisions for the presence of armed and unarmed security personnel in polling stations, without specifying that security inside the polling station should only be at the invitation of the polling station Presiding Officer, in line with good international practice. The Mission encourages relevant stakeholders to set and communicate in advance clear rules regarding the presence of armed security personnel in the vicinity of the polling stations, taking into account potential concerns of stakeholders about the impact on turnout of voters if there is a heavy presence of armed security personnel in the streets near polling stations. It is too early in the electoral cycle to determine what steps will be taken, but action is ongoing.

Sensitive and effective policing of by-elections prior to the general elections, ensuring an enabling environment for peaceful elections and the security of voters, poll workers and electoral materials, and at the same time avoiding intimidation of potential voters, would help to build trust in the police and other security agencies. Recent by-elections have shown that there are still challenges in this regard.

Three EU EOM recommendations: 25 – adding more cross checking and security features to the Results and Reconciliation Forms (RRFs), 26 – establishing and communicating tabulation procedures in advance of elections and 27 – the full and timely publication of disaggregated results by polling station, all sought to increase the transparency and integrity of the counting and tabulation. Electoral results management policies of NEC gained renewed attention following the disputed outcome of the Koinadugu by-election in October 2021, and the allegations that an RRF was altered. This episode underlined the importance of introducing proper reconciliation procedures to enhance the integrity of secure results, to publish disaggregated results per polling station in a timely manner and to adhere to transparent tally procedures.

Recommendations 23, 24 and 25 were not discussed at the August conference, as they are classed as electoral management issues rather than legislative changes. Nevertheless, amendments of the Public Elections Act could be used to give legal effect to recommendations 26 and 27. Nevertheless, since all three of these recommendations could be implemented as policies of NEC without legislative amendments, the Mission encourages NEC to respond positively to the recommendations, which could greatly contribute towards restoring broad stakeholder confidence in NEC. The process of discussing these reforms with parties at the Political Parties Liaison Committee could also support their wider acceptance by stakeholders.

At this time, no action has been taken to implement recommendation 23 or 25. There is activity ongoing on recommendation 24, though the outcome will not be known until closer to the election. It is too soon to assess recommendation 26, which calls for tabulation procedures to be established and communicated as a minimum a month before the elections. Nevertheless, this has not been followed in recent by-elections. There has been some limited activity ongoing in publishing historic disaggregated results data for some elections (recommendation 27) – but not yet in a systematic or accessible format.

J. HUMAN RIGHTS

Two recommendations addressed issues related to restrictions on the right to vote that are faced by prisoners on remand (recommendation 28) and by all voters due to the imposition of a ban on most vehicular movements, which restricts freedom of movement (recommendation 29).

Although there are no legislative prohibitions on remand prisoners from voting, there are no requirements on authorities to provide for it either. In reality, they are neither registered, nor if registered prior to pre-trial detention, able to vote.³⁴ No official proposal has been made to correct this issue, although this was advocated for by the National Human Rights Commission; accordingly the Mission classifies this recommendation as having had no changes, and there does not appear to be any prospect of it being implemented for 2023.

The issue of the vehicle ban on election day, which raised issues regarding freedom of movement, and may disproportionately affect the turnout in rural areas, particularly by those with responsibility for looking after children, as well as elderly voters, students and persons with disabilities, has not yet been decided by the relevant authorities. The Office of National Security (ONS) told the EFM that a security risk assessment would be considered before deciding. The EFM notes that it would be inappropriate to have a vehicle ban in one area, but not another, as this would have a differential impact in one part of the country over another. Similarly, any potential ban should have safeguards to ensure fairness in implementation, avoiding incumbent advantage. The ONS stated that it would seek to gain agreement with stakeholders through the Integrated Election Security Planning Committee (IESPC); which includes the PPRC, and naturally the government, but does not include representatives of the political parties. While the EFM recognises that not all 17 political parties could be accommodated, consideration could be given for the parliamentary parties to be represented.

ANALYSIS OF ELECTION-RELATED REFORM

The 18 recommendations which have been assessed as activities ongoing, and the two which are too early in the electoral cycle to be assessed, can still be implemented in the limited time remaining before the 2023 elections. Doing so would create more solid foundations and conditions for credible, transparent and peaceful elections in Sierra Leone.

In order to achieve the implementation of these recommendations, the EFM encourages the full spectrum of political parties, civil society and electoral management bodies, as well as the government and other officials, to engage in an inclusive and constructive dialogue. The continuation of the consultation process through the drafting of Bills, allowing time for pre-legislative consultations and full clause-by-clause deliberation by Parliament, would likely enhance the transparency and acceptance of the reforms.

The EFM was told that in some recent cases, government and opposition parliamentarians made significant drafting improvements through multi-stakeholder “pre-legislative” consultations and scrutiny through the Legal Affairs and Standing Committees. A frequently cited example was the considerably amended final version of the Cybercrime Act in which MPs working across party lines, and in conjunction with civil society experts, improved the original Bill. The EFM also notes that some legislation has attracted unanimous support in Parliament, for instance the welcome abolition of the death penalty in 2021. This demonstrates that despite political tensions along party lines at national and local level, Parliament has the ability to function as the focal point of national debate and decision making. Sierra Leonean stakeholders and international partners should continue to encourage the parties to find common ground; Parliament and the Political Parties Liaison Committee are two fruitful venues for dialogue, in addition to further national stakeholder conferences convened by the Task Force.

