



Carter Center Reports Open and Transparent Voting Process; Encourages Liberians to Await Final Results

CARTER CENTER ELECTION OBSERVATION MISSION TO LIBERIA'S NATIONAL ELECTIONS, OCTOBER 2011
PRELIMINARY STATEMENT

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Executive Summary

The Oct. 11, 2011, presidential and legislative elections mark an important test for Liberia's transition from civil war to democratic, constitutional government. Despite considerable challenges, Carter Center observers reported that the voting process was peaceful, orderly, and remarkably transparent. Although the process of tabulating final results is ongoing and preliminary results have not been announced, the electoral process to date is a positive sign of Liberians' commitment to democratic development. All Liberians should await the announcement of final results by the National Elections Commission (NEC) and the resolution of formal complaints in order to ensure that the will of the people is expressed.

Key findings of the Carter Center mission in regard to the voting process include the following:

- On election day, voters and poll workers displayed considerable enthusiasm, patience, and a high level of civic engagement as they cooperated to make the voting process as smooth as possible. Voters queued in long lines to vote at 4,457 polling places across Liberia. In spite of concerns about the possibility of conflicts, election day was calm and free from reports of violence.
- Poll workers performed admirably, with a few exceptions, conducting themselves in an impartial and professional manner as they checked voters' names on the register, issued ballots, and conducted the sorting, counting, and reconciliation processes.
- The credibility and transparency of the voting and counting processes was greatly enhanced by the presence of party agents, in particular the widespread presence of agents from the two main parties, in all counties. Carter Center observers noted party agents at 99 percent of polling places they visited. In addition, the transparency of the process was reinforced by the presence of domestic observers at 75 percent of these polling places.

- Although Carter Center observers noted a number of minor procedural irregularities during polling, none were considered significant enough to affect the overall integrity of the vote. Observed irregularities included polling places where secrecy of the ballot was not strictly maintained, inking procedures undertaken out of order, and ballot papers folded improperly.
- Carter Center observers noted that detailed procedures for reconciling and counting ballots, including completing the record of seals form, were not always adhered to, and standards for assessing valid versus invalid votes were not consistently applied in some polling stations. Nonetheless, Carter Center observers saw no evidence of any systematic irregularities, nor problems that would affect the overall credibility and integrity of the counting process.
- The Carter Center calls on all political parties, independent candidates, and Liberian citizens to exercise patience and civility while the NEC completes the process of tabulating election results. Until the NEC issues preliminary results, political parties and candidates should refrain from any public statements that might undermine the process.
- In the event of problems or irregularities, The Carter Center calls on parties and candidates to follow established procedures to resolve electoral complaints. We urge the NEC and judicial authorities to thoroughly examine and address any complaints in a fair and expeditious manner.
- The Carter Center calls on the media to exercise professional standards in reporting and calls on the government and political parties to respect freedom of expression.
- Carter Center observers' findings about election day should be placed within the context of important concerns previously reported by The Carter Center about the existence of a level playing field during the campaign period. While the campaign period afforded parties and independent candidates sufficient space to travel and assemble freely and to communicate their messages to potential voters, The Carter Center noted a number of instances where opposition parties were denied access to public facilities or when state resources were used for campaigning purposes. These represent violations of the electoral legal framework. In the event of a runoff, all such violations should be investigated and appropriate actions taken to ensure accountability.

The Carter Center will continue to assess the conclusion of counting and vote tabulation and observers will remain in Liberia to observe the post-election environment.

In the longer term, the task will fall to the next government to reexamine the legal framework for the elections and to pursue reforms that will continue to promote a more inclusive, democratic political process.

The Carter Center election observation mission has been in Liberia since Sept. 1, 2011, at the invitation of the NEC. Eight long-term observers from 5 countries were deployed in mid-

September to assess campaigning and election preparations. For the period surrounding election day, The Carter Center partnered with the Electoral Institute for Sustainable Democracy in Africa (EISA) to deploy an integrated Carter Center-EISA observation mission, comprised of 55 observers from 25 countries. Carter Center-EISA observers visited 282 polling places in 15 counties to assess the voting and counting processes. The Carter Center team was led by General Dr. Yakubu Gowon, former head of state of Nigeria, along with Dr. John Stremlau, Carter Center vice president for peace programs.

