

THE CARTER CENTER INTERNATIONAL ELECTION OBSERVATION IN LIBERIA

STATEMENT ON THE VOTER REGISTRATION PROCESS

March 3, 2017

The Carter Center deployed a delegation of international electoral experts to Liberia to assess the voter registration process and the pre-election environment in advance of general elections anticipated in October 2017, when voters will elect a new president and 73 members of the House of Representatives. The Carter Center delegation, which conducted its work from Feb. 20 – March 1, visited 40 voter registration centers (VRCs) in 21 electoral districts across eight of Liberia's 15 counties: Bomi, Bong, Grand Bassa, Grand Cape Mount, Lofa, Margibi, Montserrado, and Nimba.

The delegation was led by Jordan Ryan, vice president of the Carter Center's peace programs and formerly the UNMIL deputy special representative in Liberia. He was joined by senior electoral expert Carlos Valenzuela, who has served as chief technical advisor for numerous United Nations election missions; Barbara Smith, electoral expert; James Lahai, the national coordinator of Sierra Leone's National Election Watch; and Brett Lacy, associate director of the Carter Center's Democracy Program.

The delegation met with electoral authorities at the national, county, and district level, including with members of different NEC departments, such as the data center and hearing committee. The delegation also met with journalists, civil society organizations — including domestic observers, youth and women groups — Mandingo community representatives, and representatives of the disabled community. Additional meetings were held with government leaders, senior leaders and the presidential aspirants of several political parties, the Liberian National Police (LNP), the Governance Commission, and members of the international community. The team visited VRCs in order to assess the voter registration process in the field. The Center's voter registration assessment builds on previous Carter Center pre-electoral missions conducted in April, July, and October 2016 to assess the political environment and the status of technical preparations for the upcoming elections.

The Carter Center hopes to make additional pre-election assessment visits and to issue reports in the coming months. These missions are separate from ongoing Carter Center programming in Liberia, which focuses on supporting access to justice, access to information, and mental health.

As The Carter Center makes this report, it is important to note that the voter registration process is ongoing, and there are still important steps to be completed.

Executive Summary

The 2017 national elections represent a critical moment in Liberia's recovery from war and transition to a peaceful democracy, and the first post-war transition from one elected president to another through a democratic process. These will be the third presidential elections since the end of armed conflict and a key test for Liberians to consolidate democratic governance through peaceful competition for political power at both the presidential and legislative levels. There is a strong desire among all Liberians for the elections to proceed smoothly and peacefully.

While substantial international support is being provided for these elections, the level of support is less than in previous elections. Therefore, the 2017 electoral process is much more Liberian-led than in the past.

Overall, the Center's delegation found that the ongoing voter registration exercise was progressing smoothly, despite initial operational hiccups that appear to have been largely resolved. Operational issues were reported at the beginning of the process, mainly in relation to camera malfunctions (concentrated in Montserrado and the southeast) and a lack of materials in some areas. Stakeholders reported to The Carter Center that the NEC reacted promptly and efficiently to resolve those issues. During the Center's observations, there were no significant problems with materials or equipment, and operations were conducted without major difficulties. Registration staff generally performed in a dedicated and professional manner, and procedures were followed in a relatively consistent manner in the VRCs observed. The decision not to introduce biometric voter registration, although not without controversy, was appropriate, as there was not sufficient time or need to implement such a process. The Carter Center notes that the protections against multiple voting in the current registration process are robust and consistent with international good practice.

With less international financial and technical support than in past elections, the NEC is relying heavily on national funding. This has slowed down the preparations in some respects, as not all budget allocations have arrived in a timely manner. On the other hand, this lack of reliance on international support has increased the level of national ownership of the process and given a distinct Liberian character to its administration, which is a welcome development. The electoral authorities have demonstrated control — the different operational glitches notwithstanding — and The Carter Center commends them on their efforts.

