

Chapter Five

CONCLUSIONS AND RECOMMENDATIONS

Our terms of references called on us to observe the preparations for the election; the polling, counting and results process, and the overall electoral environment. We hereby offer our conclusions and recommendations, and hope all relevant stakeholders will receive and consider them in the positive spirit in which they are intended.

Conclusions

As with most elections the Commonwealth has observed, there were positive developments in the electoral process, as well as areas of concern. We believe that the 2011 Presidential Election was well organised and peaceful.

During the campaign, candidates appeared to enjoy general freedom of movement and assembly. We received a number of reports, however, that several billboards of some candidates had been defaced or destroyed, while others had to be removed after they were erected illegally. The Team noted various issues that were highlighted by almost all stakeholders relating to the perceived imbalance in the media coverage of the various candidates before the official campaign commenced, which allegedly continued to a lesser degree once the official campaign began.

The Voter Register appeared to be largely accurate and requisite checks were in place to ensure the requirement for voters to produce appropriate identification documents was observed. On voting days, universal suffrage was provided for and voters turned out in very large numbers across the country. Based on our observation, the count and tabulation processes in polling stations were transparent and conducted fairly, though with a few inconsistencies in the application of relevant procedures.

The technical aspects conducted by the Office of the Electoral Commissioner were efficient, transparent and credible. We conclude that the electoral process was credible and the outcome broadly reflects the wishes of the majority of Seychellois voters. The Team commends the people of Seychelles for their active involvement, and for their belief and participation in the electoral process.

While some fundamental elements of a democratic environment were met, others were not. As Seychelles strives to deepen and consolidate its democratic culture and practice, it needs to address several key issues. These include the establishment of a permanent, independent and adequately

resourced Electoral Commission; a thorough review of the Elections Act and other relevant legislation and procedures, so as to address key gaps and ambiguities in the legal framework related to elections; further reform of the Seychelles Broadcasting Corporation to give full and proper effect to its new fully independent role; reducing substantially the current prohibitive cost of establishing and operating private radio and television stations; and the facilitation of civil society as domestic observers to enhance scrutiny and transparency in the electoral process.

We offer our recommendations for suggested action by the relevant Seychellois authorities to enhance the democratic institutions, practice and culture that govern and shape the electoral process, where required.

Recommendations

- The National Assembly should establish a permanent, independent and adequately resourced Electoral Commission. This Commission should not supplant the Elections Advisory Board.
- A thorough review of the Elections Act and other relevant legislation and procedures should be undertaken, so as to address key gaps and ambiguities in the legal framework related to elections.
- Existing legal requirements to declare campaign expenditures and the declaration of political contributions should be strictly enforced. We further suggest that in addition that the National Assembly consider removing from the Elections Act the specific exemption from reporting the identity of the person or source of the contribution and the person in respect of whom the expense was incurred.
- In the interests of transparency in the use of funds that are used to contest elections, it is suggested that the election law be amended to include a requirement for parties and candidates to publicly disclose the source of political contributions, as well as the amount. The National Assembly should consider limiting the amount of contributions that can be received or the amount of funds that can be spent, or both.
- In the interests of reducing outside influence on the electoral affairs of Seychelles, the Assembly should consider restricting the source of political contributions to persons eligible to vote in Seychelles elections. In order to improve the ability of the Electoral Commissioner to enforce campaign finance laws, reports required to be filed should first be audited by a professional auditor and the Electoral Commissioner should be given additional resources to review and investigate suspect reporting.
- The period of list inspection and revision should be extended and streamlined to permit more time for voters to verify their information and

to have it corrected. It is also recommended that political party and candidate agents be permitted to retain the district lists given to them on polling day.

- We urge the Electoral Commissioner to consult with a wide range of election stakeholders before preparing the annual reports submitted annually to the National Assembly and following elections, and that he use the occasion of these reports as an opportunity to make substantive recommendations to amend the elections law to further enfranchise voters and to improve the accessibility, administration of elections, and enforcement of election laws.
- The Elections Act should be amended with regard to the nomination process; the Elections Act should also be reviewed broadly to ensure that it contains fair, complete and satisfactory electoral rules and procedures, as well as to ensure there is accuracy and internal consistency within the law.
- The Elections Act should be amended to provide for a longer period for the submission of nomination papers in order that they may be properly verified by the Chief Electoral Officer. It is also recommended that the form and requirements of the Nomination Paper be also prescribed in law.
- Adequate funding should be provided to the Electoral Commissioner so that there can be strict enforcement of the elections laws, particularly with regard to the enforcement of penalties for electoral offences and fraudulent acts, including voter inducement.
- The Elections Act should be amended to give the Electoral Commissioner a mandate to inform voters of their right to vote, the rights of citizens to participate in the democratic process, the rules regarding elections, and the voting process.
- Voting aides for the visually impaired should be provided so as to ensure that such voters who wish to vote unaided, are given greater opportunity and ability to do so. The Electoral Commissioner may wish to examine current locations of all polling stations and seek alternate and more accessible venues for those stations which present such challenges.
- Further reform of the Seychelles Broadcasting Corporation should take place so as to give full and proper effect to its new role, so as to operate independently of the State and other bodies, persons or political parties. In addition, we suggest that the current prohibitive cost of establishing and operating private radio and television stations be reduced substantially.
- Measures to strengthen the existing Public Service Commission and Public Service Appeals Board should be implemented to allay persistent fears

and suspicions that employment and promotional prospects may be influenced by perceived political affiliations.

- In view of the critical role that domestic observation plays in the democratic process, we urge the Electoral Commissioner and civil society to work together to agree on the modalities and institutional framework that would facilitate domestic electoral observation.
- We encourage the speedy implementation of Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) into domestic law, and the promotion of affirmative action and proportional representation in the holding of public office.
- Furthermore, the Government may wish to consider how best to integrate and mainstream gender issues into constitutional and electoral reforms so as to reaffirm the principles of non-discrimination, equality, affirmative action, women's right to freedom, democratic processes and security.