

THE
CARTER CENTER



Liberia

NGO Submission to the U.N. Human Rights Committee

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Reporting Organization

A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and former First Lady Rosalynn Carter, in partnership with Emory University, to advance peace and health worldwide.

The Carter Center’s Democracy Program works globally to promote democratic elections and governance consistent with human rights. The Center has monitored more than 100 elections in 38 countries since 1989, forging many of the techniques now common in the field. The Democracy Program’s Democratic Election Standards (DES) has developed practical tools, including the Election Obligations and Standards (EOS) database and Assessment Manual which make available common criteria for assessing elections based on public international law.

The Carter Center in Liberia

The Carter Center has a long history of engagement in Liberia having first opened a field office in 1992. Over the past 25 years, the Center has initiated programs in conflict resolution, civil society support, human rights, access to information, access to justice, mental health, and election observation. The Center observed elections in 1997, 2005, and 2011, and in doing so, has become a credible voice in the Liberian electoral environment.

In 2011, the Liberian National Elections Commission (NEC) invited the Center to observe the presidential and legislative elections. In response, the Center organized an international observation mission, deploying a core team of experts and eight Long-term observers (LTOs) to monitor electoral developments in the pre-election, election, and post-election periods. In cooperation with the Electoral Institute for Sustainable Democracy in Africa (EISA), the Center

also deployed 55 short-term observers (STOs) for the first round of voting on Oct. 11, and 52 STOs for the second round on Nov. 8. Long-term and short-term observers observed the electoral process in all 15 Liberian counties during the election period.

Ahead of the 2017 general election, Carter Center staff and experts have conducted three pre-election assessment missions to engage with government officials, politicians, and members of civil society about the issues affecting the current electoral period. An Electoral Expert was deployed in January 2017 to liaise with Liberian interlocutors and continue to assess the electoral environment. At the invitation of the NEC, the Carter Center also deployed a delegation to observe and report on the voter registration period with the team deployed from Feb. 20 to March 1.

Issues and Suggested Questions for the Human Rights Committee

This submission builds on the data collected by The Carter Center’s 2011 election observation mission to Liberia and observation of the pre-election period ahead of the 2017 polls. It addresses gaps in the legal framework for elections in Liberia, as well as observed issues related to the implementation of elections during the 2011 general elections and the 2017 pre-election period. This submission offers questions that the Committee may consider asking of the State Party, and also provides some key recommendations to ensure that various stages of the electoral process are implemented in accordance with Liberia’s obligations under the ICCPR in the future.

Articles 2 and 14: The Right to an Effective Remedy and the Right to a Fair and Public Hearing

The legal framework for the effective resolution of election related disputes is grounded in the Constitution and the elections law.

- Article 11(c) of the Constitution provides for the equal protection of all persons under the law, and for the right to a free trial and due process.¹
- Article 26 of the Constitution also guarantees citizens the right to seek redress for the, “violation of their rights and freedoms protected by the laws of Liberia,” and the “effective remedy” of such claims.²

However, during the 2011 electoral period, the failure to delineate responsibility for dispute resolution between the National Elections Commission (NEC) and the courts, as well as a lack of civic education regarding voters’ rights, led to practical barriers that undermined the right to a fair and effective remedy.

According to the Liberian elections law, the “court” of first instance for electoral complaints with penalties under \$500 is at the county level with NEC magistrates of elections³, and with the NEC at the national headquarters for other complaints. NEC magistrates are election officials appointed by the NEC to administer elections and register voters in their area of responsibility,

¹ Liberian Constitution Chapter III, Article 11 (c); State’s Report para. 114

² Liberian Constitution Article 26; State Report para. 22

³ The New Elections Law, Article 2.24

and do not have legal training. Any decision made by a NEC magistrate may be appealed to the NEC. The NEC established a permanent hearing office in Monrovia to hear complaints and appeals against magistrate decisions. Appeals against the decision of the NEC hearing office are made to the Supreme Court.

Although NEC magistrates received some training on dealing with election disputes, the lack of a legal background led to poor documentation of complaints and a large number of appeals regarding complaints to the Hearing Office at the national level.

