



European Union
Election Observation Mission

NIGERIA 2019

Final Report



General Elections

23 February, 9 and 23 March 2019



**EU ELECTION OBSERVATION MISSION
NIGERIA
GENERAL ELECTIONS 2019**

FINAL REPORT

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This report contains the findings of the EU Election Observation Mission (EOM) on the 2019 general elections. The EU EOM is independent from European Union institutions, and therefore this report does not represent the official position of the European Union.

I. SUMMARY

- Nigeria's 2019 general elections were marked by severe operational and transparency shortcomings, electoral security problems, and low turnout. Positively, the elections were competitive, parties were overall able to campaign and civil society enhanced accountability. However, the last-minute postponement of the elections put an undue burden on voters, results' collation procedures were not sufficiently robust, and inadequate information was provided to the public. Fatalities escalated and the role of security agencies became increasingly contentious. The leading parties were at fault in not reining in acts of violence and intimidation by supporters, and in abusing incumbency at federal and state levels. Except for federal radio, state media primarily served the interests of the president or the governor at state level. Journalists were subject to harassment, and scrutiny of the electoral process was at times compromised with some independent observers obstructed in their work, including by security agencies. The suspension of the chief justice of Nigeria by the president a few weeks before the elections was seen to lack due process and reportedly undermined judicial independence. The number of women elected fell again. These systemic failings show the need for fundamental reform so elections better serve the interests of the Nigerian people.
- The 2019 **general elections** took place on 23 February for federal positions: the president and vice-president, senators and members of the House of Representatives. These were followed two weeks later, on 9 March, by state elections for 29 of 36 state governors, who are powerful heads of the executive, and for the State Houses of Assembly. On 23 March, there were supplementary elections for five governorship and 40 state assembly seats following elections being declared inconclusive due to the cancellation of polling units during the 9 March elections.
- The **Independent National Electoral Commission (INEC)** worked in a complex security and politically-charged environment, with its premises and officials subject to physical attacks and intimidation. INEC made a number of improvements, including making electoral participation more accessible through simplified voting procedures. INEC made efforts to strengthen electoral integrity by issuing regulations making smart card readers mandatory to accredit voters, but there were insufficient accompanying transparency measures. Other procedural weaknesses continued, including in regards to checks and transparency in the results process. Severe operational shortcomings resulted in the elections being postponed by a week just five hours before polling was due to start on 16 February. INEC then gave regular updates on election preparations, but before this, and after polling began, there was a serious lack of public communication with insufficient information made available.
- The elections became increasingly marred by **violence and intimidation**. This harmed the integrity of the electoral process and may deter future participation. Party leaderships did not take sufficient steps to rein in their supporters. Based on information available, around 150 people died in election-related violence during the campaign period and over the election days. INEC reported attacks on its offices, and also fatalities, abductions and sexual assault against its officials. During collation of the federal results, EU observers directly witnessed or received reports of intimidation of INEC officials in 20 states. During the 23 March supplementary elections, EU observers saw groups of men with weapons intimidating and obstructing the process, and security agencies were ineffective at protecting citizens' right to vote.
- The INEC-chaired **Inter-agency Consultative Committee on Election Security** was not sufficiently effective, did not involve stakeholders or provide necessary information. After the state elections, INEC said that collation centres in Rivers had been invaded by some soldiers and armed gangs, resulting in intimidation and unlawful arrest of officials. EU observers and others were also prevented by military personnel from entering the Rivers state INEC office.

- The **legal framework** broadly provides for democratic elections and Nigeria has ratified the major international instruments covering electoral rights. There have been positive changes to the Constitution since the 2015 elections. Attempts to amend the Electoral Act were, however, unsuccessful and legal shortcomings continued, including in regards to specific procedures for the use of smart card readers. Enduring legal shortcomings include a lack of transparency requirements and some candidacy criteria that overly exclude citizens from running for office. Official consolidated versions of updated legislation are not available and, as a result, there is insufficient awareness of legal changes and consequent confusion.
- There were over 84 million citizens on the **voter register**, although the total figure includes a sizable number of voters who have died or migrated over the last eight years, and duplications. INEC made efforts to facilitate the collection of permanent voter cards (PVCs), but EU observers noted some logistical problems. INEC did not provide public data on PVC collection until 21 February, after the original election date, and did not provide a breakdown by local government area (LGA) or polling unit. Six states had implausibly high collection rates of 94 per cent or more, indicating the possibility of proxy collection and PVCs being in the wrong hands.
- The elections were competitive with a large number of **candidates** for all seats, although competition was primarily between the All Progressives Congress (APC) and Peoples Democratic Party (PDP). In total, there were 91 registered political parties, with 73 candidates for the presidency. In the absence of any legal provision for independent candidates, the ability of citizens to run for office is determined by party primary procedures. The primaries overly restrict citizens from running as candidates, lack integrity measures, and were often controversial resulting in extensive legal challenges. To run in a primary of the two main parties involves prohibitive financial costs of up to NGN 45 million (around EUR 110,000). Procedural problems included an overall lack of transparency, winners being subsequently changed by party leaderships, and parties not having objective criteria for screening candidates. INEC lacks powers to uphold the candidacy requirements stipulated in law and is instead obliged to accept all candidates.
- Parties and candidates were overall able to **campaign**, with freedoms of assembly, expression and movement broadly respected. Cases of misuse of state resources and vote-buying remained generally unaddressed, undermining voters' free choice and distorting the playing field. Manifestos were secondary to personality, and party defections showed weak ideological and party loyalties. Closer to the original election date, campaign rhetoric became more acrimonious, at times threatening.
- Positively, the **National Peace Committee** (NPC) organised signings of a peace agreement, the "*Abuja Accord*", in which the parties pledged to abide by the electoral outcome or to follow legal recourses. During a second signing, just before the original election date, the leading candidates shook hands and affirmed the agreement, thereby enhancing confidence in the electoral process. Both main candidates in subsequent statements and public declarations made reference to the peace pledge. Similar accords were frequently signed at state level under the auspices of the NPC or other civil society organisations.
- **Political finance** regulation is dysfunctional due to incomplete legal provisions and lack of enforcement, undermining transparency and equality of opportunity among contestants. Key beneficiaries of campaign spending, such as media houses, online platforms and advertising agencies are not subject to disclosure requirements. INEC was only able to monitor campaign spending of 17 candidates, of more than 20,000, and did not use its power to initiate prosecutions for non-compliance with campaign finance rules. The latest constitutionally-mandated INEC audit of financial statements of political parties was published in 2011. Corruption charges against party affiliates by the Economic and Financial Crimes Commission

(EFCC) lacked transparency with insufficient public information, and were perceived by some as a partisan tool serving the incumbent.

- Various national, zonal and state-level **media** outlets organised debates, promoted voter education, and scrutinised the polling and the results process. However, these outlets do not always reach large audiences outside of state capitals, and systemic drawbacks curtailed media pluralism, including cumbersome broadcast licensing requirements. Furthermore, media freedom was curbed by vaguely-defined content restrictions, and attacks and harassment of journalists. The EU election observation mission received credible first-hand information on 35 such incidents targeting journalists and media houses in 21 states over three months. With the exception of a few states, voters had limited access to factual, non-partisan information.
- **EU EOM media monitoring** over 46 days showed federal government-owned radio's commitment to balanced election coverage. However federal government-owned TV clearly favoured the president and the ruling party, with their joint share of airtime reaching 84 per cent of primetime coverage of election and political matters. Similarly, state-level state-owned radio stations monitored served incumbent governors' interests. Incumbent share of coverage ranged from 72 to 100 per cent, and eight of nine monitored state-owned radios did not even mention the names of governors' main challengers during the news. Such bias by state outlets, that have by far the biggest audiences, undermined a level playing field and is not consistent with national and international standards for public broadcasting, as well as professional good practice.
- **Online social platforms** provided opportunity for campaigning and public scrutiny of the electoral process. However, platforms were at times used in a distorting way, through campaigning without transparency or by creating a false impression of mass support. While government officials repeatedly alerted the public to the risk of disinformation, various actors, including those affiliated with both major parties, posted or distributed false information online. Major parties also used paid advertising on online platforms, but the extent of this could not be fully assessed due to a lack of transparency on platforms. Nigeria lacks specific data protection laws, leaving personal data potentially vulnerable to abuse. Vague legislative provisions have been used to overly restrict freedom of expression in the media and online.
- On **23 February**, the majority of polling units opened extremely late. Voters were uncertain when voting would begin due to a lack of public information from INEC. As a result, there was confusion and tension, and voters were likely deterred from participating. Important polling procedures were insufficiently followed. On several occasions voting was observed without the use of smart card readers, despite INEC stipulating their use was mandatory. There were evident problems in completing results forms, and they were not publicly displayed as required in half the counts observed, weakening transparency. Positively, in almost all observations party agents received copies of the results forms.
- The national **collation** centre for the presidential election was open to party agents and observers, and was continuously televised. However inconsistent numbers, lack of clear checks and explanations, and insufficient public information undermined confidence in the integrity of the election. There was a large discrepancy of 1.66 million fewer registered voters recorded than was previously announced by INEC in January. Polling was cancelled without sufficient accountability. The main reasons given were incidents of violence, over-voting and non-use of smart card readers, resulting in the annulment of voting for nearly 2.8 million registered voters. Lack of transparency in the use of smart card readers meant that it was not clear if all polling units with problems were cancelled as was required in INEC guidelines.
- Polling and collation processes on **9 March** were more orderly and were assessed more positively by EU observers. However there were disruptions in Bauchi and Rivers where collation was suspended until 2 April. Again there was a high number of cancellations of

elections in individual polling units, resulting in six governorship elections being declared inconclusive. Again there was a lack of polling and results data available centrally or locally. Many problems were evident in 150 polling unit results forms examined from the governorship and presidential races. Most contained mathematical anomalies, 13 per cent had missing data, and some had more valid votes recorded than accredited voters.

- During the **23 March** supplementary elections, extensive security problems were observed in some areas, with groups of men with weapons intimidating and obstructing the process, and security agencies ineffective at protecting citizens' right to vote. In particular, parts of Kano were largely inaccessible to EU observers, and citizen observers and journalists were also obstructed. EU observers also saw increased interference by party agents and cases of vote-buying. Given the high stakes and the reduced electorate involved, supplementary elections were vulnerable to parties strategically pressurising voters and disrupting the process. In the polling units that could be fully observed, there were improved logistical arrangements and procedures were mostly followed, although there were problems with secrecy of the ballot.
- The **turnout** for the presidential election was just 34.1 per cent, with a reduction of nearly a million votes from 2015, despite the increase in population and registered voters. Turnout for the state elections was seen to be even lower, although figures were not made available. Declining participation warrants review by political parties and INEC in order to make elections more inclusive and those elected more representative. The incumbent APC candidate, President Buhari, was declared the winner with 55.6 per cent of valid votes. The losing PDP candidate, Atiku Abubakar, who received 41.2 per cent of valid votes, rejected the results almost immediately, and then pursued a legal petition. The citizen observer group, YIAGA Africa, announced that the presidential results were consistent with its parallel vote tabulation.
- **Electoral dispute resolution** mechanisms were used extensively during the election process, with overlapping jurisdictions and lengthy timelines resulting in conflicting and late rulings. This undermined opportunity for remedy and created uncertainty in the electoral process over which candidates and parties would be running, and if supplementary elections would be held. There appear to have been at least 644 pre-election cases and 766 post-election petitions. The PDP presidential petition was ongoing at the time of the finalisation of this report, with increasing controversy as INEC had not provided copies of requested documents, as legally required.
- Three weeks before the original election date, the president suspended **the chief justice of Nigeria**. This had an inhibiting effect on the judiciary. It was seen by many as undermining security of tenure, damaging judicial independence and compromising the division of powers. The suspension did not follow due process, was divisive, and undermined confidence in the electoral process and opportunity for remedy. He was later subject to compulsory retirement by the National Judicial Council. The chief justice has a key role in deciding the Supreme Court bench for hearing final pre-election appeals as well as governorship and presidential petitions.
- Very few **electoral offences** result in arrest or prosecution, and thus there is an enduring culture of impunity. Although INEC has power of prosecution, it does not have powers to investigate or arrest, and is therefore reliant on security agencies. INEC could not provide the EU EOM with information on the numbers of electoral offence cases. Recurrent difficulties in dealing with electoral offences include the challenges of gathering evidence and the timeframes involved in criminal proceedings. The lack of any requirement for public updates and information on the status of investigations and prosecutions diminishes the accountability of the respective institutions involved.
- A range of **civil society** organisations effectively contributed to election reform, scrutiny and voter awareness. Positively, the civil society-led "*Not Too Young To Run*" campaign resulted in

constitutional change reducing the minimum ages for candidacies. Citizen observers provided vital information updates over the election days, which was particularly important when information was not forthcoming from INEC. Coordinated independent observation of different aspects of the election positively contributed to the accountability of the process. However observers were subject to some obstruction, harassment, threats and arrests by security personnel and party supporters. Mistreatment and obstruction of observers compromises transparency and therefore the integrity of the electoral process. Delays in the issuing of accreditation by INEC also placed an undue organisational burden on citizen observers.

- Nigeria has the lowest rate of **women** in parliament in Africa, with the number progressively decreasing since 2011. In the 2019 elections, the number of women in the National Assembly fell below five per cent. There are no temporary special measures to promote women's participation and, due to a lack of provision for independent candidacy, women can only run through political parties. There was a continued lack of promotion of women by political parties. Women were also underrepresented in media coverage of elections. Positively, INEC consulted with women's groups and undertook gender-sensitisation efforts on electoral participation.
- Nigeria's more than one million **internally displaced voters** had only a limited opportunity to vote. Late adoption of INEC regulations and inconsistent practices resulted in low registration and PVC distribution rates. INEC did not sufficiently consult with displaced communities and released almost no public data or information on provisions for internally displaced persons (IDPs). In practice, IDPs were often required to return to their constituency of origin to vote, irrespective of any security concerns or logistical difficulties.
- **Persons with disabilities** have insufficient opportunities for participating in the electoral process. Only six reportedly contested out of more than 20,000 candidates and none were elected. INEC undertook consultations with disabled persons' organisations and made positive commitments in its framework, but its plans were not sufficiently implemented.
- The **EU EOM** is independent in its findings and conclusions under the leadership of the Chief Observer, Maria Arena. The mission was present in Nigeria from 5 January until 7 April 2019, with a core team of 11 experts. In total, 40 long-term observers were deployed to cover all 36 states and the Federal Capital Territory (FCT). The EU EOM observed all three election days with 91, 73 and 20 observers respectively. However, security conditions limited the locations visited and therefore the EU EOM's observation sample was not fully representative.

The systemic failings evident in the elections and the low levels of voter participation show the **need for fundamental reform**. Without this, there is a risk of unaccountable leadership and citizen disengagement. Such reform requires principled political leadership committed to the rights of Nigerian citizens and an inclusive process of national dialogue involving state institutions, parties, civil society, the media and other experts. This needs to be urgently undertaken to allow time for debate, legislative changes and implementation well in advance of the next elections. The EU EOM has 30 recommendations for improving elections in Nigeria.¹ They include the following seven priority recommendations:

1. **INEC procedures for the collation of results** be elaborated and strengthened to improve integrity and confidence in electoral outcomes. Detailed INEC procedures be developed that provide for public scrutiny in dealing with irregularities and anomalies on results forms at all levels. Double entry of data and computerised checks be undertaken to avoid numerical errors.

¹ Many similar recommendations were made in 2015 and by previous EU EOMs. However they have been adapted and prioritised according to issues arising in the 2019 elections.

2. Legal requirements be established for **full results transparency**, with data easily accessible to the public. All results, including those from lower levels, be immediately displayed at collation centres. Results forms from all collation centres be scanned and published on the INEC website by the time of the declaration of final results. Results forms from all polling units be published before the deadline for submission of petitions against declared results.
3. **Organisational and operational capacity** within INEC be considerably strengthened. Improve planning, tracking, and the required human and material resources needed for timely and accountable operations. In addition, improve internal communication within INEC.
4. The **inter-agency body responsible for electoral security** work more transparently and inclusively with regular consultations with political parties and civil society. Security arrangements, general principles for rules of engagement, updates, and complaints mechanisms be made public. Clear delineation of the operational roles of different security agencies be established, with the military only involved at the request of INEC.
5. Given that it is only possible to run for office through a party, introduce a **legal requirement for political parties to have a minimum representation of women** among candidates. Non-compliance be sanctioned with proportionate and deterrent penalties. Parties be required to have policies and provide regular information on the promotion of women's political participation within parties, as candidates, and more widely.
6. To improve access to remedy and avoid petitions being taken to different courts at the same time, **electoral tribunals be extended to also cover pre-election cases**. Judicial capacity be increased through the appointment of more judges, training on election-related matters and improved case management mechanisms
7. Reform the licensing system for broadcast media **to provide for pluralism and diversity in all states**. Ownership structures be publicised, powers to grant licences be vested in the National Broadcasting Commission without presidential approval, and licence fees be tailored to the economic circumstances in each state.

II. INTRODUCTION

The European Union deployed an Election Observation Mission (EU EOM) to observe the general elections following an invitation from the Independent National Electoral Commission (INEC). The EU EOM was present in Nigeria from 5 January until 7 April 2019.² The mission's mandate was to observe all aspects of the electoral process and assess the extent to which the elections complied with regional and international commitments for elections, as well as with national legislation.

The EU EOM comprised a core team of 11 experts based in Abuja and 40 long-term observers deployed to all six of Nigeria's geopolitical zones, covering all 36 states and the Federal Capital Territory (FCT). The mission observed three election days: 23 February and 9 March, as well as the supplementary elections on 23 March. For all three election days, diplomatic staff from EU member state embassies, the EU Delegation, and the embassies of Canada, Norway and Switzerland joined the mission to observe polling, counting and collation of results. A delegation of Members of the European Parliament, due to observe the presidential and National Assembly elections, were unable to participate due to the postponement of the elections by a week.

² The EU also deployed a three-person election expert mission to Nigeria from 14 September to 17 October 2018 during the party primaries.

Security conditions limited attendance at rallies and locations visited on election days, thus the EU EOM's observation sample is not fully representative. Ninety-one observers were deployed on 23 February, 73 on 9 March, and 20 on 23 March.

The EU EOM is independent in its findings and conclusions under the leadership of the Chief Observer, Maria Arena, Member of the European Parliament. The mission followed an established methodology and adhered to the 'Declaration of Principles for International Election Observation' signed at the United Nations in October 2005.³ The mission issued statements after each election day, as well as a statement on the suspension of the chief justice and a joint statement with other international election observation missions on the postponement of the elections.⁴

At the time of departure of the EU EOM on 7 April 2019, parts of the election process were outstanding, including the elections in Rivers state and the electoral dispute resolution process. Information in this report goes up to 3 May 2019.

III. POLITICAL CONTEXT

The Constitution provides for a federal republic with a presidential system. The 2019 general elections were the sixth since the restoration of civilian rule in 1999. Federal elections were held for Nigeria's executive presidency and bi-cameral National Assembly composed of 109 senators and 360 representatives. State-level elections were held for 29 of Nigeria's 36 governors,⁵ who are powerful heads of the executive, and 991 seats in all of the State Houses of Assembly. For the presidential and governorship elections, there is a majority run-off system.⁶ The first-past-the-post system is used for the Senate, House of Representatives and State House of Assembly elections. The country is divided into 36 states in six geo-political zones, with the FCT having its own constitutional status.⁷

The elections took place in a complex security environment, with insurgencies in the North East geopolitical zone centred around Boko Haram and Islamic State Western African Province, agitations for independence by some in the South East zone, and high levels of violence due to the farmer-herder conflicts in the Middle Belt. In parts of the country, there are also problems with banditry and gang-related violence.

Nigeria has the largest population in Africa, estimated by the National Population Commission to be 198 million. It also has one of the youngest populations in the world,⁸ with 51.1 per cent of registered voters between 18 and 35. Nigeria is religiously mixed, with Christianity and Islam each accounting for around 49 per cent of the population. Christianity is generally predominant in the south, and Islam in the north. By convention, there is a rotation between zones in appointed and elected positions, in order to reflect the federal character of the country.

³ [Declaration of Principles for International Election Observation](#)

⁴ All statements are available on the [EU EOM website](#).

⁵ Of the 36 states, seven governorships are elected "off-cycle" as a result of court cases altering the terms of office in previous electoral cycles (Anambra, Bayelsa, Edo, Ekiti, Kogi, Ondo and Osun).

⁶ If the highest-scoring candidate doesn't get at least 25 per cent of votes cast in the first round, in at least two-thirds of the states and the FCT, a run-off takes place between the candidate with the highest number of votes and the candidate with the majority of votes cast in the highest number of states, although this has never occurred to date. For governorship elections, there are requirements for a majority of the votes, and at least 25 per cent in at least two-thirds of the local government areas (LGAs).

⁷ The EU EOM did not observe the FCT council elections on 9 March.

⁸ The median age is 18.3. The EU has a median age of 42.6. Estimated figures from [CIA World Factbook](#) and [Eurostat](#).

The previous general elections in 2015 were marked by a democratic change of the party in power for the first time in Nigeria's history, with the All Progressives Congress (APC) defeating the incumbent Peoples Democratic Party (PDP) after 16 years in office. After the 2015 elections, there were political defections from both major parties. Nine months prior to the 2019 general elections, the APC lost its majority in the National Assembly and three governors defected, leaving the party with control of 22 of 36 states. There were 91 contesting parties, a significant increase from the 27 parties of 2015. Political parties in Nigeria generally lack explicit ideology and internal democracy.

