



SECOND PRELIMINARY STATEMENT

More efficient polling although increased incidents of violence and interference

Abuja, 13 April 2015

Summary

This second EU Election Observation Mission (EOM) preliminary statement supplements the first issued two days after the 28 March presidential and National Assembly elections.

- The opposition's presidential win for the first time since the transition from military rule was momentous. President Jonathan's commendable concession of defeat established a more peaceful electoral environment for the governorship and State House of Assembly (SHoA) elections. The elections on 11 April were again very competitive, but marred by systemic weaknesses, misuse of incumbency, use of violence, and an increasingly pressured environment for the Independent National Electoral Commission (INEC), especially in the south. The election day process appeared to be overall more efficient, however procedural shortcomings were prevalent and incidents of violence and interference were evident, especially in Rivers and Akwa Ibom states.
- The 28 March presidential and National Assembly elections were historic, with an opposition, the All Progressives Congress (APC), winning for the first time since the transition from military rule in 1999, and with the incumbent presidential candidate of the Peoples Democratic Party (PDP) conceding defeat and thus paving the way for a peaceful handover of power. The opposition APC won the majority of presidential, Senate and House of Representatives votes in four out of the six geopolitical zones.
- EU EOM observers did not find any evidence of systematic manipulation. However presidential results from Rivers state include highly implausible data, and citizen observers have expressed doubt about other states in the South South. Collation was assessed by EU EOM observers as the weakest part of the election day process, particularly at the ward level. To date no breakdown of results has been provided and INEC has not centrally published National Assembly results.
- Judicial petitions against the election results may be filed by participating candidates or political parties within 21 days of the declaration of results. Election Petition Tribunals were established in accordance with the legal time frame. To date, only one petition has been filed challenging the results of the National Assembly elections. However it is expected that more cases will be lodged a few days before the 22 April deadline.

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- INEC largely appears to have continued to perform impartially in challenging circumstances. Stakeholders at a local level generally reported confidence in INEC's work; although criticism increased during the last two weeks. At least nine violent attacks on INEC premises were reported on 28 March election day mainly in the south, and some INEC staff apparently received threats related to their work. INEC made some limited efforts to rectify logistical and procedural shortcomings experienced during the 28 March elections.
 - The overall competitive gubernatorial and SHoA elections took place in a tense campaign environment, with incidents of election related violence reported in all parts of the country, especially in the South South and South West. State representatives and candidates of both PDP and APC were seen to misuse incumbency. Breaches of campaign regulations and inducement of voters was also observed. The APC victory in the presidential and National Assembly elections has prompted some political realignment.
 - Following APC's presidential election success, media coverage of the party has notably increased, including in state outlets, resulting in overall a more balanced coverage of political actors. However at state level incumbent parties' candidates continued to receive preferential treatment by state broadcast media, contrary to the legally required equal coverage of contestants. On 30 March the National Broadcasting Commission very belatedly announced that the airing of anonymously-sponsored campaign material (damning the APC) was a breach of the Nigeria Broadcasting Code.
 - On 11 April election day there was an increase in security incidents, with at least 30 people killed, predominantly from inter-party clashes and attacks on election sites. EU EOM observers saw no evidence of centralised systematic fraud. Overall the process appeared to be more efficient with polling staff working diligently and improvements evident in the more timely opening of polling sites. However procedural shortcomings continued to be prevalent. Card reader fingerprint verification was problematic, party agents were at times seen interfering in polling officials' work, and essential ballot checks were not consistently performed during counting and collation. The number of polling sites at which the process could not be completed for security reasons is not yet clear, but appears to affect most states. Incidents of violence and interference were most pronounced in Rivers and Akwa Ibom states. There was an evident reduction in turnout from the 28 March election day. Positively, several gubernatorial candidates have congratulated winning opponents on their victories.
 - The 28 March National Assembly election furthered the negative 2011 trend with another decrease in the number of women elected. Only 8 women won a seat in the Senate (7.3%) and apparently no more than 20 could win a seat in the House of Representatives (5.5%). Thus the proportion of women elected is well below the 30% Beijing Declaration and Platform for Action target and the 35% National Gender Policy target. At state level, 11.4% of gubernatorial candidates and 14.36% of SHoA contestants were female. No woman was elected as a governor.