An important criterion for determining the success of voter registration is the extent to which eligible persons participate in the process. It is difficult to produce accurate estimates of turnout while the process is still ongoing, and this has created some anxiety among stakeholders. The majority of stakeholders told the Center's delegation that voter awareness and information efforts have not been sufficient, particularly in rural areas. There have been repeated calls for an extension of at least a few days.

Despite these challenges and difficulties, the Carter Center team was impressed by the process and the commitment of both authorities and the Liberian people to a peaceful and successful electoral process. Once the voter registration period ends, there will still be work to do. The processing of the registration forms at the NEC headquarters is scheduled to last for a few weeks. Producing the provisional voter lists involves a

number of quality-control measures to detect and remove any multiple registrations. It is important to ensure the timeliness of this process, because these lists are what voters will review during the exhibition period. The exhibition and review period is an extremely important step in ensuring the integrity and credibility of the voter register, allowing for challenges and complaints, and normally should be finalized before the nomination of candidates begins.

The Voter Registration Process

The registration of voters is an important means to ensure the rights of universal and equal suffrage and should be made available to the broadest pool of eligible citizens possible without obstacles.¹ The rights of universal and equal suffrage are fundamental international obligations for democratic elections.

The voter registration period in Liberia is being conducted from Feb. 1, 2017 through March 7, 2017. The last voter register was established in 2011 and updated for use in senatorial elections in 2014. In order to ensure a voter register that is accurate and updated, and taking into considerations demographic fluctuations in post-war Liberia, it was decided to engage in a process to create a new voter list for the 2017 elections.

Throughout the process, the NEC has shown an openness and responsiveness that is commendable.

Legal framework for the registration of voters

A sound legal framework is essential to the administration of democratic elections and to ensuring that a country upholds its international obligations. The legal framework for the registration of voters in Liberia includes constitutional provisions, domestic laws, and regulations regarding the electoral process. Liberia's international commitments obligate it to take measures to promote core principles of the rule of law, including that laws must be consistent with international human rights obligations.²

In Liberia, the legal framework for the registration of voters and conduct of the 2017 elections includes the constitution, the elections law as amended by the Electoral Reform Laws of 2004 and the 2014 Act to Amend Certain Provisions of the 1986 Elections Law, the law on political parties, and regulations and decisions of the NEC.

New amendments in 2014 affected the process for the registration of voters, including provisions that a person must register and vote in the location where they ordinarily reside, which observers were informed by all sources was intended to guard against the trucking of voters for the purpose of influencing or attempting to influence the results of any election. NEC officials at the national, county, and VRC level have

¹ United Nations International Covenant on Civil and Political Rights, Article 25(b); African Union Declaration on the Principles Governing Democratic Elections in Africa, Article 1; United Nations Human Rights Council, General Comment 25, para. 11.

² United Nations, International Covenant on Civil and Political Rights, Article 2; Universal Declaration of Human Rights, Article 21(3); International Covenant on Civil and Political Rights, Article 25 (b).

applied a broad interpretation of the “ordinarily resident” clause, so as to take into account family and historical ties to a particular locality.

The 2017 voter registration process

The NEC is registering voters at 2,080 voter registration centers across the country. This represents an increase of about 300 centers, or almost 17 percent, added this year to reduce the distance citizens must walk to register and vote and also to address the increase of population in some urban areas, such as in Montserrado. The Liberian voter registration process is being run in a context characterized by a number of important challenges, including weak infrastructure and communication systems.

In a press conference on Feb. 27, in the final days of the registration process, the NEC announced its intention to create mobile registration centers to reduce the distances citizens must walk in some parts of the country to register. This is a particular burden for women because of domestic chores and security challenges they may face in walking long distances.

While observers heard reports of shortages of materials and malfunctioning equipment, particularly cameras, in the first days of the process, it appears that these problems were quickly resolved by the NEC. All 40 centers observed by The Carter Center had functioning equipment and adequate supplies, with the exception of one VRC in Monrovia that was missing the square hole-punch for cutting out photos. It is important to note that Carter Center observers were not able to visit counties in the southeast, where there were media reports of problems with cameras in the first days of the registration process.