In Liberia's 2011 elections, The Carter Center noted an inconsistent understanding of the dispute resolution process across the country, and to an inconsistent delineation of responsibilities. In some cases, magistrates ruled unilaterally on all electoral complaints, while in other counties, local hearing officials who were not NEC magistrates exercised decision-making authority. The confusion caused by this inconsistency meant that many complainants were unsure of where to submit their claims, resulting in numerous complaints being submitted to the incorrect adjudicating authority. This required that they later be referred to the appropriate authority, extending the time required to determine each case and undermining due process. Based on The Carter Center's contacts with various stakeholders, it seemed likely that many potential problems went unreported, as few actors were fully aware of the electoral dispute resolution mechanisms.

The same process will be in place for the 2017 national elections, and NEC magistrates have asked for additional training in the area of electoral dispute resolution, and citizens and political parties appear to lack a clear understanding of how to file an electoral complaint.

As per the State's Report, Liberia has begun to disseminate information about citizens' rights as outlined in the ICCPR through community radio and town hall meetings.⁴ In this light, additional civic education aimed at educating members of the public and political parties about specific election dispute resolution processes would help provide greater opportunities for stakeholders to receive fair adjudication.

Increasing education about electoral dispute resolution options may place additional burden on the NEC, which already has limited capacity to hear and determine each complaint in a timely manner. In 2011, the NEC received 50 complaints on and after the election day in the first round. While most complaints were dealt with by the NEC within a few weeks, more than ten cases remained outstanding after almost a month, some without a legal deadline for consideration. In some instances, written decisions on finalized cases were not issued by the NEC and Magistrates on a timely basis, effectively undermining the right to appeal. No NEC decisions were appealed to the Supreme Court between the first and second rounds of voting. Ahead of the 2017 election, the NEC's legal department is significantly understaffed and without additional resources would again struggle to address complaints in a timely manner.

In 2011, The timeline for hearing and determining complaints against election results was not harmonized with the election calendar, and did not guarantee appeals filed after the first round of voting would be heard and determined before the second round began. Interlocutors told Carter Center representatives that during the 2014 senatorial election the discrepancy between the timeline for appeals and the electoral calendar had yet to be addressed. Ahead of the 2017

⁴ State's Report para. 24

election, there has still been no amendment to the dispute resolution timeline to ensure due process.

Recommendation: The Carter Center recommends that the Liberian government and the NEC clarify the roles of adjudicators dealing with election complaints, and harmonize the timeline for the electoral dispute resolution process with the election calendar to ensure due process.

Questions for Consideration:

How will Liberia ensure that responsibilities for election dispute resolution are clearly delineated and that the appropriate adjudicating officials are properly educated about their individual role and responsibilities?

What steps will Liberia take to harmonize the electoral dispute resolution timeline with the election calendar?

What steps will the NEC take to ensure that NEC magistrates/officials will develop the necessary capacity to hear and determine complaints in a timely manner?

Article 3: Equality Between Men Women

Under Article 11 of the Liberian Constitution, all citizens are guaranteed equal rights “irrespective of sex,” and the Government of Liberia is “committed to gender equality as a means of maintaining peace, reducing poverty, enhancing justice and promoting development in the country.”⁵ However, as the State’s Report notes, “women remain marginalized in all sectors.”⁶ This is consistent with The Carter Center’s observations of the 2011 general election and the 2017 pre-election period, which noted the significant underrepresentation of women in elected office.

Liberia enjoys the distinction of having Africa’s first elected female president, but the percentage of women in elected to the legislature has decreased with each election since 2005. Following the 2005 elections, 14 percent of Liberia’s legislative seats were held by women. That percentage dropped to 11 percent following the 2011 elections and to 10 percent following the 2014 legislative elections. Ahead of the 2017 election, some stakeholders fear that female representation could fall even further.