The European Union Election Observation Mission (EU EOM) has been present in Nigeria following an invitation from the INEC. The mission is led by Chief Observer, Santiago Fisas, Member of the European Parliament (MEP), Spain. A team of experts observed the party primaries in November and December

2014. The EU EOM was then established from 6 January with a core team of 9 analysts and 30 long-term observers (LTOs) deployed across the country. For security reasons EU EOM observers were not deployed to the North East geo-political zone, could not go to all parts of all states visited, and only attended a limited number of rallies. For the 11 April election day the mission was composed of 58 observers from 24 EU Member States, Norway and Switzerland, who visited 315 polling, counting and collation sites in 71 local government areas in 18 states. The security conditions further limited the locations visited thus the observation sample is not fully representative.

The EU EOM's two preliminary statements are delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, in particular, the collation of results and the handling of election petitions. The EU EOM remains in country to observe post-election developments. The EU EOM will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process. The EU EOM assesses the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Nigeria. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.

Further Preliminary Findings on the Presidential and National Assembly Elections

Results and Stakeholder Reactions

The 28 March presidential and National Assembly elections were historic, with the opposition winning for the first time since the transition from military rule in 1999, and with the incumbent presidential candidate, Goodluck Jonathan, conceding defeat and thus paving the way for a peaceful handover of power. The opposition APC won the majority of presidential votes in 4 out of the 6 geopolitical zones, with General Buhari receiving 15,424,921 votes (53.96%), while President Jonathan of the PDP received 12,853,162 (44.96%).¹ The APC also secured the majority of the seats in the National Assembly by apparently winning at least 60 out of 109 seats in the Senate (55%) and at least 214 out of 360 seats in the House of Representatives (59.4%).² The remaining National Assembly members are now PDP, with only 10 seats won by smaller parties.³ President-Elect Buhari and the elected National Assembly representatives will take office not later than 29 May 2015.

President Jonathan received applause for congratulating General Buhari even before the official announcement of the results and thereby averting anticipated electoral violence.⁴ In turn, President-Elect Buhari called on all Nigerians to appreciate President Jonathan for “*his statesmanship*” and extended a “*hand of fellowship to him*”. These acts of mutual respect and

¹ Official INEC results. The other 12 presidential candidates received in total 2.37% of the total votes cast. The APC won the majority of votes in the North East, North West, North Central and South West.

² At the time of writing, results for some National Assembly constituencies have yet to be declared.

³ These are the All Progressives Grand Alliance (APGA), Labour Party (LP) and Accord party. Currently small parties have 4 seats in the Senate and 21 seats in the House of Representatives.

⁴ The personal decision of President Jonathan to address the nation with a concession speech appeared to mitigate initially aggrieved reactions of both PDP and APC calling for cancellation of results in northern and southern states respectively.

acceptance may be partly attributed to the sustained efforts of the National Peace Committee,⁵ which was formed to monitor compliance with the Abuja Accord⁶ and to find mediated solutions to electoral disputes. The personal example of President Jonathan was followed later by a number of national representatives of the PDP, which further decreases the potential for post-election violence. However the party refused to sign the official INEC results, stating it would judicially challenge the outcome of the presidential election.

Collation and Results Announcement

The presidential collation process was completed within four days, with the declaration of results and certificate of return given to the winning candidate on 1 April.⁷ During the final level of collation, which was somewhat ceremonial rather than a meaningful data check, the INEC Chairperson remained impressively composed despite various challenges, including rumours of possible threats to his personal safety and strong protests from one PDP agent.

So far no breakdown of results has been provided, thereby precluding the checking of announced results, which risks diminished confidence. Furthermore to date INEC has not centrally published the results for the Senate nor for the House of Representatives. This leaves stakeholders without official information on the composition of the new parliament, and instead relying on party and media unofficial compilations of results (that sometimes lack consistency).

The collation was assessed by EU EOM observers as the weakest part of the election day process.⁸ Out of 43 collation centres visited on election night and in the following days, 14 were assessed as “*bad*” or “*very bad*”. The first level of collation (at wards) appeared to be particularly problematic, with 8 out of 17 rated as “*bad*” or “*very bad*”. Significant procedural problems included: results not always arriving in sealed tamper-proof envelopes (in 12 centres not one of the results arrived sealed), results not always being displayed at the centres, mathematical errors, inconsistent checking of results, and some repeated alterations of results forms. Scrutiny appeared to be weak especially at the lower levels, with APC and PDP agents present only in 34 and 33 centres respectively and citizen observers only in 14 centres (out of 43). In five centres visited there were no agents or citizen observers present at all.