President Muhammadu Buhari ran again for the APC, while the PDP had the former Vice-President, Atiku Abubakar, as its candidate. Unlike in 2011 and 2015, the two leading presidential candidates were both from the north, Muslim and ethnically Fulani, and had southern Christians as their vice-presidential candidates. This reduced some of the tensions that were part of previous elections. However the elections took place against a backdrop of key positions being held by northerners.⁹

IV. IMPLEMENTATION OF PREVIOUS EU EOM RECOMMENDATIONS

Very few recommendations implemented after the 2015 elections

In 2015, the EU EOM made 30 recommendations. Of these, four were implemented, including two priority recommendations. These included the introduction of continuous voting rather than the cumbersome procedure of voters being accredited in the morning and voting in the afternoon. In addition, time limits were established for pre-election day petitions. The other two relate to continued biometric identification checks during polling, and scrutiny by civil society.

Other recommendations from 2015 were not implemented. These included a more transparent results process, stronger measures for parties to promote women, and provisions for protections of media freedoms and plurality. The Electoral Act (Amendment) Bill, if assented to, would have increased the number of recommendations implemented as it included many positive measures including provisions on results transparency. The lack of legal reform was a missed opportunity and the late rejection of the bill put more operational pressure on INEC.

Various electoral reform commissions have been established in the past,¹⁰ and positively there has been legal reform between each general election. In particular, after the highly-problematic 2007 elections, there was a substantial reform process. This included constitutional amendments for INEC's financial autonomy, requirements for its leadership not to belong to a political party, and the passing of the Electoral Act. While the 2011 and 2015 elections showed improvements, EU election observation missions and other observer groups identified systemic weaknesses. The problems identified in the 2019 elections show the need again for further serious legal and institutional reform.

V. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Positive changes in the Constitution, but failed attempts to improve electoral law

⁹ These include the minister of interior, the minister of defence, the minister of justice, the national security adviser, the chiefs of army and air staff, the acting inspector-general of police, the commandant-general of the Nigeria Security and Civil Defence Corps, the director-general of the Department of State Services, the INEC chairperson and the executive chairperson of the Economic and Financial Crimes Commission (EFCC).

¹⁰ Justice Uwais in 2008 under President Yar'Adua, with Sheik Lemu in 2011 under President Jonathan, and Dr Nnamani in 2017 under President Buhari.

The legal framework for elections is composed of the Constitution, legislation and judicial decisions. In addition, there are also guidelines and regulations developed by INEC to elaborate on the provisions of the Electoral Act.¹¹ Nigeria is State Party to most of the key regional and universal treaties relevant to democratic participation.¹² However provisions have generally not been enacted into law and, consequently, are not binding.¹³

The Constitution of 1999 broadly provides for democratic elections and guarantees for fundamental freedoms of opinion, expression and assembly, as well as access to remedy. However the Constitution lacks clarity in some provisions.¹⁴ It also contains undue restrictions on candidacy, including no provision for independent candidates (see Chapter VIII Parties, Primaries and the Registration of Candidates). The Constitution does not provide for a structurally independent election administration. There is a predominantly presidential appointment mechanism for the INEC chairperson and national commissioners, who are appointed by the president subject to confirmation of the Senate.¹⁵ It is the same process for the 37 resident electoral commissioners in each state and the FCT.

Positively, since the last general elections there have been some changes to the Constitution.¹⁶ Some candidacy age requirements have been lowered, thereby promoting electoral inclusivity. Time limits for pre-election cases have also been introduced, thereby increasing opportunity for remedy.¹⁷

The Electoral Act 2010 (as amended) regulates political party registration, political finance, primaries, candidate nomination and voter registration, and mandates INEC to prosecute electoral offences. However, it includes only weak transparency and accountability measures with, for example, no requirements for INEC to provide complete results data on its website.¹⁸ Thus there is weak compliance with commitments relating to information of public interest being made easily and quickly available.¹⁹ There are also limitations on who can file petitions, leaving individual

¹¹ INEC Regulations and Guidelines are binding so long as they are not contrary to the provisions of the Electoral Act. Supreme Court decision 1002/2015, Nyesom vs Peterside.

¹² Regional treaties that have been ratified include the [African Charter on Human and Peoples' Rights](#) (ACHPR) and the [African Charter on Democracy, Elections and Governance](#) (ACDEG), which has been signed but not ratified. International instruments ratified include the [International Covenant on Civil and Political Rights](#) (ICCPR), the [International Convention on the Elimination of All Forms of Racial Discrimination](#) (ICERD), the [Convention on the Rights of Persons with Disabilities](#) (CRPD), the [Convention on the Elimination of all forms of Discrimination against Women](#) (CEDAW), [Convention against Corruption](#) (CAC) and the [Vienna Convention on the Law of Treaties](#).

¹³ Section 12 (1) of the Constitution states that an international treaty shall not have the force of law and become binding until enacted into law by the National Assembly. This was also affirmed in a Supreme Court ruling in 2005 (Abacha v Fawehinmi, SC.45/97 28).

¹⁴ Several provisions of the Constitution are vague or contradictory. For example, the Constitution does not mention the number of days a petitioner has for filing a post-election appeal. In addition, section 222 gives the impression that political parties only need to register with INEC, while section 40 implies INEC discretion in recognising parties.

¹⁵ The Electoral Reforms Committee, set up in 2007 and led by former Chief Justice of Nigeria, Justice Mohammed Uwais, recommended that the procedure for appointing the INEC chairperson should follow advertisement of the position by the National Judicial Council, a shortlisting of three candidates and the forwarding of their names to the National Council of State before confirmation by the Senate.

¹⁶ There is a complex procedure for amending the Constitution requiring a two-thirds majority of all the members of each chamber of the National Assembly and approval by at least 24 State Houses of Assembly. Once the bill is returned to the National Assembly from the state legislatures, it is sent to the president for assent.

¹⁷ The time INEC has for conducting run-off elections was extended from seven to 21 days.

¹⁸ The Electoral Act requires the commission to post on its website a notice showing the candidates and their votes, and to state the person declared as elected. No timeline is specified and there is no requirement for a breakdown of results.

¹⁹ ICCPR General Comment (GC) 34 para. 19, "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information." CAC article 7.4, "Each State Party shall... endeavor to adopt, maintain and strengthen systems that promote transparency." CAC article 10, "Taking into account

voters and civil society organisations unable to seek remedy, which is not consistent with Nigeria's international commitments.²⁰

Other enduring shortcomings in the Act include the lack of an effective mechanism to monitor political party organisation, finances and primaries. Furthermore, INEC is granted with an extensive mandate but limited powers. For example, it is unable to reject nominated candidates who do not fulfil legal requirements, and it does not have powers to sanction campaign violations. This results in enforcement of the law instead of being deferred to litigation, which can be protracted and complex.

Attempts to amend the Electoral Act were unsuccessful with an amendment bill passing the National Assembly four times, but the president then refusing assent. This first occurred on 13 March 2018 and finally on 6 December, when the president indicated that an amendment so close to the elections would create uncertainties. The bill contained many positive provisions, including the supplementary electronic transmission of results, ceilings for nomination fees in primaries, and a stricter definition of over-voting. The latest bill also included provision for the use of card readers and other technological devices, and regulated extensively the procedures for primaries and nomination of candidates.

Between all previous general elections, electoral legislation was subject to successive amendments. Consolidated official versions, however, are not available online or in paper format. As a result, there was insufficient awareness of legal changes, including at times amongst political parties, the judiciary and INEC. This resulted in legal confusion and uncertainty. This was most evident in parties not meeting the new constitutional deadlines for the submission of pre-election petitions.

Recommendation: Consolidated official versions of legislation be made available online and in paper format in real time in order to improve public accessibility and awareness and to avoid legal confusion.

INEC's 2019 regulations and guidelines, issued on 12 January, clarified procedures but were problematic in having some inconsistencies with legislation, leaving the electoral process vulnerable to subsequent judicial challenge. For example, the guidelines tried to increase integrity in the process by establishing that all voters have to be recognised by smart card readers in a polling unit. However the Electoral Act refers to voters being able to vote if they are on the voter register, with no reference to the smart card reader. Similarly, various Supreme Court rulings stipulated that the smart card reader is only supplementary to manual procedures for accrediting voters.²¹ Therefore cancellation of polling units based on the non-use of smart card readers may be subject to legal question. The guidelines also establish an offence that is not stipulated in law, specifically when a polling official fails to use the smart card reader for the accreditation of voters. The need for a stronger legislative basis for integrity measures shows the importance of a prompt review of the Electoral Act, with the involvement of INEC and other stakeholders.

Recommendation: Comprehensive legal regulation be established for the cancellation of voting in polling units, with clear grounds specified, timeframes elaborated, and requirements made for transparency.

the need to combat corruption, each State Party shall ... take such measures as may be necessary to enhance transparency in its public administration."

²⁰ ICCPR article 2(3)(a), right to an effective remedy, "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." ACDEG, IV, 6, "Individual or political parties shall have the right to appeal and to obtain timely hearing against all proven electoral malpractices to the competent judicial authorities."

²¹ Supreme Court jurisprudence refers to provisions for manual accreditation provided in law, whereby a voter can still vote if their name is on the register (Rivers Election Petition Case 2015; Nyesom v. Peterside & Ors 2016 and section 49 of the Electoral Act).

VI. ELECTION ADMINISTRATION

INEC operated under pressure; continued inadequate INEC communication, procedures and transparency

The Independent National Electoral Commission (INEC) is a well-established election administration, with offices in all 36 states, the FCT and 774 local government areas (LGAs), with over 16,000 permanent staff. The president-led mechanism for appointment and dismissal of the INEC chairperson and the 12 national commissioners leaves the institution vulnerable to actual or perceived executive influence. The same appointment and removal procedure applies to the state-level resident electoral commissioners (RECs), potentially weakening the authority and effectiveness of INEC's leadership. Over the election-day period, INEC appointed some 900,000 *ad hoc* staff including polling officers, polling supervisors, collation officers and returning officers.

The current chairperson, Professor Mahmood Yakubu, was appointed in October 2015, thus these were the first general elections under his leadership, and likewise for ten of the commissioners.²² Since the 2015 elections, INEC has organised almost 200 off-cycle elections, including seven governorship races. INEC's neutrality and ability to withstand political pressure was increasingly questioned, particularly following the September 2018 off-cycle governorship election in Osun.²³

In addition to the conduct of elections, INEC has wide responsibilities, ranging from party registration and oversight to the prosecution of electoral offences. Currently, INEC does not consistently fulfill these mandates, contributing to a culture of impunity. INEC leadership has referred to the benefits of "unbundling" some of its institutional responsibilities so it can focus solely on the administration of elections. INEC emphasised the enormity of its work with an electorate of over 84 million and its lack of resource capacity.

INEC operated in a highly politically-charged and complex security environment. Its officials and premises were subject to physical attack, including abductions and intimidation, and there were also difficulties with some inter-institutional arrangements (see Chapter XIII Electoral Security). Operations were also challenging with the biggest electorate in Africa and a large number of parties.

Positively, INEC introduced various improvements prior to the general elections. These included making electoral participation more accessible through a much faster voting process of continuous accreditation and voting, so voters no longer need to spend prolonged periods of time at polling units.²⁴ Measures were taken to mitigate risks of vote-buying, including through a new method of ballot folding, and a ban on the use of mobile phones in voting booths.

The total number of polling units has remained the same since 1996, despite the significant population growth and migration within the country. Political parties were reportedly unable to agree on possible new locations, with allegations of opponents' strongholds being favoured. Consequent implications for constituency populations and delimitation made the process even more

²² Only two commissioners are currently serving their second term.

²³ In Osun, polling on 22 September 2018 was cancelled in seven polling units. Re-polling in those seven units led to a change of outcome, with the APC candidate then winning the governorship seat. Citizen observers criticised the performance of law enforcement agencies (the police, army and others), which reportedly obstructed a selection of voters as well as candidate agents, observers and journalists from going to polling units. INEC was criticised for being inconsistent in not cancelling the re-polling, and was accused of colluding with the APC.

²⁴ In previous general elections, voters were first accredited in the morning and could only vote later in the day. INEC reported that in 2015 there were approximately 2.3 million registrants who were accredited but did not actually vote. Continuous voting was then introduced in subsequent off-cycle elections.

sensitive. INEC instead continued the practice of sub-dividing polling units with more than 750 registered voters into multiple voting points, each with an average of 500 voters. In total, there were 119,973 polling units and some 57,000 voting points.²⁵ Continued use of these same polling units means that voters are amassed in a limited number of locations, and may have further to travel making polling less accessible. It also complicates the recording of results, as polling unit results may include sub-divisions from voting points. Polling units with fewer voters would also reduce the number of affected voters in case of cancellations.

Recommendation: Turn voting points into separate polling units. This would help enable greater transparency in results, and reduce the number of affected voters in case of cancellation of voting in specific polling units. Ultimately, spread the location of polling units for increased accessibility for voters. All polling units have sufficient space and a layout that protects secrecy of the vote.

INEC made efforts to strengthen integrity in the process through making the use of smart card readers mandatory to accredit voters. Measures specified in INEC's guidelines included stopping polling in case of malfunction until a new smart card reader is provided, or the process postponed to the next day.²⁶ In addition, polling would be cancelled in polling units where there was over-voting, with more votes than people recorded on the smart card readers.²⁷

However INEC did not include sufficient accompanying transparency measures, thereby leaving smart card readers susceptible to actual and perceived misuse. There was no provision for a paper trail of data from the smart card readers, including the number of accredited voters and the number of fully biometrically-verified voters. This reduced the accountability of decisions by presiding and collation officers on the cancellation of polling units due to over-voting. Although INEC collected electronic data from smart card readers, no provisions were made for making this public. This furthered concerns by some that smart card readers had not been consistently used and that polling units had not then been consistently cancelled as required by INEC regulations.

Recommendation: Information about smart card readers and data from their use in polling units be made public at the time of results announcement. This includes the number of voters accredited, as verified through permanent voter cards, and those biometrically verified through fingerprint authentication. This information be announced, recorded on results forms, and data put on INEC's website.

A number of procedural weaknesses identified by previous EU election observation missions remained unaddressed, particularly regarding checks and transparency in the results process. The guidelines and manual for polling officials did not include sufficient provisions for dealing with anomalies and questionable polling unit results during collation. Despite scanning results forms, INEC did not publish results with a breakdown by polling unit after the election.²⁸ This reduced the ability to independently cross-check results.

Priority recommendation: Legal requirements be established for full results transparency, with data easily accessible to the public. All results, including those from lower levels, be immediately displayed at collation centres. Results forms from all collation centres be

²⁵ INEC made an exception in the FCT and established 309 new polling units called voting point settlements.

²⁶ INEC also reported that it recalibrated smart card readers enabling fingerprints to be read more reliably. They were also due to have 24-hour batteries instead of the eight-hour ones used previously.

²⁷ The guidelines also established a more systematic way of recording voters who are manually identified if fingerprints are not recognised by the smart card readers.

²⁸ INEC stated its intent to undertake additional electronic transmission of results from polling units, as was piloted during the 2018 governorship elections in Osun and Ekiti. However, INEC did not conduct such an e-transmission of results in the general elections, saying it lacked explicit legal backing as the Electoral Amendment bill had not been passed. In 2015, polling unit results for the presidential election were published, albeit after the deadline for petitions.

scanned and published on the INEC website by the time of the declaration of final results. Results forms from all polling units be published before the deadline for submission of petitions against declared results.

Priority recommendation: INEC procedures for the collation of results be elaborated and strengthened to improve integrity and confidence in electoral outcomes. Detailed INEC procedures be developed that provide for public scrutiny in dealing with irregularities and anomalies on results forms at all levels, Double entry of data and computerised checks be undertaken to avoid numerical errors.

EU observers mostly assessed the training of polling staff negatively, as it was often overcrowded, insufficiently interactive, and not focused on the most important procedures. Many training sessions were observed to have insufficient copies of the polling officials' manual. Training on smart card readers sometimes took place without the devices, precluding opportunity to practise.

Recommendation: Training of all ad hoc polling staff, election supervisors, and collation and returning officers be significantly improved, with polling staff having extended practical training on the use of smart card readers, closing and counting procedures and completing polling unit result forms.

Five hours before polling was due to start on 16 February, INEC postponed the elections for a week citing logistical reasons. Prior to this, there was no indication from INEC officials of any potential problems. Statements affirming that preparations were on track contrasted with the reality that became apparent with the announced postponement.²⁹ The decision on postponement was taken after INEC held an emergency meeting and decided that it was no longer feasible to proceed with the elections. The INEC chairperson gave reasons of being overwhelmed by the sheer scale of the operation of the general elections and bad weather. INEC maintained that it had full funding available as needed.³⁰ The exact reasons for INEC's operational failures are not clear and warrant public explanation and a detailed public plan made for improvements.

Political parties and civil society strongly criticised the postponement and the lack of information provided on the status of election preparations. Their main concerns were the timing, insufficient explanation of the decision, lack of consultation with political parties, and the security of sensitive materials. The main stakeholders, however, ultimately accepted the necessity of INEC's decision, but emphasised that it would likely reduce turnout given that voters would need to make journeys to their home constituencies again.

Priority recommendation: Organisational and operational capacity within INEC be considerably strengthened. Improve planning, tracking, and the required human and material resources needed for timely and accountable operations. In addition improve internal communication within INEC.

INEC gave regular updates on election preparations during the week before the 23 February rescheduled election day, but before and after this there was a lack of public communication. INEC did not provide full public information on decisions, plans and materials. For example, INEC's website did not include key documents, such as election officials' manuals, voter registration guidelines, voter registration data, or results of previous elections. There could also have been more frequent communication between INEC and political parties in the run-up to the scheduled 16

²⁹ EU observers reported the failure to distribute materials to registration area centres/wards and subsequently to polling units on time, including ballot papers and results sheets.

³⁰ The budget approval had been late, in November 2018, but INEC maintained that this was sufficient for it to manage its responsibilities.

February election.³¹ Positively, EU observers noted that some state-level consultations with parties took place more regularly.

Recommendation: In order to enhance integrity and confidence in INEC, the commission works with full transparency, making information of public interest immediately and easily accessible, including on its website. This includes decisions, voter registration information, PVC distribution and polling data, manuals for officials and results.

Recommendation: INEC increases consultation with stakeholders, including more frequent meetings with political parties centrally and at state level, especially during the election period. In addition, press conferences be regularly and consistently held, particularly before and after election day. INEC improves strategic communication on incidents and crises, through early press conferences and statements including on electoral security issues.

INEC undertook a range of voter education initiatives and election officials were ready to participate in TV and radio talk shows at national and state levels. INEC campaigns focused on the rights and responsibilities of voters as well as election offences and penalties. INEC voter information activities, including through local radio stations, increased in late January, after civil society and media had already proactively engaged in awareness campaigns.³² INEC voter information clips were broadcast on federal-level outlets but could have been more frequently and consistently aired on state-level radio stations to increase voters' awareness about key election day procedures.

There was variation in the performance of state-level INEC officials, with some stakeholders expressing high levels of confidence in the work undertaken locally.³³ INEC was subject to criticism for the poor management of its large permanent staff. INEC also lacks an effective internal communication system for a timely and reliable flow of information between national, state and local government INEC offices.

INEC has a constitutional responsibility to delimit constituencies at intervals of not less than ten years. However any change in the delimitation of constituencies requires approval of the National Assembly, with no legislative safeguards to prevent ruling party domination of the process. The Constitution mandates INEC to review delimitation after a population census has been completed or whenever it considers necessary.³⁴ However the Electoral Act contains no further specifications and INEC has not issued any administrative regulations on the matter.

There are profound variations in the population sizes of different constituencies, compromising equality of the vote.³⁵ Although the last census was in 2006, the current delimitation of constituencies dates back to 1996, based on the census of 1991. Since then Nigeria's population has substantially increased and changed with migration. Precise calculation of constituency variations is not possible due to the lack of available population data broken down by constituency, but extensive variations are evident. For example, based on June 2018 UN estimates, House of Representative constituencies vary from some 340,000 in Bayelsa to some 700,000 in FCT, giving votes very different weights according to the constituency in which they are cast.

³¹ National meetings between INEC and the Inter-Party Advisory Council (IPAC) were held only on a quarterly basis. In addition, one stakeholder meeting was held on 7 February 2019.

³² CSOs and media started their campaigns in 2018 advocating against vote-selling, calling for citizens to collect their PVCs, and promoting issue-based electoral choices.

³³ EU observers noted this in Akwa Ibom, Anambra, Benue, Cross River, Enugu, FCT, Imo, Kebbi, Kwara, Ogun and Sokoto.

³⁴ However the Constitution also specifies that delimitation should be at intervals of not less than 10 years, article 73(1).

³⁵ ICCPR article 25 refers to "equal suffrage." ICCPR GC 25 para.21 also states, "The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely."

Recommendation: Delimitation be undertaken well in advance of the next general elections to reduce inequality of the vote. The legal framework for boundary delimitation be developed to include provision for impartial delimitation decisions, based on consultation and with a complaints and appeals mechanism.

VII. VOTER REGISTRATION

High numbers of new registrants but problematic distribution of cards

The Constitution does not explicitly establish the right to vote but specifies that a person can be registered as a voter if s/he is a Nigerian citizen who lives, works or originates from the locality and is not subject to legal incapacity to vote (although there is no legal regulation of this). Various courts have upheld the right of prison inmates, including convicts, to vote, but this has not been applied in practice.³⁶ There are no legal provisions for voting by INEC temporary staff and security personnel working away from home on election day, which left well over one million people disenfranchised.

Voter registration is a very challenging process due to the lack of reliable identification documents and the absence of systematised recordings of births and deaths. While the Electoral Act establishes that it is an offence to register more than once, in practice there are duplicate registrations that are difficult to deal with given the size of the electorate.³⁷ The reliability of the voter register is of particular importance given the history of electoral malpractice, including multiple voting. Consequently, biometric registration was introduced in 2011 and then smart card readers in 2015 to biometrically identify voters.