In 2014, amendments to the 1986 elections law called upon political parties and coalitions to “endeavor to ensure” that its governing body and list of candidates have no less than 30 percent of its members from each gender. It is important to note that the language of the election laws amendments does not outline an enforcement mechanism, and there is no further clarification of what actions constitute “endeavoring to ensure” the 30 percent target. Although political parties dispute the legality and enforceability of the “endeavor to ensure” clause, in advance of 2017 elections the NEC has publicly stated that it will reject political party candidate lists in the first instance if they do not have at least 30 percent female candidates. The NEC has further stated

⁵ State’s Report, para. 26

⁶ State’s Report para. 29

that political parties will be expected to show what endeavors they have made, although it is unclear how the NEC will assess such endeavors.

To date, Liberia has failed to meet international obligations in regard to women's political participation.⁷ Among the reasons for the failure of such legislation has been the unwillingness of male legislators to support legislation that they interpret as requiring them to give up their seat to a woman. Although numerous attempts have been made within Liberia's legislature to pass legislation to promote women's participation in politics, including quotas and reserved seats, none have been successful. The most recent attempt was the "Affirmative Action Bill" introduced in 2016, which attempted to establish reserved seats for women, youth, and the disabled. The Affirmative Action Bill was ultimately not signed into law and discussion has not yet taken place regarding how the reserved seats would be elected or how they would operate.

Recommendation: The Carter Center recommends that the Liberian government reach out to legislators to allay concerns and promote the reintroduction and passage of legislation to establish a formal gender quota. The Center also encourages the Liberian government to take additional measures to promote a more inclusive political environment for women to encourage greater participation.

Questions for Consideration:

What steps will Liberia take to ensure greater representation of women in elected office?

Article 19: Freedom of Opinion and Expression

Respect for freedom of expression and of the press is protected in the Liberian Constitution under Article 15, and as per the State's Report, Liberia supports a robust variety of private media outlets with 30 newspapers, 19 radio stations, and 45 community radio stations.⁸ Liberia enjoys considerable press freedom, and journalists are, for the most part, free to air their views in print, online, and on the radio and television without fear of harassment.

During the 2011 election period, The Center's observers engaged with media representatives in all 15 counties and discussed media coverage of the elections with representatives of the political parties, independent candidates, civil society organizations, and United Nations Mission in Liberia (UNMIL). Following these discussions, they noted a number of troubling restrictions to media outlets and political parties' freedom of expression.

In the pre-election period, the state-run media outlet, Liberian Broadcasting Service (LBS), came under harsh criticism from opposition political parties and civil society for the indefinite suspension of LBS's managing director Ambruss Mneh. The suspension followed the outlet's airing of a live press conference in which Ambassador George Weah made comments critical of the president. Ultimately, the timing of the decision raised questions about the neutrality and credibility of LBS during a sensitive moment of the campaign period.

⁷ ICCPR art. 3

⁸ State's Report para. 138

On Nov. 7, 2011, following the clashes between protestors and police at the Congress for Democratic Change (CDC) rally in Monrovia, the Liberian Ministry of Justice and Information ordered the closure of three media outlets, including seven radio and television stations. The government alleged that these outlets were broadcasting hate speech against the government and deliberately disseminating misinformation about the rally. The station managers were summoned to appear in court on Nov. 10, and were found guilty of an unspecified crime. The court later ruled that, while the defendants were subject to punishment, the media outlets would be reopened with a “strong warning” that further hate messaging would be cause for the Ministry of Information to revoke their permits and licenses. This decision continues to leave the media vulnerable to undue discrimination as the government has the discretion to prosecute and revoke licenses but does not provide any clear guidance regarding prohibited actions. It may also lead to self-censorship.

The Center closely followed the legal proceeding and found that the case did not meet the minimum standards for due process, as the defendants were forced to produce their broadcasts as evidence against themselves and evidence was submitted directly to the court without public presentation.

Recommendation: The Carter Center recommends that the Liberian government strengthen and protect press freedoms and establish a legal framework for the media and an independent regulatory body to ensure that any actions taken against the press are in accordance with the rule of law and due process.

Questions for Consideration:

What measure will Liberia take to ensure to independence of the media?