The voter registration process was very similar to the process conducted in 2011. This fact probably contributed to its efficiency, since many NEC staff had experience and familiarity with the equipment and procedures. In fact, the main source of problems in the registration process was the introduction of new cameras in some areas. Many have functioned without problems, particularly once staff learned how to reset them. In a relatively small percentage of cases, fluctuations in current caused malfunctions in some cameras. Even in those areas, however, reports indicate that issues were resolved relatively quickly by the NEC, and the camera issues have not had an impact on the inclusiveness of the process. In some rural areas, it may have taken longer to fix or replace malfunctioning cameras. While camera-related delays in these areas were certainly regrettable and inconvenient, there is no evidence that citizens in these areas have been unable to register as a result.

In urban areas observed by The Carter Center, applicants were processed in an average of 25 minutes, or a projected issuance of 12 voter registration cards per hour. In other cases, particularly in rural areas, applicants sometimes had to wait for hours, or return the following day, to complete the registration process because VRC staff could only print photos in batches of four at a time, which slowed the pace of printing photos and issuing cards in VRCs where the flow of applicants was slow.

Upon entering a VRC, most registrants were asked interview questions to verify their citizenship and eligibility, including age, and their fingers were checked for ink to

ensure that they had not already registered. Following the interview, registrants' details were collected by VRC staff, and forms shaded for later scanning at the data center in Monrovia. Photos were taken and ultimately printed to include one photo on a registrant's card and one photo on the registration form. Thumbprints were also recorded on both the card and the registration form to further assist in detecting and removing any duplicate registration forms. Registrants' fingers were placed in indelible ink to indicate that they had registered. The protections in place against the potential for multiple registration at both the level of the VRC and the national data center in Monrovia are substantial, and exceed international good practice.

The 2017 voter registration process includes some improvements upon past processes, including changes to the voter card itself. The orientation of the card was changed to help avoid potential for confusion with old cards, and additional security features were added to the cards.

Voter registration centers were equipped with necessary materials, including forms, tamper-evident envelopes, indelible ink, printers, cameras, and solar panels and battery packs. Two types of cameras were used across the country, including digital cameras that were used in 2011 as well as a smaller number of new cameras that were procured for this registration period.

NEC staff

Four NEC staff were recruited and trained for each VRC, including a registrar, clerk, shaper, and photographer. In all VRCs observed by the Center's delegation, the NEC staff carried out their responsibilities with professionalism, neutrality, and efficiency. The Carter Center commends the NEC on its efforts to recruit and train polling staff. The majority had experience from previous elections and were extremely professional.

Recruitment of VRC staff was done by the county level NEC offices, which lead to some variation in the process across the country. In several counties, decisions were made to distribute staff across the county to ensure that two of the VRC staff came from the electoral district and two came from within the county, but outside of the electoral district. Where implemented, this was done so that the process would include both VRC staff who know the area and local communities and also some from outside the immediate area to protect against potential local political influence. In other areas, all four VRC staff came from the local area – the Center's delegation found this to be the case in all VRCs observed along the border with Guinea and Sierra Leone. In two counties observed, staff were more randomly distributed and often came from the county capital. Where VRC staff were deployed away from their home districts, they faced challenges initially in securing accommodation and food, particularly as NEC polling station staff are not paid until the conclusion of the voter registration process.

Determining Eligibility

The legal framework for elections establishes that every citizen of Liberia who is 18 or older may vote, except those convicted of "infamous crimes" or those judicially declared to be incompetent or of unsound mind. In every VRC observed by The

Carter Center, the eligibility of prospective applicants was being determined primarily through a combination of interviews and social documentation.

