



**PRELIMINARY STATEMENT
Banjul, 8 April 2017**

**Goodwill on behalf of the people and institutions of The Gambia
provides for the restoration of key democratic rights**

1. EXECUTIVE SUMMARY

- Following 22 years of authoritarian rule, National Assembly elections, held against the backdrop of high expectations and an under-resourced state budget, were truly contested. The December 2016 presidential election paved the way for a democratic transition, while these elections re-established political freedom.
- The current Independent Electoral Commission (IEC) enjoys broad trust in its independence. It has numerous responsibilities, including the registration of political parties, voter registration, voter education, conduct of elections, yet it does not command its own budget, which could hamper its independence. The IEC met key operational deadlines and fulfilled its mandate despite budgetary and time constraints.
- The Gambia witnessed a peaceful and engaging campaign where the freedoms of assembly and association were largely respected and candidates could convey their messages freely to the electorate. The President's nationwide tour had an impact on the campaign. Verbal attempts to polarise the electorate on the basis of ethnicity, and the handing out of goods and financial aid, were also observed by the EU EOM.
- The Constitution articulates a respect for democracy and includes a guarantee of genuine periodic elections. During the previous regime the legal system was severely compromised and the rule of law was undermined by a progressive erosion of the independence of the judiciary. The Supreme Court has exclusive jurisdiction to determine the validity of elections to the National Assembly but has not sat for two years and has currently just one member. During this electoral process prevailing laws have been applied and interpreted in line with an intention to protect human rights.
- The delimitation of constituencies does not take into account the principle of equal distribution of the electorate amongst the constituencies, falling far short of ensuring the equality of the vote. Representation of the electorate is highly unequal. The most extreme examples are Janjanbureh, with just 1,980 voters, compared to Serekunda with 46,502 voters, each electing a single National Assembly representative.
- Electoral stakeholders have confidence in the voter register. The decision not to update the voter register, using the same as for the 1 December presidential election, together with the absence of a legal measure to allow polling staff and police to vote at their duty stations, disenfranchised a considerable number of eligible voters.
- The nomination of candidates took place at the seven regional IEC offices and resulted in a total of 239 candidates. While there are no undue restrictions on being nominated as a candidate, the IEC stated that nominations would be revoked if candidates used a coalition identity rather than that of their individual parties while campaigning. Just 20 women were among the candidates,

and the three who won seats represent less than six per cent of the elected membership of the National Assembly.

- Campaign finance is very lightly regulated, and lacks provisions to restrain the undue impact of money in campaigning. There are no ceilings on donations or expenditure, while there are also no monitoring and enforcement mechanisms in place.
- Media, now operating without fear, offered the electorate a variety of standpoints free from formal censorship. However, poor financial standing and dilapidated technical equipment impeded the ability of media outlets to fulfil their scrutineering role. The free airtime presentations by candidates overshadowed the state-owned broadcaster's editorial election-related programming. The prominent coverage granted to the President's tour, across the media landscape, dominated campaign coverage.
- The IEC conducted polling and counting in an efficient and orderly manner, in full view of candidate agents and observers. While ease in the conduct of the election and the public display of polling station results marked the counting process, the limited security measures for result forms and the absence of detailed written procedures represents a weakness in the result collation process. Within 16 hours of closing, the IEC Chairman had announced all elected members of the National Assembly.

The EU EOM will remain in country to observe post-election developments and will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process.

The European Union Election Observation Mission (EU EOM) has been present in The Gambia since 13 March 2017 following an invitation from the Government of The Gambia and the Independent Electoral Commission (IEC). The Mission is led by Chief Observer Miroslav Poche, a Czech Member of the European Parliament (MEP). In total, the EU EOM deployed across the country 56 observers from 27 EU member states, as well as from Norway and Switzerland, to assess the entire electoral process in accordance with international commitments for genuine and transparent elections as well as the laws of The Gambia. A delegation from the European Parliament, headed by Jean Lambert, MEP (UK), also joined the mission before election day and fully endorses this statement. This was the first fully-fledged election observation mission EU has deployed to The Gambia with a long-term, country-wide observation of an electoral process and systematic election day monitoring. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation commemorated at the United Nations in October 2005. The EU EOM wishes to express its appreciation to the Government of The Gambia, the IEC, political parties, civil society, media, as well as the people of Gambia for their cooperation and assistance in the course of the observation. The EU EOM is also grateful to the Delegation of the European Union to The Gambia and the European Union Member States' diplomatic missions accredited to The Gambia for their support throughout.