EU EOM observers did not find any evidence of systematic manipulation of results. However the available presidential results from Rivers state include highly implausible data, such as zero rejected (invalid) ballots out of 25,174 ballots cast in Omuma local government area (LGA), no difference between the number of accredited registrants and the number who actually voted⁹ in Emohua and Ogu/Bolo LGAs, and a 98% turnout in the Emohua LGA. Such questionable data

⁵ The Committee, composed of eminent Nigerians, is led by former head of state General Abdulsalami Abubakar. It includes the most senior Muslim and Christian leaders as well as traditional leaders, and also distinguished professionals from government, business, academia and the media. Also included are the INEC and political party chairs.

⁶ The Abuja Accord was signed on 14 January by 12 presidential candidates and their party chairmen to encourage peaceful conduct of the elections. A renewed signing of the Abuja Accord by General Buhari and President Jonathan was initiated under the auspices of the National Peace Committee on 26 March, two days before election day.

⁷ The presidential results were then published on INEC website on 3 April.

⁸ After the opening of polling units, which was very negatively assessed given the predominantly delayed starts.

⁹ During accreditation registrants are verified (with their permanent voter card and a card reader) and marked on the voter register, and then return at 1.30pm to queue for voting.

warrants further investigation, however following INEC's dispatch of three National Commissioners to Rivers for some hours,¹⁰ the results were accepted by INEC and announced.

The results of just under 1% (1,145) of polling units (PUs) were cancelled due to violent incidents, ballot box snatching, over-voting etc.¹¹ In Edo state (in the South South) 10.47% of PU results were cancelled. Should the number of registered voters in PUs where elections were not held or were cancelled, be greater than the margin of victory, then re-polling is due. According to INEC, elections in "no more than 15" Senate and House of Representatives constituencies would be held on 11 April.¹²

Other indicators of attempts at manipulation are apparent from the findings of the citizen observer Transition Monitoring Group (TMG), which undertook a parallel vote tabulation ("quick count"). While this confirmed the overall accuracy of the official presidential election results, the data strongly suggests that turnout was inflated, by at least 10%, with results adjusted in favour of PDP during the collation in the South South states of Akwa Ibom, Bayelsa, Delta and Rivers.

The total number of registered voters in the declaration of the presidential election is, without any public explanation given, lower by 1.4 million than the total number of registered voters previously officially announced by INEC.¹³ The official presidential turnout figure provided is calculated from this reduced number of registered voters and refers to turnout for accreditation rather than for voting. This is a significant difference given that over 2.3 million of those that were accredited (7.3%) did not finally cast their ballot.¹⁴ The announced official turnout is thus 47.09%, with a total of 29,432,083 votes cast. This is a reduction from the 39,469,484 votes reportedly cast in 2011. The actual voter turnout (as opposed to accreditation turnout), calculated from the total number of registered voters officially announced by INEC on 13 January, is 42.76%.

Post-Elections Petition Process

Judicial petitions against the election results may be filed by participating candidates or political parties within 21 days of the declaration of results. However the preclusion of legal redress for

¹⁰ Acting upon an APC complaint, INEC sent on 30 March three National Commissioners to Rivers state to investigate allegations of malpractice. The investigation concluded that the allegations were not substantial enough to require the cancellation or re-scheduling of the elections. PDP reportedly also submitted a complaint to INEC requesting cancellation of presidential election results in seven northern states of Bauchi, Gombe, Jigawa, Kaduna, Kano, Katsina and Kogi due to alleged electoral malpractices such as under-age and night voting, however results from all these states were accepted and announced.

¹¹ "Over-voting" is when the total number of votes cast at a PU exceeds the number of registered or accredited voters.

¹² Of these, 11 are constituencies for the House of Representatives in Jigawa where no elections were held on 28 March due to a lack of ballot papers.

¹³ The official number of registered voters announced by INEC on 13 January, in accordance with the law, was 68,833,476. The number of registered voters in the declaration of presidential election results is 67,422,005. INEC privately explained the difference as being due to "computational errors" by presiding and collation officers.