³⁴ Public Elections Act of 2012 Section 16.d clearly prohibits prisoners sentenced to jail terms from voting. It is silent on the issue of prisoners on remand, who by default ought to be eligible voters if they meet the other age and citizenship criteria.

Constitutional Reforms

An overarching theme of the EU EOM's report in 2018, was *“that the new parliament and government will resume the constitutional review process started in the last parliamentary term. The end point of this should be a coherent Constitution in line with international standards and Sierra Leone's commitments to democracy.”*

There is longstanding consensus among many political and civil society actors that a constitutional reform process is necessary to introduce greater legal certainty. There have been several attempts to introduce a significant set of amendments, the most recent being the Constitutional Review Committee (CRC) under Justice Cowan from 2013 to 2016. However, the then government rejected more than 100 recommendations out of the 134 put forward by the CRC and published its official response in a White Paper in November 2017, which served as the basis of a Constitutional Amendment Bill, though this was not passed by Parliament.

The government conveyed to the EFM its intention to publish a new White Paper, outlining potential constitutional changes. This White Paper will be based on the Cowan Report. As expressed by some EFM interlocutors, it may also contain other recommendations than the ones previously put forward as a result of the 2013-2016 national consultation. While the government is able to make additional proposals, and it is certainly possible that in the five years elapsed since the Cowan Report, new issues may have arisen that would require further constitutional changes, they too should be widely shared and discussed with political stakeholders. To alter most Sections of the Constitution, a two-thirds majority is required in Parliament. The entrenched clauses (Chapter III and some other Sections)³⁵ would require a two-thirds majority in a referendum, in which half of the registered voters participate. In both cases, the government will need to work for cross-party support in order to enact amendments.

Delayed Local Elections

The Local Government Act 2004 Amendment Bill, which had not been gazetted at the time of the EFM deployment, if enacted, would delay local elections due in 2022, until the general elections in 2023. While the EFM does not take a view on consolidating (first round) presidential, parliamentary and local elections on a single day as a principle, the decision to delay local elections does not have legal standing at the present time. The passing of the Bill would provide legal certainty regarding the electoral calendar and the operational calendar of NEC – though noting that there are still no fixed dates for the national elections.

Parliamentary discussion of the Local Government Act Amendment Bill should also be an opportunity to revisit Section 6.4.b of the Bill, which disqualifies candidates unable to perform functions of office by reason of infirmity of mind or body. This was not a recommendation of the 2018 EU EOM, but was raised by several EFM interlocutors as a blanket restriction towards persons with disabilities, amounting to unreasonable restrictions on the right to stand for local council positions, and runs contrary to the Constitution³⁶ and international commitments of Sierra Leone.³⁷

³⁵ See Section 108.3 of the Constitution.

³⁶ Section 27.3 of the Constitution.

³⁷ Article 29 of the United Nations Convention on the Rights of Persons with Disabilities ratified 4 October 2010. ICPPR, article 25, general comments (20).

THE STAKEHOLDER ROUNDTABLES

In addition to the 26 meetings outlined in [Section II – Mission Information](#), the Chief of Mission hosted three stakeholder roundtable mini-conferences. Two were held with representatives of civil society, concerning “*CSO’s role in monitoring, mediating and preventing political violence*” and another on “*inclusivity in the political process*”, specifically concerning gender but also minorities. Civil society organisations expressed concerns that political parties, and candidates had an increasing tendency to employ economically vulnerable young people, for political intimidation and violence, including to disrupt voting in some instances. It was reported to the Mission that citizen observers in the Koinadugu by-election in October 2021 witnessed the involvement of youths in several incidents of intimidation and violence. Participants in the roundtable held the view that better enforcement of the Political Parties’ Code of Conduct by an impartial PPRC was necessary, but not in itself sufficient. Education, training and economic opportunities were also required as longer-term solutions to the recurring problem of political instrumentalisation of vulnerable groups. Civil society welcomed the prospect of more women being involved in elected and official positions but noted that the government could be more proactive in welcoming opinions and accepting proposals for drafts prior to reform Bills being tabled in Parliament.

Since several meetings were held with representatives of the two largest parties, a third roundtable meeting with leaders or representatives of all of the other 15 registered political parties was held focusing on the 2018 EU EOM recommendations and their priorities for implementation. In addition to providing space for discussion of the 2018 EU EOM recommendations, the roundtables allowed for a discussion of the political context in which the recommendations may be implemented. These meetings of the full spectrum of political opinions revealed that parties had common concerns when it came to electoral reforms. Concerns were raised about the impartiality of electoral management bodies. The parties welcomed the openness of the national stakeholder conferences organised by NEC and the PPRC though, and saw it as a model to ensure future reforms build on genuine cross-party dialogue and political consensus.

ONGOING AND PLANNED DONOR SUPPORT TO ELECTORAL REFORM AND FUTURE ELECTION PROCESSES

Implementing EU EOM recommendations is a key political and programmatic priority for the EU and the EU Delegation in Freetown. This is supported through the European Development Fund Governance Support Programme as well as under the European Initiative for Democracy and Human Rights by means of a partnership agreement with the UNDP, independent Technical assistance provision to the electoral management bodies, the National Civil Registration Authority, the Parliament as well as action grants to national civil society organisations.