In Liberia, NEC staff are in the position of needing to determine both the citizenship and eligibility of voter registration applicants. The law provides that eligibility can be established by production of a valid Liberian passport, birth certificate, original certified copy of a certificate of naturalization, evidence of renunciation of a second nationality, or other means established by the NEC. For the 2017 registration process, the NEC established that voter registration cards from 2011 and the 2014 update also could be used to establish eligibility. Although in some counties, service centers have been established that can issue birth certificates, these centers are not yet present across the country, and most Liberians lack identification documents. In several locations, observers heard reports of documentation being requested, including naturalization paperwork for a registrant or their father, as citizenship is determined based on patrilineal African descent. The Carter Center did not hear reports of any cases where prospective applicants were asked about dual citizenship, which is not allowed in Liberia.

Eligibility can also be established by the sworn statements of two other registered voters who appear in person and confirm an applicant's citizenship, or by a Liberian traditional leader who appears before NEC officers to attest to a person's Liberian citizenship. Carter Center observers also noted additional forms of social knowledge being used to establish the citizenship and eligibility of prospective registrants, including asking persons in the queue if they knew a registrant, and asking the applicant to specify their location of residence or to name a local elder. This practice generally was seen as credible by stakeholders.

Carter Center observers noted NEC staff exercising due diligence in determining the eligibility and age of prospective registrants through the interview process. Political party agents in VRCs also reported that NEC staff were effective in turning away registrants who appeared underage and could not verify that they had reached the voting age of 18. In cases where NEC staff were uncertain of an applicant's age, the applicant was asked to bring their parents or a birth certificate to verify their age and eligibility.

Amendments were made to the legal framework for elections in 2014 that affect the determination of eligibility, including provisions that a person must register and vote in the location where they ordinarily reside, and prohibitions against the "trucking" of voters for the purpose of influencing or attempting to influence the results of any election. NEC officials at the national, county, and VRC level have applied a broad interpretation of the combination of the "ordinarily resident" clause to include family and historical ties to a particular locality. In VRCs visited by the Center, including along parts of the border with Guinea and Sierra Leone, NEC registration staff and BIN officials present were verifying the connection of applicants to the locality, and there was no evidence of the "trucking" of persons from other locations for the purpose of influencing election results.

Processing of Registration Forms and Creation of the Provisional Registration Roll (PRR)

Completed registration forms are returned by magistrates to Monrovia, where they are scanned and processed to be included on the provisional voters register (PVR). At the data center in Monrovia, registration forms are reviewed for scanability, and the shading on the forms is enhanced if necessary. Data from registration forms is also entered through a double-blind data entry process to ensure quality control and accuracy of information as applicants are added to the PVR. This double-blind method provides strong protection against the possibility of multiple registrants and supplements protections at the VRC level provided by interviews and indelible ink.

Because of the difficulty of communicating between counties and national headquarters and because of the rigorous data entry and verification processes, it is projected to be several weeks before reliable figures on turnout are available, including ratios of male and female registrants, to determine the success of efforts to mobilize citizens to register.

Biometric Voter Registration

In 2016, there was discussion in Liberia about the possibility of introducing a biometric voter registration (BVR) system for the 2017 elections. A decision was ultimately made against the introduction of BVR. In a July pre-election statement, the Center noted that there was insufficient time or need to introduce BVR for this registration process. The Center's observations of the 2017 registration of voters reinforced this opinion. The voter registration system in Liberia and protections against multiple voting at the level of the VRC and data center processing are robust. In addition, the active and neutral approach of the Liberia National Police and NEC to address any electoral offenses or criminal activity during the registration process are strong (see sections below on security and electoral offenses).

Exhibition

An exhibition of the voters list is planned to take place from June 12- 17 to allow public inspection of the preliminary voter list. On the current electoral calendar, objections and appeals will be heard and determined up until June 28. The exhibition period is an important opportunity to verify the quality and accuracy of the list and to seek any necessary changes. The Carter Center encourages all Liberians to participate in the exhibition period. The exhibition of the voters roll is an important means to check and verify that names are recorded properly, to confirm other aspects of the accuracy and inclusion of the list, and to object to names of persons who do not meet established eligibility criteria. It is particularly important that political parties and citizen observers take part in the exhibition process.