During registration, each person's biometric data is captured and then the registrant is required to make a subsequent visit to their local INEC office to collect their permanent voter card (PVC), which includes a chip containing personal biometric data. An automated fingerprint identification system is used to match fingerprints against a database in order to identify any duplicate records.

After the 2015 elections, INEC conducted voter registration exercises before various off-cycle elections.³⁸ A continuous voter registration exercise was then held between April 2017 and August 2018. INEC conducted this in four phases at a local level in 8,809 wards, primarily for people who turned 18 as well as those who had not previously registered. During this exercise, voters who changed their address could apply for the transfer of their registration, or could ask to be added if their names were not on the register. Voters could also request new PVCs if their cards were damaged, contained incorrect biometric data, were lost or had not been printed. INEC then undertook a cleaning and optimisation process to identify duplicate records, during which INEC reported eliminating more than one million invalid entries. Voters were given just five days, after each of the four registration phases, to check their data on the voter register.

On 7 January 2019, INEC announced 14.3 million new registrants during the continuous voter registration exercise, bringing the official total number of registered voters for the elections to 84,004,084, a 22 per cent increase from 2015. However the voter register is significantly inflated as INEC has no reliable process for the removal of the names of the deceased. As the voter register is

³⁶ In 2014, a Federal High Court directed INEC to make arrangements for all prisoners to vote in polling units close to the prisons where they are detained (FHC Case of Victor Emenue & 4 Ors v. INEC). The court upheld the right of the applicants to vote in elections in line with sections in the Constitution and articles 13(1) and 20(1) of the ACHPR. In 2018, a Court of Appeal sitting in Edo state ordered INEC to include inmates on the voter register.

³⁷ Concern over duplicate registrations was one reason why some people argued that accreditation and voting should again be separated, as it was in the last elections, to prevent people voting in several polling units.

³⁸ In FCT, Kogi, Bayelsa, Edo and Ondo states, registering some 420,000 new voters.

now eight-years-old, and given the death rate in the country, there are estimates that up to eight million deceased persons are still on the register.³⁹ A further problem is that there can be duplicate entries across different states because the cleaning process was only undertaken at state level as de-duplication across states is more complex and reportedly difficult to complete.

Recommendation: The voter registration system be improved, including with a plan for developing and maintaining the register in order to provide for its accuracy and inclusiveness. This involves improving fingerprint recording and recognition, the removal of the names of the deceased as well as duplicate entries across the country, and the management of transfers of registration. Such processes be subject to stronger INEC supervisory checks and internal audits, with greater scrutiny from agents, observers and the media. More time be given for claims and objections by citizens.

As PVCs are mandatory for voting, it is crucial that voters can easily collect them. PVCs were available throughout and after the registration period at the 774 LGA offices. In a positive step, INEC decentralised collection points from 16 to 21 January to all 8,809 ward offices and extended the deadline for the collection of cards from 8 to 11 February. However, PVC distribution and collection was negatively affected by some poor logistics, and procedures for distribution of voter cards were insufficiently followed. EU observers noted that PVCs were sometimes delivered to incorrect offices and some were not available due to late printing. This resulted in voter frustration with the process and some disenfranchisement.

INEC did not provide regular updates on the numbers of uncollected cards, with final numbers announced only on 21 February, five days after the original election date. Data was given by state. Disaggregated data by polling unit would have provided an extra integrity check, allowing parties to know the maximum possible turnout on election day, thereby reducing concerns of multiple voting and other fraudulent activities.

For the most recent voter registration update in 2017-2018, 76 per cent of the 14.3 million new registrants collected their voter cards. However there was considerable variation in collection rates between states, varying from 49 per cent in Sokoto to 96 per cent in Osun. This raises questions of inequality of service and therefore access to electoral participation.

Of 84 million registered voters, 72.8 million collected their voter cards, 86.6 per cent of the total. Numbers in some states appeared implausibly high, given migration and that the voter register includes names of the deceased. In six states, the collection rate was 94 per cent or more.⁴⁰ Such high numbers indicate likely proxy collection and the possibility of PVCs being in the wrong hands.

Recommendation: Improve the system of collection of permanent voter cards, with more local distribution points and stricter adherence to distribution procedures. Regular public updates be provided on collection rates, ultimately with a breakdown by polling unit. In order to improve biometric functionality, the collection of cards be combined with on-the-spot biometric testing of the registrants' cards and fingerprints.

VIII. PARTIES, PRIMARIES AND THE REGISTRATION OF CANDIDATES

Overly restrictive candidacy requirements and insufficient INEC powers to reject nominations

³⁹ Nigeria has a very high mortality rate (9.6 deaths/1000 population/year). CIA Factbook 2019.

⁴⁰ Katsina 98.7, Taraba 97.3, Gombe 95.7, Kebbi 95.1, Bauchi 94.8 and Zamfara 94.7 per cent.

A number of candidacy requirements are overly restrictive and not consistent with Nigeria's international commitments. Specifically, the Constitution requires a candidate to be educated to at least school certificate level or its equivalent,⁴¹ be a citizen of Nigeria by birth,⁴² to have mental capacity,⁴³ and to be a member of a political party and sponsored by that party. The Constitution also includes some age criteria, which vary from 35 years for the presidency to 25 years for state assembly seats.⁴⁴

In the absence of any legal provision for independent candidates, the ability of citizens to run for office is determined by party primary procedures.⁴⁵ There is insufficient legal regulation of primaries, resulting in unreasonable restrictions on the right to stand and a lack of integrity in practice.

Furthermore, the law does not provide for an effective administrative check as INEC lacks powers to uphold the law and is instead obliged to register all candidates, so long as a primary has been held. By law, INEC has to check the documents provided but cannot disqualify a candidate for any reason.⁴⁶ Thus parties have the discretion to self-regulate, with challenge only possible through a legal process initiated by INEC or an aggrieved person.

During the 2019 elections, INEC tried to use the limited discretion it had to disqualify the APC from fielding candidates in Zamfara on the grounds that the party did not conduct primary elections in the state within the time stipulated by INEC. This decision was followed by contradictory judgments from the Federal High Court and the State High Court, leading to a Court of Appeal ruling which upheld INEC's original decision.⁴⁷

Non-inclusive and acrimonious primaries

The elections were competitive with a large number of contenders for all seats. In total, there were 91 registered political parties, all of which nominated at least one candidate. There were 73 candidates for the presidency, 1,899 for 109 Senate seats, and 4,680 for the 360 House of Representative seats. For the state elections, there were 1,046 candidates for the 29 governorships, and 14,609 candidates for the 991 state assembly seats.

⁴¹ ICCPR, GC 25, para. 15, "*Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education.*" Among other issues, the PDP petition challenging the presidential election results questioned the educational qualifications of President Buhari.

⁴² ICCPR, GC 25 protects the rights of "*every citizen*". No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of birth or other status. During the petitions process, the APC claimed that former Vice-President, Atiku Abubakar, was ineligible to contest the election as he was, they claimed, not "*Nigerian by birth*" having been born in Adamawa state when it was part of Northern Cameroon prior to it joining Nigeria by plebiscite in 1961.

⁴³ The CRPD committee's interpretation of CRPD articles 12 and 29 notes that mental incapacity should not serve as a basis for the deprivation of the right to vote and to be elected under any circumstances.

⁴⁴ ICCPR, Human Rights Committee, General Comment 25, para. 15, "*Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria.*"

⁴⁵ The Electoral Act requires political parties to organise congresses, conventions and direct or indirect primaries to nominate candidates. The Constitution contains various requirements for the registration of political parties, including having a functional national headquarters in the FCT, and the governing body shall ensure fair and equitable representation and participation of the geographic diversity of the country. The Electoral Act empowers INEC to deregister parties following a breach of any of the requirements for registration, and failure to win sufficient votes and seats in an election.

⁴⁶ This has been reinforced in several Supreme Court rulings.

⁴⁷ On 25 March, and after the certificates of return were delivered to winners, the Court of Appeal in Sokoto nullified an earlier judgment by the Zamfara High Court allowing the APC to run candidates in the 2019 elections. The matter ultimately went to the Supreme Court, with a decision due after the finalisation of this report.

Despite these high numbers, there was an evident lack of gender and age diversity in the candidates nominated. The proportion of female candidates was less than 12.8 per cent in all races (see Chapter XXI Participation of Women). Similarly, there was a lack of young people nominated by parties. For example, following the reduction of the minimum age requirement to 25 for state assembly seats, only 0.1 per cent of APC or PDP candidates were under the age of 30.⁴⁸

A team of EU experts observed multiple problems in the primaries relating to financial barriers and procedures followed. Primaries involve prohibitive financial costs, with party fees for running in primaries as high as NGN 45 million (around EUR 110,000) for the incumbent APC presidential primary.⁴⁹ This is well beyond the reach of the vast majority of Nigerians, with an estimated 50 per cent living on less than US\$1.90 (around EUR 1.70) a day.⁵⁰ For all parties, selling forms for expression of interest and nomination is a significant source of income with, for example, the APC's sale of forms reportedly generating over NGN 13.5 billion (around EUR 37 million).⁵¹ While the main parties gave reductions for women,⁵² there were additional costs associated with running in primaries, such as informal payments made to voting delegates.

Procedural problems included the late publication of party guidelines for the holding of primaries and an overall lack of transparency. For example, APC guidelines were released only after the primaries were underway. There was a lack of transparency in results, and outcomes announced were subject to subsequent changes. The times and locations of primaries were not sufficiently publicised or adhered to, with last minute postponements and changes of location. Pre-screening of candidates did not have clear objective criteria and appeared to particularly discourage potential female aspirants who, in some cases, were told by party officials that it was futile to take part as a man would be selected.

INEC monitors primaries mainly to see that they have occurred and to have documentary evidence in case of subsequent legal challenges. However, monitoring is problematic given that parties hold primaries throughout the country in a short timeframe, in part to comply with prescribed timelines, but also to avoid losing aspirants having time to then run in the primaries of competitor parties.

Disputed outcomes of primaries resulted in extensive litigation and intra-party conflict during the campaign. Most prominently, APC primaries in Rivers and Zamfara were nullified. Other contentious examples included two different APC governorship results announced in Imo, alleged parallel primaries organised by two rival PDP factions in Ogun, and two people claiming to be the presidential candidate of the Social Democratic Party.

Recommendation: The law be amended to strengthen legal requirements for integrity and transparency in party primaries as well as internal party dispute procedures. The law also

⁴⁸ Overall, 11 per cent of candidates were between 25 and 30.

⁴⁹ The fee for the PDP presidential primaries was NGN 12 million (about EUR 30,000). For governorship aspirants, the fee for the APC was NGN 22 million (about EUR 54,000), and for the PDP was NGN 6 million (about EUR 15,000). For senatorial aspirants, the fee for the APC was NGN 7 million (about EUR 17,000), and for the PDP was NGN 3.5 million (about EUR 8,500). For House of Representative aspirants, the fee for the APC was NGN 3.85 million (about EUR 9,500), and for the PDP was NGN 2.5 million (about EUR 6,000). The fee for state assembly seats for the APC was NGN 850,000 (about EUR 2,000) and for the PDP was NGN 600,000 (about EUR 1,500). The PDP reduced its fees compared to the 2015 polls when it was in power, while the ruling APC increased the cost of nomination. At the time of the primaries, the exchange rate was around NGN 420 to one euro.

⁵⁰ Poverty and Equity Brief, [World Bank](#) April 2019. The annual minimum wage at the time of the primaries was NGN 216,000 (about EUR 500).

⁵¹ The APC reports selling about 200 nomination forms for governorships, 400 for senatorial seats, 1,500 for the House of Representatives, and 12 for presidential race. In addition, there were further State House of Assembly nominations.

⁵² The APC provided forms to women candidates at half price, while the PDP only charged expression of interest fees, which reduced the cost to around one-sixth compared to men.

be amended to give INEC powers to reject nominations for candidacies if primaries are not conducted in line with legal requirements.

IX. THE CAMPAIGN

Competitive campaign but antagonistic rhetoric and misuse of state resources by leading parties

The legal framework provides the foundations for the conduct of the campaign, but no enforcement body is established, with INEC lacking sanctioning powers. The scheduled 90-day campaign periods began on 18 November and 1 December 2018 for federal and state-level elections. Following the one-week delay of the election on 16 February, there was confusion when INEC maintained for the first 48 hours that campaigning was prohibited, but then, in compliance with the law, allowed for it to continue until the silence period began.

Manifestos were secondary to personality in the campaign, and candidate defections of politicians before and during the campaign showed weak ideological and party loyalties.⁵³ For the presidential race, 51 parties supported the PDP candidate, even though many of these theoretically had their own presidential candidates. Similarly, a grouping of around 14 parties backed President Buhari.

Parties and candidates were overall able to campaign, with freedoms of assembly, expression and movement broadly respected. The two leading presidential candidates campaigned in all six zones and most states. Security considerations, however, reduced opportunities to campaign in some parts of the country, including parts of the North East affected by terrorism. There were also a few reports of opposition rallies being denied, with the PDP alleging their booking of a venue in Abuja owned by the federal government was cancelled, leaving them without a concluding presidential campaign rally.⁵⁴

Of 29 rallies and campaign events attended by EU observers prior to the federal elections, security forces were assessed as behaving professionally in all but one. There were several reports of party offices destroyed by party-aligned thugs, and EU observers frequently saw damaged posters and billboards, predominantly of opposition parties in different states.⁵⁵ This was particularly the case between the federal and state elections.⁵⁶

Although prohibited by law, instances of the misuse of state resources and vote-buying were evident and remained generally unaddressed. This undermines voters' free choice, distorts the playing field and is not consistent with international commitments.⁵⁷ The EU EOM observed the misuse of state offices and institutional websites for campaigning by both APC and PDP

⁵³ For instance, between the federal and state elections, it was reported that approximately 2,500 members of the PDP defected to the APC in Kwara. PDP members also defected to the APC in Borno and to the Peoples Redemption Party in Kano. There were also multiple instances of smaller parties announcing their support for leading governorship contenders in the final two weeks before election day. In Bauchi, for example, 20 governorship candidates and 32 parties backed the PDP opposition candidate; in Kwara, 35 parties joined the APC opposition campaign.

⁵⁴ There were also other examples of opposition campaigning being disrupted due to rallies being denied and then later permitted. For example, the APC in Akwa Ibom, and the PDP in Ekiti and Kano.

⁵⁵ For example, on 28 January, an APC office in Yamaltu Deba (Gombe) was attacked and destroyed, with the PDP blamed. On 11 February, a PDP office in Kano was destroyed by arson, with the APC blamed.

⁵⁶ For instance, EU observers noted that around half of all political billboards in Jigawa were vandalised in this period. Systemic removal or destruction of state-level election posters was seen in Bauchi, Benue, Gombe and Kano.

⁵⁷ UN GC 25 paragraph 19 states that voters must be free to vote without undue influence. [UNCAC](#), article 17, requires State Parties to ensure that public officials do not misappropriate public funds for the benefit of others or their own.

incumbents.⁵⁸ Additionally, concerns were raised about public funds potentially being spent on voter inducement through various social and financial initiatives with cash and in-kind disbursements.⁵⁹ In particular, the TraderMoni scheme, launched in August 2018 by the federal government, provided at least NGN 20 billion (approximately EUR 50 million) for interest-free loans to traders. Reportedly the scheme lacked procedural accountability checks, and repayments have not been consistently required, contributing to a general perception of the scheme being used as a vote-buying strategy.⁶⁰ At state level, both APC and PDP governments announced similar schemes.⁶¹

EU observers saw evidence of rally attendees being paid or provided with travel costs on nine occasions. They also either directly saw or received reliable information on multiple cash and in-kind payment to voters by both parties.⁶² This was despite INEC, media, civil society and several state agencies running awareness campaigns against vote-selling. Reportedly, the Economic and Financial Crimes Commission (EFCC) investigated some cases of vote-buying, particularly on election days, but no public information was made available.

Positively the National Peace Committee (NPC) organised signings of the “*Abuja Accord*” in which the parties pledged to abide by the electoral outcome or to follow legal recourses. The signings were in December 2018 and on 13 February 2019. At the second event, the leading presidential candidates shook hands,⁶³ thereby enhancing confidence in the electoral process. Both main candidates in subsequent statements and public declarations made reference to the peace pledge. Similar accords were frequently signed at state level under the auspices of the NPC or civil society organisations.⁶⁴ However, some commissioners of police sought to impose agreements, which were less useful, and in some cases boycotted by opposition parties who claimed that the local police were not neutral.⁶⁵

Closer to the original election date, campaign rhetoric became more acrimonious and at times threatening. In the last week of the scheduled campaign, speeches by APC and PDP leaderships included calls to protect the vote on election day and implied readiness to respond with force.⁶⁶

⁵⁸ EU observers saw state offices used for campaigning in Benue (PDP), Kano and Lagos (APC). There were consistent reports of the opposition having more difficult access to state-owned stadiums for campaigning in Ogun and Kogi. Additional examples were also reported in the media. Institutional webpages at federal level, as well as those of both PDP and APC governors in one-third of states, were used for campaigning.

⁵⁹ These included interest-free loans, healthcare benefits, food packages and infrastructure development projects. Some started earlier but their extensive promotion close to election day could provide incumbency advantage.

⁶⁰ Applicants received NGN 10,000 (around EUR 25) in the first instance, with a promise of more if the first loan was repaid. Investigative journalists reported that loans were granted automatically without checking applicants’ registration as traders or repayment ability, and banks in charge of administering the refunds did not receive any instructions. Interest-free loans were denounced by the chairpersons of INEC and the Economic and Financial Crimes Commission as a potential form of vote-buying but no legal action was taken. On 14 February, a party, the National Rescue Movement, lodged a case at the Federal High Court in Abuja, asking for disqualification of the APC and PDP presidential candidates for having exceeded the campaign spending limits and invoked the TraderMoni scheme as a voter-inducement strategy financed by public resources.

⁶¹ Delta and Ebonyi (PDP) as well as in Bauchi, Kano, Lagos and Yobe (APC).

⁶² Bauchi, Borno, Lagos, Yobe (APC); Bauchi, Benue, Delta and Enugu (PDP). In Enugu, for example, EU observers saw the loading of bags of rice onto trucks at PDP headquarters that, according to party representatives, were then given to ward chairpersons for distribution. In Bauchi, large groups gathered at the APC governor’s office and at PDP headquarters and were consistently reported to be receiving funds.

⁶³ At the first signing in December 2018, the PDP candidate signed a day after the APC candidate.

⁶⁴ The NPC sponsored local signings in Benue, Kaduna, Kano, Kwara and Sokoto.

⁶⁵ The police initiated state-level accords in Adamawa, Bayelsa, Ekiti, Katsina, Lagos, Ondo, Oyo, Taraba and Zamfara.

⁶⁶ For example, on 5 February, the APC governor of Kaduna stated on a live election talk show: “*Those that are calling for anyone to come and intervene in Nigeria... we are waiting for that that persons would come and intervene and they are going back in the body bags.*” On 7 February, a PDP spokesperson at a rally in Kaduna called for “*betrayers to be*

There was extensive discussion of a statement by the president on 18 February in which he referred to giving orders to the military and police to be “*ruthless*” and that those who steal ballot boxes do so “*at the expense of his own life*”.⁶⁷ This message was reinforced two days later by the chief of army staff. While it was argued that this would help protect the integrity of the vote, there were also concerns that this might deter some people from participating.

A few further instances of abusive language were recorded,⁶⁸ including by the PDP media spokesperson in Kaduna who was then arrested on 10 February and later reportedly released without charge after the governorship elections.⁶⁹ On 5 February, the APC governor of Kaduna referred on a live election talk show to foreigners intervening in Nigeria “*going home in body bags*”.⁷⁰ While this was subsequently claimed to be in relation to military intervention, its reference in an election programme was widely thought to be about international observers.

X. POLITICAL FINANCE

Ineffective and unenforced campaign finance rules, and insufficient accountability on corruption charges

Political finance regulation is dysfunctional, undermining transparency and equality of opportunity among contestants, at odds with Nigeria’s international commitments.⁷¹ Legal provisions are incomplete, allowing for the rules to be easily circumvented. While candidates are subject to contribution and expenditure limits, there are no corresponding reporting requirements.⁷² Conversely, parties are required to submit financial reports but have no contribution or spending limits. Limits and reporting requirements are therefore ineffective.

Recommendation: So that campaign finance rules are comprehensive, establish legal limits for campaign donations and expenditures of political parties, and introduce a legal obligation for individual candidates to report on contributions and spending. Reports by candidates and parties be promptly disclosed and subject to full public scrutiny, with sanctions applied for non-disclosure.

In addition, key beneficiaries of campaign spending, such as media houses, online platforms or advertising agencies, are not subject to disclosure requirements, further reducing political finance transparency. A study of the 2015 elections suggests that some candidates spent on the media alone

killed.” On 10 February, at a rally in Zamfara, the president while calling to protect the vote on election day stated: “*I want everyone’s stomach to be full even if it’s trouble/attack we are going to make.*”

⁶⁷ APC party caucus, 18 February 2019.

⁶⁸ The Electoral Act, section 95, has some restrictions, including on use of abusive language likely to injure religious, ethnic, tribal or sectional feelings, or violent reactions.

⁶⁹ At a rally in Zonkwa, Kaduna, on 7 February, Ben Bako allegedly said, “*I swear to God, even if he is my brother from the same mother and the same father, and he comes here to campaign for APC kill the bastard, I will help you.*”

⁷⁰ Governor El-Rufai said on an NTA talk show on 5 February, “*They will go back in body bags, because nobody will come to Nigeria and tell us how to run our country.*” The president later distanced himself from the statement saying, “*I want to assure all Nigerians, the diplomatic community and all foreign election observers of their safety and full protection. Any comments or threats of intimidation from any source do not represent the position of the Federal Government of Nigeria.*” President Buhari’s address to the nation, 14 February 2019.