Current EU programmes pertinent to the EU EOM recommendations aim at supporting electoral legal reforms, electoral planning and strategic operations, social accountability, domestic observation and women’s participation in electoral and political processes, by:

- Providing the national electoral management bodies (NEC, PPRC) with financial and technical assistance notably in the areas of legal reforms, electoral planning, results management systems, voter registration and database management, transparency and strategic communications, gender equality, and inclusion of persons with disabilities;
- Supporting the establishment of an Integrated Civil Registration system that could provide in the long term, a cost-effective alternative to active voter registration;

- Supporting parliamentary scrutiny and legislative functions (notably its research and legislative capacity, administration and citizens' outreach).
- Supporting civil society organisations and citizens' engagement in electoral and democratic reform. National Election Watch (NEW) the main citizen observer group and the women's coalition '50/50' are key beneficiaries of EU support.

Under the upcoming Neighbourhood, Development and International Cooperation Instrument (NDICI) a supplementary and complementary action is under formulation to further support democracy, peace and social cohesion in Sierra Leone.

The new NDICI programme aims at supporting conditions for inclusive, credible, transparent and peaceful electoral and political processes in Sierra Leone, by promoting the participation of key stakeholders in electoral and political processes; enabling NEC to conduct credible and inclusive elections in 2023 and beyond and supporting electoral dispute resolution.

Programmes and funding will be offered to support the implementation of the EU EOM recommendations by:

- Providing the national electoral management bodies with additional technical and financial assistance to conduct peaceful and credible elections, (notably in the areas of legal reforms, electoral planning, electoral risks management, conflict prevention and mitigation results management systems, gender equality, civic/voter education; strategic communication, transparency);
- Supporting elections related conflicts and violence prevention/ mitigation/ management by
 - i) identifying (root) causes of electoral conflict,
 - ii) promoting inter-party dialogue and dispute resolution mechanisms;
 - iii) improving capacities of electoral stakeholders in effective leadership and conflict management/prevention approaches in the conduct of elections
 - iv) supporting the judiciary's capacity to resolve election disputes timely and peacefully;
- Further supporting CSOs, media, and Parliament to strengthen citizens' participation, social accountability, promote electoral and democratic reform and support conflict-free electoral process.

The NDICI action adopts an electoral cycle approach that addresses key pre-election issues and contributes to the technical conduct of the elections and sets the space for future reforms and more inclusive democracy at the grassroots in the post-election phase.

The underlying intervention logic is underpinned by EU EOM recommendations and the lessons learnt from previous and ongoing EU interactions in the sector, the EU gender equality and inclusion policies and conflict sensitivity approach to programmatic interventions, which identifies violent conflicts and non-inclusion as critical risks to democracy.

CONCLUSIONS

Only one of the 2018 EU EOM recommendations has been implemented in full (18 – decriminalisation of libel), and two have been partially implemented (4 - enhancement of voter education and 21 – the nomination of impartial Commissioners of the IMC). The EFM assessed that activities to implement another 18 EU EOM recommendations are ongoing.

The EFM welcomes that the President affirmed his and the government's commitment to the recommendations, as did the leadership of the APC and other parties. The implementation process could itself, if conducted in a spirit of cross-party cooperation and consensus, contribute

to reducing political tensions and demonstrate stakeholders' commitment to credible, transparent, inclusive and peaceful future election processes in Sierra Leone.

Several useful steps towards the implementation of recommendations can be discerned from the EFM's meetings with stakeholders. The Mission encourages the translation of proposals from the two national validation conferences held in August and October 2021 into draft Bills for timely and wider meaningful consultations. There remains the time and the momentum to ensure further electoral reforms are completed in advance of the 2023 elections, though this will require timely commitment by stakeholders. The timelines for this will also need to take account of the importance of legal certainty in advance of the 2023 elections, as enshrined in the ECOWAS Protocol on Democracy and Good Governance.³⁸

The government has the opportunity to underline the importance of the impartiality of electoral management bodies and the consent and consensus they require from other stakeholders through a useful consultation process for the appointment of the remaining NEC Commissioner and other executive and legislative actions to enhance the democratic process. Opposition parties also have the opportunity through their commitment to peaceful dialogue with the government and through their engagements with electoral management bodies and other authorities, to demonstrate their democratic credentials.

The EFM further hopes that lessons learned from recent by-elections and other political events will encourage key stakeholders to implement the necessary non-legislative EU EOM recommendations, in particular those on electoral management, to enhance the credibility of the election and results process as well as the perception of electoral management bodies.

The EFM acknowledges the willingness and availability of all stakeholders to engage constructively with the mission, including at the highest level, and thanks all of our interlocutors for their time and openness.

³⁸ ECOWAS Protocol Section 2 Article 2 *"No substantial modification shall be made to the electoral laws in the last six months before elections, except with the consent of a majority of political actors."*

ANNEX A – PRESS RELEASE 1



European Union Election Follow-up Mission Sierra Leone 2021

25 October 2021

“Member of the European Parliament and EU experts return to assess implementation of election recommendations”

As part of the European Union’s ongoing support for democracy in Sierra Leone, an Election Follow-Up Mission (EFM) has arrived in the country to assess the progress in implementing the recommendations made by the EU Election Observation Mission (EU EOM) in 2018. The follow-up mission is led by the Hon. Norbert Neuser, a Member of the European Parliament and Vice-Chairman of the Development Committee, who will engage with different stakeholders in the run-up to the next general elections. Mr Neuser was last here as an election observer as a part of the European Parliament’s delegation to the Election Observation Mission in Sierra Leone in 2018. He brings with him considerable experience of supporting democracy in Africa as an observer in Ghana, Mozambique, Nigeria Uganda and head of parliamentary delegation in Zambia as well as missions in Europe, Central Asia and South-East Asia.