2. BACKGROUND

Following 22 years of authoritarian rule, highly contested National Assembly elections were held against the backdrop of high expectations and an under-resourced state budget. The last National Assembly elections, held in 2012, were largely boycotted by the opposition. The former ruling Alliance for Patriotic Reorientation and Construction (APRC) party had won 25 seats unopposed and in total held 42 out of 48 constituency seats. Only two members represented the National Reconciliation Party (NRP) and four were independent assembly members.

The December 2016 presidential election paved the way for democratic transition. Prior to the presidential election, seven political parties and an independent candidate formed the *Coalition 2016*, backing Adama Barrow, a former deputy treasurer of the United Democratic Party (UDP), as an independent candidate. Barrow received 43.3 per cent of the votes, while the incumbent gained 39.6 per cent and 17 per cent voted for Mamma Kandeh of the Gambia Democratic Congress (GDC). These elections provided for genuine diversity across the political spectrum. An unprecedented number of 239 candidates, including 116 from the coalition, and 42 independent candidates, entered the race.

3. LEGAL FRAMEWORK

The legal framework provides an adequate basis for the conduct of elections which are in line with international obligations and commitments. The broader legal system within which the electoral framework operates has been severely compromised in recent years. Rule of law was undermined by a progressive erosion of the independence of the judiciary. The Constitution articulates a respect for democracy and includes a guarantee of genuine periodic elections, conducted by universal and equal suffrage, through secret ballot. Under President Jammeh's rule, however, it was not interpreted in a manner intended to vindicate these rights.

The Gambia is a State Party to most international and regional human rights treaties. While these instruments are legally binding upon The Gambia, the majority of the international obligations were entirely ignored by previous governments and human rights were unduly restricted. During this electoral process, however, prevailing laws have been applied and interpreted in line with an intention to protect human rights, including the freedom of assembly, the freedom of association, and the freedom of expression.

It is a complex matter to determine, authoritatively, the precise content of the legal rules for the National Assembly elections. Legal instruments, some of which date from colonial times, are not readily available, either in print or online. There is also a lack of subsidiary legislation to guide the interpretation of much of the principal legislation. While a human rights-based approach is being pursued at present, constitutional and law reform are imperative to ensure that the legal system meets the needs of the new Gambia, and is in line with the international legal obligations of the State.

The electoral system for members of the unicameral parliament, the National Assembly, is based on single-seat constituencies, using a first-past-the-post method in 53 single member constituencies. After the elections, five additional members will be nominated by the President. This means that ten per cent of the National Assembly is not directly elected by the people.

The rights to vote and to stand for election were protected. An amendment to electoral law in advance of the election, which reduced excessive nomination deposits, was welcome, as it enabled a multiplicity of candidates to compete. Such a technical legal change close to elections is not, however, in line with international best practice.

4. ELECTION ADMINISTRATION

The Independent Electoral Commission (IEC) conducted the elections in an impartial and organised manner and enjoys the broad trust of stakeholders in its independence. A constitutional body, all five commissioners, including one woman, are appointed solely by the president. The president may remove commissioners for an inability to perform their functions or for misconduct. The former president repeatedly dismissed IEC commissioners without due process. Although the IEC has numerous responsibilities, including the registration of political parties, voter registration, voter education, conduct of elections and referenda as enshrined in the Constitution, the IEC does not command its own budget which could hamper its independence.

The IEC maintains seven permanent offices, one in each region, all headed by men. For the conduct of the elections it retained more than 90 per cent of its 122 temporary Assistant Returning Officers (ARO), including 11 women (9 per cent), and most of its 1,422 presiding officers from the December 2016 election.

The IEC was very forthcoming in providing information to EU observers, but lacked public transparency as its Commission meetings were closed, without minutes being published. The IEC rarely communicated with the public and its few press releases were not available on its otherwise informative website. The IEC did not conduct any formal consultation meetings with political parties or candidates during the election campaign period.

Arrangements for voting were kept simple without advance, postal, mobile, or out-of-country voting. A highly commendable legal amendment to the Electoral Act in 2015, proposed by the IEC, introduced a new procedure whereby counting would take place at the polling station and certified polling station results would be displayed outside the polling station. Both of these important measures were successfully implemented during the recent presidential election.