¹⁴ The margin of victory between the APC and PDP presidential candidates is 2,571,759 and the number of voters who were accredited but did not finally cast their ballot is 2,314,407.

voters is not in accordance with Nigeria's international commitments.¹⁵ The Constitution and the Electoral Act provide for the establishment of National and SHoA Election Petition Tribunals (EPTs) as well as Governorship Election Petition Tribunals in each state, with original jurisdiction to adjudicate petitions challenging the results. For the presidential elections, petitions are filed at first instance level with the Court of Appeal and on appeal at the Supreme Court. EPT judgments for the National Assembly, governorship and SHoA elections may be challenged at the Court of Appeal.¹⁶ Contrary to good practice, the time limits for adjudication are lengthy,¹⁷ thereby risking delayed justice as well as instability and uncertainty in governance. However legal practitioners and electoral stakeholders consider them reasonable and necessary for the dispensation of justice. To date some 40 pre-election cases from 2011 are still pending at the Supreme Court.

The EPTs have been established; however to date, only one petition has been filed against a National Assembly result (in Delta). No petitions have so far been lodged against the presidential results. Submissions are expected a few days before the expiration of the 22 April time limit, following the Easter vacation and given the time required for lawyers' compilation of documents and court processes for each petition.

Preliminary Findings on the Governor and State House of Assembly Elections

Context and Legal Framework

Nigeria is composed of 36 states, each with a governor and a SHoA, and the Federal Capital Territory (FCT) of Abuja. On 11 April gubernatorial elections were conducted in 29 states¹⁸ across Nigeria's six geopolitical zones, and voting for the SHoAs took place in all 36 states. Twenty of the 29 gubernatorial races were "open" (with no incumbent), thereby further increasing the highly competitive nature of the 2015 elections.¹⁹ Twenty-seven political parties nominated candidates in the general elections with small parties more visible at the state level, particularly in the South East and South West.

The conditions for elections were challenging, with an extremely large population, infrastructure limitations, and a problematic security environment especially in the states affected by Boko

¹⁵ International Covenant on Civil and Political Rights (ICCPR), article 2(3)(a) "*To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.*"

¹⁶ The Supreme Court also acts as the final adjudicator for further appeals regarding the governorship elections, which should be heard and disposed of within 60 days.

¹⁷ Section 285 of the Constitution foresees that EPTs deliver their judgments within 180 days from the date of filing of a petition, while an appeal against a decision of an EPT or Court of Appeal shall be heard and disposed within 60 days from the delivery of judgment of the EPT or the Court of Appeal.

¹⁸ The seven states with no gubernatorial elections at the current time are Anambra, Bayelsa, Edo, Ekiti, Kogi, Ondo and Osun. This is due to their gubernatorial elections taking place off-cycle hence the sitting governors have not currently completed their terms. Following various defections, 17 of the 29 states with gubernatorial elections were controlled by PDP and 12 by APC governors. No elections took place in the FCT on 11 April as there is no SHoA or governor for the FCT.

¹⁹ Governors can serve a maximum of two terms, each of four years, after which they typically go on to be senatorial candidates.

Haram in the North East. As announced in early February, for security reasons, the elections were postponed by six weeks.

Nigeria is State Party to the key human rights instruments relevant to democratic participation, and the right to vote and to be elected is established in the Constitution. However, various legal shortcomings remain, weakening the electoral process and the full enjoyment of democratic rights. These include inadequate legal provisions for the right to stand, campaign finance, transparency, and opportunity for remedy.

For the SHoA elections, candidates are elected using a first past the post (FPTP) system. For the governorship elections, there is a majority run-off system. If the candidate with the highest number of votes cast does not obtain at least 25% of the votes cast in each of at least two-thirds of all the LGAs in the state, a run-off takes place between the candidate who scored the highest number of votes and the candidate who has the majority of votes in the highest number of LGAs in the state.

Election Administration and Voter Registration

INEC largely appears to have continued to perform impartially in challenging circumstances. INEC's work is further hampered by its limited powers under the law, rendering it weak or unable to challenge inappropriate actions of political contenders. Stakeholders at a local level generally reported confidence in INEC's work; although following the 28 March elections there was increasing criticism and some street protests notably from supporters of losing contenders. Preparation lapses by INEC were evident, although somewhat alleviated by the six-week postponement.

Positively INEC attempted to improve the integrity of voter registration and identification by introducing biometric measures. However some stakeholders, including PDP, were concerned at INEC's lack of testing of such new and advanced technology.²⁰ Approximately 82% of permanent voter cards (PVCs) were collected, although in 11 states over 92% collection was reported, which is implausible given that the deceased have not been removed from the list since 2010. Regrettably, up to 100,000 PVCs remained unproduced and therefore undistributed before the 11 April election day. The final number of registered voters, as officially announced by INEC one month before the elections, is 68.8 million, representing an estimated 78% of the total voting age population.