⁷¹ [African Union Convention on Preventing and Combating Corruption](#), article 10, states, “*Each State Party shall... incorporate the principle of transparency into funding of political parties.*” [CAC](#), article 7.3, states, “*Each State Party shall... enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.*”

⁷² INEC previously tried to establish reporting requirements for candidates, but this did not have legal backing and remained unimplemented.

eight times the legal limit permitted for running an entire campaign.⁷³ Publication by service providers of prices charged and income received from respective contestants is very useful to allow for verification of financial reports submitted by candidates and parties, and to enable public scrutiny.⁷⁴ (See Chapters XI Media and XII Digital Communication).

Recommendation: Strengthen transparency and accountability in campaign spending. Consider establishing reporting requirements for media outlets, advertising agencies and social network platforms, on prices charged and income received from political advertising. Paid online campaign material be required to be clearly labeled and to display a digital imprint of the sponsoring organisation at all times, so voters can easily distinguish between paid and user-generated content.

Although foreseen in law, the oversight and enforcement of campaign finance rules were not sufficiently implemented. INEC was only able to monitor 17 candidates of more than 20,000.⁷⁵ Despite being an annual requirement, the latest constitutionally-mandated INEC audit of financial statements of political parties was published in 2011, and INEC reported last conducting an audit in 2015. INEC lacks administrative sanctioning powers, and therefore enforcement relies on a judicial process of prosecution.⁷⁶ In addition, INEC operates in a political environment where prosecution of political actors could lead to potential retaliation against the institution or individuals. In these circumstances, INEC did not use its power to initiate prosecutions of non-compliance with campaign finance rules, thereby weakening compliance with Nigeria's international commitments.

Recommendation: Political party oversight be strengthened to promote compliance with legal and regulatory requirements, including in regards to political finance. The responsible body follows robust transparency and accountability procedures, be appropriately resourced, and have strong administrative sanctioning powers.

Some civil society organisations and opposition representatives reported that the anti-corruption body, the EFCC, was serving the interests of the incumbent. Of the ongoing high-profile cases listed on the EFCC website, two-thirds involve opposition representatives, which the EFCC argues is due to the PDP having been in office for 16 years. Of the six cases involving APC-affiliated individuals, five were PDP but joined the ruling party after the EFCC opened cases against them. Shortly before the state elections, the EFCC arrested several key PDP lawyers and advisers at national level as well as close PDP associates at state level.⁷⁷ Despite repeated requests by the EU EOM, the EFCC was not available to comment on the situation. The lack of EFCC transparency and accountability over investigated and prosecuted cases contributes to reduced confidence in the independence of the institution.⁷⁸

⁷³ [Cost of Politics in Nigeria](#), Westminster Foundation for Democracy, September 2017.

⁷⁴ [UNCAC](#), article 13, states, "Each State Party shall... ensure that the public has effective access to information."

⁷⁵ INEC monitored the expenses of five presidential and 12 governorship candidates. However at the time of the finalisation of this report, the monitoring results have not been made public.

⁷⁶ This is inherently prohibitive due to the costs involved, the time delay and the evidence requirements, with a dependence on the police for investigations. The Nnamani Report of the Constitution and Electoral Reform Committee in 2017 recommended establishing a Political Parties and Electoral Offences Commission to oversee political finance.

⁷⁷ Arrests of national figures included the PDP's deputy director-general of the presidential campaign, a key lawyer and Atiku Abubakar's son-in-law. In the PDP-led Kwara state government, six high-level public servants, including the commissioner for finance and the accountant-general, were arrested and investigated for having withdrawn a large amount of public funds shortly before the presidential election. Local interlocutors perceived it as retribution against the outgoing PDP governor who is known to be close to the outgoing PDP president of the Senate. Both politicians defected from the APC in 2018. In Imo state, EU EOM interlocutors understood the arrest of the accountant-general as intimidation against the outgoing APC governor who had a disagreement with the party for supporting a non-APC governor candidate.

⁷⁸ The list of EFCC cases leading to convictions at state level was last updated in 2016 and the list of ongoing federal level cases seems outdated. The CAC, article 10, states, "Each State Party shall... adopt procedures or regulations

XI. MEDIA

Media enhanced electoral transparency, but its overall freedom was curbed. Federal government-owned TV and state-level state-owned radio stations still serve incumbents' interest

Various national, regional and state-level media outlets organised election debates, engaged in voter information campaigns, scrutinised polling and enhanced transparency of results' collations. However, systemic drawbacks curtailed media pluralism. Key obstacles to media freedom include vaguely defined content restrictions and costly, cumbersome licensing requirements for broadcast media. State-level outlets heavily depend on government advertising, resulting in a lack of scrutiny of incumbents. The diversity of views presented was also reduced by media owners' direct affiliation with the APC or PDP. Consequently, with the exception of a few states, voters had limited access to factual, non-partisan information on which to make an informed choice.

Broadcasting sector is dominated by the federal government and state-owned media

Radio is the principal news medium, followed by television. The federal-government owned Federal Radio Corporation of Nigeria (FRCN) and Nigerian Television Authority (NTA) have the most extensive radio and TV networks and account for the largest audiences.⁷⁹ Each state government also owns a broadcasting corporation that is often the most popular one in the state and/or in the entire zone. Only in Lagos do private broadcasters have a larger reach than the state-run outlets.

The commercial broadcasting sector at national level is diverse. However, national commercial TV channels do not always reach large audiences outside of state capitals due to high costs of cable or satellite TV. Controversially, the National Broadcasting Commission (NBC), with the president's approval, has granted many state-level radio licences to politicians. In five states there is no commercial competition, contrary to regional standards for media diversity.⁸⁰

With small circulations, but up-to-date online platforms, national newspapers still contribute to public discourse. A handful of print media are financially self-sustainable and offered quality reporting on elections.

Targeted pressure on journalists reduced scrutiny of elections

The reporting environment was effectively stifled as a result of pressure put on media. The EU EOM received credible first-hand information of 35 incidents targeting journalists and media houses in 21 states. Journalists were harassed and intimidated by state and non-state actors prior to the elections,⁸¹ obstructed from reporting on election days in some areas, or were attacked while

allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and...on decisions and legal acts that concern members of the public."

⁷⁹ In the South South and North East, the FRCN stations have the largest audience share. The NTA leads in four zones.

⁸⁰ Ebonyi, Kebbi, Taraba, Yobe and Zamfara states. Chapter V of the [Declaration of Principles on Freedom of Expression in Africa](#) (DPFEA) compels states to "encourage a diverse, independent private broadcasting," and notes that "a state monopoly ... is not compatible with ... freedom of expression." See also the HRC [GC 34](#) paragraphs 14, 39 and 47.

⁸¹ Three journalists were hit by bullets during an APC rally (Lagos), a broadcaster was kidnaped (Calabar), a journalist was attacked after an interview with a politician (Bauchi). Commercial FM radios in Edo, Kaduna and Kebbi reported to the EU EOM about threats, including financial, from governors' offices. In Gombe, thugs attacked a radio station, but

documenting electoral malpractices.⁸² Attacks typically took place with impunity. One example of a blatant threat involved the chairperson of the Code of Conduct Tribunal, hearing the case of the chief justice of Nigeria, who publicly threatened to jail journalists for supposed incorrect reporting on the case.⁸³ Two radio stations were closed; six journalists were briefly detained and one was arrested for cyberstalking the governor. In such an environment, self-censorship is inevitable and was often reported to the EU EOM as the safest option for continuing to work, especially at state-level.

Legal and regulatory framework for media insufficiently protects freedom of expression

Freedom of expression is constitutionally guaranteed, but not sufficiently protected in primary legislation. Defamation and libel are explicit criminal offences, punishable with imprisonment.⁸⁴ The Official Secrets Act refers to imprisonment for disclosure of vaguely-defined “*classified matters*” and grants authorities the power to arrest without a warrant for such offences.⁸⁵ On 6 January, this power was used by the military against the widely-read newspaper, the Daily Trust.⁸⁶ Several senior editors then cited this as a reason why media did not scrutinise the role of military and security agencies in the elections. Authoritative international bodies for the protection of freedom of expression advocate for a repeal of such provisions.⁸⁷

Campaign coverage has to comply with the Nigeria Broadcasting Code and the Elections Act, which prescribe impartial reporting and equitable allocation of airtime to all contestants. Both also require political broadcasts, including advertising and paid programmes, to conform with vague standards of “*decency and good taste*”. The code holds media liable for supposedly unlawful statements made by politicians during live transmissions. This provision was used by the NBC in warnings to four leading TV channels and by the police to arrest two journalists in Bauchi.⁸⁸ Both the provision and its application undermine freedom of the media.⁸⁹

there was no resolute police action against the perpetrators. In Edo, Kano and Kwara, investigative journalists reported to EU observers intimidation by state actors, and in Anambra by non-state actors.

⁸² On 9 March, the military obstructed Daily Trust journalists from reporting in Yobe. In Rivers, armed men held hostage for two hours a news editor from CoolWazobiaInfo FM, preventing the news crew from accessing polling units. In Plateau, a reporter from Premium Times was abducted and made to delete photos of underage voters. In Lagos, a politician hit a BBC Pidgin reporter who had documented vote-buying. In Edo, Channels TV and ITV reporters were prevented from covering the opening of polling units. On 23 March, journalists from BBC Hausa, Freedom FM, NTA and TVC were obstructed from reporting on elections in various LGAs in Kano.

⁸³ The chairperson of the Code of Conduct Tribunal during a hearing on 21 March stated, “*Any newspaper (journalist) carrying a discredited statement... will relinquish in prison until I retire from services, that is about 28 years from now.*”

⁸⁴ ICCPR, [GC 34 at para. 47](#) “*States parties should consider the decriminalization of defamation.*”

⁸⁵ Chapter XIII, [DPFEA](#) “*freedom of expression should not be restricted ... on national security grounds unless there is ... a close causal link between the risk of harm and the expression.*”

⁸⁶ After an article on the fight against Boko Haram in Borno state, military and other state actors temporarily closed Daily Trust offices in Abuja and Maiduguri (Borno), arrested an editor and two journalists, and seized computers and phones without a warrant. Journalists were released without charges, and equipment was returned only a month later.

⁸⁷ [The joint statement on the media and elections](#) by the UN, the OSCE, the OAS, and the African Commission on Human and Peoples’ Rights. It reads: “*laws that unduly restrict freedom of expression contrary to international and constitutional guarantees should be repealed.*” See the EU EOM recommendation in Chapter XII Digital Communication.

⁸⁸ On 30 January, AIT, NTA, TV Channels, TVC were warned after a paid live transmission of APC and PDP rallies, during which candidates criticised each other. On 6 March, journalists were arrested for airing a PDP jingle containing abusive language. Journalists were questioned by the Department of State Services and released without charges the next day.

⁸⁹ [The joint statement on the media and elections](#) notes that media “*should be exempted from liability for disseminating unlawful statements made directly by candidates - whether in ... live broadcasting or advertising.*”

The commercial radio licensing system deters independent broadcasting, and encourages coverage that favours the president and avoids scrutiny of incumbent governors' records in the office. While oversight, regulatory and sanctioning powers for electronic media are vested in the NBC, new broadcasting licences are approved by the president, upon a recommendation of the minister of information, who in turn considers the assessment given by the NBC. The approved licence holder gets a frequency only once a five-year licence fee is paid in full.⁹⁰ Such a requirement is particularly prohibitive in states where government institutions are the biggest advertiser and thus can also exert disproportionate influence. The influence of state governments was also shown by one state-level broadcaster being closed and one re-opened during the campaign period.⁹¹ Decisions on licences and media ownership structures are not public, at odds with basic principles for accountability and access to information.

Priority recommendation: Reform the licensing system for broadcast media to provide for pluralism and diversity in all states. Ownership structures be publicised, powers to grant licences be vested in the NBC without presidential approval, and licence fees be tailored to the economic circumstances in each state.

The NBC lacks genuine independence.⁹² Its director-general and the board are appointed by the president who can terminate their tenure on vague grounds.⁹³ The NBC actively communicated on social media platforms, but did not follow robust transparency and accountability procedures while carrying out its regulatory and oversight duties. For example, the NBC did not publish full decisions on complaints and fines. Such a lack of public information risks arbitrary application of power and is not consistent with good governance.

The NBC fined 45 national and state-level media outlets for various breaches of campaign coverage rules. Decisions obtained by the EU EOM show that some outlets were excessively penalised for minor infringements.⁹⁴ The NBC did not explain why all broadcasters received the same fine of NGN 500,000 (about EUR 1,240), despite this being much more difficult for a state-level FM radio to pay than for a national outlet. The NBC also closed one FM radio in Plateau that was reporting on protests against the 23 February results, claiming it might lead to a breakdown of law and order. The NBC took no measures against state-owned radio stations that clearly favoured the governor in power.⁹⁵ Such actions and inactions of the NBC encouraged self-censorship and limited voters' access to diverse and impartial information.

Recommendation: Transform the National Broadcasting Commission into a genuinely independent media regulatory body. Establish institutional transparency and accountability requirements, and the selection of the board and director through an open, inclusive and competitive system, with a cross-party approval mechanism and/or participation of industry professionals.

⁹⁰ The fee in all states and cities, except for Abuja, Lagos and Port Harcourt, is NGN 15,000,000 (about EUR 37,000).

⁹¹ In February, the Ekiti state government closed a commercial FM radio for allegedly breaching the state's environmental laws. In August, the Oyo state government demolished a critical radio station for supposedly violating the state's housing rules, but in January, at the start of the state-level campaign, the radio station was rebuilt by governor's directive.

⁹² Chapter VII, [DPFEA](#). "the appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party."

⁹³ The National Broadcasting Commission Act empowers the president to dismiss any member of the commission if it serves "the interest of the commission or the interest of the public."

⁹⁴ In Kaduna, an FM radio was fined for a "breachful newspaper review" that on a day of campaign silence was criticising as well as praising the president. In Enugu, a fine was imposed after an anchor supposedly "endorsed" several opposing candidates. In Sokoto, an FM radio was warned after the APC chairperson's "degrading" remarks about a former PDP governor.

⁹⁵ See examples of biased coverage in the next sub-section on EU EOM media monitoring, with more information in the annex to the printed version of this report or as a separate document on the EU EOM website.

The legal framework for the federal government-owned Federal Radio Corporation of Nigeria (FRCN) and Nigerian Television Authority (NTA) does not provide for adequate editorial and financial independence. The president appoints the director-general of the NTA; the minister of information, culture and tourism, with prior approval of the president, appoints the management of the FRCN. The minister with the president's consent can dismiss management of the FRCN and NTA on vague grounds. The minister is legally empowered to give directives to the FRCN and NTA. Government officials, authorised by the president, can request transmission of any programme that is deemed necessary. Consequently, there is no separation between the publicly-financed media and government institutions, contrary to regional and international standards.⁹⁶

Recommendation: Establish a legal and regulatory system that transforms the federal government-owned media, the NTA and FRCN, into genuine public service broadcasters. This includes provisions for editorial independence, financial autonomy, clear separation from any government institution and an open and inclusive selection process of the management.

EU EOM media monitoring shows FRCN's and some commercial broadcasters' commitment to balanced election coverage, but NTA favoured the president

EU EOM media monitoring⁹⁷ showed that coverage of the campaign was extensive, yet highly polarised.⁹⁸ On average, 80 per cent of news and political shows featured antagonistic APC and PDP allegations of corruption and undue influence on state authorities. This left little space for non-partisan scrutiny of campaign platforms and incumbents' records in office.

The FRCN and leading commercial broadcasters at national and regional level equitably divided airtime between the APC and the PDP within the news, and largely maintained the same balance in political talk shows.⁹⁹ All of them also undertook a critical approach to both leading parties. Lively call-in radio shows engaged voters in discussions on electoral matters, and fact-checking projects assessed candidates' claims against statistical data and economic viability.

There was evident partisan programming by the NTA. The joint share of exposure for the president, the government and the APC was over 84 per cent. During the EU EOM's 46-day monitoring period, President Buhari had two hours and eight minutes of direct speech within the news, while Atiku Abubakar had seven minutes. Half of NTA news featured the president's institutional activities, while many public service announcements promoted federal projects that correlated with 2015 campaign promises. NTA's coverage also exemplified the broadcaster's editorial subservience to the minister in charge.¹⁰⁰ Such coverage blurred the line between governing and campaigning.¹⁰¹

State-owned radio stations served the interests of the governor in power

⁹⁶ Chapter VI of [DPFEA](#), “the government-controlled broadcasters should be transformed into public service broadcasters...governed by a board which is protected against interference.” See also ICCPR, [GC 34 para. 16](#).

⁹⁷ From 11 January to 7 March, the EU EOM conducted qualitative and quantitative media monitoring of 15 TV and radio stations: NTA, FRCN, AIT, Channels TV, TVC, Wazobia FM; and state-owned FM radios from Anambra, Benue, Borno, Cross River, Gombe, Kaduna, Lagos, Rivers and Sokoto. The broadcast media were monitored daily during primetime hours, TV channels from 18:00 to 23:00; radio stations from 6:00 to 8:00 and from 18:00 to 19:00. For detailed media monitoring results see the [EU EOM Nigeria 2019](#) website (also in an annex in the printed report).

⁹⁸ Up to 40 per cent of broadcasters' primetime programming was allotted to political and election-related broadcasts.

⁹⁹ FRCN, Channels TV, TVC and Wazobia FM gave 17-34 per cent of primetime news coverage to the APC and 20-34 per cent to the PDP. All but TVC sustained a similar balance in current affairs programmes.

¹⁰⁰ After the president, the minister of information, culture and tourism was the second most-quoted politician within the news and in total was given even more airtime than the APC vice-president.

¹⁰¹ Article VI of [DPFEA](#), “the public service ambit of public broadcasters should... ensure that the public receive adequate, politically balanced information, particularly during election periods.”

Only a few APC and PDP governorship candidates featured in the national media, mainly in the context of intra-party power struggles or campaign events with the presidential candidates. Consequently, regional media was of critical importance. This was especially the case in states with difficult terrain or security concerns that limited candidates' ability to engage directly with voters.

All nine state-owned radio stations monitored by the EU EOM served the interests of incumbent governors,¹⁰² thereby not fulfilling their responsibilities as public broadcasters.¹⁰³ On eight radio stations, the joint share of coverage for the incumbent seeking re-election and/or his political heir was between 72 and 99 per cent.¹⁰⁴ The coverage of the opposition in the remaining airtime was generally negative in tone. In Anambra, Cross River, Kaduna, and Rivers, the governor was the only person meaningfully quoted during news bulletins. Only in Lagos was the main opposition candidate mentioned within the news. In eight states, candidates were denied access to private and state radio broadcasts, further reducing voters' awareness of the full range of political alternatives.¹⁰⁵ Such a strong incumbency advantage undermined a level playing field and limited voters' access to non-partisan information.

Positively, national and state-level media broadcast public debates in 21 out of 29 states, giving voters the opportunity to compare governorship candidates and to raise issues of local concern.¹⁰⁶ Most took place in local languages, and all were broadcast statewide. In 12 states, incumbents and/or their main challengers refused to participate, showing a disregard for public dialogue and depriving voters of the possibility of directly comparing candidates.¹⁰⁷

Political advertising amplified incumbency advantage at state level

Monetisation of campaign coverage was evident in some broadcasters' programming, with the share of airtime given to advertising and paid-for rally broadcasts similar to that of the news.¹⁰⁸ The APC and the PDP each purchased advertising for a total of 12 and six primetime hours respectively on TV channels and radio stations monitored by the EU EOM.¹⁰⁹ The advertising policies of state-owned radio stations amplified incumbency advantage, especially between the elections, as during primetime they only aired adverts of the party in power.

It was not possible to assess media compliance with requirements to provide equal advertising prices for all contestants, as well as parties' respect for campaign financing rules, as media are not

¹⁰² In Anambra (APGA governor), Bauchi (APC), Benue (governor defected from APC to PDP), Borno (APC), Rivers (PDP), Taraba (PDP) and Yobe (APC), state broadcasters stated to the EU EOM that their key objective is to “*assist the government.*” While the state radio in Sokoto (governor defected from APC to PDP) identifies itself as pluralistic, 90 per cent of its primetime programmes on political and electoral matters were devoted to the governor.

¹⁰³ The Nigerian Broadcasting Code lists impartiality requirements for public service broadcasters. [The joint statement on the media and elections](#) calls on state-run broadcasters “*to respect strict rules of impartiality and balance, particularly when reporting on the governing party and on government decisions...during an election period.*”

¹⁰⁴ Between elections, the editorial policy changed in Benue, with an increase in APC exposure, from three to 25 per cent.

¹⁰⁵ As reported to the EU EOM in Adamawa, Akwa Ibom, Bayelsa, Enugu, Jigawa, Kano, Ogun and Taraba. This included denial of coverage and/or procurement of advertising.

¹⁰⁶ Media, CSOs and universities organised debates in Abia, Akwa Ibom, Benue, Cross River, Delta, Ebonyi, Gombe, Imo, Jigawa, Katsina, Kano, Kwara, Lagos, Nasarawa, Ogun, Oyo, Plateau, Rivers, Sokoto and Yobe. In Bauchi, rather than having a debate, each candidate had separate “*public dialogue*” with media, CSOs and the public.

¹⁰⁷ Candidates from incumbent parties did not attend in Benue, Cross River, Rivers (all PDP), Kano, Katsina (APC) and Ogun (APC and APM). The main opposition did not attend in Ebonyi (APC) and Plateau, and Yobe (both PDP). In Akwa Ibom, Imo and Kwara, neither the APC nor the PDP took part.

¹⁰⁸ For example, on the Lagos state-owned radio station, paid-for airtime was 39 per cent but news 20 per cent of primetime. In Sokoto, it was 16 versus 10 per cent. In Cross River, it was 30 per cent. AIT had high levels of paid-for programmes at 21 per cent.