The IEC met key operational deadlines and fulfilled its mandate despite budgetary and time constraints. The IEC conducted a training of trainers at national level to which observers, candidates and media were invited. The trained AROs in turn trained polling staff at the regional level. In general information on procedures was delivered in a coherent manner, but there was contradictory information provided in the Banjul and Basse regions that police could be present inside the polling stations during counting.

The IEC provided voter education by conducting community meetings and by touring the regions with loudspeakers on pick-up trucks broadcasting voter information messages. Voter education through the media by the NCCE started very late, partly due to a disagreement between NCCE and GRTS about the prices charged for broadcasts. The voter education campaign spot portrayed ballot drums in a specific colour which could be misunderstood as a colour reserved for a party. Voter education was also conducted by CSOs such as *Activita* and the National Youth Council through radio messages, community programmes, youth events and social media. The CSO *Hopes of Tomorrow* disseminated radio messages and distributed T-shirts.

5. CONSTITUENCY DELIMITATION

The delimitation of constituencies does not take into account the principle of equal distribution of the electorate amongst the constituencies, falling very far short of ensuring the equality of the vote¹. A review of the constituency boundaries in 2015, which increased the number of elected seats in the

¹ Article 25 of the International Covenant on Civil and Political Rights (ICCPR), United Nations Human Rights Commission, General Comment No. 25, paragraph 21: "...within the framework of each State's electoral system the vote of one elector should be equal to another. The drawing of electoral boundaries and method of allocating votes should not distort the distribution of voters or discriminate against any group."

National Assembly from 48 to 53, did not properly address the issue. While the average number of registered voters per constituency is 16,728, Janjanbureh constituency in Janjanbureh region has the lowest number of registered voters with 1,980, while Serekunda constituency in Kanifing region has the largest number of registered voters with 46,502. The electorates in the Kanifing and Brikama regions are particularly underrepresented, while the electorate in the Banjul, Mansakonko and Janjanbureh regions are overrepresented, based on the existing constituency boundary delimitation.

6. VOTER REGISTRATION

The right to vote is guaranteed to all citizens, of eighteen years of age, with a requirement of either birth or residence in the constituency of registration. Registration is required. Suffrage rights were unequal, however, with huge differences in numbers of voters per National Assembly representative in different constituencies (see *Constituency Delimitation*). The right to vote is circumscribed in the case of those who have been convicted of certain types of electoral offence, or who have served prison sentences in excess of six months within the last five years. Prisoners serving a sentence are deprived of the right to vote by law, but those on remand, who retain their lawful right to vote, are not allowed to vote either. These restrictions on voting rights amount to failures to respect the principle of universal and equal suffrage. Despite the mandatory provision in the Elections Act which require the IEC to maintain a register of Gambians living abroad, this provision has not been acted upon.

There is general confidence in the quality of the voter register established by the IEC. The IEC decided not to update voter registration ahead of the National Assembly elections and to use the same voter register with 886,578 registered voters as during the presidential election. This decision disenfranchised those eligible voters who had turned 18 years of age between 1 December 2016 and 6 April, up to an estimated 8,000 eligible voters, or almost one per cent of the total number of registered voters.

For the National Assembly elections only those eligible voters were allowed to vote who presented a valid voter registration card issued by the IEC for the polling station for which they have been registered. During the 2016 presidential election polling staff and police on electoral duty were issued duty certificates allowing them to vote at their duty polling stations. No duty certificates were issued for the National Assembly elections. Up to 8,500 police and polling staff, representing one per cent of the total number of registered voters, might have been disenfranchised. In addition, the IEC has not replaced any lost or destroyed voter registration cards since the last election. All these measures deprived a considerable number of eligible voters of the right to vote².

7. PARTY REGISTRATION AND CANDIDATE NOMINATION

The requirements to register a political party are extremely burdensome and represent a significant defect in the protection of the freedom of association. A change to political party registration rules in 2015 imposed onerous requirements for aspiring parties to comply with. Ten-fold increases in nomination deposits, which are forfeit for all types of elections unless 20 per cent of the vote is achieved, were also introduced, but these were reduced in advance of these elections.