Article 21: The Right to Peaceful Assembly

As noted in the State’s Report⁹, article 17 of the Liberian Constitution guarantees the right to peaceful assembly, given that organizers request a permit from the Ministry of Justice.¹⁰ However, during the 2011 campaign cycle, opposition parties alleged that the Unity Party (UP) undermined competitors right to assemble by unlawfully restricting access to publicly owned venues for campaign events. Article 10.2 of the Liberian election law states that, “political parties are also privileged to use, and shall not be denied the right to use any public building or such facility necessary and appropriate for their purpose,” so long as a “timely request” is made.¹¹

The Liberty Party submitted a complaint to the NEC claiming that they were inappropriately denied the use of the administrative hall in Voinjama City. The NEC investigated the matter and found that the party’s request had been rejected without cause. In another case, the CDC complained that they had been denied access to the Samuel Kanyon Doe Stadium (SKD) in Monrovia to hold a rally. Carter Center investigations revealed that on the dates requested by the

⁹ State’s Report para. 148

¹⁰ State’s Report para. 149

¹¹Liberia Election Law Article 10.2

CDC, the “entire SKD complex” had been booked in advance, in the name of Minister Etmonia Tarpeh, for an untitled conference for 30 people. At a meeting with The Carter Center, Minister Tarpeh was not able to explain the nature of this conference or to identify any of the expected participants.

Recommendation: The Carter Center encourages the Liberian government to redouble efforts guaranteeing the right to peaceful assembly, and to prohibit the restriction of this right based on partisan grounds.

Questions for Consideration:

How will Liberia ensure that citizens and political parties have the equal right to peacefully assemble regardless of political affiliation?

Article 25: The Right to Participate in Public Affairs

Abuse of State Resources

As noted by the States Party, campaign finance limitations exist in law in Liberia.¹² However, the misappropriation of state resources for campaigning, and the potential disqualification of government ministers and appointees from running for office has the potential to undermine the equal standing of candidates in elections and provide a practical barrier to public service through elected office.¹³ Throughout the 2011 campaign cycle, political parties and civil society organizations consistently complained about the misuse of state resources, especially government-owned vehicles used for campaigning purposes. The Liberia Democratic Institute (LDI) cataloged dozens of specific cases, predominantly involving the governing UP, but also CDC, LP, and NUDP.¹⁴ Carter Center observers also reported seeing government vehicles at UP campaign events in Bong, Grand Bassa, and Montserrado counties.

In 2014, Liberia passed a new code of conduct for government officials that stipulates that Ministers, deputy ministers and county superintendents must resign two years prior to an election and that appointed government officials with tenure must resign three years prior to an election in which they intend to run.¹⁵ This government code of conduct was developed with the intention of preventing the misuse of government resources.

A challenge was made to the Supreme Court arguing that the code of conduct is unconstitutional, as it places undue restriction on the right to stand for elections. On March 3, the Supreme Court delivered a judgement that the law was in accordance with the constitution. While a number of the political parties have lent their support to the legislation, others are openly outraged at what they see as an attempt to marginalize their candidates from the process, given that they could not

¹² State’s Report para. 170

¹³ ICCPR art. 25(c)

¹⁴ LDI, “Abuse of Incumbency, Administrative Resources and Political Corruption in the 2011 Presidential and Legislative Elections,” separate report for July and August 2011

¹⁵ Code of Conduct Law, Section 5.1

have known that they would be chosen by the party to stand for elections that long in advance of the election. Members of civil society have expressed concern that the interpretation and application of the law is partisan, targets opposition candidates and favors incumbents, since members of Liberia’s legislature do not have a similar requirement to resign but still have access to government resources.

Recommendation: The Center encourages the Liberian government to reevaluate this section of the code of conduct to avoid contravening the state’s international obligation to allow citizens to stand for election.¹⁶

Voter Registration and Inclusive Electoral Processes

In its observation of the 2011 elections in Liberia and the voter registration process in advance of 2017 elections, Carter Center observers heard allegations that members of the Mandingo ethnic group experienced difficulty in exercising their right to vote and accessing the voter registration process on the basis of ethnicity or religious affiliation. The State’s Report refutes these allegations saying that, “ethnic and religious minorities enjoy full voting rights and are free to participate in public affairs.”¹⁷ However, the Report did suggest that impediments to voting did include illiteracy, poverty, and inaccessible roads in the hinterland.¹⁸ The Carter Center encourages Liberia to investigate the allegations of ethnic discrimination and establish adequate protections to ensure that religious and ethnic minorities enjoy freedom from discrimination and right to equality before the law. Efforts should also be made to ensure that all impediments to voting are ameliorated to the greatest extent possible.