Mr Neuser said on arrival in Freetown: *“I believe it is crucial for the European Union to support elections, not only through impartial observation but also by taking a keen interest in the implementation of recommendations put forward by citizen and international election observers. This will help make future election processes more peaceful, inclusive, transparent and credible. I look forward to listening and engaging with various stakeholders in Sierra Leone during our EU Election Follow-up Mission and to explore how we can work together to further strengthen Sierra Leone’s democracy.”*

In addition to the Chief of Mission, the EFM comprises two experts, one electoral and one legal, both with experience of elections in Sierra Leone, and a member of the European External Action Service. The Chief of Mission is in Freetown between 24 and 29 October, and the experts will be based in Sierra Leone between 10 October and 7 November 2021.

The EU Election Observation Mission made 29 recommendations, which if adopted would be important contributions to the consolidation of peaceful democracy and transparency in Sierra Leone. The EU Delegation in Sierra Leone welcomes the renewed focus on these and other missions’ recommendations in recent months by many stakeholders.

The purpose of the EFM is to assess and report on the degree to which recommendations have been implemented and other electoral reform initiatives undertaken. A public report will be issued after the end of the mission.

Mr Neuser will meet with some of the key stakeholders, including relevant state institutions and ministries, political parties, the National Election Commission, the Political Parties Registration Commission, citizen observers and other civil society organisations, as well as representatives of the international community.

This morning the EFM held a roundtable with members of civil society with the theme of reducing political tensions during campaigns. Chairperson of the National Election Watch (NEW), Mrs Marcella Samba-Sesay said: *“We welcome the arrival of the EU Election Follow-*

Up Mission at this important time in the process of electoral and wider democratic reforms. Now that we have held several national conferences, which have helped to build consensus, it is time for the government, MPs and electoral management bodies to act on the recommendations made in 2018 so that the forthcoming elections can be better for Sierra Leonean people. This is what democratic development and progress mean.”

Further information available at:

https://eeas.europa.eu/delegations/sierra-leone_en

<https://www.facebook.com/EUinSierraLeone/>

<http://database.eucm.eu>

<https://www.facebook.com/euelectionobservation>

ANNEX B – PRESS RELEASE 2



European Union Election Follow-up Mission Sierra Leone 2021

29 October 2021

The purpose of EU Election Follow-up Mission is to undertake a technical assessment of the state of implementation of the 29 recommendations made by the EU Election Observation Mission back in 2018. The implementation of these recommendations would enhance the credibility, inclusiveness and transparency of Sierra Leone's 2023 elections.

Out of 29 recommendations put forward in 2018, 25 recommendations require Parliament to change the legal framework, including 9 recommendations which would require a change to the Constitution, though since none of the constitutional changes are to entrenched provisions, this would not require a referendum. A further 4 recommendations can be addressed through administrative policies.

The need to reactivate the constitutional review process remains. Timely disclosure of the White Paper is a precondition for an effective, transparent and accountable process and for re-engaging all stakeholders. There is a clear consensus on many issues – including that there should be a fixed date for future elections. Now the task is to turn the discussion into law in time for the elections in 2023.

The Mission has been told that there is a significant decrease in trust in the essential bodies which play integral roles in the forthcoming elections. These include the judiciary, NEC, PPRC and the police. The Mission findings are that these institutions' reputations are less trusted than is needed. But further, our assessment is that there are real grounds for concern in the ways in which these bodies have administered recent by-elections.

There are surely some lessons to be learned from the management of the last by-election, which can be trialled in future by-elections. The Election Follow-up Mission encourages the National Electoral Commission to engage with all electoral stakeholders to address those issues to restore confidence in the Electoral Management Bodies and strengthen both, the transparency and integrity of the electoral process.

In our assessment, the government has a role in providing both sufficient and timely funding – but equally importantly the political space – for these institutions to demonstrate their neutrality and independence, which are absolutely essential for elections being recognised as credible by citizens and observers. The government has committed to the creation of a National Election Sustainable Trust fund account – which if fully implemented would address one of the recommendations. So far, the details of this have not been communicated to the NEC and other bodies.

If an election is declared void, according to Section 146.4 of the Public Elections Act, another election shall be held. The 2019 High Court decisions to declare the runner-up elected in ten constituencies, eroded confidence in the neutrality of the judiciary. Unequivocal respect for the rule of law in election petitions is needed to ensure confidence in the electoral process. In

addition, the delivery of timely effective resolution of electoral cases, in line with the deadlines. Justice delayed is justice denied; the same applies to democracy.

The Mid-Term Census is unprecedented; the stated reason for it is highly contested. The use of an optional census to provide data which might be used to change electoral boundaries shortly before an election is not conducive to the political atmosphere or good electoral practice. The Mission repeats the EU EOM's recommendation that the voter register should be automatically produced from the civil register, which would save money and time. The Mission has not seen evidence that sufficient progress has been made on this important issue.