There are no undue restrictions on being nominated as a candidate. Independent candidates as well as representatives of political parties are allowed to compete. Citizens of The Gambia holding dual nationality are, however, excluded. The nomination of candidates took place at the seven regional IEC offices and resulted in a total of 239 candidates, including just 20 women (8.4 per cent). This level of female participation is even lower than their representation (9.4 per cent) in the outgoing National

² Article 25 of the International Covenant on Civil and Political Rights (ICCPR), United Nations Human Rights Commission, General Comment No. 25, paragraph 11: "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed."

Assembly. No candidate was rejected by the IEC, nor did the IEC receive any objections. Just one independent candidate withdrew within the stipulated period.

The Gambia Democratic Congress (GDC) presented 52 candidates, the largest number overall. The former ruling party, the Alliance for Patriotic Reorientation and Construction (APRC), fielded 29 candidates. The seven political parties that had belonged to the Coalition 2016 decided, after difficult negotiations, to present candidates under the banners of their individual political parties. Among them, the United Democratic Party (UDP) presented the largest number of candidates covering 44 constituencies, followed by the National Reconciliation Party with 24 candidates. The People's Democratic Organisation for Independence and Socialism (PDOIS) contested 22 seats. The People's Progressive Party (PPP) presented 14 candidates and the Gambia Moral Congress (GMC), the Gambia Party for Democracy and Progress (GPDP), and the National Convention Party (NCP) presented five, four and three candidates, respectively.

8. ELECTION CAMPAIGN

The Code on Election Campaign Ethics prescribes a broad catalogue of rules for candidates, political parties and supporters to carry out their campaign activities. In case of breach of the Code, the IEC has a range of powers, including revocation of candidature. There is also an Inter-Party Committee which includes all nine registered political parties, and for which the IEC acts as secretariat. The committee however, has not met since the signing the Memorandum of Understanding on 8 March.

Overall the freedoms of assembly and association were respected and candidates were able to convey their messages to the electorate freely. The three-week campaign period started on 15 March and ended on 4 April.

The campaign environment was calm in all parts of the country, with only a few isolated incidents reported in Kanifing, Kombo East and Banjul. While the campaign featured rallies and door-to-door canvassing, posters and billboards were largely absent. As a novelty, candidates held debates both in public places and through the media. Web-based campaigning was also widely explored. The EU EOM observed 43 campaign events across the country. During the last week of the campaign, the national leadership of all parties went on nation-wide campaign tours. Many candidates expressed their dissatisfaction with the short length of the campaign period, which curbed their outreach to the rural population. Candidates' limited access to financial and technical resources further limited the scope of campaigning.

The campaign focused on national socio-economic development. Most of the Coalition 2016 parties emphasised their affiliation with the coalition. So, did President Barrow during his nationwide tour, while calling on the electorate to vote for coalition candidates. The GDC and the APRC expressed concerns over this use of the Coalition brand. In a press release of 17 March the IEC, in an overly restrictive manner, requested candidates to refrain from mentioning the Coalition 2016 in their campaigning or face the risk of revocation of candidature. The IEC request was ignored and no further action was taken.

The President undertook a constitutionally mandated tour, officially intended to thank the population for his election and to solicit voters' continued support for the Coalition 2016, from 23 March to 2 April. The President's nationwide tour had an impact on the campaign. The president was accompanied by government ministers who alternated in the different stopovers and government vehicles were used for the president and ministers. The Gambian security forces and ECOMIG troops were used to secure the presidential convoy. EU EOM observed the president endorsing candidates during his speeches in different regions. The Constitution states that the president, vice-president and ministers are not public servants and thus not barred from participating in campaign activities. The

misuse of administrative resources, that characterised Gambian elections in the past, was not observed.

The national campaign of the GDC leadership also served the purpose of thanking voters for support in the presidential election. The GDC distributed hand-outs such as cement and milling machines. The GDC party leader also financed boreholes and donated money to mosques, hospitals and individuals in need. This appears to be in breach of the Elections Act. On 29 March, the EU EOM observed an Imam thanking the GDC leader for a donation and promised the village's vote to the GDC in the Jimara constituency.

For the latter part of the campaign disagreement between the prominent Coalition 2016 political parties became more public. APRC and GDC both became more critical of the president, questioning his close relations with Senegal and France, including the presence of ECOMIG troops in The Gambia. Both President Barrow and the UDP leadership accused President Jammeh and the APRC of being responsible for killings as well as the lack of development. A UDP rally, held on 2 April in Latrikunda Sabiji constituency, was marked by inflammatory speeches targeting the APRC, as well as the PPP.