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.¹⁹ 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, Carter Center observers heard reports that some may wait as many as three years for a trial. In January 2017, the legislature of Liberia conducted public hearings to consider this issue, and decided that the NEC should enfranchise pre-trial detainees. However, the NEC and Ministry of Justice were unable to establish a process by which detainees could register and vote within the regular legal framework for electoral preparations. To date, these issues have not been resolved and it is unlikely given that the voter register will be finalized in June 2017. The NEC and Ministry of Justice should develop a mechanism to allow pre-trial detainees the opportunity to register and vote in advance of future voter registration exercises.

Although the law in Liberia provides that citizens who are “not less than 18 years of age” have the right to vote, there are currently no provisions to allow enfranchisement of those who turn 18 years of age between the end of a voter registration process and the day of voting.²⁰ In future electoral and voter registration exercises, adjustments to voter registration procedures could be

¹⁶ ICCPR art. 25

¹⁷ State’s Report para.166

¹⁸ State’s Report para. 166

¹⁹ State’s Report para. 96

²⁰ The 1986 Constitution of Liberia (Article 77(b))

considered to ensure that citizens who turn 18 on or before election day are allowed to exercise their right to vote.

In The Carter Center's observation of the 2011 elections and pre-election period in advance of 2017 elections, concerns were noted regarding the degree to which people with disabilities have equal access to participate in political processes, 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 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 welcomed a commitment from the NEC in February 2017 to removing barriers and to facilitating unhindered access to the electoral process for people with disabilities.

Questions for Consideration:

How will Liberia prevent the misappropriation of state resources during electoral cycles while continuing to ensure that citizen's rights to stand for election are still respected?

What steps will Liberia take to ensure that pre-trial detainees are able to participate in future elections?

What steps will Liberia take to ensure that youth who come of age between the end of the voter registration period and election day are able to exercise their right to vote?

What measures will Liberia take to ensure that ethnic and religious minorities are able to freely participate in public affairs without discrimination?

What measures will Liberia take to ensure that people with disabilities are able to freely participate in public affairs without discrimination?

APPENDIX A

THE CARTER CENTER INTERNATIONAL ELECTION OBSERVATION IN LIBERIA 2011 FINAL REPORT

Conclusions and Recommendations

The first round of the elections, held Oct. 11, was peaceful, orderly, and transparent. Despite long lines, observers reported that the polls opened on time and voters turned out in great numbers to cast their ballots. With only a few exceptions, poll workers conducted themselves in an impartial and professional manner, under the watchful eye of numerous party agents and domestic observers. Although Carter Center observers noted a number of minor procedural irregularities, especially during the counting process, none were significant enough to affect the overall integrity of the vote. This conclusion was reinforced by similar findings reported by observers from ECOWAS, the African Union, and the Elections Coordinating Committee.

From a technical perspective, the presidential runoff election that took place on Nov. 8 was well-administered, transparent, and conducted in accordance with Liberia's legal framework and its international obligations for democratic elections. Regrettably, however, it was marred by the CDC boycott, violence, and low voter turnout. These events exposed deep divisions within Liberian society and mounting feelings of exclusion that will need to be addressed as the new government works to unify the country. In addition, the election highlighted the weakness of opposition political parties and the challenges Liberia will face as it seeks to build a vibrant, multiparty democracy. This will be crucial to the country's long-term stability.

The Carter Center's election observation mission was part of a 20-year commitment by the Center to work with the Liberian people to help build peace, support democratic development, and improve health. The Carter Center will remain engaged in Liberia working with the government, civil society organizations, and community leaders to support access to justice, access to information, and mental health.