The Carter Center's assessment of Liberia's elections is based on obligations for democratic elections contained in Liberia's Constitution, Election Law, and other relevant parts of the legal framework, as well as its commitments under international law. The Carter Center conducts its election observation mission in accordance with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005.

This statement is preliminary; a final report, including detailed recommendations, will be published within four months after the end of the electoral process.

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Statement of Preliminary Findings and Conclusions

BACKGROUND

The 2011 elections mark an important test for Liberia's transition from civil war to democratic, constitutional government. They are the second elections since the signing of the Comprehensive Peace Agreement (CPA) in 2003 and are widely seen as an opportunity to consolidate the peace and return Liberia to a path of political development consistent with the requirements of the constitution and Liberia's international obligations.

Elections held in October 2005 were conducted under the authority of the CPA with significant organizational and logistical assistance from the United Nations Mission in Liberia (UNMIL), following a two-year transitional government. Among other things, the CPA suspended certain constitutional requirements in order for the elections to go ahead. These requirements were reinstated after the inauguration of the current administration in January 2006. The elections in 1997 were also conducted under a special arrangement, due to the conditions surrounding the civil war. As a result, the 2011 election is the first in Liberia to be held under the country's 1986 constitution, as well as the first since the civil war in which the National Elections Commission (NEC) is responsible for organizing all aspects of the electoral process.

The challenge of organizing the 2011 elections was amplified by the need for constituency demarcation and preparations for a national referendum, held on August 23, 2011, after a prolonged political process and extensive political negotiation which compressed the electoral timetable. The late organization of the referendum meant that crucial aspects of the legal framework, including candidacy requirements, the system for determining the outcome of legislative elections, and the date of the poll remained uncertain until just weeks before the election.

LEGAL FRAMEWORK

The Political and Electoral System. According to the Constitution, Liberia is a unitary sovereign state divided into counties for administrative purposes. The form of government is Republican with three separate coordinate branches: the Legislative, the Executive and Judiciary. The 2011 elections were held for the offices of President and Vice President, along with seats for the 73 member House of Representatives and 15 of 30 Senate seats.¹ A runoff in the presidential

¹ Joint resolution LEG-002 (2010), signed by the President on August 2, 2010, added nine seats proportionally to the counties with the most population growth, while all other of the fifteen counties retained their existing numbers,

election will be required if no candidate receives an absolute majority in the first round. The runoff is currently scheduled for November 8 although this date may change, depending on possible challenges to the first round result. Elections for the House and Senate seats are by simple majority.

Political Rights. Under the Constitution, Liberia is a state governed by the rule of law, in which human dignity, civil and political rights and freedoms, justice, and political pluralism represent supreme values that are guaranteed. These constitutionally protected rights are reflected in the legal framework for elections which includes the Constitution, the Election Law as amended by the Electoral Reform Law of 2004, organic laws on the courts, the Law on Political Parties as well as regulations and codes of conduct endorsed or adopted by the NEC.

In addition, the Constitution provides for fundamental rights common to a democratic state, which must necessarily be respected if an electoral process is to be a clear reflection of the will of the people. These include equality before the law and the rights of freedom of expression, association and assembly.² This will is expressed by free elections periodically conducted and based on universal, equal, direct, secret and freely expressed suffrage.³

The present Election Law is comprehensive in that it governs all elections held in Liberia. The law operates as a general guide for elections and many of its provisions are vague as to the details of the rules of the election. These are found in regulations promulgated by the NEC under the authority of the Election Law.⁴

Campaigning and Campaign Finance. According to the legal framework all candidates participate in the campaign on an equal basis. The pre-election campaign is regulated by the Election Law and the Guidelines Relating to the Registration of Political Parties and Independent Candidates. Other provisions on campaigning are located in the Code of Conduct for Political Parties, including those dealing with abuse of administrative resources and the placing or destruction of posters.