During the final days of the campaign, the subject of tribalism became more prominent in the campaign narrative. The EU EOM observed rallies where ethnicity was exploited to mobilise political support. These included UDP appeals for the support of the Mandinka and the Manjago communities in Kanifing, in West Coast Region and in Lower River Region. The EU EOM also observed efforts by the GDC to call for the votes of the Fula community in the Lower River Region.

9. CAMPAIGN FINANCE

Campaign finance is very lightly regulated, with an absence of legal provisions to restrain the undue impact of money in campaigning. Individual Gambian citizens, civil society organisations and private entities may all make campaign contributions. Donations from corporations and unincorporated bodies and from all foreign entities are prohibited. There are no ceilings on donations or expenditure, while there are also no monitoring and enforcement mechanisms in place. A state party to the UN Convention against Corruption since 2015, law reform is required to ensure that the obligations to ensure transparency and fairness are complied with.

Overall, parties and candidates lacked financial means to diversify and intensify the campaign. The Coalition 2016 campaign was funded by some wealthy individuals and the diaspora. They distributed vehicles and money to member-parties, proportionate to the number of candidates. Independent candidates, supporting the Coalition 2016, also received some resources. The Coalition 2016 representatives did not disclose to the EU EOM the amount of funds at its disposal. Wealthy party members paid for the APRC and the GDC campaigns. Again, the costs were not disclosed.

10. MEDIA ENVIRONMENT

The Gambian media is undergoing a momentous liberalisation. Media, now operating without fear, offered to the electorate a variety of standpoints free of formal censorship. Radio stations employed a broad range of genres, such as debates and call-in interviews, while the newspapers scrutinised candidates' policies for its viability. However, outlets' poor financial standing and dilapidated technical equipment impeded media's ability to fulfil its scrutinising role. This applies to all media outlets.

Freedom of expression is provided for by the Constitution, yet it is not protected through specific legislation, undermining the international standards for freedom of expression, most notably, the Declaration of Principles on Freedom of Expression in Africa. The Criminal Code and Information and Communication Act equate criticism with defamation, libel and sedition both in offline and online media, which carries disproportional sanctions. There is a state monopoly on television services and on providing digital connection. Moreover, in the absence of an independent regulatory body, key executive and regulatory powers are vested in the president and the minister of information. Public

commitments to bring the existing legislation into line with regional and international standards for freedom of expression, also online, have been made.

Legislation governing media's conduct during elections lacks clarity on key aspects of campaign coverage. Nevertheless, the IEC's media rules, coupled with the collaborative engagement of the IEC, the state-owned The Gambia Radio and Television Services (GRTS), the Ministry of Information and The Gambia Press Union, to some extent substituted for the lack of provisions. Media rules foster balanced and issue-oriented reporting and foresee allocation of free airtime, as well as use of paid-for time and space by the candidates. The latter was utilised only by some 10 per cent of candidates, primarily on community radios.

GRTS's free airtime broadcasts introduced the candidates, yet such programming did not effectively facilitate an informed choice. Each candidate was granted five minutes to present his or her manifesto in the language of his or her choice. From 24 March onwards, the spots were aired simultaneously on the TV and radio in one hour long blocks, hindering voter's ability to distinguish between different contestants. Furthermore, the broadcasts schedule was neither advertised nor published on the GRTS's website.

The free airtime slots markedly overshadowed the GRTS's editorial coverage of elections reaching up to 90 per cent of total prime-time programming allotted to political communication, as documented EU EOM media monitoring results³. Furthermore, within the GRTS's daily news segments the president's tour was granted a prominent exposure, while the election coverage was scant due to technical constraints. On the positive side, the reports on the tour were neutral and brief, yet they relayed president's promises of sustainable development. This distorted the fairness of the campaign coverage within the news segments. The GRTS's radio devoted to the president 84 per cent, the GRTS television 32 per cent of time within the election-related prime-time news segments. Similar distribution of time was noted also within commercial broadcasters' news programmes – 83 per cent on Paradise FM and 47 on Star FM.