¹⁰⁹ Between the elections, the PDP placed three times as many adverts as the APC in the national electronic media.

required to disclose prices or revenue from campaign broadcasts. This effectively reduces transparency and opportunity for crosschecking. In addition, adverts sponsored by third parties (so-called support groups) do not figure in any campaign finance calculations, thereby providing another avenue for circumventing spending limits.¹¹⁰

XII. DIGITAL COMMUNICATION

Vibrant online space but a lack of transparency on use of social networks for campaigning

Social networks and messaging applications are key platforms for imparting and accessing information amongst Nigeria's over 113 million internet users.¹¹¹ Facebook and WhatsApp are by far the two most popular platforms, followed by Instagram and YouTube.¹¹² However Twitter is a key social network for political communications, as could be seen during the campaign when political messages that first appeared on Twitter then trended on other platforms. Access to online campaigning and discussion was particularly important given the reduced coverage given by some electronic media to opposition candidates and parties.

During the campaign period there were vigorous political discussions online, although after the 23 February elections the level of engagement appeared to drop.¹¹³ While political parties used online platforms for campaigns, the leading presidential candidates were less active on their personal profiles compared to many others, who used the social networks as a key campaign tool.¹¹⁴

At times online platforms were used in a distorting way, through campaigning without transparency or by creating an impression of mass support, known as “*astroturfing*”.¹¹⁵ The EU EOM examined a random sample of Twitter accounts involved in multiple discussions on political and campaign-related issues and found that many accounts were strategically used to amplify partisan messages. More than 10 per cent of observed accounts appeared to be either automated accounts (bots) or anonymous accounts used to amplify certain political messages.¹¹⁶ The EU EOM also found that “social influencers”, with a substantial number of followers, were at times synchronised in

¹¹⁰ Reports on paid-for third-party campaigns were received by EU observers in 10 states.

¹¹¹ January 2019, Nigerian Communications Commission report on [internet subscription](#). A 2017 [Afrobarometer](#) survey found that 22 per cent of the respondents in Nigeria get their news from social networks, such as Facebook and Twitter every day, and a further 13 per cent a few times a week.

¹¹² [Datareportal, Digital 2019: Nigeria](#).

¹¹³ Shortly after the 23 February presidential elections, large segments of social network users criticised shortcomings in the electoral process and expressed disillusionment. Subsequently, in the period prior to the governorship elections, the volume of online discussions reduced. Key governorship candidates regularly used social networks, but intensive online activities were apparent only in a few states, most notably in Akwa Ibom, Imo, Lagos, Plateau and Rivers.

¹¹⁴ Among presidential candidates, Omoyele Sowore from the AAC published over 1,200 posts on Facebook and Twitter combined between December 2018-February 2019, followed by Fela Durotoye from the ANN with over 900 posts, and Eunice Atuejide from NIP with over 750 posts. In comparison, Atiku Abubakar's Facebook and Twitter posts amounted to almost 450, and Muhammadu Buhari's to almost 230. Many candidates who were not frontrunners also used Instagram, YouTube and other social networks.

¹¹⁵ ICCPR GC 25, para. 19, “*Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.*”

¹¹⁶ Between 24 January and 14 February, the mission downloaded data from 9,280 Twitter accounts involved in election-related conversations. The mission closely examined a random sample of over three per cent of the accounts, 305 in total. Of these, 52 were created in 2018 or 2019, most of them in the three-month period prior to elections. There were 19 accounts using high levels of automation, 15 suspected of troll activities (non-genuine profiles attacking opponents), and 25 only retweeting content about their favourite party. Six accounts were deleted/suspended by Twitter before verification was conducted. Real-time data was downloaded from Twitter using Gephi.org, and data from earlier in January with Sentione.com.

promoting contestants.¹¹⁷ Affiliates of both major parties informed the mission that these strategies were used in campaigns and that various groups of social network users were employed by parties to promote contestants or attack opponents. Comment sections were found to include some inflammatory language along party, regional or ethnic lines.¹¹⁸

Disinformation (fake/false narratives) was a key focus of political discussion with concern about its impact on the 2019 elections and risk of violence.¹¹⁹ Government officials repeatedly alerted the public to the risk of disinformation. Civil society and media houses undertook fact-checking initiatives to counter disinformation, although some did not sustain the same level of engagement after the presidential elections due to lack of funds.¹²⁰ Some stakeholders noted that critical information was at times dismissed as “*fake news*” and warned against unduly restrictive regulation of freedom of expression.

People affiliated with both major parties posted false partisan information online.¹²¹ There were various cases of disinformation distorting perceptions of the electoral process, most obviously in the days leading up to the presidential election and also on the election days.¹²² Following the 23 February elections, fabricated statements of leading observer organisations alleging endorsement of the federal election process were widely circulated on social networks.¹²³ After the election, the Department of State Services had to clarify that it had not arrested INEC ICT staff. While the sources of false materials remained largely unknown, especially when circulated on messaging platforms with end-to-end-encryption like WhatsApp, at times such stories were also publicised through online portals.¹²⁴

¹¹⁷ For example, on 23 January, seven social media influencers, with a combined follower base of 2,315,167 on Twitter, shared a similar post and images at about the same time on the APC Lagos governorship candidate. The dominant hashtags: #ForAGreaterLagos and #SanwoOluAtWEF trended that day. Another example of coordinated messaging, a graphic titled “PDP - Biafran We” alleged a conspiracy between the main opposition party, INEC officials, some CSOs and diplomats, indirectly targeting people of Igbo ethnic origin. Most amplifiers of the message were somewhat connected to the APC and usually tagged other APC loyalists. It was distributed on social networks (Twitter and Facebook) in the week of 11 February, peaking in the week of 18 February 2019, and could have reached an estimated 25,000 accounts in this period. The graphic was reportedly also widely featured on WhatsApp.

¹¹⁸ Some most frequently found examples of inflammatory language targeting northerners include: Aboki (meaning “my friend” in Hausa, but also meaning “a stupid person” when used by southerners), zoo (a term used against northerners), and Biafrats (associated primarily with Biafra movement).

¹¹⁹ For the purpose of this report, both misinformation and disinformation refer to information that is incorrect or misleading, but disinformation suggests a clear intent to make it so. [Fake news](#) refers to false stories that appear to be news, spread on the internet or using other media, usually created to influence political views or as a joke.

¹²⁰ Active fact-checking initiatives included Africa Check, the Centre for Democracy and Development West Africa, CrossCheck Nigeria and Dubawa. Between January and March, they jointly publicised over 170 cases.

¹²¹ For instance, Lauretta Onochie, affiliated with President Buhari, posted on her social profiles before the elections several false claims that were later debunked by various fact-checking initiatives; she subsequently retracted the posts. On 15 January, the former PDP Minister of Aviation, Femi-Fani Kayode, alleged on his social network account that the chief justice’s house was under siege by the EFCC. Kayode later retracted this.

¹²² Cases of disinformation supporting certain political narratives used unrelated sound or footage, or information that was taken out of its original context. Some used a high level of technical sophistication, including false opinion polls. On election days, reports circulated online from areas where violence occurred, but some images or video footage were not genuine (in particular, on 23 February in relation to violence in Rivers, and for governorship or supplementary elections in Lagos and Kano). There were also false election results circulating after the presidential elections.

¹²³ Extensive debate on observer groups’ conclusions was influenced by the apparent promotion of disinformation using images from various observer organisations or other institutions including the EU EOM, the ECOWAS EOM to Nigeria, the International Republican Institute, Human Rights Watch, and the European Centre For Electoral Support. Several false claims were also disseminated online about candidates withdrawing or being disqualified.

¹²⁴ For instance, on 27 January, the Independent.ng (online portal) published an article in which it claimed that, of the 250 judges on Election Petition Tribunals appointed by the acting chief justice, 10 were dead or retired, and mentioned some by name. These names were later found on a fabricated list of judges. The story received attention on some web portals and in social networks, but did not gain much traction.

Online circulation of false election results highlights the need for more INEC transparency and publication of official election results online. These issues also show the need to promote media and digital literacy,¹²⁵ so that digital platforms can be used for information and opinion sharing, and constructive scrutiny of the election process. For example, during the elections, numerous video materials and pictures circulated online showing apparent misconduct and manipulation during voting or collation. This increased awareness, triggered useful debate and also reached traditional media.

Major parties also used paid advertising on online platforms. The EU EOM saw negative materials attacking both leading candidates that appeared to target specific populations, and were promoted through paid advertising on online platforms.¹²⁶ However, the nature and reach of online advertising could not be fully assessed due to a lack of transparency on various platforms, with no information given on sponsors, or if material was paid for. Currently there is no legal regulation of online advertising in Nigeria. While Facebook has made increasing commitments to transparency over the last year, full information relating to paid-for advertising in the Nigerian elections has not been made public.¹²⁷ (See Chapter X Political Finance.)

Although the right to privacy is provided for in the Constitution, Nigeria lacks specific data protection laws, leaving personal data¹²⁸ collected by several state institutions, including the Nigerian Communications Commission and INEC, potentially vulnerable to abuse.¹²⁹ In a positive development, on 25 January 2019, Nigeria's National Information Technology Development Agency issued the Nigeria Data Protection Regulation 2019, which includes several concepts included in the EU General Data Protection Regulation (GDPR). To date, local institutions are not familiar with this regulation and it is not yet possible to assess its reach and implementation. A Digital Rights and Freedom Bill was promoted by civil society to fill the legislative gap. It passed the National Assembly, but has not been assented to by the president and its future status is unclear.¹³⁰

Recommendation: Adopt a data protection law as well as other mechanisms to protect citizens' right to privacy of their personal data, both online and offline.

¹²⁵ [Joint declaration on Freedom of Expression and “fake news”, Disinformation and Propaganda](#), section 3, Enabling Environment for Freedom of Expression.

¹²⁶ For instance, a smear video tagged “*Atiku Abubakar’s Web of Corruption*”, likely targeting a specific population, was spotted as an advertised video on YouTube by an LTO team in Ogun state. It was uploaded on YouTube on 8 February 2019 by an unidentified user with a new account, and on the Facebook page “*Stop Atiku 2019*”. It was simultaneously pushed on a Twitter account with a large followership. By 16 February, it had gathered 279,000 views on YouTube and over 150,000 views on Facebook. A few promoted campaigns on Facebook in January 2019 against the PDP governorship candidate in Rivers appeared to target population in this state. A smear video against President Buhari was published on 12 February 2019 on a Facebook page created on the same day named ‘Well Atikulated’, as well as on Instagram. It soon reached 185,000 views.

¹²⁷ In mid-2018, Facebook and Instagram established a library with a wide range of information related to political adverts, but this does not include clips relating to Nigeria.

¹²⁸ African Union Convention on Cybersecurity and Personal Data Protection, 27 June 2014, article 8 (1), right to privacy, “*Each State Party shall commit itself to establishing a legal framework aimed at strengthening fundamental rights and public freedoms, particularly the protection of physical data, and punish any violation of privacy without prejudice to the principle of free flow of personal data.*” ICCPR, article 17, “*No one shall be subjected to arbitrary or unlawful interference with his privacy... Everyone has the right to the protection of the law against such interference or attacks.*”

¹²⁹ During the campaign, the International Centre for Investigative Reporting published a report strongly suggesting that the APC had accessed from the Nigerian Communication Commission and INEC personal information of potential voters without their consent, and used it to solicit their support. [2019 Election: How APC may have benefited from NCC, INEC breach of voters’ privacy](#), 1 February 2019.

¹³⁰ At the time of writing, it is unclear whether the bill will be reviewed to accommodate the president’s position that it overlaps with other legislation, or if a new bill will be proposed.

The 2015 Cybercrime (Prohibition, Prevention, etc.) Act, in section 24, penalises cyberstalking with up to three years in prison, a fine, or both. This includes broad prohibitions on messages that are “*false, for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another*”.¹³¹ This section of the Act has been used on several occasions in recent years to arrest bloggers as well as journalists, including over the election period (also see Chapter XI Media).¹³² Civil society organisations are currently challenging this section of the act at the Supreme Court.

Recommendation: Remove or revise vague legislative provisions that have been used to overly restrict freedom of expression in the media and online. In particular, the vague definitions of “cyberstalking” in the 2015 Cybercrimes Act and “classified matters” included in article 9 of the Official Secrets Act.

XIII. ELECTORAL SECURITY

Incidents of violence, including against electoral staff, damaged the process; parties and security agencies did not sufficiently protect citizens’ right to vote safely free from intimidation

The election became increasingly marred by violence and intimidation of voters and INEC officials, primarily by party supporters. This harmed the integrity of the electoral process and may deter future voter participation. Party leaderships did not take sufficient steps to rein in their supporters but accused opponents of using violence to disrupt the process and/or selectively depress turnout.¹³³

Based on updated information available from media and other sources, during the campaign and the three election days observed, approximately 145 people were killed in election-related violence, 84 of which were in the South South zone. This is a comparable figure to the 2015 general elections. Approximately 64 people were reported killed in the campaign up to the 23 February elections, 21 of these deaths in the week following the postponement. Approximately 35 people were reported killed on 23 February, and 24 on 9 March. However, exact numbers of incidents and fatalities are hard to obtain and there are different views on what is categorised as electoral and political violence.¹³⁴

INEC premises and officials were subject to attack and harassment over all three election day periods. In the two weeks before the scheduled 16 February elections, three INEC premises were destroyed by fire, which the INEC chairperson later described as possible attempts to sabotage

¹³¹ DPFEA, article 13.1, “States shall review all criminal restrictions on content to ensure that they serve a legitimate interest in a democratic society.” ICCPR GC 34, para. 35, “When a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.”

¹³² In Abia, a local journalist/activist who criticised the governor was arrested after a live radio programme on 1 March. The journalist was first charged under the Cybercrimes Act for insulting online and cyberstalking the governor in 2018. On 7 March, the charge was changed to the violation of Abia’s state anti-terrorism legislation.

¹³³ For example, the PDP national chairperson said in a press release on 1 March, “The clear effect of militarising the election particularly in the South South and South East in addition to the killing of innocent electorates was the obvious suppression of voters who were either scared out or chased away.”

¹³⁴ The network of CSOs, the Situation Room, reported on [25 February](#) that, “election related violence ... led to the death of at least 39 Nigerians [on 23 and 24 February]... and since the beginning of the campaigns documented more than 260 politically motivated deaths.” On [10 March](#) they noted that a further 58 had been killed since 23 February. Other organisations had different figures. For example, [SB Morgen](#) noted 597 casualties between 16 November and 10 March, though these include deaths through acts of terrorism and the farmer-herder conflicts.

preparations.¹³⁵ During collation of the federal election results, EU observers directly witnessed or received reports of intimidation of officials in 39 LGAs in 20 states.¹³⁶ In the vast majority of these cases, there was also theft or destruction of sensitive material and, in 13 cases, INEC offices were attacked.¹³⁷ Videos on social media also showed INEC officers apparently issuing collated results under duress and being threatened.¹³⁸

On the eve of the state elections, there was a fire at an INEC office in Akwa Ibom, destroying sensitive and non-sensitive materials. On election day, media reported the burning of INEC offices, INEC officials being held hostage in two states,¹³⁹ and further attacks and abductions of INEC officials in another six states.¹⁴⁰

During the 23 March supplementary elections, extensive electoral security problems were observed in some areas, with groups of men with weapons intimidating and obstructing the process, and security agencies ineffective at protecting citizens' right to vote. In particular, parts of Kano were largely inaccessible to EU observers, and citizen observers and journalists were also obstructed. (See Chapter XVI, 23 March Supplementary Elections.)

The Electoral Act gives INEC responsibility to lead on electoral security matters, with powers to request and determine deployment of security personnel in consultation with the security agencies. This was managed through the INEC-chaired Inter-agency Consultative Committee on Election Security (ICCES), involving all the responsible agencies, including the military. While in principle this provided for positive collaboration, in practice it was not sufficiently effective. There was inadequate information on when it met, what decisions were made and its respective responsibilities. Stakeholders, including political parties and civil society organisations, were not able to attend and were not consulted. Similar issues were identified at equivalent state-level meetings.

INEC provided occasional information on security problems and inter-institutional issues. On 1 March, INEC noted in a press release that during the federal elections there had been high levels of violence in a few places, with assaults, abductions and sexual violence against its officials. After the 9 March elections, INEC noted that in Rivers “*collation centres were invaded by some soldiers and armed gangs resulting in the intimidation and unlawful arrest of election officials.*” The commission also noted its “*displeasure with the role played by some soldiers and armed gangs.*”¹⁴¹

¹³⁵ [Address by the INEC chairperson to stakeholders, 16 February 2019](#). Isiala Ngwa South LGAs in Abia state, Qu’an Pan LGA in Plateau state and the Anambra state office at Awka. According to INEC, the fires destroyed hundreds of PVCs, electoral materials for over 100 polling units and over 4,600 smart card readers.

¹³⁶ Of the 39 INEC collation centres where intimidation was reported to EU observers, 12 were in the South South zone, nine in the South West, eight in the South East, five in the North West, three in the North East and two in North Central.

¹³⁷ Of the offices reported to EU observers, four were in the South South (all in Rivers), three each in the North East and South East, two in the North West and one in the South West. An INEC office was also set on fire during collation in Imo on 25 February.

¹³⁸ In Imo West senatorial district, the returning officer announced results claiming to be under duress. In Ikwere LGA in Rivers, the election officer stated “*the military invaded*” the INEC office leading to the election being declared inconclusive. Several videos and pictures circulating online since 23 February suggested misconduct or manipulation during voting or collation.

¹³⁹ In the early hours of 9 March, three registration area centres storing sensitive materials were destroyed in Ebonyi, preventing 36,392 citizens in 75 polling units from voting. An INEC office was also burned in Benue resulting in the cancellation of polling in one LGA. In a further two LGAs in Benue, elections were cancelled when INEC officials were held hostage. For security reasons, voting was called off in one LGA in Kaduna.

¹⁴⁰ Akwa Ibom, Imo, Katsina, Ogun, Ondo, and Rivers.

¹⁴¹ INEC press release: Rivers State Governorship Election, 15 March 2019.

The legal mandate of the military is to assist INEC upon request with the securing and movement of election materials and the protection of election officials.¹⁴² The chief of army staff repeatedly emphasised that the role of the military was to support a civilian-led electoral process. The APC argued that the military were necessary for security, given the insufficiencies of the police and other unarmed civilian agencies at polling units.¹⁴³ The PDP argued that “*militarisation*” of the election depressed turnout in some parts of the country, particularly in the South South and South East zones.

Beyond the overall issue of the effect of the military on voters,¹⁴⁴ there were also more specific concerns about interference in the electoral process by military personnel, as noted by INEC and others in Rivers. On 10 March, EU observers and others were prevented from entering the state INEC office in Rivers, which was blockaded by soldiers.¹⁴⁵ Civil society groups reported on 9 March that military and security agents denied citizen observers access to eight collation centres in Akwa Ibom, Rivers and Zamfara. Subsequent civil society statements also referred to militarisation of the process and interference.¹⁴⁶

On 15 March, the Nigerian Army announced an investigative committee into allegations of misconduct by soldiers during the general elections. The committee, which reached out to various election observation missions, was due to report by 31 March. However at the time of writing this report, no public information on findings was available.

Strained inter-institutional relations were evident in Rivers when the Sixth Division of the Army, the police and the governor each made accusatory statements about each other's actions.¹⁴⁷ This perpetuated concerns that institutions of the state were being used by opposing parties to further political interests of the incumbents at state and federal levels.

Priority recommendation: The inter-agency body responsible for electoral security works more transparently and inclusively with regular consultations with political parties and civil society. Security arrangements, general principles for rules of engagement, updates and complaints mechanisms be made public. Clear delineation of the operational roles of different security agencies be established, with the military only involved at the request of INEC.

XIV. 23 FEBRUARY ELECTION DAY AND RESULTS

¹⁴² Section 29 of the Electoral Act states “*the Commission shall only request for the deployment of the Nigerian Armed Forces only for the purposes of securing the distribution and delivery of election materials and protection of election officials.*” The Constitution, article 217, refers to the military “*acting in aid of civil authorities to restore order when called upon to do so by the President, but subject to such conditions as may be prescribed by an Act of the National Assembly.*”

¹⁴³ EU observers noted that some of the personnel from agencies drafted in to assist the police, such as the customs and immigration services, were insufficiently trained in crowd control. During both main election days, EU observers noted that police or other civilian authorities were present in around 90 per cent of observed polling units.

¹⁴⁴ EU observers on 9 March saw military personnel in the immediate vicinity of polling units in 13.3 per cent of 223 observations.

¹⁴⁵ On 23 February, the army obstructed one EU observer team in Ogun.

¹⁴⁶ The [Situation Room's](#) second interim statement on the governorship elections, 10 March 2019. [YIAGA Africa / Watching the Vote](#) press release: “Election rigging alert YIAGA Africa Condemns Plots By The Military And Party Agents To Compromise The Results Collation Process”, 9 March 2019.

¹⁴⁷ For example, on 18 March, the Sixth Division of the Army stated that two soldiers had been seriously injured by police attached to the governor's security team and threatened to withdraw cooperation with the police in the state.

Late opening of polling put undue burden on voters; polling largely open to scrutiny, but procedures insufficiently followed

The majority of polling units opened extremely late, with the key reason for delay being the absence of sensitive election materials. Polling units were due to open at 8am, but INEC later gave figures showing that only 65 per cent were open by midday. Voters were left waiting for hours, uncertain of when voting would begin, and some were likely deterred from participating. This was compounded by a lack of clear information from INEC about what was happening.

Citizen observers requested an extension of voting hours beyond 2pm. Only after 1pm was there a verbal announcement in the media from an INEC commissioner that voting would be extended in polling units that opened late. However, INEC did not publish this decision. Consequently observers saw confusion over whether polling was extended and if the extension would be applicable to all polling units. EU teams also reported that in seven of 29 polling units observed at the time of closing, voters who were in the queue at 2pm were not allowed to vote, contrary to INEC procedures.