Campaign finance rules are contained in the regulations adopted by the NEC. Any citizen, political party, association or organization, being of Liberian nationality or origin, has the right to contribute to the funds and election expenses of any political party or candidate. No corporate or business organization and labor union may contribute to the funds or the election expenses of any political party or any independent candidate. Contributions of goods or services given to political parties or candidates constitute contributions, calculated at the reasonable market value on the date received.

Candidates may make expenses on behalf of their campaigns from their personal funds. Remittance of funds or other assets to any political party or organization, or any independent candidate from outside Liberia, unless remitted or sent by Liberian Citizens residing abroad, are

with no county having less than 2 seats. The counties that gained seats were: Lofa (1); Bong (1); Nimba (2); Margibi (1); Bassa (1) and Montserrado (3).

² 1986 Constitution of Liberia.

³ Liberian Constitution Articles 1 and 77(b).

⁴ Election Law, section 2.9(h).

prohibited. Political parties and candidates cannot utilize public resources for campaign activities nor can they receive any contribution resulting from an abuse of state resources.

Elections expenses are limited to two million USD per candidate for the presidential contest, one million USD for vice president, six hundred thousand USD for senate and four hundred thousand USD for the house.

Fifteen days after the announcement of final results the political party or candidate must file a report detailing contributions and expenses. In case a candidate or political party participates in a run-off election the required reports is submitted fifteen (15) days after the announcement of final results of the run-off election. The NEC is required to make all campaign finance reports available for public inspection at the NEC office in Monrovia during regular working hours.

An Audit Committee, establish by the NEC, may within sixty (60) days of an election, complete a certified audit of the book of accounts of any political party or candidate. Upon the completion of the audit period, the Audit Committee presents its results to the NEC. The NEC can accept or reject, in whole or in part, the findings of the Audit Committee within ten (10) days of the presentation of those findings. In the event that findings of irregularities are upheld, administrative sanctions for “election infractions” or “election offenses,” can be levied by the NEC. They may report violations which constitute “election offenses” to the Ministry of Justice for enforcement or prosecution as the case may be.

Obligations for Democratic Elections. Liberia has ratified several international treaties including the International Covenant on Civil and Political Rights and the UN Convention against Corruption. Liberia has also ratified a number of regional treaties including the African Charter on Human and Peoples’ Rights and the African Union Convention on Preventing and Combating Corruption. Liberia is a signatory to the Universal Declaration of Human Rights and the African Charter on Democracy, Elections and Governance. It is against these commitments, reflected in the Liberian Constitution, as well as the Liberian electoral law, that The Carter Center assesses Liberia’s elections.

ELECTION ADMINISTRATION

An independent and impartial electoral commission which functions transparently and professionally is internationally recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic election, and that other international obligations related to the electoral process are met.⁵

The National Elections Commission (NEC). The NEC is an autonomous public body nominated by the President with the consent of the Senate. For the 2011 elections technical assistance was provided to the NEC by IFES, funded by the United State Agency for International Development (USAID), and by the United Nations Development Program (UNDP). UNMIL provided limited logistical assistance for the election, including airlift of elections materials to difficult to access locations in the Southeast and in Lofa and Gbarpolu counties. Security for the elections was the responsibility of the NEC and the Government of Liberia, through the Liberian National Police

⁵ UN Human Rights Committee General Comment No. 25.

(LNP) supplemented by officers from the Bureau of Immigration and Naturalization (BIN), with support from UNMIL.

The current NEC was established in 2004 and is directed by a Chairman and supported by an Executive Director and an Administrative Division. The commission has offices in 19 magisterial areas in 15 counties. There are 1780 precincts that also served as voter registration centers during the registration period. Within these precincts, 4457 polling places were established across the country for voting on election day. Each polling place was limited to a maximum of 500 voters.

With only minor exceptions, electoral preparations undertaken by the NEC demonstrated that it had sufficient logistics and human resources to administer an election consistent with the Election Law. In spite of poor infrastructure in some counties, the NEC undertook proper measures to overcome obstacles and managed to deliver electoral material to almost all polling places in accordance with the established electoral calendar.⁶

Several political parties criticized the impartiality and competence of the NEC, citing in particular the commission's inconsistent standards with respect to early campaigning by the Unity Party (UP) and opposition parties. Misprints on the referendum ballot and on a NEC training poster did not enhance confidence in the NEC's capabilities.