On 28 March election day at least nine violent attacks on polling units,²¹ collation centres and INEC offices were reported in nine different states, mainly in the south of the country. Consequently some states faced challenges in securing a sufficient number of polling staff in affected areas. Furthermore, the Resident Electoral Commissioner (REC) for Benue state and the Returning Officer for Abia North senatorial district reportedly received threats related to their work as electoral officials. In addition the Kano REC died on 3 April in a tragic fire incident

²⁰ For example a PDP press release issued late on 28 March noted "*that as good as the idea of card readers is, it was too virgin to be successfully used in a general election without proper testing especially in an environment as ours that is not entirely digitally proficient*".

²¹ On the 28 March election day there were at least 20 incidents of violence reported, resulting in 19 deaths, including 4 apparent terrorist attacks.

which, according to the police investigation, was caused by electrical fault. Alleged irregularities in the elections triggered a series of APC protests in the South South states of Rivers, Akwa Ibom, Abia and Anambra, demanding cancellation of the elections and removal of the RECs.

Despite the close proximity of the 11 April elections, some INEC offices were closed between 3 and 6 April for four days due to the Easter holidays. In general there were only limited systematic efforts made by INEC to rectify logistical and procedural shortcomings experienced during the 28 March elections. Storage of used sensitive electoral material including used ballot papers in some INEC offices was reported by EU EOM LTOs to be inadequate.

Party Primaries and the Registration of Candidates

As there is no possibility to run as an independent candidate in Nigeria, parties have total control over who can stand for election. This is further entrenched by INEC lacking any powers to reject candidates nominated by parties, with the only possibility for removal of unqualified candidates being through judicial processes. Problems with primaries include exclusion through non-refundable fees, subjective party criteria risking arbitrary application, selective “zoning”,²² and parties not respecting the results of their own primaries. EU experts noted problems reportedly being more pronounced with SHoA primaries.

INEC published all candidate lists within the prescribed timeframe. In total there were 380 candidates for the 29 gubernatorial seats with both APC and PDP fielding contenders in all 29 states. There were 5,279 candidates for the 990 SHoA seats, with APC and PDP fielding 989 and 990 contenders respectively.

The Campaign

The overall competitive gubernatorial and SHoA elections took place in a tense campaign environment.²³ Incidents of election related violence were reported in all parts of the country, especially in the South South and South West.²⁴ Positively, after the presidential poll election violence decreased, with five incidents and three death cases reported in the period between the 28 March and 11 April elections. Terrorist attacks and counter-terrorist military operations impeded campaign activities in the North East, although public campaigning did continue to take place in all states.²⁵

The victory of the opposition APC in the presidential and National Assembly elections prompted some political realignment across the country, especially in the tightly-contested south west states. For example in Lagos, 10 gubernatorial candidates of smaller parties stepped down and called on their supporters to vote for the APC candidate. Meanwhile, PDP made efforts to encourage and mobilize its candidates and supporters, with the Chairman of the PDP’s

²² “Zoning” is a common tradition and expectation whereby elected positions are rotated between different geographical zones within a constituency. Ethnic affiliation is also reported to be a common criteria for selection.

²³ Apart from PDP and APC, most active in the state level elections have been the Labour Party (LP) in South West and the All Progressives Grand Alliance (APGA) in the South East.

²⁴ Since the beginning of the campaign in early January, the EU EOM has noted reports of 113 election related incidents, most of which have occurred in Rivers and Lagos states.

²⁵ This was most pronounced in Adamawa, Borno and Yobe, but also occurred in Bauchi and Gombe states.

Governors' Forum stating that PDP is "*the only party that is national in nature*" and will maintain its lead.