The Mission welcomes that a Bill was formally introduced in Parliament this month that has the stated aim of increasing women's participation in public and political life. However, the consultation process in preparing the draft was lacking. The Mission shares the hopes of many in Sierra Leone that a meaningful consultation process and clear re-drafting of the Bill will, in combination with political parties' own internal policies result in at least 30% of MPs being women in 2023.

There have also been improvements regarding the Independent Media Commission. By modifying the appointment procedures for board members, who are no longer appointed by the President, another EU recommendation has been partially implemented.

We furthermore acknowledge the achievement of decriminalising libel as a vital step ensuring and strengthening freedom of expression in Sierra Leone. This amendment of the Public Order Act addresses fully a recommendation made in 2018.

While there remain several issues of concern; there is still time remaining to address many of these issues. The Mission recommends that the powers in the Constitution be exercised with restraint and in the spirit of democratic compromise, not winner takes all.

Further information available at:

https://eeas.europa.eu/delegations/sierra-leone_en

<https://www.facebook.com/EUinSierraLeone/>

<http://database.eueom.eu>

<http://facebook.com/euelectionobservation>

ANNEX C – MATRIX OF THE IMPLEMENTATION OF EU EOM RECOMMENDATIONS

An overall recommendation of the 2018 EU EOM was *“that the new parliament and government will resume the constitutional review process started in the last parliamentary term. The end point of this should be a coherent constitution in line with international standards and Sierra Leone’s commitments to democracy.”*

This is assessed as status 2 – activity ongoing – pending the publication of the White Paper on Constitutional Reform and parliamentary approval of constitutional reforms.

No	Year	Recommendation	Electoral theme	Status (1-6)	Comments and additional information
1	2018	Priority recommendation Consider holding regular presidential elections in conjunction with parliamentary elections on a fixed basis to avoid the unnecessary extensions of the presidential mandate.	Legal framework	2	This priority recommendation was discussed during the national conference on electoral legal reform held in August 2021 (hereafter ‘August conference’). There was a consensus among the participants to introduce a fixed date for holding presidential and parliamentary elections. NEC has introduced the proposal in the instruction memo forwarded to the Attorney General’s Office for the drafting of the Bill on fixed date for elections/ the Public Elections Amendment Act. This will require (unentrenched) constitutional amendments, predicted to be in the constitutional review White Paper.
2	2018	Priority recommendation In order to strengthen its independence and institutional capacity, the NEC should be provided with sufficient financial resources in a timely manner. To avoid shortages in election years, the funding could be distributed throughout the electoral cycle.	Electoral administration	2	In 2020, NEC advocated for the creation of a National Elections Sustainability Trust Fund (NEST). NEST would be managed by a committee composed of Electoral Management Bodies representatives, (i.e. NEC, the PPRC, and police). According to NEC’s strategic plan, CSOs and other governance agencies would be in charge of approving NEC’s budget. NEC informed the EFM that a NEST account had been opened by the government. However, the exact mechanisms of operating the account have not been agreed with the government at the time of writing. Once fully functional, financial allocation, timely disbursement and management should be assessed.

3	2018	To enhance the transparency, credibility and acceptance of election processes, the NEC should publish all its decisions, procedures, planned measures, PPLC meeting minutes and results data on their web page and in appropriate means of communication. Sessions of NEC commissioners could be open for parties/candidates' representatives and accredited observers.	Electoral administration	2	<p>Aggregated and, in a few cases, disaggregated, results for by-elections held over the last ten years can be found on the website, though not in an easily searchable way. Additionally, voting procedures and annual reports can be found on NEC's website.</p> <p>Transparency and openness in NEC should be a priority, therefore the EFM reiterates the call for NEC sessions being open to parties and candidates, or at least the minutes being published. Similarly, the EFM encourages NEC to continue to hold regular meetings of the Political Parties Liaison Committee and to publish the agenda and minutes of meetings online.</p>
4	2018	Civic and voter education programmes could be developed and implemented with a focus on individual choice, ability to compare proposed policies and the accountability of those elected. Disadvantaged groups such as illiterate people, PWD, first-time voters, elderly and women should be specifically targeted. Consideration could also be given to introducing these programmes into schools' curricula.	Electoral administration	3	<p>NEC, the PPRC, the National Commission for Democracy and the National Council for Civic Education and Development (NaCCED, established in 2019 as a presidential initiative to enhance civic education in the context of national development), signed a Memorandum of Understanding in May 2021.</p> <p>NEC's Department of Voter Education, in partnership with the Ministry of Basic and Secondary Education and the district offices has been implementing a new programme of school clubs on elections.</p> <p>NEC also created gender and disability policies in late 2018 calling for measures to increase participation which include dedicated voters and civic education. National Gender and Disability Networks were official launched by NEC while the EFM was in country to implement the policies and strengthen inclusivity of electoral processes.</p> <p>Despite progress in organisation, until the elections are held, it will not be possible to assess if the recommendation has been successfully implemented. By-elections provide an opportunity for new initiatives to be tried and lessons to be learned.</p>
5	2018	Priority recommendation Revisit the conflict in the legal framework governing the registration of voters and	Voter Registration	2	NCRA and NEC signed a revised Memorandum of Understanding in July 2020. However, this only reasserted the different competences of both institutions and fell short of spelling out the