Nevertheless, Carter Center observers report that NEC officials across the country operated in a professional and dedicated manner, with a few exceptions. More than 26,000 poll workers were recruited for election day. A high percentage of contracted staff had practical experience as they were also engaged for the referendum held in August. This was supplemented by trainings carried out by the NEC shortly before election day. A Polling and Counting Manual was also produced by the NEC for use by presiding officers on election day.

Carter Center observers found that at the magistrate and district level political parties as well as independent candidates were in general satisfied with the NEC's performance throughout the preparatory stage of the election. Working relationships between the NEC Headquarters in Monrovia and Magistrate offices in the counties were reported to be efficient, and provided a supportive environment for electoral preparations. Instructions and guidelines issued by NEC were largely well interpreted and followed by field staff.

VOTER EDUCATION

Voter education is recognized in international law as the principle means to ensure that an informed electorate is able to effectively exercise their right to vote. States must take specific measures to address difficulties that prevent persons from exercising their rights effectively.⁷

⁶ A few problems were noted, including one instance in which ballot boxes and election material was seized and handed over to the LNP. These materials were reportedly being transported by private motorbike hired by the NEC without any security. The material was eventually delivered to the polling place.

⁷ States must take steps to ensure voter education reaches the broadest possible pool of voters. General Comment No. 25, para. 11.

Voter Education Activities. An urgent need for strengthening voter education was recognized by the NEC and addressed with support from UNDP, IFES and the National Democratic Institute (NDI), in partnership with Liberian civil society organizations. The NEC recruited over 150 civic educators to conduct voter education for the elections. In addition, IFES and UNDP contracted 36 civil society organizations to conduct voter education throughout the country. These activities employed a number of different media, from workshops and posters to radio announcements, mobile cinema that addressed election themes, and door-to-door education campaigns. In addition there were several candidate debates, organized by the Press Union of Liberia (PUL), the Liberian Media Initiative, and NDI.

Despite these significant efforts, high rates of illiteracy and insufficient access to media outlets, especially in rural areas and in the Southeast, limited the positive impact of civic and voter education activities. Based on interviews with political parties, civil society organizations, and NEC officials at the county level, Carter Center observers reported that these activities would need to be substantially strengthened in order to reach a majority of voters. This conclusion was reinforced by observer reports on election day that many voters appeared confused by voting procedures and required assistance from polling staff.

VOTER REGISTRATION

A sound voter registration process that ensures an accurate and complete voters' list is a principle means of ensuring that universal suffrage and the right of every citizen to vote is fulfilled.⁸

Voter Registration. Voter registration took place in Liberia from January 10 to February 6, 2011. Registered voters received laminated photo identification cards, which matched photos in the registration roll.

Although The Carter Center did not observe the registration process, observers from the diplomatic community and domestic observers under the umbrella of the Elections Coordinating Committee (ECC) reported that the process went smoothly. NEC announced that 1.7 million people had been registered out of an anticipated 2.1 million. This represents a considerable increase from 2005, when 1.3 million voters were registered.

Carter Center observers that were deployed in September noted persistent concerns about reports of double-registration and the registration of underage voters, especially in Lofa County. The NEC was able to identify approximately 10,000 individuals who may have attempted to register twice and referred this list to the Ministry of Justice, but no action was taken.

In addition, the NEC identified approximately 7,000 individuals as possibly underage, based on visual examination of photos on the voter roll. Despite a series of consultations and reviews at both headquarters and at the local level, NEC officials ultimately decided not to remove any

⁸ An accurate and complete voter registration list promotes public confidence in the electoral system and protects the fundamental right to a genuine democratic election. General Comment No. 25, para. 16.

names from the voter roll.⁹ Instead, NEC produced a separate list of possible underage voters for several areas, including parts of Lofa country, designed to facilitate the identification of potential underage voters on election day.