Political Party and Candidate Agents

The right of individuals to participate in public affairs — including through the establishment of, and free association with, political parties and participation in campaign activities — is an international obligation and a fundamental electoral

right.³ Political party and candidate agents play an important role in ensuring the transparency of elections, building confidence in the process, and providing peaceful mechanisms through which complaints can be registered.

Efforts were made by some political parties to field agents to monitor the registration process. The delegation found that there was at least one party agent in 80 percent of VRCs observed, and in most cases there two or more parties represented. The Carter Center saw representatives from the Unity Party (UP) in 56 percent of VRCs visited, Congress for Democratic Change in 23 percent of VRCs observed, the Alternative National Congress (ANC) in 20 percent of VRCs observed, All Liberian Party (ALP) in 13 percent of VRCs observed, Liberty Party (LP) in three percent of VRCs observed, and United Peoples Party (UPP) in three percent of VRCs observed. None of them reported complaints about the process to Carter Center representatives.

Although the NEC provides basic training for political party agents in advance of election day, no training for party agents was provided in advance of the voter registration period. However, the NEC made a strong effort to ensure the accreditation of political party agents, even in some cases where political parties struggled to submit the required information in advance of the Jan. 20 deadline.

Looking toward election day, political parties are encouraged to strengthen their efforts to recruit and train party agents as early as possible. Carter Center observers also discussed with some political parties the possibility of using common reporting checklists on election day across all political parties to help ensure that party agents collect quality information about the integrity of the process and to allow political parties to compare information with peers in counties where a party may not have a strong presence.

The NEC is holding regular meetings of the Inter-Party Consultative Committee (IPCC). These meetings are well-attended, and appear to be an effective two-way communication between political parties and the NEC. The Center reiterates a recommendation made in July 2016 to continue these meetings with dedicated attendance by senior members of political parties, and to hold corresponding IPCC meetings at the county level.

In a July 2016 report on the status of electoral preparations, The Carter Center called upon political parties to respect amendments to the legal framework for elections that requires parties to endeavor to ensure that 30 percent of candidate lists are women. The Carter Center also called upon parties to reinvigorate the Political Parties Code of Conduct. As political parties prepare to hold their conventions and the candidate nomination and campaign periods approach, the Center again highlights these recommendations.⁴

³ U.N., ICCPR, Article 25(b); U.N., Convention on the Political Rights of Women, Article 2; U.N., Convention on the Rights of Persons with Disabilities, Art. 29 (a)(ii). Unreasonable restrictions include race, sex, religion, ethnic origin, language, and physical disability.

⁴ In its [July 2016 public statement](#), The Carter Center offered the following additional thoughts on political party and candidate agents: Agents should understand the electoral laws, the rules and regulations governing the voting and counting processes, and the rights and responsibilities of agents. It is critical that agents understand their role within the polling station and what electoral offenses are so

Civil Society Observers

Carter Center observers reported the presence of civil society observers in only 10 percent of VRCs visited. Where citizen observers were present, they were primarily from the National Christian Council of Liberia (NCCL). Carter Center observers also saw observers from a Liberian-American organization, the National Mandingo Caucus, and the Human Rights Commission.

The Election Coordinating Committee (ECC) is also conducting an observation of the voter registration process. While the Center's delegation did not see any ECC observers in the VRCs visited, it is important to note that the ECC focused its observation activities in weeks 1, 3, and 5 of the process. The Center's delegation was present in weeks 3 and 4. The Carter Center benefitted from the public statements and analyses released by the ECC and was able to discuss these in depth with ECC leadership.

Voter and Civic Education

Voter education is an essential part of the electoral cycle and is recognized as an obligation to ensure that an informed electorate is able to effectively exercise their right to vote without obstacles, thereby ensuring universal and equal suffrage.⁵

Carter Center observers found that voter awareness posters were widespread near the VRCs and main villages and towns. Public service messages and call-in shows are broadcast on local radio programs. However, Carter Center observers heard many reports that people in remote villages were receiving information only by word of mouth.