The Carter Center recommends a number of important steps to improve the conduct of elections in the future. These are directed to the appropriate implementing body within Liberia:

To the Government of Liberia

1. Reform the elections law. The Carter Center noted many gaps in the elections law, some of which were addressed through NEC regulations and codes of conduct. A comprehensive law that incorporates components of these documents should be developed through a consultative process with all electoral stakeholders, led by the NEC. The new legislation should address all fundamental components of the electoral system in a consistent and clear manner to ensure a sound legal basis for democratic elections. The rights of domestic and international observers to observe all aspects of the electoral process, handling of the recount and invalidation process, use of state resources, and campaign finance all should be addressed and included in new legislation. Adoption of any election legislation or amendments should take place at least one year before elections to ensure that all stakeholders have adequate time to conform to the law.

2. Improve and harmonize the legal framework for electoral dispute resolution. Although the NEC took important steps to resolve electoral disputes, the regulatory and procedural framework is not sufficient to ensure a clear and consistent dispute resolution mechanism, with guarantee of due process. The legal framework does not adequately delineate jurisdiction between the NEC hearings officers, magistrates, and the board of commissioners. In some cases, deadlines for adjudication of complaints are not provided or are too short or too long for an electoral period. For example, the timing for holding runoff elections is not harmonized with the period to exhaust the dispute resolution process. It is imperative that these and other shortcomings be addressed to ensure a sound basis for timely, transparent, and effective redress of complaints and appeals.

3. Initiate and fund a constitutional review process. Liberia's 1986 constitution contains several articles that should be reformed to improve election administration and democratic participation. Specific proposals for amendments must be determined by a constitutional review process through a broad consultative process, and, consistent with the constitution, they must be submitted to the legislature and subsequently approved in a national referendum. Issues for consideration might include: reform of the election timetable to ensure that elections are held after the end of the rainy season; reforms to reduce the power of the president in appointing individuals to the NEC board of commissioners; reforms to limit the terms of elected officials in line with international standards; and removal of exclusionary citizenship requirements based on ethnicity.

4. Strengthen and protect press freedoms. The Carter Center recognizes the Liberian government's positive track record of upholding press freedom. However, on two important occasions — the indefinite suspension of the managing director of LBS and the closure of seven media outlets on Nov. 7 — the government took steps that undermined free speech. The government should recommit to press freedom and continue to guarantee this constitutionally and internationally protected right. A legal framework for the media and an independent media regulatory body should be established to ensure that any actions taken against the press are in accordance with the rule of law and due process.

5. Continue to support a national reconciliation initiative. Immediately following the presidential runoff, The Carter Center released a statement recommending that all political leaders redouble their efforts for a genuine and inclusive political dialogue, leading to national reconciliation and governance reform. President Sirleaf took a step in this direction by appointing Nobel Prize winner Leymah Gbowee to head a National Peace and Reconciliation Initiative. Reconciliation efforts are necessary and should allow for discussions that include all political actors, civil society, and media, taking into consideration the work of the Truth and Reconciliation Commission.

To the National Elections Commission

6. Strengthen the NEC liaison offices. Throughout the 2011 elections, the NEC demonstrated its technical competence and effectiveness administering credible elections that met international standards. At the same time, however, relations with the political parties, civil society, and the

media were strained and at times hostile. The NEC should address these problems by strengthening the liaison offices charged with maintaining relationships with external groups. In addition, the NEC should consider hiring a full-time spokesman to represent the views of the commission within the Liberian media.

7. Monitor and sanction reports of campaign violations. The elections law and the political parties' code of conduct contain provisions aimed at ensuring a level playing field for all electoral contestants, including provisions that guarantee equal access to public facilities and prohibit the use of state resources, such as government vehicles, during campaigning. The NEC must work harder to monitor and investigate complaints related to these issues and take a more proactive approach to sanction parties and candidates who violate the law. The NEC also should take steps to enforce finance reporting deadlines and audit all campaign finance reports, imposing fines on political parties and independent candidates who fail to comply. Though time-consuming and costly, these measures are crucial to ensure the fairness of the electoral process and the perceived legitimacy of election results.