Campaigning for the federal and state level elections took place concurrently, with overlapping financial resources and joint strategies focused on large-scale rallies during the first phase (before postponement) and town hall meetings with socio-political groups and religious, traditional and youth leaders in the second phase (after postponement). Some state representatives and candidates of both PDP and APC were seen to misuse incumbency. EU EOM LTOs reported cases of abuse of state resources and also biased policing, as well as breaches of campaign regulations and inducement of voters.²⁶ Intimidation of opponents and deployment of armed thugs reportedly occurred mostly in Rivers, Lagos, Kaduna, Ogun and Oyo states. The use of religious, ethnic and sectional sentiments continued after the 28 March poll, including the dramatic example of the Oba of Lagos (the highest traditional ruler) threatening Igbo state residents that they would "*die inside the Lagoon*" if they again voted for PDP. This hate speech increased the ethnic tension in the state and triggered sharp reactions in social and public media. Additionally, there have been sectional threats by some ex-militants and Ijaw youths in the Niger Delta.²⁷

The Media

During the campaign period preceding the 28 March elections the monitored government-controlled broadcast media at federal and state levels allocated the vast majority of their editorial coverage to incumbents and their associated officials. The failure of the media to adhere to the legally required equal coverage of contestants was essentially unchallenged by the regulatory body, the National Broadcasting Commission (NBC), in part because of its lack of monitoring capacity.

On 30 March the NBC announced that 23 broadcast media had infringed some legal provisions prior to the 28 March elections; 16 of which had violated the campaign silence. Two broadcast media had denied access to political actors. The Nigerian Television Authority (NTA) and AIT were listed as violating rules concerning sponsored campaign broadcasts, which must "*conform to the standards of truth, decency and good taste, and requiring the sponsor to be clearly identified*".²⁸ NBC's position came late given that NTA and private TV AIT aired unidentified sponsored materials defaming APC's representatives for more than two months before the 28 March election day. It is as yet not clear what sanctions are being applied.

²⁶ EU EOM LTOs have observed misuse of governmental vehicles and offices for campaign activities in Abia, Enugu, Kebbi, Kwara, Niger, Ogun, Oyo, Plateau and Sokoto states. Biased policing was observed in Abia, Niger, Kaduna, Katsina and Plateau states, while inducements of voters (money payments, distribution of food and goods) was observed in Ogun, Oyo and Kwara states.

²⁷ The former Niger Delta militant leader, Asari-Dokubo, threatened in a statement on 1 April to consider returning to militancy as the South South had lost the presidency and there was a conspiracy of the north against the south. On 2 April Ijaw youths threatened to renew attacks on the petroleum pipelines in the Niger Delta.

²⁸ NBC press release from 30 March.

The EU EOM media monitoring²⁹ shows that during the two-week period following the 28 March elections, media content reflected the outcome of the presidential elections, with the most dominant political figure in the news of the national broadcast media being the new President-Elect. In comparison with the period before 28 March, NTA and the Federal Radio Corporation of Nigeria (FRCN), as well as AIT and radio Ray Power, provided notably larger shares of airtime to the APC; their news coverage of political actors became overall more balanced. The distribution of airtime in the news of the private station Channels TV, which was generally balanced before the 28 March elections, did not significantly change.

All six state government-controlled FM radio stations monitored were allocating notably larger shares of news coverage to incumbent parties' candidates, demonstrating preferential treatment of the party in power (PDP or APC). This was particularly visible in the stations providing more airtime to gubernatorial contests and local news, with the most extreme case being Borno-based radio, where the current governor/candidate of APC dominated with almost 100% of coverage. Also in Kaduna over 90% of coverage of gubernatorial candidates went to the incumbent PDP governor/candidate. While Enugu, Kaduna and Plateau based radio stations (all with PDP incumbent governors) continued to favor PDP gubernatorial candidates, following APC's presidential election success, the share of APC coverage notably increased.

Polling and Counting

On election day security incidents and interference were reported from across the country; although predominantly in the south. Unlike 28 March, there appear to have been no attacks by Boko Haram. Though regrettably there was an increase in casualties, with at least 30 people reported killed in 28 incidents. Predominantly these were inter-party clashes and attacks on election sites by hoodlums, often involving ballot box and essential material snatching. On 12 April, INEC referred to "66 reports of violent incidents targeting polling units, INEC officials, voters and election materials" in 19 states in all geopolitical zones except for the North East.³⁰ Both the main parties made many accusations of rigging, intimidation and violence by opponents. Problems were most pronounced in Rivers and Akwa Ibom states where there are multiple credible reports of violence and interference, which warrant further investigation.