The NEC has reported that they recruited 438 civic educators and 219 gender mobilizers for the three-month period around voter registration. Additionally, the United Nations Development Program, IFES, and the National Democratic Institute have given small grants to about 17 different NGOs to provide voter education. However, most of these efforts started after the commencement of voter registration, lessening their impact. Some sectors of civil society were late additions to the cadre of civic and voter education partners, including women's groups and an organization that focuses on the Mandingo population.

Increased civic and voter education could have a significant impact during the remainder of the electoral process, including development of methodologies for voter information guides for educators, and improved coordination among partner

that they can report any irregularities through the official complaint process. Agents are most effective when a standardized checklist is used as a reporting mechanism to enable them to efficiently collect information about the polling and counting processes across the country. Agents and political party leadership should be well-trained on the rights and procedures for filing electoral complaints. The international community should consider support for the training of political party agents.

⁵ U.N. ICCPR, Article 25(b); United Nations Human Rights Council, General Comment 25, para. 11: "the Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service."

organizations and community-based organizations. Further, additional measures could be undertaken to develop message-based toolkits that support door-to-door information campaigns.

Funding for Elections

Timely and sufficient funding for the elections needs to be available to the NEC – and, where appropriate, to the magistrates – early in the process to enable it to undertake necessary procurements and contracting in accordance with best practices. Going forward, the timely disbursement of funds will be critical in order to avoid disruption of operations that could negatively impact the process.

Security

No security-related incidents were reported to, or observed by, the Carter Center delegation. The Center’s delegation is pleased that the voter registration process has been conducted without any significant security concerns to date. This is especially encouraging because the distribution of materials had to be conducted without security support from the Liberia National Police.

The decision that security measures were not required for the distribution of materials and that security forces did not need to be present at VRCs demonstrates the generally peaceful environment that has characterized the voter registration process.

In many cases, particularly in Monrovia and along the border, personnel from the Bureau of Immigration and Naturalization (BIN) were deployed to VRCs to assist with crowd control and in determining the nationality of potential registrants. In these VRCs, immigration officials played a key role in interviewing applicants to determine citizenship before they were allowed to proceed through the registration process. No LNP were observed around VRCs visited by The Carter Center.

Electoral Offenses and Electoral Dispute Resolution

Complaints related to the voter registration process can be submitted at the voter registration center or to a magisterial office within 48 hours after an offense or violation has occurred. At all VRCs observed by The Carter Center, no complaints had been submitted at the VRC level. Decisions made at the magisterial level can be appealed within 48 hours to the NEC Board of Commissioners, which has established a hearing office for this purpose. Decisions made by the NEC hearing office can be appealed within 48 hours to the Supreme Court.

Criminal matters are handled by the Liberian National Police and the Ministry of Justice (MoJ). The Carter Center commends the LNP for its professionalism, neutrality, commitment to ensuring citizens have trust and confidence in the electoral process, and vigilance in investigating criminal offenses related to the voter registration period. While no significant fraud or offenses with the potential to impact the process have been identified, a number of arrests have been made. These include cases of persons accused of purchasing and collecting others’ voter registration cards. During the time of this delegation’s observation, it was reported that a political aspirant who works in the Office of the President was arrested after being caught at

his home with a camera and registration forms, and an investigation is ongoing. At the time of publication of this report, 40 complaints of registration being denied to Mandingo Liberians are pending (please see section below regarding participation of ethnic and religious minorities).

Participation of Women, Youth, Persons with Disabilities, Ethnic and Religious Minorities, and Pre-trial Detainees

Women. Liberia is a signatory to a number of international treaties that obligate Liberia to take specific positive action to ensure the equal participation of women in political life.⁶ To meet these obligations, Liberia should take steps to ensure that women participate equally in the electoral process as candidates, members of political parties, party agents, observers, poll workers, voter-education officers, and voters. In its July 2017 public statement on the pre-election environment in Liberia, The Carter Center noted that the underrepresentation of women in Liberia's government is among the greatest deficiencies in the country's democracy.⁷