8. Strengthen trainings for polling staff, especially on counting and tallying procedures. Despite logistical and other challenges, and with a few exceptions, polling staff performed their duties in a dedicated, professional, and impartial manner throughout the electoral process. In order to build on this success, and to correct limitations observed during the 2011 elections, especially during counting and tallying, NEC should consider beginning trainings earlier and should focus additional attention on procedures for counting and tallying, especially procedures for determining valid versus invalid ballots.

9. Educate stakeholders on rights and procedures for filing electoral complaints. The low number of formal complaints filed during the electoral process, especially at the polling place level, indicates that stakeholders were unaware of their rights and the procedures for seeking legal redress. The NEC should incorporate information about dispute resolution in voter education initiatives and provide specialized training to political party and candidate agents on the mechanisms for filing and resolving complaints, as well as the evidentiary standards for substantiating electoral offences. NEC should consider alternative means to distribute polling day complaint forms, for instance to electoral contestants and relevant civil society groups.

10. Ensure voter registration lists are subject to checks on accuracy. Following voter registration, several political parties complained that they were unable to get access to, or copies of, the final registration roll at the magistrate's offices. The Carter Center also received reports of underage registration and issues with the registration of Mandingo minorities. Despite the NEC's assurance that an electronic copy of the registration list was sent to all political parties, Sections 30 and 31 of the voter registration regulations indicate that the registration list should be available at all magistrates' offices. The availability of hard copies would ensure that all parties had access to the list and it was open to scrutiny.

11. Strengthen civic and voter education programs. The Carter Center recognizes the NEC's efforts to conduct voter education throughout Liberia, in partnership with civil society organizations and international partners. However, observer reports consistently pointed to the

inadequacy of voter education, especially in rural areas and the southeast of Liberia. Voter education programs must begin earlier and must be strengthened, with an emphasis on basic information about the elections, voting procedures, and the rights and responsibilities of voters in a democratic society. Mechanisms for assuring quality control and accountability among civil society groups chosen to conduct voter education also should be strengthened. Finally, in cooperation with the government of Liberia, the NEC should consider ongoing civic education programs in schools.

12. Support increased participation. Restrictions on voting and candidacy rights, including prohibitively high nonrefundable fees, requirements for property ownership, and minimum bank accounts for electoral contestants, all serve to unreasonably restrict candidacy and voting rights. These restrictions should be removed. For political parties, the NEC should explore registration requirements that are based on the collection of signatures rather than the presence of party offices in the counties.

13. Carry out a fresh boundary delimitation exercise based on the 2008 census. For the 2011 elections, the NEC used voter registration data to conduct boundary delimitation, based on the threshold bill. Consistent with Article 80(d) of the constitution, delimitation should be based on the national census and must ensure constituencies of approximately equal size. Boundary delimitation should be corrected to adhere to the constitution well in advance of the 2017 presidential and legislative elections.

14. Investigate evidence of fraud in Grand Gedeh County. Results from the runoff election showed a number of anomalies at polling places in Grand Gedeh County. While our investigation proved inconclusive, interviews and analysis conducted by Carter Center observers raised serious questions about the transparency and integrity of the process in that county. These anomalies should be promptly and thoroughly investigated by the NEC, and, in the event malfeasance is detected, those responsible should be held accountable. Punishing electoral offenses, especially when committed by polling staff, is essential to ensuring a solid democratic basis for future elections.

To the International Community

15. Support efforts to reform Liberia's elections law and constitution. Liberia's 1986 Constitution contains several articles that should be reformed to improve election administration and democratic participation. In order to facilitate reform, international partners should provide technical and legal support to an empowered Constitutional Review Commission. Assistance also should be provided to the elections oversight bodies within the national legislature to assist their efforts to reform the elections law. To be effective, these programs must begin well in advance of the next election cycle.