EU observers followed polling in 190 polling units. Positively, in almost 90 per cent of observations, agents of the two main political parties were present; in 40 per cent, citizen observers were present. The environment outside polling units was assessed as conducive to the conduct of voting in 87 per cent of visited polling units. Security forces behaved appropriately in 89 per cent of observed locations.¹⁴⁸

Important polling procedures were not always followed. In 30 per cent, ballot boxes were not sealed; in 14 per cent, some essential materials were missing.¹⁴⁹ In the majority of the units visited, the layout did not sufficiently protect secrecy of the vote. In 23 per cent of observed polling units, the voter register was not always ticked as required. In 28 per cent of polling units, smart card readers were not always able to read a voter's fingerprint. In 19 per cent, manual authentication procedures were not correctly followed when a smart card reader failed to authenticate a voter's fingerprints. In four cases, voting took place without the use of smart card readers, despite their use being mandatory.

In the majority of the 30 counts observed, procedures were not always followed. In ten counts, results forms were not completely filled out; in 13, the figures on results forms did not reconcile. In half of the counts observed, results forms were not publicly posted, reducing the transparency of the election. Positively, counting was undertaken in full public view and, in almost all polling units, party agents received copies of results forms. Voting continued on 24 February in six states and the FCT as a result of the failure of smart card readers. However, INEC did not provide clear information on these arrangements.

High number of cancellations; insufficient transparency, explanation and accountability in collation

The EU observed 94 collation centres. In almost all, the results forms and smart card readers were not packed in tamper-evident envelopes as required. Numerical discrepancies and anomalies on polling unit results forms were identified and were mostly corrected by collation officers on the spot, but without a clear system of record-keeping. APC and PDP agents were present in 81 and 84 of centres respectively; citizen observers in half. One EU observer team was denied access to a

¹⁴⁸ Examples of problems include four occasions in Plateau when EU observers saw security forces enter polling booths and interfere with voters making their choices.

¹⁴⁹ Ballot papers, seals, the voter register and indelible ink.

collation centre in Rivers. Civil society also reported cases of being restricted in observing in Rivers and some other lower-level collation centres, weakening transparency of the results process.

The national collation centre for the presidential results was open to party agents, observers and the media, with each state's results projected on a large screen. There was continuous live television coverage and the media published the results as announced by INEC, thereby increasing access to results information.

However inconsistent numbers, lack of clear checks and explanations, and insufficient public information undermined the integrity of the election and is not in line with international standards for access to information and public accountability.¹⁵⁰ Citizens did not have sufficient means to scrutinise results. INEC did not provide centralised information on the declared results for the different elections, despite these being races for federal bodies, and has not posted complete results data on its website.¹⁵¹ Similarly, there is a lack of disaggregated results by LGA, ward or polling unit, which would allow for a thorough checking of results.

No information was made centrally available on the polling units that did not open or were cancelled due to security issues or operational shortcomings. Polling was cancelled in a large number of polling units across the country, covering nearly 2.8 million registered voters or 3.3 per cent of the total. There was considerable variation in this, with the proportion cancelled as high as 29.3 per cent in Rivers.¹⁵² This is almost four times more than in 2015.¹⁵³ This is in part attributed to INEC's regulations making the use of the smart card readers mandatory for the 2019 elections. However, the lack of transparency in smart card readers means that it is not clear if all polling units where there were problems with smart card readers were cancelled as warranted.

There were reported cancellations of some polling units in all 36 states, but not the FCT. The cancellations did not affect the outcome for the presidential election, as the margin of victory was almost four million votes.¹⁵⁴ However, supplementary elections took place on 9 March for seven senatorial and 25 House of Representative seats where the cancelled votes were more than the margins of win.¹⁵⁵

The lack of information and explanation on cancellations meant that there was insufficient accountability in the process.¹⁵⁶ This increases the risk of accusations of politically-motivated cancellations, and undermines public confidence in the process. The cancellation of polling deprives citizens of the right to vote and can deter electoral participation. Sixteen of 36 returning officers gave no reason for the cancellation of polling and/or votes. Most of the others provided only general

¹⁵⁰ Para. 19 of [ICCPR GC 34](#) requires states to “proactively put in the public domain Government information of public interest” ensuring “easy, prompt, effective and practical access.” See also para.20 of ICCPR [GC 25](#).

¹⁵¹ Although INEC is legally required to display on its notice board and website a notice of candidates' results and the declared winner, no time limits are specified and there are no requirements for complete results information. There is also no requirement for publication of declared winners in the official gazette.

¹⁵² States where the percentage of registered voters in cancelled polling units exceeded five per cent: Rivers (29.3), Nasarawa (9.7), Akwa Ibom (9.2), Cross River (8.7), Plateau (5.9), and Benue (5.0).

¹⁵³ On 24 February, YIAGA reported that in seven per cent of polling units observed, smart card readers were not used during the accreditation of voters. The smart card reader did not function properly in 31 per cent of polling units and one per cent of polling units did not have the card reader.

¹⁵⁴ As reported by YIAGA, only in Nasarawa could the cancellation of ballots have affected the outcome of the presidential election for the state. It had no effect on the national results.

¹⁵⁵ On 28 February, INEC said that supplementary elections for the National Assembly would be held on 9 March. The number of supplementary elections was not centrally announced by INEC until 7 March.

¹⁵⁶ INEC guidelines require presiding officers file a report if polling is not held or is cancelled, and for collation officers to subsequently fill in forms of cancellation (EC40G series). However, these forms do not include reasons for annulment, and there is no requirement for these forms to be given to agents or copies to be publicly displayed. The law has no specific requirements on public information in relation to cancellation of polling.

grounds, such as failure to use smart card readers, violent incidents, over-voting and falsification of results.¹⁵⁷ Only four returning officers listed the exact LGAs affected.¹⁵⁸

There was a large discrepancy of 1.66 million more registered voters, as announced by INEC on 14 January, compared to those announced by state returning officers during the collation of presidential results. Despite requests from political parties during the national collation, INEC failed to explain the discrepancy, making only general reference to mathematical errors and mistakes during lower-level collation. A similar discrepancy in 2015 shows the systemic nature of the problem and the need for improved data management.

There was an increase in the number of invalid ballots compared to 2015. The overall number was 1.3 million, or 4.5 per cent of the total, but in six states it exceeded six per cent, with even higher rates reported by EU observers in some LGAs.¹⁵⁹ This raises questions about ballots being selectively declared invalid for political advantage.¹⁶⁰

There was also a sizable discrepancy between the number of accredited voters as marked on the voter register, and the number of votes cast. Some 750,000 were marked as accredited but did not cast a presidential ballot. While on average the margin of disparity was below two per cent, in eight states it exceeded three per cent.¹⁶¹ INEC did not provide any explanation for the discrepancy.

XV. 9 MARCH ELECTION DAY AND RESULTS

Operational improvements, but overall low turnout

Polling was more orderly and assessed more positively by EU observers in comparison to the 23 February election day. There was a significant improvement in opening times, with nearly two-thirds of polling units visited opening within 30 minutes of 8am.¹⁶²

EU observers followed voting in 166 polling units. In 88 per cent, agents of the two main political parties were both present; in 36 per cent, citizen observers were present. In 11 observed polling units, party agents were interfering in the process. In 22 per cent of visited locations, EU observers reported the presence of unauthorised persons, mainly party officials and police personnel. In 10 per cent of observed polling units, there was no security presence at all. In eight polling units observed, there were indications of vote-buying; in four there was unrest and in six there was violence in the vicinity. There were increased attempts to influence voters' choices in comparison to the 23 February election day, as was observed in 25 per cent of polling units visited.¹⁶³

The procedures for the accreditation of voters significantly improved from 23 February. Smart card readers were used in all but one polling unit visited. In almost all cases, polling staff marked the voter register as required by INEC. However, manual accreditation procedures were not always correctly followed when smart card readers failed to authenticate voters' fingerprints. The secrecy

¹⁵⁷ Over-voting is defined by INEC's Manual for Election Officials as the total of votes cast exceeding the number of registered or accredited voters at a polling unit.

¹⁵⁸ Akwa Ibom, Gombe, Kwara and Rivers.

¹⁵⁹ Abia (6.1 per cent), Edo (6.4 per cent), Enugu (6.7 per cent), FCT (6.1 per cent), Ogun (6.5 per cent), Oyo (6.1 per cent). EU observers reported some LGAs with much higher rates, including Warri South in Delta with 12.8 per cent.

¹⁶⁰ EU observers also saw the number of rejected ballots being used to correct other inconsistencies on results forms.

¹⁶¹ Abia, Akwa Ibom, Anambra, Ebonyi, FCT, Gombe, Kebbi and Lagos.

¹⁶² The reasons given for mainly short delays in the remaining polling units were late arrival of polling staff and some election materials (seals, stamps, voting cubicles).

¹⁶³ This included offering money, and party agents approaching voters and attempting to influence their choices.

of the vote was not sufficiently protected in 28 per cent of visited polling units. Ballot boxes were not sealed in 28 per cent of polling units observed. Eight cases of obvious underage voting were also observed.

Overall, the counting of ballots was transparent. In 25 out of 28 observed polling units, results forms were filled in completely. However, in 18 observations, results forms were not posted, although in almost all cases, party agents received copies of the forms.

The overall assessment of the 81 collation centres observed was positive, but in 12 cases collation was assessed as bad or very bad. In most cases, results forms and smart card readers were not packed in tamper-evident envelopes when delivered to collation centres. Numerical discrepancies in polling unit results forms were identified by collation officers in 33 collation centres and were mainly corrected on the spot without a systematic checking procedure. In five centres, party agents were interfering with the work of the collation officers. In 13 cases, there were unauthorised people present at collation.

INEC did not centrally publish any information on turnout, accredited voters, votes cast, or invalid ballots. Similar to the 23 February elections, there were a high number of cancellations of polling units which, according to INEC, was mainly due to non-use of smart card readers. Other reasons given were over-voting and disruption of the process. However, again INEC did not centrally release data on the number of polling units affected, and EU observers reported that it was often difficult to obtain this information at state level. The situation was confusing for voters who did not know if supplementary elections would take place in their polling unit.

In two states, there were high levels of violence and disruption during the collation process. In Rivers, various collation centres were invaded by soldiers and armed gangs, resulting in the collation process being suspended on 10 March. In Bauchi, the collation process was violently disrupted in one LGA. In both cases, INEC set up a special committee to assess the situation and then continued with the collation process at a later date.¹⁶⁴

Polling unit results forms show high levels of anomalies and missing data

The EU EOM collected 150 presidential and governorship polling unit result forms, which were scanned by EU observers during both election days.¹⁶⁵ The sample is not random and therefore findings are only indicative and do not provide evidence of fraud.

Most strikingly, nine per cent of forms analysed had more valid votes recorded than accredited voters.¹⁶⁶ In total, 65 per cent of forms contained mathematical anomalies. In addition, 13 per cent of forms were not properly completed, with data missing. In total, 23 per cent of forms had no rejected (invalid) ballots, which is surprising given the complexity of the ballots with so many different candidates.

Similar issues were found in an EU EOM analysis of polling unit results forms in 2015.¹⁶⁷ The high level of problems evident in the polling unit results forms examined in both 2015 and 2019 shows

¹⁶⁴ In Bauchi, collation was finalised on 28 March. In Rivers, state collation was undertaken on 2-4 April.

¹⁶⁵ The sample included 61 presidential and 89 governorship polling unit result forms. All the forms were scanned by EU observers at polling units or collation centres.

¹⁶⁶ Due to a lack of clear public information, the EU EOM did not establish if these polling units were later cancelled.

¹⁶⁷ In 2015, INEC established a positive precedent in publishing polling unit results forms, albeit after the deadline for submission of petitions. Some three months after the elections, INEC made available on the internet scans of results forms completed in polling units. However as of 7 April 2019, INEC has not published any polling unit result forms or ward/LGA collation result forms.

the need to introduce far more robust procedures for counting and collation, and to seriously strengthen training and oversight mechanisms.

XVI. 23 MARCH SUPPLEMENTARY ELECTIONS

Supplementary elections were systemically vulnerable to parties strategically pressurising voters and disrupting the process; elections in Kano were compromised by intimidation and interference

INEC announced that supplementary elections would take place on 23 March for six governorships, as well as 40 State House of Assembly seats.¹⁶⁸ This followed elections being declared inconclusive due to the cancellation of a number of polling units on 9 March, and the total number of voters affected being more than the margin of lead. INEC listed electoral misconduct, violence, failure to use smart card readers and over-voting as the reasons for the cancellations. Before election day, various ongoing court cases in Adamawa, Bauchi and Rivers caused uncertainty for voters, and there was a lack of clear and timely information from INEC. Re-polling took place in 623 polling units with 397,120 registered voters, 2.7 per cent of all registered voters in the five states.

National and state-level media in Benue, Plateau and Sokoto regularly updated the public about the supplementary elections. Media and social network users also scrutinised and debated the use of state resources in the days before the supplementary elections, in particular the large-scale infrastructure and social benefit projects initiated by the incumbent governor of Kano.

On 23 March, extensive electoral security problems were observed, particularly in parts of Kano where polling became inaccessible to EU observers in some areas. The environment was intimidating and not conducive to voters' free participation in the election. Party leaderships locally and centrally did not appear to take any steps to rein in supporters and prevent evident violence, intimidation or other misconduct. Throughout the day, INEC did not comment on electoral disturbances, despite its overall responsibility for the election and security arrangements.

In Nasarawa LGA in Kano, which accounted for approximately one-third of all registered voters for the supplementary governorship election, EU observers witnessed organised intimidation of voters. For example, groups of youths with clubs and machetes patrolled the streets, and people with party agent tags harassed voters. During collation in Kano, EU observers saw that several INEC polling staff had been attacked. Large groups of men with weapons were not contained by the police.

Due to intimidating crowds and disturbances, EU observers in Kano could not access or continue observation in polling units in Dala and Nasarawa LGAs. The electoral process in Kano was further compromised by the harassment and obstruction of citizen observers, and journalists from BBC Hausa, Freedom FM, NTA and TVC. This compromised scrutiny of both polling and collation of results in the affected areas.

Isolated violent incidents also disrupted voting and counting in other states. In Bauchi, EU observers witnessed around 50 people with clubs disrupting counting in one polling unit. In Benue, election materials were burnt, resulting in the cancellation of polling affecting 13,000 registered voters, and a collation officer carrying result sheets was shot in the leg.

Party agents were seen to interfere more in the process than on the previous two election days. Some polling units in Kano were dominated by controlling party agents and supporters. Of the 40 polling units that EU teams could fully observe, agents were present in all and in five cases were

¹⁶⁸ The supplementary governorship election in Adamawa was held only on 28 March following a state High Court decision. There were 44 polling units and 40,988 registered voters in Adamawa. The EU EOM did not observe.

seen interfering in the work of polling officials, in Benue, Plateau and Sokoto. EU observers in all five states also saw party agents trying to influence voters, assisting voters or voting on their behalf. Supporters and agents were sometimes present in polling units in excessive numbers, resulting in overcrowding. EU observers also saw vote-buying in Sokoto by both the leading parties, and indications of vote-buying in Kano. Citizen observers also reported party agents involved in vote-buying, and bribery of polling staff and police.

INEC improved logistical arrangements with most polling units observed open within half an hour of the official opening time. In the 40 polling units that EU teams could fully observe, procedures were mostly followed. Smart card readers were used to accredit voters in all polling units observed. However, manual accreditation procedures were not always correctly followed if card readers failed to authenticate fingerprints. The secrecy of the vote was not always sufficiently protected in nearly one-third of polling units observed.

The collation process was finalised in Bauchi, Benue, Plateau and Sokoto within 24 hours, but in Kano it was suspended for several hours due to concerns over the safety of lower-level collation staff. For security reasons, collation of results in two of 29 LGAs in Kano had to be undertaken at the state collation centre. Similarly, ward collation had to be undertaken at one LGA in Bauchi. Adding to transparency of the process, the media provided live coverage of state-level collation. EU observers visited 12 collation centres and observed party agents present in all. EU observers noted that overall collation procedures were followed and the process was generally transparent.

XVII. RESULTS AND STAKEHOLDER REACTION

Reduced turnout with wide variation between states

National turnout for the presidential election was 28,614,190, a reduction of 817,893 from 2015, even though Nigeria's population has increased, as has the number of registered voters. While the national turnout was 34.1 per cent,¹⁶⁹ there was significant variation between states, ranging from 54.5 per cent in Jigawa to 17.6 per cent in Lagos. Despite coordinated terrorist attacks at the start of election day in Borno and Yobe, turnout was reported to be significantly higher than the national average¹⁷⁰ (see Annex 1). The opposition alleged inflated turnouts in the north and voter suppression in the south as a result of violent incidents and the behaviour of security personnel. The APC referred to long-standing patterns of higher turnout in the north and more effective measures to counteract previous fraudulent voting in some parts of the south.

Turnout for the state elections was typically referred to as even lower, although figures were not made centrally available by INEC and were only sometimes available to EU observers at state level. Declining electoral participation warrants review by political parties and INEC in order to make elections more inclusive and those elected more representative.

On 27 February, the INEC chairperson declared the APC candidate, President Buhari, as the re-elected winner with 55.6 per cent of the valid votes. Atiku Abubakar, the PDP candidate who won 41.2 per cent of the valid votes, rejected the results almost immediately but committed to pursuing a legal petition. YIAGA Africa announced that the results were consistent with its parallel vote

¹⁶⁹ Based on the 84 million voter register data announced by INEC on 21 February. The equivalent figure in 2015 was 42.8 per cent.

¹⁷⁰ At 41.2 per cent in Borno and 42.9 per cent in Yobe.

tabulation that independently projected the result based on a sample of 1,515 polling units.¹⁷¹ The two leading parties won 96.8 per cent of the valid votes between them.

The APC and the PDP again dominate the National Assembly. By the time of finalisation of this report, the APC had 63 and PDP had 41 senators. However results for five senatorial seats had not been fully determined.¹⁷² As in 2015, the Senate is starting its term essentially with only the APC and PDP represented (see annex 1).¹⁷³ With 13 House of Assembly seats undetermined at the time of finalising this report, the APC had 210, the PDP 117. In addition, eight smaller parties won 20 seats or 5.6 per cent of the House.

Of the 29 governorship elections on 9 March, the APC was defending 20 states that it had won in 2015, and the PDP was defending nine. Of the 28 elections concluded at the time of finalising this report, the APC had won 14, the PDP 14, with Zamfara still undecided. The net result was an increase of five PDP governorships from 2015, meaning the PDP is now represented in all six zones and the APC in five. In total, 19 incumbent governors sought re-election¹⁷⁴ and almost all were re-elected, except in Adamawa and Bauchi.

With the exception of Kano, the supplementary governorship elections held on 23 March were won by the candidate who had been leading on 9 March.¹⁷⁵ The PDP won four of the six governorships, with the APC retaining two. The APC's victory in Kano was controversial given the evident levels of intimidation and interference, and that the PDP had been ahead on 9 March, albeit with a margin of just 26,655 votes of over two million votes cast. In the supplementary election, which took place in 208 polling units,¹⁷⁶ INEC announced that the APC had 81.8 per cent of the votes cast for the two parties and so was awarded the governorship with a margin of lead of 8,982 votes. The PDP and another 41 political parties immediately rejected the outcome, and the PDP filed a petition on 11 April.

In Sokoto, the PDP incumbent governor¹⁷⁷ led after the 9 March elections by 3,413 votes. In the supplementary election, held in 135 polling units affecting 75,403 registered voters, he won by just 342 votes of more than a million cast. The APC immediately rejected the results and filed a petition.

XVIII. ELECTORAL DISPUTES

Overlapping jurisdictions and insufficient time limits for petitions

Electoral dispute resolution mechanisms were used extensively during the election process, with overlapping jurisdictions and lengthy timelines resulting in conflicting and late rulings. This undermined opportunity for remedy and created uncertainty in the electoral process over which candidates and parties would be running, and if supplementary elections would be held.

¹⁷¹ [YIAGA Africa](#) press release, 27 February 2019.

¹⁷² Three in Zamfara, where the candidatures of the “winning” APC candidates have been overturned, without legally at this stage declaring a victory for another party; one in Imo where collation was disrupted by the threat of violence; another in Imo North where INEC has refused to issue a certificate of return due the result allegedly being declared under duress.

¹⁷³ At the time of writing, two senators elected as APC are suspended from the party. The Young Progressive Party's only representative announced that he would caucus with the APC (Anambra South).

¹⁷⁴ Governors, like the president, are limited to two terms.

¹⁷⁵ The supplementary governorship in Adamawa on 28 March was not observed by the EU EOM.

¹⁷⁶ Of a total of 10,732 polling units according to the INEC resident electoral commissioner in Kano.

¹⁷⁷ The PDP incumbent governor was elected under the APC banner in 2015 and defected to the PDP in 2018.

The exact number of pre-election petitions does not appear to be recorded by INEC or any judicial body. From the information obtained, it appears that there were over 644 pre-election petitions, mostly related to problems in party primaries, particularly in the APC. The 180-day time limit for adjudication of pre-election petitions and subsequent appeals meant that the vast majority of cases were not resolved before election day. There were also decisions very close to election day. For example, according to information available, there were at least 11 candidacy rulings in the two weeks before the 9 March elections.¹⁷⁸

Recommendation: Shorten the timeframes for pre-election cases so that cases are completed well in advance of election day. This could include reducing time limits for determinations and appeals, and the number of appeal levels.