Although data about the number of male and female applicants is being recorded at the VRC level regarding, information about the number of male and female applicants and the level of women's participation in the process is not yet available. The Carter Center heard reports that women, especially in rural areas, have faced challenges in accessing the registration process, including security concerns for those who need to walk long distances to VRCs. The Carter Center commends the work of civil society organizations, particularly women's organizations, to promote women's political participation during this registration process and encourages them to continue and increase their efforts in the final week of registration. Although the Center welcomes the NEC's commitment to inclusiveness that prompted a recent announcement of its intent to create mobile registration centers in rural areas to improve rural women's access to the process, the Center calls for vigilance if mobile registration centers are introduced in the final days of the registration period.

The Carter Center heard reports that in several cases, Muslim women were asked to remove their hijab in order to have their photo taken. Observers heard reports that rumors and fear of this requirement may have contributed to limited participation of Muslim women in the registration process. Carter Center observers interviewed NEC staff and photographers at VRCs and were pleased to note that they reported that they had not asked women to remove their hijabs but had sometimes requested that they push them behind their ears so that a woman's face and ears would show in the photo. In future elections, enhanced training should be provided for NEC staff on this issue to ensure that women of all faiths are treated respectfully and without discrimination.

⁶ The United Nations. (1953). Convention on the Political Rights of Women. *Treaty Series*, 2, 1–28. African Union. (2003). *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*. Maputo: African Union. "States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that: a) women participate without any discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes; c) women are equal partners with men at all levels of development and implementation of State policies and development programmes."

⁷ The Carter Center International Election Observation in Liberia Pre-Election Statement, July 18, 2016

Youth. VRC staff are allowing those who are 18 as of the date of their registration to register. Youth organizations and some political parties have expressed concern that those who turn 18 between the end of the registration period and the date of elections will not have an opportunity to participate in the process. In future elections, The Carter Center recommends Liberia consider adapting voter registration procedures to reflect a broader interpretation of Article 77(b) of the 1986 Constitution so that those who will turn 18 by election day are allowed to register.⁸

Ethnic and Religious Minorities. The protection of religious and ethnic minorities is critical to a democratic society. The freedom from discrimination and right to equality before the law are important rights that should be protected during an electoral process and the voter registration period.⁹

The National Muslim Student Association and the National Mandingo Council of Liberia reported to The Carter Center that the Mandingo make up 12 percent or more of the population of Liberia. Carter Center observers heard allegations that members of the Mandingo ethnic group have experienced difficulty in accessing the voter registration process on the basis of ethnicity or religious affiliation. At the time of publication of this report, 40 complaints of registration being denied to Mandingo Liberians have been submitted to the NEC hearing office in Monrovia and are pending.

The Center also heard reports that Muslims face discrimination, are asked for documentation more often than other applicants, and have more difficulties proving their eligibility to the satisfaction of NEC staff. While the Center did observe in some predominantly Muslim and Mandingo areas, including along the border, few applicants were processed at the time of the Center's observation in these areas. The delegation did witness two cases in Monrovia in which it appeared that Muslims were asked for more documentation than non-Muslims.

The Carter Center also heard allegations that Mandingo from Guinea may be crossing the border to register illegally in Liberia. While the Carter Center observation team deployed to the border areas was not in position to verify the accuracy of these reports, the delegation was pleased that it did not see any evidence of illegal registration taking place. The Carter Center also heard reports regarding the potential obstacles facing young Mandingo who are first-time voters in these elections, especially those encountering increased scrutiny and possible discrimination in the identification process at VRCs. These issues are particularly relevant to those persons who were victims of Liberia's civil war, fled to Guinea at a young age, and as a result have unique accents.

People with Disabilities. People with disabilities have expressed concerns regarding voter registration and voting processes in past elections, including the accessibility of the voter registration and polling centers and protections for the secrecy of the vote, particularly for blind voters. In Liberia's 2005 elections, a tactile or "tac-tac" ballot was introduced to allow blind voters to feel where their candidate appeared on the

⁸ The 1986 Constitution of Liberia (Article 77(b)) reads: "... every Liberian citizen not less than 18 years of age shall have the right to be registered as a voter and to vote in public elections and referenda under this Constitution."