Problems were also reported by the National Muslim Council, which complained to the NEC that members of the Mandingo ethnic group were being prevented from registering on the basis of nationality. At the same time, there were allegations that Mandingo from Guinea crossed the border to register illegally in Liberia. While unable to verify these reports, The Carter Center notes that the protection of religious and ethnic minorities is critical to a democratic society.¹⁰

Voter registration rolls. Several political parties complained that they were unable to get access or copies of the final registration roll at the Magistrate's Offices, even though section 30 and 31 of the Voter Registration Regulations indicate that it should be available at all Magistrate's Offices for public inspection and copying. Carter Center observers reported the final registration roll was available at only 4 of 10 Magistrate's Offices visited in mid-September.¹¹ According to NEC officials, however, all political parties were given an electronic copy of the national voter registration list in early August, several weeks before the August 23 referendum.

VOTING

The voting process is the cornerstone of the obligation to fulfill genuine, periodic elections which express the will of the people.¹²

Carter Center observers completed 357 forms based on visits to 282 different polling places on election day. These included reports on 27 poll openings, 22 poll closings, and 22 counting processes. In their reports, Carter Center observers characterized the overall polling process as either "good" or "very good" in 99 percent of polling places visited.

Poll Atmosphere and Opening. Carter Center observers reported that the atmosphere on election day was peaceful and calm with no incidents of violence. They also noted long queues of voters waiting patiently, despite the rain. Of the 27 opening of polling places observed, 6 did not open promptly at 8:00 am, though none opened later than 8:30 am.¹³ Observers did not find evidence of campaign materials within 100 meters of polling places.

Poll Staff and Procedures. Carter Center observers reported that poll workers acted in an impartial and professional manner in most cases. Whereas most presiding officers appeared well-trained and effective, queues at some stations were not managed efficiently and voting proceeded slowly, especially in the morning. In 22 percent of polling places observed, polling

⁹ There was an issue on election day with voters who had lost their voter registration card not being allowed to vote even if their names were on the final registration roll Section 3.5(2) gives voters the right to replace their voter registration card if it is lost, however the period in which this could be done was limited by the Voter Registration Regulations to June 13 to 27 with no provisions for voters who lost their VCR after this date to seek a replacement before election day.

¹⁰ ICCPR Article 25; AfCHPR, Art. 2.

¹¹ One magistrate stated that the list was only available through a judicial process.

¹² African Charter on Human and Peoples rights, Art. 13(1).

¹³ The average delay in opening was 11 minutes.

staff did not explain to each voter how to properly mark the ballot as outlined in the training manual.

Identification procedures were followed and measures to prevent multiple voting were properly undertaken in the majority of polling stations observed. In 10 percent of polling places, observers reported that polling staff failed to check the index finger for ink before locating the voter's name in the registration roll. However, this was checked by polling staff before applying the ink.

Based on Carter Center observations, the issue of underage voters, which was raised by several parties as a potential problem, did not appear to be a significant concern on election day.¹⁴

Secrecy of the Ballot. Carter Center observers reported that secrecy of the ballot could not be adequately ensured in 8 percent of polling places observed. In most cases this resulted from inadequate space in the polling place or assistance provided by the presiding officer.

Party Agents. Representatives of political parties and independent candidates were present in 99 percent of observed polling places. Observers noted the presence of UP agents in 94 percent of polling stations visited, while Congress for Democratic Change (CDC) party agents were present in 89 percent of the stations. Party agents from the Liberty Party (LP) and National Union for Democratic Progress (NUDP) were present in 68 and 44 percent of polling stations visited, respectively. Observers reported a significant number of representatives for independent candidates in many polling places.

In many polling places party agents were active in pointing out procedural issues as they arose and these issues were resolved by the presiding officer. In others, party agents appeared not to fully understand the process or their rights, especially with respect to the procedure for filing formal complaints. Carter Center observers reported that no official complaints were filed at the polling places they visited.

CLOSING AND COUNTING

A transparent and non-discriminatory vote counting process is an essential means of ensuring that the fundamental right to be elected is fulfilled.¹⁵

Poll Closing Atmosphere and Procedures. In the polling places observed closing and counting took place in a sometimes tense but peaceful atmosphere. The closing time was respected and those in line at 6:00 pm were allowed to vote. However, the level of understanding of closing and counting procedures was significantly lower than it was for polling procedures. In many

¹⁴ Nine instances of potential underage voting were reported, six of them in Lofa County. In one case the voter was refused the right to vote and told to go to the local NEC office to seek a resolution. In two cases the voters produced identification verifying their age and were allowed to vote. In a fourth case a registered voter was not permitted to vote because he could not provide proof of age. In a fifth case the presiding officer indicated to observers he had turned away five registered voters because he suspected that they were underage.