16. Provide technical assistance and training to political parties. A vibrant, multiparty system is a prerequisite for sustainable democracy. In Liberia, the majority of political parties remain fragmented, poorly organized, and reliant on individual personalities. Although programs to build the capacity of political parties during the 2005 elections met only limited success, the absence of similar programs in 2011 reduced opportunities for improving communication

between the parties and the NEC and for ensuring that party officials had a minimum understanding of the elections law, administrative procedures, and the formal complaints mechanism. Knowledge of these aspects of the electoral process is critical to reducing the threat of electoral violence. In advance of the next elections, donors should prioritize technical assistance and training programs for political parties, with an emphasis on mid-level leadership, party agents, internal party communications, and the basics of the legal and administrative framework.

17. Extend UNMIL's mandate beyond December 2012. During the elections, UNMIL played a crucial role delivering election materials to difficult to-access locations and ensuring security throughout Liberia. Although the capacity of Liberia's security sector has been greatly enhanced over the past six years, the military and particularly the police have drawn criticism for their inability to act professionally and independently and to exercise effective restraint. This was tragically displayed on the eve of the runoff, when LNP officers fired into a crowd of unarmed civilians, leading to several deaths. Swift intervention by UNMIL troops ended the violence and prevented the situation from deteriorating further. Even if troop levels must be reduced, the international community should extend UNMIL's mandate beyond 2012 to allow sufficient time to consolidate the important security sector gains of the past several years.

APPENDIX B

THE CARTER CENTER INTERNATIONAL ELECTION OBSERVATION IN LIBERIA PRE-ELECTION STATEMENT

July 18, 2016

RECOMMENDATIONS

To the People of Liberia:

- Commit to a respectful, transparent, and peaceful electoral process. Liberia's leaders and citizens should commit themselves to peaceful political participation to ensure violence-free elections, consistent with the law, and to continue the strengthening of democracy and development in Liberia.

To the Government of Liberia:

- The Ministry of Justice should prioritize codification of the election law amendments and distribution of the new consolidated law.
- Make available adequate funding for the elections to the NEC – and where needed, to the magistrates – early in the process to enable it to undertake necessary procurements and contracting in accordance with prevailing best practices.
- Refrain from actions that could be seen as compromising the neutrality of the NEC.
- Consider the passage of legislation that would ensure the equal political participation of women, whose underrepresentation in government is a significant deficiency in the country's democracy.

To the NEC:

- Continue to take steps to ensure a reputation as a professional, high-capacity, and impartial organization.
- At the county level, take steps well in advance of the elections to reinforce staffing structures, assess training needs, and assess the status of equipment that will be necessary for the administration of elections, including computers, printers, generators, and internet access.
- Consider early the transportation needs of county NEC offices and security personnel.
- Take steps to strengthen campaign-finance regulations and their administration. Consider strengthening NEC regulations to require that parties submit an interim report before election day to allow voters to evaluate contributions and spending by candidates and political parties

before casting their votes. Provide training to political parties to ensure they have the capacity to account for funds.

- Continue the information sessions on the 2014 amended election act at both at the national and county levels.
- Consider holding specific information sessions for political parties, civil society organizations, and media on electoral dispute resolution and processes.
- Prepare extensive civic and voter education campaigns in advance of voter registration, beginning quickly upon allocation of funds by the government.

To the IPCC:

- Continue to meet, with dedicated attendance by senior members of political parties. Hold corresponding political party consultative meetings at the county level.

To the Political Parties and Prospective Independent Candidates:

- Political leaders: commit to participating responsibly and peacefully in the elections and make an early commitment to a nonviolent election.
- Political parties: Uphold Liberia's international commitments and comply with the intent of the law as amended to ensure that women are represented among political party leaders and candidates.
- Political parties and independent candidates: Adhere to campaign-finance regulations, including reporting requirements and regulations that prohibit the use of public resources in campaigning.

To the Media:

- Commit to supporting a peaceful election.
- Press Union of Liberia: Provide additional training and support to help regulate the media during elections.

To UNMIL:

- Clarify as soon as possible the nature and degree of UNMIL support to the electoral process.

To the International Community:

- Provide coordinated early funding commitments to support the election, including budgetary support to the NEC, support for the training of political party agents, and programming to advance women's participation in politics.