Commercial media strived to provide a level playing field, allotting equitable coverage to all parties, including the APRC. The tone across commercial media's news was neutral. However, private media's lack of professionalism, stemming from 22 years of isolation, alongside the short campaign period, rendered coverage beneficial to prominent politicians. As radio stations' news content originates mainly from newspapers articles, the distribution of space among political actors within print media should be seen as a nation-wide reference. In all print outlets, prominent party leaders, such as Mama Kandeh (GDC), Mai Ahmad Fatty (GMC) and Ousainu Darboe (UDP) were featured in from 6 to 12 headline articles. Omar Amadou Jallow (PPP), while blending his institutional activities with political statements that impacted on the campaign, was featured in 20 signal articles across the monitored media.

Community FM radios were instrumental in introducing candidates to the population and to convey the voter information. All 10 community radio stations offered free airtime to candidates contesting the respective constituency, espoused sensitisation messages in local languages and invited opinion

³ From 15 March EU EOM The Gambia 2017 conducted a comprehensive media monitoring using international methodological standards for quantitative and qualitative analysis. The sample of media monitored included state-owned GRTS's radio station and television channel, two commercial radios *Paradise FM* and *Star FM*, and four newspapers *Foroyaa*, *The Point*, *The Daily Observer*, *The Standard*. Broadcast media was monitored daily during prime-time hours, the newspapers from Monday to Friday. The quantitative monitoring consists of analyses of the time and space allocated to the political actors, while the qualitative analyses assesses the manner in which relevant actors are portrayed.

leaders to *live* election-related programmes. None of them received additional funds to boost their capacity, thus jeopardising their services to the electorate.

The political narrative online was animated and touched on issues neglected by the traditional media, such as alleged politically motivated fracas. Eight out of nine parties or their leaders have dedicated Facebook pages. The UDP and the GDC, have expanded their online reach and diversified the messaging by creating interconnected profiles on different platforms. *WhatsApp* groups were used to, among other things, circulate pre-recorded candidates' statements that are then later re-played to voters at the community centres in rural areas with a limited access to media.

11. ELECTORAL JUSTICE

Extensive powers to adjudicate upon complaints and disputes are conferred on the IEC. There is, however, a dearth of legal rules indicating the procedures which are to be followed in the submission or adjudication of complaints. The IEC offered a very brief period, on the day after the close of nominations, for objections to nominations. This opportunity to object lacked meaning as there was no public awareness of the identity of candidates by then. No further objection was possible until after the elections, denying access to a legal remedy in the case of an unlawful nomination.

The Supreme Court has exclusive jurisdiction to determine the validity of elections to the National Assembly. Generous rules of standing provide that any voter, or candidate, or person who claims that he should have been a candidate, may initiate actions. Election petitions must be filed within 30 days of the declaration of results, with a further 30-day period allowed for a decision to be reached.

The Supreme Court has not sat for two years and has just one member, the Chief Justice, at present. It is, therefore, unlikely to be able to comply with the timeframe for the adjudication of any election petitions which might be submitted subsequent to the elections. Petitions lodged last December by former President Jammeh and the APRC, challenging the presidential election results, continue to languish without resolution. This delay amounts to an effective denial of the right of access to the court, undermining respect for the right to an effective and timely remedy which is protected under international law.

12. PARTICIPATION OF WOMEN

The Gambia is a state party both to the Convention on the Elimination of All Forms of Discrimination against Women, ratified in 1993, and to the Maputo Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratified in 2005. Despite adherence to these legal instruments, there was no advancement of gender equality during the electoral process.

There have been, however, several pieces of legislation enacted in recent years which have supported the advancement of women, aimed in particular at halting traditional practices harmful to women. The most significant legislation is the Women's Act of 2010, the purpose of which was to incorporate the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. The law as enacted permits the adoption of temporary special measures by all public and private enterprises and entities, but it has not been used to introduce any quota requirements to date.

Women comprised less than 10 per cent of the membership of the outgoing National Assembly, while the 3 women elected this time comprise just under 6 per cent of the 53 elected members. While the percentage of women in cabinet is higher than in the National Assembly, there continues to be minimal inclusion of women in political life in The Gambia.

13. PARTICIPATION OF PERSONS WITH DISABILITIES

The Constitution provides, in Article 31, for the rights of persons with disabilities. These rights are to include the right to respect and to human dignity, as well as to protection against exploitation and discrimination, particularly with regard to access to health services, education and employment. There is no specific protection for the political rights of persons with disabilities, while a guarantee of equality is also absent.