		clarify which institution should be in charge of the voter register. The terms of interaction between the institutions responsible for the civil register and the register of voters should be clearly defined. A permanent, free of charge and constantly updated civil register, which would be a basis for the register of voters, could be in a long run a more cost-effective and sustainable alternative to the current practice of conducting a fresh voter registration exercise before each election.			<p>difference between the national voter register and the polling station voters' lists.</p> <p>The shift from active registration to passive registration is enshrined in the National Civil Registration Policy but is hampered by delays encountered in the establishment of an effective Integrated Civil Register System based on continuous registration at permanent registration centres.</p> <p>NEC is planning for the first time to update the existing voter list which implies that voters already registered to vote, who are still confirmed by the civil register, will continue to be registered as voters and need not reapply. However, the modalities of this do not seem to be fully established at this point.</p>
6	2018	Mechanism to address current discrepancies between the share of inhabitants and registered voters within electoral units could be developed. The permanent civil registry / register of voters once fully functional and reliable (see the recommendation no.5) could be used as a basis for ward and constituency delimitation, instead of census data. It is recommended that new boundaries enter into force as drawn-up by the NEC after public consultations, with no further modifications by the parliament.	Voter Registration	1	<p>The 'mid-term' census may give rise to pressure to undertake a new constituency delimitation and parliamentary seat allocation process, which was otherwise foreseen for after the general election. Legally re-districting can occur between 2022 and 2024.</p> <p>The proposal to review legislation to reduce the population deviation range of electoral boundaries of $\pm 25\%$ to bring it in line with the Constitution Section 38.3 which says "<i>as nearly equal as reasonably practical</i>" was put forward in the August conference as a range of either $\pm 10\%$ or $\pm 15\%$. However, NEC forwarded to the Attorney General's Office a proposal of $\pm 20\%$ variation, which is not in line with international standards or the principle of equal suffrage.</p>
7	2018	Consider reviewing constitutional and statutory requirements for the nomination of candidates to permit the candidacy at presidential and parliamentary elections of naturalised citizens and citizens with dual nationality. Review legislation governing the acquisition of citizenship by birth to promote equality and end discrimination on ethnic grounds.	Candidate nominations	2	<p>If enacted, the Constitutional Amendment Bill proposed partially addresses this recommendation, permitting dual nationals, but not naturalised citizens, to stand for parliamentary elections. As drafted, it appears to permit dual national presidential candidates also, however participants in the Electoral Legal Reform conference and NEC rejected the possibility of dual citizenship candidates for presidential election. Changes in the Citizenship Act that restrict citizenship by birth on racial criteria are not under consideration.</p>

8	2018	Existing constitutional provisions could be modified to allow for independent candidates to run for presidential election.	Candidate nominations	1	Although this recommendation was initially accepted for consideration by the members of the EOM National Task Force, it was firmly rejected by the participants to the August conference. There do not appear to be any plans for this to be taken forward by the Attorney General's Office or Parliament.
9	2018	The office of the president and vice president could be recognised as a mandate conferred by the electorate, allowing the holder to retain the office for the elected term irrespective of any internal party decisions.	Candidate nominations	1	During the 2018 election stakeholder conference, political parties expressed the view that the mandate conferred by the electorate is secondary to the mandate conferred by the political party that nominated the candidate, and the latter has to serve the party's manifesto. At the time of writing, no proposals had been published to implement this recommendation.
10	2018	Priority recommendation Consider removing the constitutional requirement for candidates to resign from public office 12 months before presidential and parliamentary elections or provide for temporary suspension of employment to further encourage participation. Better define the term "public office" in the constitutional provisions and clearly indicate specific public-service positions (such as police and/or armed forces) which are precluded from being elected.	Candidate nominations	2	The August conference proposed that the constitutional requirement to resign from public office be reduced from 12 months to 6 months, which was forwarded by NEC to the Attorney General's Office. It is not clear how the wide scope of "public office" which was used to remove elected MPs from Parliament will be addressed during the upcoming legislative review.
11	2018	Consider amending the Public Elections Act, 2012 to provide legislative certainty for what should happen in the case of disqualification of a presidential candidate during the campaign period in order to permit the political party to nominate an alternative candidate.	Candidate nominations	2	Constitution Section 42.2.d states that " <i>where in an election to the office of President a candidate nominated for the election dies, is incapacitated or disqualified, the party which nominated him shall within seven days of such death, incapacitation or disqualification, nominate another candidate.</i> " This provision should be included in the Public Elections Act.