¹⁵ UN Convention against Corruption, Art. 13(a); ICCPR, Art. 25(2)(1).

polling places observed counting procedures were not strictly followed. Nevertheless, observers reported that this did not appear to affect the integrity of the count.

Invalid Ballots. Carter Center observers reported that the rules for determining whether or not a ballot was invalid were inconsistently applied. In 14 percent of polling stations visited, observers noted that the proper procedure was not adhered to fully. However, observers reported that the intent of the voter remained the guiding principle in determining validity, and that procedural lapses did not appear to impact the integrity of the process.

Carter Center observers reported that the results form had been displayed outside the polling place, as required, in 18 of 22 polling stations observed at closing. The display of results forms immediately after the count is an important element of transparency and this requirement should be strictly adhered to.

Tallying and Tabulation. The process of tallying the votes at the magistrate's offices has not been completed. The Carter Center will continue to observe this process and urges all parties and candidates not to make any statements concerning the results until the process is complete, and the NEC has released official results. If there are concerns about the tally procedure or the results, parties and candidates should avail themselves of the legal remedies allowed for in the election law.

CANDIDATES, PARTIES AND THE CAMPAIGN ENVIRONMENT

Liberia's constitution and its international and regional commitments create obligations related to the nomination of candidates, parties and campaign periods. These include, among others, the right to be elected, to freely express opinions, and to participate in public affairs.¹⁶

Candidate Registration. The NEC administered the process of candidate registration in a transparent manner, though political parties complained that the NEC did not satisfy its obligation to scrutinize candidate qualifications. Sixteen parties or coalitions registered candidates for President and Vice-President, along with 99 candidates for the Senate and 810 candidates for the House of Representatives.

Campaigning. The campaign period began on July 5, 2011 and ended 24 hours before election day. Carter Center observers reported a peaceful campaign process in which the parties conducted their activities throughout Liberia, and noted the enthusiasm of many Liberians to participate in the political process. Carter Center observers witnessed campaigning in all of Liberia's 15 counties and reported that parties and candidates were able to move freely and share their message with voters. We did not encounter evidence of violence by parties or their

¹⁶ The right to be elected is a universal right requiring that States ensure that their citizens have the opportunity to stand for elected office, free from unreasonable restrictions. All citizens are guaranteed the right of equal access to the public services and property of their country; and any derogation from this right which gives advantage to a particular party or candidate may be considered discriminatory. ICCPR, Art. 19(2); AfCHPR, Art. 13(2).

affiliates. This is an important pre-condition for parties and candidates to be able to openly express their opinions and views with voters, and a positive sign.¹⁷

In another positive sign, The Carter Center noted the peaceful atmosphere that existed on the final day of campaigning when several political parties held concurrent rallies in Monrovia.

The Carter Center welcomes the efforts of the NEC to resolve disputes through the Interparty Coordinating Committee (IPCC) and notes that the majority of parties signed the Code of Conduct for Political Parties and the Memorandum of Understanding between the political parties and the LNP. At the same time, Carter Center observers encountered numerous complaints from political parties that their posters had been torn down.¹⁸

Access to Public Facilities. Access for political parties to public facilities in Liberia is ensured by article 10.21 of the election law, which states that “Political parties are also privileged to use, and shall not be denied the right to use any public building or such facilities necessary and appropriate for their purpose,” so long as a “timely request” is made. While noting that a number of rallies and other party events took place in public facilities, Carter Center observers received several complaints from political parties that they were denied access, in apparent contravention of the elections law. Inequitable access to public buildings and public spaces for campaign events undermines the aspiration of a level playing field during the campaign period.¹⁹

Use of State Resources. Political parties and civil society organizations complained consistently about the misuse of state resources, especially government-owned vehicles, for campaigning purposes. There were also several complaints about government officials campaigning for UP and county administrative officials wearing UP t-shirts and caps during working hours. The use of state resources for party campaigning is a violation of the election law and of Liberia’s international obligations with respect to campaign finance.²⁰

Carter Center observers reported seeing government vehicles being used at UP-sponsored campaign events in Bong, Grand Bassa, and Montserrado Counties. They also reported seeing campaign posters on public buildings. While this practice does not violate the Constitution or the election law, it creates the impression that public property, which belongs to all Liberians, is being used for the advantage of one or another political party. This should be taken into account in reforming the election law.