⁹ (OSCE Office for Democratic Institutions and Human Rights, 2001, p. 63)

ballot and mark their ballot in secret. However, education for both NEC staff and voters regarding the use of tactile ballot guide was limited, and Carter Center observers in those elections noted that blind voters continued to utilize assisted voting procedures rather than the tactile ballot.

The Carter Center welcomes the NEC's commitment to removing barriers and to facilitating unhindered access to the electoral process for people with disabilities, particularly the statement by the NEC in a Feb. 27 press conference that it will begin discussions with the disabled community on the reintroduction of the tactile ballot guide in Liberia. The Carter Center recommends that the NEC consider a pilot project to introduce tactile ballots, with a special emphasis on training for staff and awareness for blind voters to ensure that the tactile ballots can be used as intended and that the secrecy of the vote can be protected.

To further support the participation of people with disabilities, the NEC has instructed magistrates to collect information regarding the accessibility of voter registration centers and, where practical, to take steps to move registration centers to lower levels to improve access for people with disabilities. The Carter Center welcomes these efforts to promote the equal enfranchisement of people with disabilities. Half of all VRCs visited were inaccessible to people in wheelchairs. However, almost all could be made accessible with the addition of a short ramp.

Pre-trial detainees. Persons in prison who have been accused of a crime but not yet convicted have the right to register and vote according to the constitution and laws of Liberia. To date, provisions have not been made to ensure the enfranchisement of pre-trial detainees. Although it is difficult to verify the number and location of pre-trial detainees across the country, The Carter Center heard reports that some may wait as many as three years for a trial. In January, the legislature of Liberia conducted public hearings to consider this issue. While international human rights law and the laws of Liberia support the enfranchisement of pre-trial detainees, providing the opportunity to register to vote would require cooperation between the NEC and Ministry of Justice that may not be possible in the remaining days of the registration process.

Broader Pre-election Environment

The Carter Center issued a public statement in July 2016 summarizing its main observations, findings, and recommendations of the broader pre-electoral environment. In that statement, the Center shared analysis of the administration of elections, the Inter-Party Consultative Committee (IPCC), the introduction of biometric technology, the legal framework for elections, political parties and candidates, campaign finance, and women's political participation. The full report can be found here: <https://www.cartercenter.org/news/pr/liberia-071816.html>.

Recommendations

In a spirit of support and cooperation, The Carter Center offers the following recommendations:

- All eligible Liberians who have not yet registered should exercise their right to participate in the voter registration process.

- Because the upcoming exhibition and challenges period will be a critical to establishing the credibility of the voter registration process, the NEC should increase voter awareness about this period, and political parties and civil society actors should make a strong effort to promote participation in it.
- To advance the NEC's goal of making it easier for people with disabilities to participate in the electoral process, it should consider a pilot project to introduce tactile ballots, with a special emphasis on training staff and raising awareness among blind voters to ensure that these ballots can be used as intended and that the secrecy of the vote can be protected.
- In order to further increase confidence in the electoral process, the NEC, political parties, and civil society organizations should increase efforts to conduct voter education and related information and awareness campaigns. This should include development of voter information toolkits for educators, and improved coordination among partner organizations and community-based organizations.
- The NEC should continue to strengthen its communication strategies in order to enhance the trust, confidence, and transparency of the process. This could include extending IPCC meetings to the county level. Efforts to improve communication between the magistrates and NEC headquarters would also be positive for the process.
- The NEC should consider steps to evaluate registration procedures to capture lessons learned in a timely manner and to foster continuous improvement of Liberia's electoral process.
- The NEC should consider offering additional support and training for its hearing officers, magistrates, and the hearing committee at the county and national level to enhance their ability to respond to any election-related complaints. In addition, training for political party agents and candidates in advance of the candidate nomination period on electoral dispute resolution and how to file a complaint would be welcome.