In 2015 The Gambia acceded to the UN Convention on the Rights of Persons with Disabilities but no effect has been given to the Convention in domestic law. Indeed, there is virtually no law which recognises any positive rights for persons with disabilities. The Lunatics Detention Act of 1917 is the only legislation dealing with intellectual disability, legislation which does not have a rights-based perspective. A draft Disabilities Bill was first published in 2007 by the Gambia Federation for Persons with Disabilities. Provisions in the Bill include the introduction of a quota of at least two reserved seats in the National Assembly for persons with disabilities. The Bill has not yet been considered by the parliament.

While secrecy of the ballot is guaranteed, no Braille facilities were made available to protect the secrecy rights of voters with visual impairments. Instead polling staff assisted those with special needs to vote. None of the political parties specifically addressed the needs of people with disabilities. There were no programmes aired or articles printed to advance political participation of people with disabilities.

14. DOMESTIC AND INTERNATIONAL OBSERVERS

Similarly to the past presidential election several civil society organisations (CSO) actively engaged in election observation and election related conflict monitoring. An IEC Code of Conduct regulates the activities of citizen and international observers. The biggest group of citizen observers was accredited under the CSO Coalition on Elections led by the West African Network for Peace-building (WANEP) with 200 accredited observers. In addition, the IEC issued accreditations for 54 Peace Ambassadors, 35 observers from the National Youth Parliament, and 20 observers from *Pro Gambia*.

The African Union deployed a short-term observation mission with 30 observers, while ECOWAS had 17 accredited observers.

15. POLLING, COUNTING AND COLLATION

Election day was calm and peaceful. The IEC conducted polling and counting in a transparent and orderly manner. No serious delays in opening of polling stations were reported. All polling stations visited had received all required materials but the staff counted the ballot tokens received before opening in only 65 per cent of observed polling stations. The opening procedures were largely followed and the overall conduct of the opening was assessed positively.

The law provides basic directions for polling, counting and collation, but the IEC did not issue any detailed written procedures, beyond the handbook for polling officials. Polling was conducted in a peaceful atmosphere and polling procedures were mostly followed. EU observers visited a total of 222 polling stations, reflecting 15 per cent of all polling stations. In 84 per cent of polling stations visited during voting the presiding officer was male while in all other polling staff categories women were a majority. In the observed polling stations two or more agents of different candidates were present during voting. Procedures for the provision of assistance to voters with special needs were not observed to be widely complied with, while polling stations visited were often inaccessible to voters with reduced mobility.

Only a few irregularities were observed. These included the polling station layout insufficiently protecting the secrecy of the ballot in seven per cent of instances, and no checking for traces of ink in

some 10 per cent of the polling stations observed. The EU observers assessed the conduct of polling positively in 98 per cent of polling stations.

The IEC provided mostly verbal procedural directions for counting and omitted the *Counting Form*, a form specified to be used in the IEC *Handbook for Polling Officials*. Presiding officers used the *Polling Station Result Form*, a simple photocopy. Counting at the polling stations was conducted in a quick and accurate manner and in the full view of candidate agents and observers. While EU observers assessed the overall conduct of the process positively in 96 per cent of visited polling stations, procedures were frequently not followed, including the prior sealing of the ballot drum holes, and those for reconciliation. At 87 per cent of the observed polling stations results forms were displayed for the public and almost all candidate agents received certified copies of the results forms. Despite the limited security measures for result forms and the absence of detailed written procedures, the ease and transparency of the electoral conduct, as well as the availability of polling station results displayed at the polling station, helped to avoid suspicion of possible malpractices.

Collation at the seven regional collation centres lacked clear procedures, organisation and transparency. In the separate constituency collation rooms, polling station results were only announced for candidate agents to compare with their collected results. No reports of objections were received. The polling station results were recorded in handwriting on basic collation result forms but could also have been recorded on the blackboards of the collation rooms. In most collation centres observed, candidate agents received a handwritten copy afterwards.

The constituency results were verified by the seven regional IEC offices, approved by the returning officers, and transmitted by fax to the IEC HQ. The IEC Chairman started announcing the official final results of the elections per constituency from 23:00. All elected members of the National Assembly were announced by 9:00 am the morning after elections: UDP won 31 seats, APRC won 5 seats, NRP won 5 seats, GDC won 5 seats, PDOIS won 4 seats, PPP won 2 seats, and an independent candidate won one seat. The turn-out was disappointing to many as only 42 per cent of registered voters cast their vote, a drop of 17 per cent in comparison with the presidential election four months ago.