¹⁷ ICCPR, art. 19 which states that everyone shall have the right to freedom of expression for information and ideas of all kind.

¹⁸ In one case the CDC and NPP filed a complaint to the NEC in Grand Kru County alleging that their posters had been torn down and replaced with UP posters. They received a written reply on September 20 from the NEC Magistrate promising to investigate. The Center also was informed of a case in which candidates from LTP, MPC, LDP, and OCPOL alleged that several UP candidates threatened them in an attempt to restrict their campaign activities in River Gee. An official complaint was filed with NEC on September 27, 2011.

¹⁹ AfCHPR, art. 13. Detailed findings concerning access to public facilities can be found in the Carter Center statement on campaigning, issued on October 3, 2011, available at www.cartercenter.org.

²⁰ States are obligated to take measures to prevent corruption including the misuse of state resources. UN Convention against Corruption, art. 18 and 13; AU Convention on Corruption, art. 7.

MEDIA ENVIRONMENT

International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive and impart information through a range of media.²¹ The Carter Center did not conduct a comprehensive analysis of media coverage during the pre-election period. However, Carter Center observers reported complaints from some political parties that media outlets used discriminatory pricing to discourage equal access to the media. In addition, the Carter Center notes complaints by journalists that they were intimidated by political party officials during campaigning, including a case where a journalist was forced to delete photographs taken at a CDC rally in Nimba County. The impartiality and independence of the press remain issues of concern to all stakeholders in the electoral process. The Carter Center calls on all stakeholders to ensure freedom of expression and on journalists and others in the media to abide by the Code of Conduct for media and the Election Coverage Code of Conduct, both sponsored by the PUL.

PARTICIPATION OF WOMEN

State obligations to promote equality for women derive, in part, from political obligations regarding absence of discrimination and the right of all citizens to participate in the public affairs of their country regardless of gender.^{22,23}

Women played a prominent role in the Liberian peace process and the country enjoys the distinction of having Africa's first elected female President. At the same time, however, the percentage of female candidates contesting the 2011 elections is low. Of 925 candidates, 105 were women, including 87 candidates for the House of Representatives, 12 candidates for the Senate, and 6 candidates for the Presidency and Vice Presidency. This represents approximately 11 percent of all candidates.

Carter Center observers on election day reported that women were well represented in the polling places, in terms of domestic observers, party agents, and poll workers. Of the polling places visited by Carter Center observers, 39 percent had at least one female domestic observer, 74 percent had at least one female party agent, and 94 percent had at least one female poll worker. Overall, 41 percent of all poll workers were female at the polling places visited.

DOMESTIC AND INTERNATIONAL OBSERVERS

International commitments require states to ensure that every citizen has the right to participate in the public affairs of their country, including the ability to participate in civil society and domestic observation organizations, and to freely assemble and associate.²⁴

Domestic Observation Efforts. Domestic observers from more 60 organizations sought and received accreditation from the NEC. The Carter Center commends the efforts of Liberian civil

²¹ ICCPR, art. 19.

²² ICCPR, art. 26; 2(1); 26.

²³ UDHR, art. 21(a); ICCPR, art. 25(9).

²⁴ General Comment No. 25, para. 8.

society to deploy several thousand observers to monitor polling and counting on election day, including 2,000 domestic observers under the umbrella of the Election Coordinating Committee (ECC).

Carter Center observers noted the presence of ECC observers at 57 percent of polling places visited. Representatives of the Liberian Council of Churches were present at 14 percent. Overall, we noted the presence of domestic observers at 75 percent of polling places visited across the country. The Carter Center welcomes statements on the electoral process by the ECC, the Mano River Women's Peace Network, and others.