The INEC leadership, both at national and state levels, provided little information on the evident problems arising and its response, thus it is not clear in how many locations polling could not be completed for security reasons. However during collation, it became evident that in most observed states some polling unit results were cancelled or could not be declared due to over-

²⁹ On 16 January the EU EOM commenced monitoring of three TV channels, two national radio stations and three daily newspapers. In addition, since 26 January the EU EOM has been monitoring six state-controlled radio stations representing all geopolitical zones. The monitored TV stations are: federal-government controlled TV - NTA, privately owned TV AIT and TV Channels (all monitored during the evening prime time - 5pm till 11pm). The radio stations are: federal-government controlled radio Kapital FM (part of FRCN) and privately owned radio Ray Power (both radio stations are monitored daily from 6am till 8am and from 4pm till 6:30pm). The daily newspapers monitored are *The Guardian*, *This Day* and *Daily Trust*. The EU EOM has been monitoring morning and evening programmes (two hours) of state-controlled FM radio stations in Borno, Enugu, Kaduna, Lagos, Plateau and Rivers.

³⁰ Rivers State (16 incidents), Ondo (8), Cross River (6), Ebonyi (6), Akwa Ibom (5), Bayelsa (4), Lagos (3), Kaduna (3), Jigawa (2), Enugu (2), Ekiti (2), Osun (2), Katsina (1), Plateau (1), Kogi (1), Abia (1), Imo (1), Kano(1), and Ogun (1). The Commission reports that it is investigating these incidents and will do everything within its powers to bring culprits to justice.

voting, vandalism or snatching of materials. The lack of consistent independent observation makes it further difficult to ascertain the extent and veracity of party accusations.³¹ Although not always accurate, the media, including on-line sources, provided up-to-date information about election day developments, thereby improving scrutiny, particularly in the south where media concentration is higher. There was an evident reduction in turnout from the 28 March election day.

Electoral staff were seen to again work diligently and to be resourceful in often difficult circumstances. Overall the process appeared to be more efficient following the experience gained in the earlier presidential elections, however there was increased pressure from the activities of some party supporters. EU EOM observers saw no evidence of centralised systematic fraud although a few attempts at manipulation were observed.³² Evident procedural shortcomings, which increase the risk of dispute and electoral abuse, show the need for future practice developments. Positively, both PDP and APC agents were nearly always present in PUs.

There was a marked improvement from 28 March in the efficiency of opening, with materials and staff arriving on time or with only minimal delay.³³ There was some improvement in accreditation, with 15% of sites rated negatively by observer teams. In 9% of sites observed some essential material was missing, including ballot papers and card-readers. In more than 12% of sites visited no attempt was made to verify fingerprints. In 13% of sites, card readers were not always able to read PVCs, and in 94% could not always verify fingerprints.³⁴ Obviously underage persons were accredited in 6% of sites observed.

Out of 80 observations of voting, 23 were negatively evaluated. In 12 sites there was interference with polling officials' work, mainly by party agents. In 23 sites ballot boxes were not sealed. Ink was not checked at all in 37 sites visited, and in 25 locations ink was not applied. In 20 sites voters never marked their ballot in secret and in 16 locations group voting was observed.

During closing essential checks were not consistently performed. In nearly half the locations observed, unused ballots were not cancelled, counted or recorded as required. Similarly counterfoils of used ballot papers were not generally counted, and basic ballot reconciliation was not undertaken. In five sites visited, observers and agents were not able to observe counting without undue restrictions. In seven sites, PU results were not posted and in four, copies were not given to agents.

As on 28 March, shortcomings were observed in collation and there was again weak scrutiny,

³¹ Citizen observers were only present in 16% of polling locations visited. The Nigerian Bar Association (NBA) had 840 lawyers observing across all states. The Youth Initiative for Advocacy Growth and Advancement (YIAGA) had 560 observers in 19 states. The Situation Room was active throughout, although it is not clear exactly how many observers they deployed. The Centre for Democracy and Development had 100 observers deployed on election day. TMG did not observe the 11 April elections.

³² For example EU observers saw evidence of polling staff losing control of the process in Plateau when thugs entered the PU and reportedly stuffed the ballot box.

³³ All 26 observed openings of polling sites occurred on time (17 cases) or within an hour (9 cases).