A sizable proportion of pre-election cases were dismissed as they had been filed after the new 14-day deadline, following earlier constitutional change. Some rulings resulted in parties not being able to run, but most involved candidates being disqualified with the party remaining on the ballot. Subsequent Court of Appeal rulings typically overturned those of the Federal High Court.¹⁷⁹

Pre-election petitions can be lodged consecutively with different courts, resulting in multiple inconsistent rulings. For example, there were dozens of cases on Rivers alone.¹⁸⁰ Post-election petitions are streamlined in having to be submitted to dedicated Electoral Petition Tribunals (EPTs) or the Court of Appeal for presidential petitions. In total, 77 tribunals were established. Of these, five were relocated to Abuja from their area of jurisdiction for reasons of security (Bayelsa, Borno, Kogi, Yobe, Zamfara).

Priority recommendation: To improve access to remedy and avoid petitions being taken to different courts at the same time, electoral tribunals be extended to also cover pre-election cases. Judicial capacity be increased through the appointment of more judges, training on election-related matters and improved case-management mechanisms.

There are similar protracted timeframes for post-election petitions, with submissions required within 21 days of the declaration of results, judgments within 180 days, and appeals disposed of within 60 days.¹⁸¹ This lengthy process is partly due to petitioners having to provide proof beyond reasonable doubt, with long and complicated evidence requirements involving INEC documents, which are often hard to obtain. There are also antiquated case-management arrangements, involving burdensome copying of documents and judges required to simultaneously take notes. Positively, petitions relating to supplementary elections were determined expeditiously by the courts despite attempts by political parties to delay the cases by filing unnecessary legal requests.¹⁸²

Historically, few petitions have resulted in the overturning of results,¹⁸³ in part attributed to the high burden of proof requirements.¹⁸⁴ However on the eve of the 23 March supplementary elections, the

¹⁷⁸ Two rulings for the PDP in Kano, two rulings for the APC in Taraba, two rulings for the APC in Enugu, one ruling for the APC in Rivers, one ruling for Accord in Rivers, one ruling for the PDP in Rivers, one ruling for the SDP in Imo and one ruling for the APC in Ogun.

¹⁷⁹ Cases in which the Federal High Court disqualified the candidate, but the Court of Appeal allowed the candidate to run pending the conclusion of the appeals include: APC Taraba, PDP Kano, APC Enugu and APC Zamfara.

¹⁸⁰ At the Supreme Court alone, 22 cases were filed relating to Rivers, the last four of which were adjudicated on 11 April.

¹⁸¹ Appeals to the EPTs go to the Court of Appeal. Petitions on presidential races go to the Court of Appeal, with appeal to the Supreme Court.

¹⁸² For example, during the case at the Federal High Court on the supplementary elections in Bauchi, nine different requests were filed, including four motions, three replies and two counter-affidavits.

¹⁸³ During the 2015 general elections, over 600 post-election petitions were filed. A study of 560 of these by the Nigeria Civil Society Situation Room found that the vast majority were dismissed and/or struck out, with 474 (84.6 per cent) unsuccessful. [The 2015 General Elections in Nigeria Compendium of Petitions](#), Nigeria Civil Society Situation Room and Open Society Initiative for West Africa, 2017.

result of the off-cycle September 2018 Osun governorship election was overturned. In a majority judgment, the tribunal ruled that the supplementary election conducted in seven polling units was illegal, null and void on grounds that the petitioners successfully proved substantial non-compliance with the Electoral Act. The ruling was subject to an appeal lodged by the APC at the Court of Appeal on 26 March.

There are at least 766 post-election cases,¹⁸⁵ four of which are petitions on the presidential race.¹⁸⁶ There is no mechanism for administratively addressing electoral disputes, and thus all complaints must be taken to court for judicial adjudication. The lack of electoral information in the public domain also makes the petition process more complex, as cases have to be initially prepared without full information. Furthermore, the time taken for INEC and political parties to retrieve basic electoral materials extends the time required for the judicial process.

The PDP in its petition alleged that President Buhari did not secure the majority of votes cast, committed malpractices, that his re-election was invalid by reason of non-compliance with the Electoral Act, and that he lacked qualification to be a candidate for not having the school certificate. The PDP also claimed that data from INEC servers showed the PDP had won the election with 18,356,732 votes compared to the APC's 16,741,430, based on data transmitted from smart card readers. INEC's response claimed that such results were not electronically transmitted, with results instead announced based on manual collation as legally required. The PDP did not present evidence to the EU EOM to support its case on the presidential election, stating that it would save its evidence for the tribunal.

INEC's apparent lack of responsiveness to legal requirements to provide electoral documents for the petition process increased tensions and is not consistent with the rule of law. On 6 March 2019, the Court of Appeal ordered INEC to give certified copies of all electoral documents requested by the parties to the petition within 14 days of its application. In a 15 April press statement, the PDP accused INEC of refusing the party access to election documentation, as ordered by the Court of Appeal and officially requested to INEC on 8 March. On 27 April, the PDP threatened contempt of court proceedings, which could result in the imprisonment of the INEC chairperson.

Controversial suspension of the chief justice of Nigeria lacking in evident due process

The ability of the judiciary to work independently was questioned when, three weeks before the scheduled election day, the chief justice of Nigeria was suspended by the president.¹⁸⁷ The suspension did not follow due process, was divisive, and to some extent undermined confidence in the electoral process and opportunity for remedy. The chief justice of Nigeria has a key role to play

¹⁸⁴ The level of proof required in an election petition with any allegation of corruption is “*beyond reasonable doubt*,” i.e. the standard required in criminal law, rather than a “*preponderance of evidence*” used for civil cases. Election petition cases generally involve corruption allegations and therefore this higher burden of proof is invoked under sections 135 (1) and (2) of the Evidence Act 2011.

¹⁸⁵ According to information available, 101 petitions were filed for the House of Representatives, 205 for the Senate, 54 for governorships, 402 for State Houses of Assembly and four presidential petitions. The state with the largest number of petitions is Delta with 51 petitions; the state with the fewest is Katsina with only two.

¹⁸⁶ Presidential petitions: PDP vs INEC and APC; Hope Democratic Party vs INEC and APC; C4C vs INEC; and PDM vs INEC.

¹⁸⁷ While the suspension of the chief justice was seen as a “*conscious shift of policy to fast track the fight against corruption*” by the Buhari Media Organisation, other organisations such as the Nigerian Bar Association and citizen observers described it as a violation of the constitutional procedure and called for the decision to be reversed.

in deciding the Supreme Court bench that hears final appeals on pre-election matters, as well as governorship and presidential petitions.¹⁸⁸

On 25 January 2019, the president followed a controversial order by the Code of Conduct Tribunal and suspended the chief justice,¹⁸⁹ and made the next most senior Supreme Court justice the acting chief justice. The case was strongly criticised by the legal community. The Code of Conduct Tribunal is linked to the executive, as it is under the Office of the Secretary to the Government of the Federation, and therefore its independence is subject to question. The Constitution requires any infraction by judges to first be investigated and resolved by the National Judicial Council, to the exclusion of any other body or authority, and removal requires approval of two-thirds of the Senate. The EU EOM noted its concern over both the timing and process of the suspension in a statement on 26 January.¹⁹⁰ The mission observed that questionable procedures were followed by the Code of Conduct Tribunal.¹⁹¹ During ongoing post-election sessions of the tribunal, the chair was observed to behave inappropriately, with insufficient time granted to the defence team and threats made to journalists.¹⁹²

On 3 April, the National Judicial Council recommended the compulsory retirement of the suspended chief justice. In contrast to previous decisions, the council also concluded that the acting chief justice did not commit any offence when he was sworn in without the recommendation of the council.¹⁹³ The following day, the chief justice submitted his request for retirement to the president. On 18 April, the Code of Conduct Tribunal convicted the suspended chief justice, who immediately submitted an appeal to the Court of Appeal on the grounds that the tribunal case was unconstitutional and without a fair hearing.

The removal of the chief justice of Nigeria during the elections had an inhibiting effect on the judiciary. It was seen by many as undermining security of tenure, damaging judicial independence and compromising the division of powers.

¹⁸⁸ The suspension occurred prior to two sensitive pre-electoral Supreme Court cases on whether the APC could run candidates in the traditional PDP strongholds of Rivers and Zamfara.

¹⁸⁹ Section 292 of the Constitution deals with the removal of some public officials including the chief justice. The section does not distinguish temporary removal (suspension) from a permanent removal. It states, “*A judicial officer shall not be removed from his office or appointment before his age of retirement except in the following circumstances – (a) in the case of – Chief Justice of Nigeria by the President acting on an address supported by two-thirds majority of the Senate.*” This has been reinforced in jurisprudence, Supreme Court Elelu-Habeeb & Anor vs AG FG (2012) SC281/2010. See also Court of Appeal Lagos, December 2017, EFCC vs Jusoce Hyeladzira Nganjiwa. The National Judicial Council has on various occasions recommended the compulsory retirement of judicial officers when the suspension of a chief judge and the appointment of an acting chief judge have taken place without a recommendation of the council (March 2018 in Abia, March 2014 in Rivers, and January 2006 in Ekiti). The Code of Conduct Tribunal is not vested with any power under the Constitution or the Code of Conduct Tribunal Act to order the executive branch of government to suspend a public officer who is undergoing trial at the tribunal.

¹⁹⁰ [EU EOM statement, 26 January 2019.](#)

¹⁹¹ Procedural shortcomings observed include: the Code of Conduct Tribunal (CCT) order was dated 23 January, yet the CCT postponed on 22 January the case to 28 January; the CCT did not make available to the defence the records of its proceedings; and the affected party was not informed as is required with such an *ex parte* order.

¹⁹² On 21 March, the CCT chair threatened to jail journalists alleging incorrect reporting of the proceedings of the tribunal. Subsequently, the records of proceedings of the tribunal disclosed that the journalists were correct in their reporting. On 29 March, and after refusing the no-case submission from the suspended chief justice, the chair did not accept a sufficient duration of adjournment to enable the defence to prepare its case, requiring the next sitting to be on 1 April.

¹⁹³ On various occasions, the National Judicial Council has recommended the compulsory retirement of suspended and acting chief judges at state level when they have been appointed without a previous recommendation from the council. For example, in Abia in March 2018, Rivers in March 2014 and Ekiti in January 2006. On 20 April, President Buhari, with the consent of the National Judicial Council, extended the acting chief justice’s tenure by a further three months.

XIX. ELECTORAL OFFENCES

Electoral impunity continues and insufficient information is available on investigations and any prosecutions

Electoral offences committed by INEC officials, security personnel, political parties and their officials, candidates, observers, journalists and the general public are all subject to prosecution. Offences include forgery of permanent voters cards, interference with a ballot box or ballot papers, dereliction of duty by election officials, impersonation, voting when not qualified, bribery, violation of the secrecy of the vote, and disorderly conduct of elections. Penalties can include a fine of up to NGN 50,000,000 (approximately EUR 125,000), and/or a term of imprisonment that varies from six months to more than ten years.

INEC has power of prosecution under the Electoral Act, but does not have powers to investigate or arrest, and is therefore reliant on the security agencies. It also lacks powers to directly fine a political party or an individual for breaches contained in the Electoral Act. INEC could not provide information to the EU EOM on numbers of electoral offence cases relating to its own staff or others.

As electoral offences are criminal offences, the police and the attorney general also have powers of prosecution. On 21 March, the Nigeria Police Force stated that its officers had arrested 796 suspects nationwide during the 9 March governorship and state assembly elections. This number, added to the 323 people reportedly arrested during the 23 February presidential and National Assembly elections, brought the total to 1,119.¹⁹⁴ This number included those transferred from the military which, although not having powers of arrest, reported doing so and then transferring detainees to the police. No further information was made available on additional arrests, investigations or prosecutions.

The number of arrests is disproportionately low in comparison to the evident problems observed and reported to the EU EOM. Some EU observer teams noted at local level that police did not provide full information, or underreported incidents and arrests. It is not clear how many arrests will result in substantial investigations or prosecutions. The lack of any requirement for public updates and information on the status of investigations and prosecutions diminishes the accountability of the respective institutions involved.

Historically, there have been very low levels of prosecutions. INEC reported that there were 61 electoral offence prosecutions following the 2015 general elections, but no convictions. Recurrent problems include difficulties in gathering evidence and the timeframes involved in criminal proceedings. The non-enforcement of the provisions of the Electoral Act on prohibition of the use of violence and electoral malpractices results in a pervasive culture of impunity, which risks continued electoral problems and consequent voter disillusionment.

On 31 January 2018, the House of Representatives passed the Electoral Offences Commission Bill for the establishment of an Electoral Offences Commission, which would have primary responsibility for the arrest, investigation and prosecution of electoral offenders. The bill, still under consideration, is backed by INEC and leading civil society organisations,¹⁹⁵ with a dedicated

¹⁹⁴ The Nigeria Police Force reported that during the governorship election, the highest number of arrests, 256, was in Akwa Ibom, followed by Imo with 117 and Kaduna with 109.

¹⁹⁵ On 28 March, the INEC National Commissioner and Chairperson for Information and Voter Education, Festus Okoye, called for the establishment of the Electoral Offences Commission. He was reported as stating “*the absence of robust and clearly defined institution... has led to heightened electoral malfeasance resulting in the storm of Collation centres and forcing Collation and Returning Officers to make returns at gun point.*” [INEC Calls for Speedy Passage of Electoral Offences Commission Bill](#), The Situation Room, 2 April 2019.

commission deemed necessary to deter impunity in the electoral process.¹⁹⁶ Any such commission would need to work with full transparency and accountability, and would need time to be established and begin prosecutions well in advance of the next general elections.

Recommendation: Strengthen the mechanism for the prosecution of electoral offences with responsibility for investigation and prosecution transferred to a separate institution as envisaged in the National Electoral Offences Commission Bill, 2017. Requirements be made for prompt public statistical information on investigations, prosecutions and convictions.

XX. CIVIL SOCIETY AND ELECTORAL OBSERVATION

Civil society effectively advocates for reform and scrutinises the electoral process but is subject to obstruction and harassment

A range of civil society organisations effectively contributed to election reform, scrutiny and voter awareness. The “*Not Too Young To Run*” campaign led to constitutional change reducing the minimum ages for candidacies. Disabled persons’ organisations have worked extensively with INEC for improved accessibility and monitoring of participation.

Citizen observers provided vital information updates over the different election days, which was especially important when information was not forthcoming from INEC. For example, they provided real-time information on the late opening of polling units and other operational shortcomings. They also provided information on electoral security issues, including the problems in Kano and elsewhere during the supplementary elections, as well as the behaviour of different security agencies. YIAGA Africa’s parallel vote tabulation provided an essential check on the presidential election process. The Situation Room, an umbrella group of around 70 CSOs, played a critical role in holding INEC, the political parties and the security forces to account. The CLEEN Foundation focused on the work of the security agencies, and the Centre for Democracy and Development undertook a range of activities including in regards to disinformation. Such coordinated independent observation of different aspects of the election positively contributed to the accountability of the process.

However, observers were subject to obstruction, harassment, threats and arrests. Mistreatment and obstruction of observers compromises transparency and therefore the integrity of the electoral process.¹⁹⁷ Citizen observers also faced accreditation challenges. In contrast to political party agents who were accredited through INEC LGA offices, accreditation of citizen observers was centralised at the INEC headquarters in Abuja.¹⁹⁸ Observer groups reported problems with INEC distribution of accreditation badges and observer kits taking place just a few days before the scheduled election day. This put citizen observer groups under considerable and unreasonable operational pressure.

The Electoral Act does not sufficiently provide for electoral observation. It only refers to observers in regards to polling unit access during voting. No provisions are included for observer access to

¹⁹⁶ The Electoral Offences Commission is envisaged to investigate all reported cases with a view to identifying individuals, corporate bodies or groups involved in electoral offences. Reservations have been expressed about how to secure its independence, as it is currently foreseen to be subject to the attorney general’s powers to make rules and regulations.

¹⁹⁷ ICCPR GC 25, para. 20 states, “*There should be independent scrutiny of the voting and counting process...*”

¹⁹⁸ In total, INEC accredited 120 citizen observer organisations. No data was available from INEC on the total number of individual citizen observers accredited.

other stages of the electoral process, for observer rights more broadly, or for accreditation. Similarly, there is no electoral offence related to intimidation or obstruction of observers. Although INEC's election observation guidelines provided for access to all stages of the process, these do not have the full weight of legislation, and do not provide for further rights or a mechanism for accreditation. There is also no legal provision for citizen observers to be able to vote if they are deployed away from their location of registration.

*Recommendation: Legal provisions be made for the right of **observers** to access all stages of the election process, and to make it an offence to obstruct or intimidate observers. Legal provisions to include requirements for timely, accessible and clear accreditation arrangements. Citizen observers be encouraged to undertake observation of many different aspects of the election, including voter registration activities, the primaries, electoral dispute resolution, election offence prosecutions and media monitoring.*

XXI. PARTICIPATION OF WOMEN

Another decrease in women elected and a continued lack of promotion by political parties

Nigeria has the lowest rate of women in parliament in Africa, with the number progressively decreasing since 2011. While attempts have been made to introduce legislative reform, there are currently no legal requirements for the promotion of women in political life.¹⁹⁹ As there are no legal provisions for independent candidacy, women are dependent on political parties for nomination. Parties continue to lack policies and practices to promote women in party leaderships or as candidates,²⁰⁰ at odds with Nigeria's international commitments and the 35 per cent national target of women in elected positions established in the 2006 National Gender Policy.²⁰¹

Fewer women were elected to the parliament compared to 2015. Nigeria has still not had an elected female governor.²⁰² Although several National Assembly seats were not determined at the time of preparation of this report, it appears that the number of female lawmakers decreased from eight to seven in the Senate, representing 6.4 per cent of the total, and from 18 to 11 in the House of Representatives, 3.1 per cent of the total. The proportion of women elected is well below the 30 per cent Beijing Declaration and Platform for Action and the 35 per cent national targets.²⁰³ Similarly, the proportion of female candidates for national and state-level elections generally reduced in

¹⁹⁹ A Women Participation Bill that seeks to prescribe a one-third quota of female candidates for party nominations for elections is pending at the National Assembly.

²⁰⁰ Although the APC and PDP provided discounts for female aspirants during the primaries, the nomination costs were still prohibitively high. Civil society reported that female aspirants often faced gender-based intimidation, violent attacks and substitution by men on the final list of party candidates despite their victory in the primaries.

²⁰¹ [The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa](#) requires State Parties to take affirmative action to promote women's participation in political life. [CEDAW](#) encourages adoption of temporary special measures. The 35 per cent National Gender Policy target refers to both appointed and elected positions. In 2019, however, women comprised only 16 per cent in the federal cabinet, six per cent in the outgoing National Assembly and 25 per cent among INEC commissioners.

²⁰² One female deputy governor in Anambra became an acting governor for three months in 2006-2007. A gender breakdown on those elected for state assemblies is not centrally available.

²⁰³ The Beijing Declaration and Platform for Action was adopted by the Fourth World Conference on Women convened by the United Nations in September 1995 and endorsed by the United Nations' General Assembly in January 1996. The Declaration recommends a 30 per cent target of women in decision-making positions and sets a series of strategic objectives and actions for achieving equal representation of women and men in all elected, appointed and administrative positions, including within political parties.

comparison to 2015 by an average of two percentage points to 10 per cent,²⁰⁴ with those nominated primarily put forward by smaller parties with less chance of being elected.

Priority recommendation: Given that it is only possible to run for office through a party, introduce a legal requirement for political parties to have a minimum representation of women among candidates and non-compliance be sanctioned with proportionate and deterrent penalties. Parties be required to have policies and provide regular information on the promotion of women's political participation within parties, as candidates, and more widely.

Women's groups referred to conservative societal expectations, the risk of violence, and high nomination and campaign costs as key factors hindering electoral participation. Women were slightly under-represented as voters, comprising 47.1 per cent of those registered, with women's groups reporting concerns that some might be discouraged from voting out of fear of violence. Positively, INEC consulted with women's groups and undertook gender-sensitisation efforts on electoral participation.

Women were evidently underrepresented in media coverage of elections. Media with a close-to-nationwide reach promoted female candidates to some degree within special interview shows.²⁰⁵ However women were invisible in the state-level state media.²⁰⁶ Male-dominated political programming was exemplified by the Kaduna state radio, where the aspiring female APC deputy governor candidate was not even mentioned in the primetime news, while the APC governor had over four hours of coverage. No debates, including on federal government-owned media, tackled gender equality-related issues. Such editorial policies disadvantage female candidates and can inhibit women from engaging in politics.

XXII. PARTICIPATION OF INTERNALLY DISPLACED PERSONS

Late adoption of INEC regulations on IDP voting and inconsistent approaches resulted in the disenfranchisement of many internally displaced voters

Nigeria's more than one million internally displaced persons (IDPs) of voting age had only a limited opportunity to participate in the elections. This is not consistent with the African Union's Kampala Convention, ratified by Nigeria in 2012, which requires States Parties to ensure that IDPs can vote and stand for office.²⁰⁷ Although the treaty is not domesticated into national law, a general provision for ensuring IDP enfranchisement was introduced in the Electoral Act in 2015.

²⁰⁴ According to the candidate lists provided by INEC, there were 234 women out of 1,899 senatorial candidates (12.3 per cent); 543 women out of 4,680 candidates for the House of Representatives (11.6 per cent); 76 women out of 1,046 governor candidates (7.2 per cent); and 1,872 women out of 14,609 candidates for state assemblies (12.8 per cent). The percentage of presidential candidates remained the same as 2015 (7 per cent) with six women among 73 presidential candidates, and one withdrawing before election day. Positively, the share of female deputy governor candidates increased to 26 per cent from 16 per cent in 2015.

²⁰⁵ On average, national broadcast media devoted seven per cent of time allotted to electoral contestants to female candidates. This coverage was shared among 15 candidates, with half going to Oby Ezekwesili (Allied Congress Party of Nigeria). The FRCN and NTA had the lowest female exposure rate (one and two per cent, respectively).

²⁰⁶ No female candidate was featured by state-owned FM radios in Borno, Cross River, Kaduna, Rivers, Sokoto.