International Observation Missions. The significant interest and support of the international community for Liberia's elections was evidenced by international delegations from the African Union, ECOWAS, and the Electoral Institute for Sustainable Democracy in Africa (EISA), as well as diplomatic delegations organized by the U.S. embassy, EU member states, and the Federal Republic of Nigeria.

In the spirit of partnership between international observers, The Carter Center partnered with EISA to deploy an Integrated Carter Center-EISA Observation Mission. This coordination enhanced the work of both organizations, and allowed the integrated mission to deploy observers throughout Liberia's 15 counties. The leaders of the two delegations also met with the heads of other international delegations to share information pertinent to the election process.

ELECTORAL DISPUTE RESOLUTION

An effective electoral dispute mechanism is an important means of ensuring that remedies are available for violation of fundamental rights and that everyone is entitled to a fair and public hearing.²⁵ All complaints concerning violations of the elections law, regulations and codes of conduct are under the original jurisdiction of the NEC, which has the power to impose a fine, suspend a candidates or political party's registration, and order corrective measures. Complaints are heard by a hearings officer hired by the NEC whose rulings must then be approved by a vote of the NEC. Offenses for which the penalty is up to 500 USD fine are heard by the Magistrates. The NEC has hired a hearings officer for each of the 19 Magistrates to assist them in resolving election day complaints. Decisions of the magistrate can be appealed to the NEC and then to the Supreme Court.

Several challenges were filed with Supreme Court on election-related provisions of the constitution. One involved the constitutional referendum that was held on August 23, 2011. The referendum asked the voters to approve several changes to the Constitution that would impact on the rules under which the 2011 election would be run. All of the amendments failed to gain the required two thirds majority of registered voters voting in the referendum based on the calculations conducted by the NEC.

When determining whether or not the proposed amendments passed, the NEC included the invalid votes in the number of total votes cast. A challenge to the decision of the NEC to include the invalid votes was filed with the Supreme Court by the National Democratic Party of Liberia

²⁵ ICCPR, Art. 2(3), 14(1).

(NDPL). After a public hearing on September 14, the Court ruled that the invalid ballots did not constitute votes and therefore should not have been included when calculating the results of the referendum. Once the invalid votes were excluded proposition four achieved the necessary two thirds to pass resulting in the amendment of article 83(b) of the Constitution and changing the system for legislative elections from an absolute majority to a simple majority. This eliminated the need for a second round as the person who obtains a simple majority in the first round is declared the winner.

Another challenge was filed by the Movement for Progressive Change (MPC) against the NEC's decision to register six of the candidates for president. The complainant alleged that the candidates did not meet the Constitutional ten-year residency requirement for being President.²⁶ The Court ruled that because Article 52(c) was suspended in 2004 and reinstated in 2006, the ten-year residency requirement would not apply until 2016, by which time a ten-year constitutional period will have passed.²⁷

THE CARTER CENTER'S ELECTION OBSERVATION MISSION

The Carter Center's Election Observation Mission is working in Liberia by invitation of the NEC, consistent with the NEC's Code of Conduct for Observers and with the Declaration of Principles for International Election Observation and the Code of Conduct, which were adopted at the United Nations in 2005 and have been endorsed by 37 election observation groups. The Carter Center commenced its observation mission on September 1, 2011 and has deployed eight long-term observers who will remain in Liberia for a period of three months, visiting all 15 of Liberia's counties. They were joined by a larger, short-term delegation in early October to witness the voting, counting, and tabulation processes.

The objectives of the Carter Center's Election Observation Mission in Liberia are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote a process that is credible, transparent, and free from violence, and c) to demonstrate international interest in and support for the upcoming elections. The Center assesses the electoral process based on Liberia's national legal framework and its obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.²⁸

²⁶ Liberian Constitution Article 52(c).

²⁷ Although some political parties criticized the Supreme Court for being biased in favor of the ruling party, The Carter Center analysis of these two opinions is that they were well reasoned and followed precedent.

²⁸ Liberia ratified the African Charter on Human and People's Rights (ACHPR) on Aug. 4, 1982, and the International Covenant on Civil and Political Rights on Sept. 22, 2004.