³⁴ In 11% of sites visited, the card reader was never able to verify fingerprints. In the majority of the 14 observations made of the closing of accreditation, no reconciliation was undertaken of voters accredited by the card reader with registrants marked on the voter register.

with for example citizen observers only present in two out of 23 ward collation centres.³⁵ APC agents were only present in 40 out of 49 collations observed, while PDP were present in 46. Results generally did not arrive intact in tamper evident envelopes; in eight cases not a single result form arrived sealed. Out of ten observations of the end of collation, results were not displayed in seven centres. Positively several gubernatorial candidates have congratulated winning opponents on their victories.³⁶

The Participation of Women

The 28 March National Assembly election furthered the negative 2011 trend, with another decrease in the number of women elected.³⁷ From the 119 female candidates running for the Senate (16.7% of the total number of candidates), 8 women won a seat (7.3% of the total seats). According to media reports, from the 264 women competing for a seat in the House of Representatives (7.7% of the total number of candidates) not more than 20 were successful (5.5% of the total number of seats). Thus the proportion of women elected is well below the 30% Beijing Declaration and Platform for Action target and the 35% National Gender Policy target.

In the gubernatorial elections there were 87 women out of 760 candidates (11.4%); 23 of whom were running for governor positions (6% of the total governor candidates) and 64 for deputy-governorships (16.8%). PDP presented no female governor candidate, and APC only one (in Taraba state), with the other 22 being nominated by smaller parties. In four states there was no female governor or deputy governor candidate at all (Bauchi, Katsina, Plateau and Yobe). Similarly only 14.36% of the SHoA candidates are female. No woman was elected as a governor.

The Participation of People with Disabilities

Nigeria ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol³⁸ in September 2010, thereby committing to the inclusion and accommodation of individual differences. However as yet there is not full implementation of the CRPD in the national legislation, with the National Disability Bill long-awaiting presidential assent.³⁹ The bill establishes a national commission but makes only general provisions on the political participation of persons with disabilities.

In accordance with the CRPD,⁴⁰ the Electoral Act foresees that a disabled voter may be assisted

³⁵ Citizen observers were also only present in two out of 11 LGA collation centres visited, but at the state level, they were seen in nearly all collation centres.

³⁶ For example in Adamawa, Kaduna, Katsina, and Lagos states, which were some of the first to announce gubernatorial results.

³⁷ After a gradual increase in female elected representatives since 1999, there was a drop in the 2011 elections, with only 8 senatorial seats occupied by women (7.3%) and 24 women in the House of Representatives (6.6%).

³⁸ The UN CRPD and its Optional Protocol on the competence of the Convention's Committee came into force in May 2008. To date the Convention has been ratified by 152 countries. Nigeria's first report to the Committee was due on 24 October 2012, but as yet has not been submitted.

³⁹ The National Disability Bill was passed by both houses of the National Assembly on 15 October 2014 and sent to the President for assent. This follows many earlier attempts at such an act with previous presidents. In Lagos, Ekiti and Plateau states there are state-level disability acts in place.

⁴⁰ Article 29(a.iii) of the CRPD requires State Parties to allow persons with disabilities "*assistance in voting by a person of their own choice.*"

by a person of his/her choice to mark the ballot. However the Act specifies that persons “*subject to any legal incapacity to vote*” are not qualified to register as voters, thereby excluding, among others, people legally assessed to have mental incapacity, in contradiction to pronouncements made by the CRPD Committee.⁴¹

INEC was reportedly receptive to disability consultations and consequently developed various innovations. INEC’s information spot on voting procedures includes sign language and INEC’s polling procedures stipulate that “*physically challenged persons*” will be given priority. INEC also attempted to record the number of people with disabilities who vote.⁴² Furthermore, during the presidential results collation and announcement, sign language was provided. Regular news programmes of the NTA are not accompanied by the sign language and the station reports no special policies on the promotion of political participation of people with disabilities.⁴³

There is no requirement for political parties to have policies or to publicly report on the participation of people with disabilities. Currently some parties have included general references to disability issues in their manifestos. Civil society organisations report that only three candidates with disabilities ran in the federal and state-level elections.⁴⁴ Only approximately 50 persons with disabilities were registered as observers.

This Preliminary Statement is available on the Mission website (www.eueomnigeria.eu).

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⁴¹ See, for example CRPD Committee: Concluding Observation on Spain (23 Sept 2011).

⁴² Although the polling procedures provide for the visually impaired to use, where available, assistive tactile facilities, for these elections no such tactile ballots were provided.

⁴³ Only one NTA channel, the Plateau-based Channel 7, provides sign language during its daily news programme.

⁴⁴ Reportedly only three persons with disabilities contested the 2015 elections: one in the Jigawa SHoA with PDP, another in the Plateau SHoA with PDP, and a third in the Delta Senate with the National Conscience Party (NCP). None of the three won the seat contested.