					<p>Any citizen may lodge an objection to the nomination notice with the Supreme Court within 7 days. The Supreme Court has 30 days to hear and decide upon the case. Then, the 7 days deadline to nominate a new candidate should apply.</p> <p>During the August conference, participants agreed that the judiciary, under the instruction of the Chief Justice, will instruct the Rules of Court Committee to develop rules of Procedures for Presidential Election Petition matters in the Supreme Court. The Chief Justice is expected to submit the Rules of Procedure to the Attorney General's Office for drafting in November 2021.</p>
12	2018	Consider revising electoral laws to ensure reasonable nomination fees and/or other mechanisms for encouraging parliamentary and local council candidates to enhance a level playing field; but without running the risk of frivolous candidatures.	Candidate nominations	2	Participants at the August conference, and subsequently the NEC, unanimously agreed to reduce the nomination fee formula, using the minimum wage computation as one of the determining factors.
13	2018	<p>Consider permitting challenges to parliamentary and local council nominations to be brought to courts before elections. Consider revising the timeframe for publication of the list of candidates for presidential elections to allow for effective address of challenges.</p> <p>Provide for the possibility to challenge presidential elections in between the first and second round.</p>	Electoral disputes	2	<p>According to the August conference, participants agreed that the judiciary, under the instruction of the Chief Justice, will instruct the Rules of Court Committee to develop rules of Procedures for Presidential Election Petition matters in the Supreme Court. The Chief Justice is expected to submit the Rules of Procedure to the Attorney General's Office for drafting in November 2021.</p> <p>There are no indications as to how the timeline of complaints and the harmonisation of related provisions in the Constitution, the Public Elections Act, the Election Petitions Act and the coming Rules of Procedure for the Presidential Election Petition will be harmonised.</p>
14	2018	Consider revision of courts' procedural rules to ensure that election petitions are adjudicated within a reasonable period compatible with electoral timeframe. Establish provisions for a deadline to deal with election	Electoral disputes	2	The August conference unanimously resolved, and NEC agreed to the establishment of a permanent fast track Elections Offences and Petitions Court.

		petitions on presidential elections. Review the operation and functioning of the Electoral Offences Court and establish special procedural rules.			The proposal forwarded to the Attorney General's Office considers the drafting of elections petitions rules with a definite timeline for proceedings for the presidential elections by the judiciary through the Rules of Court Committee.
15	2018	Consider levelling the playing field between government and the opposition by making more explicit the distinction between the government and the ruling party during the campaign– i.e. a ban on politically advantageous government announcements, opening ceremonies, use of state vehicles etc.	Political parties and campaign environment	2	During the review conference of the Political Parties Act held in October 2021 (hereafter the 'October conference'), participants agreed that party officials must not be appointed to ministerial positions, or heads of Ministries, Departments and Agencies (MDAs) and parastatals. Anyone appointed to such a position shall resign from all party duties after appointment. Other mechanisms to prevent the advantage of incumbency and the misuse of state resources were, however, not considered.
16	2018	PPRC could be equipped with an effective sanctioning mechanism for breaches of electoral codes. This will also require providing for an effective appeals mechanism. Political parties could also be urged to adopt internal mechanisms to ensure that all their members comply with the electoral codes.	Political parties and campaign environment	2	During the October conference, there was a consensus to rename the PPRC as the Political Parties Regulation Commission, to strengthen the Commission's mediatory/regulatory powers through the expansion of the categories of persons entitled to lodge a complaint to the Commission and the possibility for the latter to intervene <i>suo moto</i> . Regulatory powers should be subject to an appeal process to the High Court. The codes of conduct (Codes of Conduct of Political Parties, their candidates and supporters, Code of Conduct of All Political Parties Women Association /APPWA, Code of Conduct of All Political Parties Youth Association /APPYA) are to be incorporated into the amended Political Parties Act according to the October conference.
17	2018	Priority recommendation In order to increase transparency, the effective auditing (and publication) of the income and expenditure of parties and candidates should be enforced. Several routes to this could include a panel of independent auditors to be appointed in advance and/or to give the Anti-Corruption	Campaign finance	2	The proposed draft amendments to the Political Parties Act foresee one more non-statutory Commissioner appointed by the President with an Auditor/Accountant profile, the introduction of a limit for campaign expenditures and the strengthening of the Commission's oversight and competence on political finance.

		Commission a mandate to cover campaign finance.			
18	2018	Amend the Public Order Act, s. 33 to decriminalise defamation; introduce civil offences sanctions proportionate to the act.	Media	4	In October 2020, the government repealed Part V of the Public Order Act 1965, which had criminalised seditious libel. Just after the repeal, the Attorney-General and Minister of Justice entered a <i>nolle prosequi</i> in all matters in which accused persons were standing trial for such offences.
19	2018	Clarify which monitoring mechanism should be put in place and which institutions should be in charge of sanctioning any breach of the silence period.	Media	2	The PPRC is proposing that the revised Political Parties Act would confer appropriate regulatory power, including for sanctioning any breach of the silence period, in conjunction with the Independent Media Commission.
20	2018	The state broadcaster, Sierra Leone Broadcast Corporation (SLBC) could be transformed into a genuine public service broadcaster through editorial independence from government and greater financial autonomy.	Media	2	During the August 2021 conference, the participants agreed that the Sierra Leone Broadcasting Corporation must be accessible to all political parties before, during and after general election and that the SLBC elections broadcast guidelines developed in 2012 should be reviewed and updated for future elections.
21	2018	Consider strengthening the impartiality of the Independent Media Commission by amending the chairman and the board members' appointment procedures to make them free from political parties' and government's influence.	Media	3	The revised Independent Media Commission Act has modified the appointment procedures for the board members who are no longer appointed by the President and approved by Parliament. The Chairman remains a presidential appointee. Positively, there were some legislative measures introduced to ensure women's representation on the IMC.
22	2018	Priority recommendation	Participation of women	2	The Gender Empowerment Bill was introduced with a First Reading in Parliament on 21 October. It foresees a quota of 30%

		Consideration could be given to a legislative mechanism for increasing the number of women in parliament and local councils. This needs to avoid the pitfalls of female candidates being placed in unwinnable seats. A potential solution is to have a (temporary) quota per district rather than nationally, and also to encourage political parties to open up internal candidate nomination procedures. Other means of tackling this issue may involve working with CSOs on promoting women in politics, have communication strategies specifically on women and participation in politics as a fundamental right, and promoting women's participation during all stages of the electoral process.			<p>reserved seats to be open solely to female candidates on a rotational basis. Many MPs, from both government and opposition, objected, though some, again from both sides of the House spoke in favour of the principle. The date of the Second Reading, when substantive discussions should take place, has not been set at the time of writing.</p> <p>At the October conference, it was agreed among other issues that political parties would ensure that at least 30% of candidates and party officers at all levels should be women. This commitment does not require statutory legislation, though would become enforceable if the Gender Empowerment Bill is passed. The commitment to 30% female candidates will only be meaningful if women are selected to winnable seats. Any additional changes to the Political Parties Act should be coordinated with the Gender Empowerment Bill if passed.</p>
23	2018	Consider a more equitable manner of ordering candidates on ballot papers, such as by lottery, which would provide a more level playing field among the candidates, as compared to the current practice of ordering them alphabetically by their parties' title or candidates' surnames.	Polling, counting and tabulation	1	This recommendation was rejected during the initial Election stakeholders conference held in 2018. There do not appear to be any plans to implement this recommendation.
24	2018	Consider clarifying the rules regulating when, and which, security personnel can enter polling stations.	Polling, counting and tabulation	2	This issue of clarifying when and which security personnel can enter polling stations is currently under consideration by the Office of National Security through the Integrated Election Security Planning Committee (IESPC). It is too early in the electoral cycle to determine if rationalisation of conflicting Public Elections Act provisions will be addressed.
25	2018	Reconciliation of the number of voters who received ballots, as confirmed by their signatures or thumbprints in the register of	Polling, counting and tabulation	1	In all by-elections since 2018, reconciliation between the number of ballots issued and number of signatures in the voter register was not featured in the results and reconciliation form. This fundamental

		voters, with the number of votes cast, should be introduced in the RRFs. Additional security features such as providing each RRF with a unique serial number could be considered.			<p>integrity check is an essential component for secure electoral results, and its importance was illustrated in recent by-elections.</p> <p>The second part of the recommendation was initially rejected by NEC Commissioners due to past negative experiences with unique serial numbering. The EFM strongly calls on NEC to reconsider and implement this recommendation as a priority.</p>
26	2018	Detailed procedures for the tabulation and publication of results could be established and communicated by the NEC at least one month in advance of any electoral event. This would increase the credibility and acceptance of the process and enable party/ candidate agents and observers to meaningfully prepare for and scrutinise the results tallying process.	Polling, counting and tabulation	5	<p>Although it is too soon to assess these procedures, consensus building should start now with the Political Parties Liaison Committee having an important role to play in ensuring that political parties have confidence in the tabulation procedures for future by-elections and also the general elections in 2023.</p>
27	2018	A breakdown of results of all elections by individual polling station to be published without delay and in full, as they are progressively tabulated, including the number of registered voters and invalid votes, in tally centres as well as on a webpage, to allow for cross-checking of results.	Polling, counting and tabulation	2	<p>The results of the latest by-elections published on NEC's website included the number of registered voters, the number of invalid votes and the turn-out but were not disaggregated by polling stations. Some results of previous by-elections further back do include disaggregated polling station results. To be meaningful, NEC should provide data in a searchable electronic format. However, NEC undertook to consider this recommendation further in meetings with the EFM.</p>
28	2018	Consider revision of electoral law to allow for arrangements to be put in place in order for prisoners on remand to be able to register and vote.	Human Rights	1	<p>The issue was debated during the first election conference of 2018; stakeholders initially accepted it however, there was no consensus over the subject matter. Later on, the issue has been dropped from the list of recommendations to be addressed. No actions appear to have been taken to implement this recommendation.</p>
29	2018	The ban on vehicular movements on election days is not recommended. The right to freedom of movement may only be subject to	Human Rights	5	<p>The issue of the vehicle ban on election day, which raised serious concerns regarding freedom of movement, has not been decided yet. The Office of National Security does not take a view either</p>

		restrictions on justifiable grounds. On election day freedom of movement should not be restricted unless as a result of broad consensus supported by explicit legislative provisions.			<p>way on the principle of the vehicle ban but will address it following a risk assessment closer to the elections.</p> <p>The EFM underlines that any decision should reflect the national risk rather than localised risks so that measures which could affect turnout are applied equally in all areas.</p>
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Key to categories and descriptions of recommendations implementation status:

Category	Description	Guidance
1	No change	No action has been taken to implement this recommendation.
2	Action or activity in ongoing but implementation of the recommendation has not yet been confirmed	Examples may include the formation of a working group to review legislation, or the preparation of a legislative Bill of reform, but the change has not yet been confirmed by legislative change.
3	Partial implementation of recommendation	The recommendation has been addressed/implemented in part, but other elements of the recommendation have not been addressed.
4	Full implementation of recommendation	The recommendation has been implemented in full e.g., electoral legislation has been amended and all aspects of the recommendation have been addressed.
5	Too early in electoral cycle to determine	Some recommendations may relate to administrative action/practice which can only be assessed at a later stage i.e., strengthening of civic/voter information
6	Recommendation is no longer relevant	For example, a change in the electoral system may make redundant a recommendation on candidate registration under the old electoral system.