²⁰⁷ The Convention for the Protection and Assistance of Internally Displaced Persons in Africa (commonly known as the "Kampala Convention"), article 9(2) stipulates that, "States Parties shall take necessary measures to ensure that internally displaced persons... can enjoy their civic and political rights, particularly public participation, the right to vote and to be elected to public office."

The electoral participation of internally displaced voters is technically challenging, especially given the sizable population involved and the lack of reliable demographic data, and requires long-term planning. However, INEC adopted regulations on IDP voting only in December 2018, long after voter registration had taken place. As a result, there was extensive variation in the practices of lower-level election officials and consequent wide differences in registration rates. IDPs reported insufficient opportunity to register and to collect their permanent voter cards, resulting in the disenfranchisement of a substantial number of internally displaced voters.²⁰⁸

INEC regulations essentially only focused on the enfranchisement of IDPs living in camps, although most Nigerian IDPs live in host communities.²⁰⁹ The regulations specified those displaced to another state could vote only in the presidential election. Alternatively, they could register to vote for their current location, but in so doing would lose connection with their home area. Positively, the regulations stipulated that IDPs displaced within their state of origin could vote in all national and state-level races and it was foreseen that IDPs would be enabled to vote in their current location but for representatives of their constituency of origin.

In practice, however, IDPs were often required to return to their constituency of origin to vote, irrespective of any security concerns or logistical difficulties. Out of 10 IDP voting observations conducted by the EU on 23 February and 9 March, in only three could IDPs vote for the home constituency.²¹⁰

Throughout the entire process, INEC released almost no public information about IDP voting arrangements or the number of IDPs registered to vote. While some RECs made additional efforts, overall there was a lack of INEC consultation with IDP communities. The EU saw that at times IDPs were only informed about voting provisions, or the lack thereof, a few hours before the polls were due to open.²¹¹

In Borno state, which is home to an estimated 650,000 displaced voters, several humanitarian organisations reported a trend of IDPs being pressured to vote for a specific candidate in exchange for promises of increased state support. They also reported high levels of vote-buying. Stakeholders across the country were not aware of any IDP standing as a candidate. This was attributed mainly to the high costs involved and IDPs generally lacking financial resources.

Recommendation: INEC publishes a framework for the electoral participation of internally displaced persons before the start of any voter registration exercise and ensure its full and consistent implementation. INEC undertakes regular consultation with displaced communities and provide updates on plans for their inclusion.

XXIII. PARTICIPATION OF PERSONS WITH DISABILITIES

²⁰⁸ Within a single state, Adamawa, the registration rate in IDP camps reportedly varied between 30 and 60 per cent, and the rate of IDPs in possession of PVCs varied between 15 and 80 per cent. In Plateau, a camp reported that INEC registered 121 of 2,600 IDPs during an unannounced visit, with another 500 IDPs unable to register as they were away at the time. The registered IDPs were asked to collect their PVCs in their LGA of origin, which involves security, logistical and financial challenges. The turnout in IDP polling units observed by the EU EOM (Adamawa, Benue and Plateau) appeared to be below the national average. IDPs attributed this to low PVC distribution rates.

²⁰⁹ For instance, in the North East geopolitical zone, an estimated 60 per cent of IDPs live outside camp-like settings.

²¹⁰ The EU EOM observed IDP voting in Adamawa, Benue, FCT and Plateau. Voting for the constituency of origin was observed in one IDP polling unit in Plateau (Jos South LGA) and in two IDP polling units in Benue (Guma and Makurdi LGAs).

²¹¹ EU observers saw this in Borno and Benue, states that together have more than 90 per cent of IDP voters.

INEC made efforts to promote participation, but only a few candidates with disabilities were nominated

Persons with disabilities currently have insufficient opportunities for participating in the electoral process. The National Disability Act was passed shortly before the elections in January 2019, concluding a lengthy legislative process ongoing for the past decade. However, the act contains only vague reference to political participation and therefore does not provide for full implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD), ratified by Nigeria in September 2010. The legal framework is also discriminatory in denying citizens the right to stand as a candidate based on mental incapacity, at odds with the CRPD.²¹² However, due to the lack of legal definition and procedures, this provision has not been applied in practice.²¹³

The number of candidates with disabilities remained very low. Disabled persons' organisations (DPOs) reported that only six candidates with disabilities, of more than 20,000 candidates in total, stood for any of the elections. None were elected.²¹⁴ A comprehensive INEC framework on the participation of disabled persons, approved in September 2018, encourages political parties to set quotas for disabled persons for elected and appointed positions.²¹⁵ However, these requirements are not legally binding and are still to be applied in practice.

INEC undertook consultations with DPOs and made positive commitments in its framework, but did not sufficiently implement its plans. Assistive devices, such as Braille ballots, tactile ballot guides or magnifying glasses, were available in less than 10 per cent of polling units observed by the EU EOM, which is not fully consistent with the Electoral Act and CRPD commitments.²¹⁶ On average, 60 per cent of polling units visited were accessible for disabled voters. Priority queues, as foreseen in INEC's guidelines, were organised only in one quarter of cases.²¹⁷ To compensate for the lack of reliable demographic data on voters with disabilities and their specific needs, INEC introduced a census form to be filled in by polling staff. However, EU observers noted it was completed in only seven per cent of cases. Positively, disabled voters could be assisted by a person of their choice, in line with CRPD standards.²¹⁸

Voter information on INEC's website and in the media was not tailored to persons with disabilities, compromising their ability to receive and communicate information on an equal basis with others.²¹⁹ There are no legal requirements for state-run or private media to adapt any election-related programming for persons with various disabilities. While there was sign language for the presidential debate, it was not used to translate news bulletins, voter information spots or political

²¹² The treaty committee for the [CRPD](#) has stated that under articles 12 and 29 mental incapacity should not serve as a basis for the deprivation of the right to vote and to be elected under any circumstances (CRPD GC 1, para. 48).

²¹³ Similarly, the right to vote could potentially be compromised as the Electoral Act states that persons are disqualified to be registered if they have "legal incapacity to vote".

²¹⁴ One for the Senate, one for the House of Representatives and four for State Houses of Assembly.

²¹⁵ The framework notes that political parties "should be encouraged to have quotas or set affirmative action percentage for persons with disabilities, for elective and appointive positions" and "INEC should regularly publish the number of political parties in compliance with the Framework as a means of naming and shaming political parties not in compliance."

²¹⁶ Article 56.2 of the Electoral Act and the [CRPD](#) foresee alternative means of communication suitable for voters with disabilities, such as Braille, sign language or assistive devices.

²¹⁷ As observed by the EU EOM on 9 and 23 March.

²¹⁸ Article 29(iii) of the [CRPD](#) states that the free expression of the will of voters with disabilities shall also be guaranteed by "allowing assistance in voting by a person of their own choice."

²¹⁹ Article 21 of the [CRPD](#) calls states to provide "information intended for the general public to persons with disabilities in accessible formats ... appropriate to different kinds of disabilities" and to encourage "the mass media ... make their services accessible to persons with disabilities."

advertising. Electoral rights of vulnerable groups did not feature in campaigns and were not debated during primetime political shows.

Recommendation: Parties be legally required to have policies on the political participation of persons with disabilities, including within the party and as candidates. Require INEC to provide assistive devices in all polling units and information in accessible formats.

XXIV. RECOMMENDATIONS

The systemic failings evident in this election and the low levels of voter participation show the **need for fundamental reform**. Without this, there is a risk of further democratic deterioration and unaccountable leadership. Such reform requires principled political leadership committed to the rights of Nigerian citizens and an inclusive process of national dialogue involving state institutions, parties, civil society, the media and other experts. This needs to be urgently undertaken to allow time for debate, legislative changes and implementation well in advance of the next elections. The EU EOM offers 30 recommendations for improving elections in Nigeria,²²⁰ including seven priority recommendations:

LEGAL FRAMEWORK					
NO	CONTEXT (including reference to the relevant page of the final report)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT
1	INEC included as grounds for cancellation of polling units the non-use of smart card readers. However the Electoral Act refers to voters being able to vote if they are on the voter register with no reference to the smart card reader. Therefore cancellation of polling units based on the non-use of smart card readers may be subject to legal question. (p.12.)	Comprehensive legal regulation be established for the cancellation of voting in polling units , with clear grounds specified, timeframes elaborated, and requirements made for transparency.	Electoral Act	Parliament President	Rule of law ICCPR, article 25, HRC GC 25, para. 9 “ <i>The rights and obligations provided for in [ICCPR article 25] paragraph (b) should be guaranteed by law.</i> ” ICCPR, article 19, HRC GC 34, para. 25 “ <i>A norm, to be characterized as a ‘law’, must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public....</i> ” ICCPR, article 25, HRC GC 25, para. 20 “ <i>The security of ballot boxes must be guaranteed</i> ”
2	Consolidated official versions of legislation and amendments are not available online or in paper format. As a result, there is insufficient awareness of legal changes, including at times amongst	Consolidated official versions of legislation be made available online and in paper format in real time in order to improve public accessibility and awareness, and to avoid legal confusion.		Parliament INEC	Rule of law ACDEG, article 44(b) “ <i>State Parties shall take all necessary measures... to ensure the wider dissemination of the Charter and all relevant legislation as may be necessary for the implementation of its fundamental principles.</i> ”

²²⁰ Many similar recommendations were also made in 2015 and by previous EU EOMs. However they have been adapted and prioritised according to issues arising in the 2019 general elections.

NO	CONTEXT (including reference to the relevant page of the final report)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT
	political parties, the judiciary and INEC. This results in legal confusion and uncertainty. This was most evident in parties not meeting the new constitutional deadlines for the submission of pre-election petitions. (p.12.)				<p>ACDEG, article 2 (10) “Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs.”</p> <p>ICCPR article 19 (2) “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds”</p> <p>ICCPR, article 25, HRC GC 25, para. 20 “Electors should be fully informed of these guarantees.”</p> <p>UN Human Rights Council Resolution 19/36, 2012, para. 16 [The Human Rights Council] “calls upon States to make continuous efforts to strengthen the rule of law and promote democracy by: (c) Ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law, in order to avoid any arbitrariness.”</p>
ELECTION ADMINISTRATION					
3	Five hours before polling was due to start on 16 February, INEC postponed the elections for a week citing logistical reasons. EU observers saw the failure to distribute materials to polling units on time, including ballot papers and results sheets. Political parties and civil society strongly criticised the postponement and the lack of information provided	<p>Priority recommendation: Organisational and operational capacity within INEC be considerably strengthened. Improve planning, tracking, and the required human and material resources needed for timely and accountable operations. In addition, improve internal communication within INEC.</p>		INEC	<p>Genuine elections that reflect the free expression of the will of the electors</p> <p>ICCPR, article 25 “Every citizen shall have the right and the opportunity,.... to vote and to be elected at genuine periodic elections ... guaranteeing the free expression of the will of the electors.”</p> <p>ICCPR article 25, HCR GC 25, para. 25 “An independent electoral authority should be established to supervise the electoral process and</p>

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	on the status of election preparations. (p.15.)				<i>to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.”</i> ICCPR article 25, HRC GC 25, para. 20 “The security of ballot boxes must be guaranteed, and votes should be counted in the presence of the candidates or their agents.”
4	INEC’s website did not include key documents, such as election officials’ manuals, voter registration guidelines, voter registration data, or results of previous elections. (p.16.)	In order to enhance integrity and confidence in INEC, the commission works with full transparency , making information of public interest immediately and easily accessible, including on its website. This includes decisions, voter registration information, PVC distribution and polling data, manuals for officials and results.	Desirable to be secured in law	INEC	Transparency and access to information ACDEG, article 3 “ <i>Holding of regular, transparent, free and fair elections.</i> ” UN CAC article 7.4 “ <i>Each State Party shall ... endeavor to adopt, maintain and strengthen systems that promote transparency.</i> ” UN CAC article 10 “ <i>Taking into account the need to combat corruption, each State Party shall ... take such measures as may be necessary to enhance transparency in its public administration.</i> ” ICCPR, article 19, HRC GC 34, para. 19 “ <i>States parties should proactively put in the public domain Government information of public interest.</i> ” ICCPR, article 19, HRC GC 34, para. 18 “ <i>Article 19, para. 2 embraces a right of access to production... includes records information held by public bodies.</i> ”
5	There was a lack of public communication. There could also have been more frequent communication between INEC and political parties in the run-up to the election.	INEC increases consultation with stakeholders, including more frequent meetings with political parties centrally and at state level, especially during the election period. In addition, press		INEC	Right to information, right to participate in public affairs ACDEG, article 2 (10) “ <i>Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information.</i> ”

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	(p.16.)	conferences be regularly and consistently held, particularly before and after election day. INEC improves strategic communication on incidents and crises, through early press conferences and statements including on electoral security issues.			ACDEG, article 19 “Each State Party shall guarantee conditions of security, free access to information, non-interference, freedom of movement and full cooperation with the electoral observer mission.” CAC, article 13 “Each State Party shall take appropriate measures... to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption.”
6	EU observers mostly assessed training of polling staff negatively, as it was often overcrowded, insufficiently interactive, and not focused on the most important procedures. Many training sessions were observed where there were sufficient copies of the polling officials’ manual. Training on smart card readers sometimes took place without the devices. (p.15.)	Training of all <i>ad hoc</i> polling staff, election supervisors, and collation and returning officers be significantly improved, with polling staff having extended practical training on the use of smart card readers, closing and counting procedures and completing polling unit result forms.		INEC	Genuine elections ICPPR article 25, HRC GC 25, para. 20 “An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.” UN, GA Resolution A/RES/68/164 “The GA notes the importance of adequate resources for the administration of efficient and transparent elections at the national and local levels and recommends that Member States provide adequate resources for those elections.”
7	INEC was unable to introduce new polling units, despite the considerable population growth and movement. Parties were reportedly unable to agree on locations. Thus, polling units	Turn voting points into separate polling units. This would help enable greater transparency in results, and reduce the number of affected voters in case of cancellation of voting in specific		INEC	Secret ballot and right and opportunity to vote ICPPR, articles 2.2 and 25 “Every citizen shall have the right and the opportunity, (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot.”

NO	CONTEXT (including reference to the relevant page of the final report)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT
	with more than 750 registered voters were sub-divided into multiple voting points. This concentration of voters makes polling less accessible for voters and complicates the recording of results in polling units. No additional staffing implications are foreseen in turning voting points into separate polling units. (p. 14.)	polling units. Ultimately, spread the location of polling units for increased accessibility for voters. All polling units have sufficient space and a layout that protects secrecy of the vote.			<p>ICPPR, article 25(b) “Every citizen shall have the right and the opportunity, without unreasonable restrictions: (b) To vote and to be and to be elected.”</p> <p>ICPPR, article 25, HRC GC 25, para. 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.”</p> <p>CRPD, article 29 “... Protecting the right of persons with disabilities to vote by secret ballot in elections.”</p>
8	INEC did not include sufficient accompanying transparency measures, thereby leaving smart card readers open to actual and perceived misuse. There was no provision for a paper trail of data from the smart card readers. This reduced accountability of decisions by presiding and collation officers on units due to over-voting. (INEC had stated that polling would be cancelled in polling units where there were more votes than people recorded on the smart card readers.) Although INEC collected electronic data from the smart card readers, no provisions were made for making this public. (p.14.)	<p>Information about smart card readers and data from their use in polling units be made public at the time of results announcement. This includes the number of voters accredited, as verified through permanent voter cards and those biometrically verified through fingerprint authentication. This information be announced, recorded on results forms, and data put on INEC’s website.</p>	Amend the Electoral Act	Parliament President INEC	<p>Transparency and right to vote</p> <p>ACDEG, article 3 “Holding of regular, transparent, free and fair elections”.</p> <p>UN CAC article 7.4 “Each State Party shall... endeavor to adopt, maintain and strengthen systems that promote transparency.”</p> <p>ACDEG, article 12 “Promote good governance by ensuring transparent and accountable administration.”</p> <p>UN CAC article 10 “Taking into account the need to combat corruption, each State Party shall ... take such measures as may be necessary to enhance transparency in its public administration.”</p> <p>ICPPR article 19, HCR GC 34 para. 19 “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest.”</p>

NO	CONTEXT (including reference to the relevant page of the final report)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT
9	Inconsistent numbers during collation, lack of clear checks and explanations, and insufficient public information undermined the integrity of the elections. Citizens did not have sufficient means to scrutinise results. INEC did not provide centralised information on the declared results for the different elections, despite these being races for federal bodies, and has not posted complete results data on its website. Similarly, there is a lack of disaggregated results by LGA, ward or polling unit, which would allow for a thorough checking of results. (p.14.)	Priority recommendation: Legal requirements be established for full results transparency , with data easily accessible to the public. All results, including those from lower levels, be immediately displayed at collation centres. Results forms from all collation centres be scanned and published on the INEC website by the time of the declaration of final results. Results forms from all polling units be published before the deadline for submission of petitions against declared results.	Amend the Electoral Act	Parliament President INEC	Transparency and access to information ACDEG, article 3 “ <i>Holding of regular, transparent, free and fair elections.</i> ” UN CAC article 7.4 “ <i>Each State Party shall... endeavor to adopt, maintain and strengthen systems that promote transparency.</i> ” UN CAC article 10 “ <i>Taking into account the need to combat corruption, each State Party shall ... take such measures as may be necessary to enhance transparency in its public administration.</i> ” ICCPR article 19, HCR GC 34, para. 19 “ <i>To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest.</i> ” ICCPR, article 19, HRC GC 34, para. 18 “ <i>Article 19, paragraph 2 embraces a right of access to production. “stored, its source and the date of the form in which the information is held by a public body, regardless of such information, includes records information held by public bodies.”</i> ”
10	The results forms and smart card readers were not packed in tamper-evident envelopes as required. Anomalies and numerical discrepancies on polling unit results forms were identified and were mostly corrected by collation officers on the spot, without a clear system of record-	Priority recommendation: INEC procedures for the collation of results be elaborated and strengthened to improve integrity and confidence in electoral outcomes. Detailed INEC procedures be developed that provide for public scrutiny in dealing with irregularities and	Desirable to be secured in law INEC regulations	INEC	Genuine elections ICCPR article 25, HCR GC 25, para. 20 “ <i>An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.</i> ”

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	keeping. (p. 15.)	anomalies on results forms at all levels. Double entry of data and computerised checks be undertaken to avoid numerical errors.			
11	INEC has a constitutional responsibility to delimit constituencies “ <i>at intervals of not more than ten years</i> ”. Any change in the delimitation of constituencies requires approval of the National Assembly, with no safeguards to prevent ruling party domination of the process. Delimitation of constituencies is regulated only in the Constitution with the Electoral Act containing no further specifications. The current delimitation of constituencies dates back to 1996, based on the census of 1991. The last census was in 2006. Since then Nigeria’s population has substantially increased and changed with migration and there are profound inequalities in the size of constituencies. (p. 17.)	Delimitation be undertaken well in advance of the next general elections to reduce inequality of the vote. The framework for boundary delimitation be developed to include provision for impartial decisions, based on complaints and appeals mechanism.	Amend the Constitution and develop the Electoral Act	Parliament President INEC	Equal suffrage ICCPR article 25, HRC GC 25 para. 21 “ <i>The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.</i> ”
VOTER REGISTRATION					
12	INEC has no reliable process for removal of the names of the deceased. A further problem is that there can be duplicate entries across different states because the cleaning process was only	The voter registration system be improved, including with a plan for developing and maintaining the register in order to provide for its accuracy and inclusiveness. This involves improving fingerprint		INEC	Universal suffrage, right and opportunity to vote ICCPR article 25 “ <i>elections which shall be by universal and equal suffrage.</i> ” ICCPR, article 25(b) “ <i>Every citizen shall have</i>

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	undertaken at state level. Duplication across states is more complex and therefore reportedly difficult to complete. In addition, the display period was seen as not adequate by a number of election interlocutors. (p. 18.)	recording and recognition, the removal of the names of the deceased as well as duplicate entries across the country, and the management of transfers of registration. Such processes be subject to stronger INEC supervisory checks and internal audits, with greater scrutiny from agents, observers and the media. More time be given for claims and objections by citizens.			<p><i>the right and the opportunity, without unreasonable restrictions to vote and to be elected."</i></p> <p>ICPPR article 25, HCR GC 25, para. 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."</p>
13	PVC distribution and collection were negatively affected by some poor logistics, and procedures for distribution of voter cards were insufficiently followed. EU observers noted that PVCs were sometimes delivered to incorrect offices and some were not available due to late printing. This resulted in frustration with the process and some disenfranchisement. (p. 18.)	Improve the system of collection of permanent voter cards , with more local distribution points and stricter adherence to distribution procedures. Regular public updates be provided on collection rates, ultimately with a breakdown by polling unit. In order to improve biometric functionality, the collection of cards be combined with on-the-spot biometric testing of the registrants' cards and fingerprints.		INEC	<p>Universal suffrage</p> <p>ACDEG, article 12 "Promote good governance by ensuring transparent and accountable administration."</p> <p>ICPPR article 25, HCR GC 25, para. 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."</p> <p>ICPPR article 25 "elections which shall be by universal and equal suffrage."</p> <p>UN CAC, article 10 "Taking into account the need to combat corruption, each State Party shall ... take such measures as may be necessary to enhance transparency in its public administration."</p>

PARTIES, PRIMARIES AND THE REGISTRATION OF CANDIDATES

NO	CONTEXT (including reference to the relevant page of the final report)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT
14	In the absence of any legal provision for independent candidates, the ability of citizens to run for office is determined by party primary procedures. The Electoral Act provides for the nomination of candidates by political parties. The law only allows INEC to disqualify a candidate when primaries have not been properly conducted. INEC cannot disqualify a candidate even if he/she fails to meet the requirement of law for nomination and contesting elections. (p. 20.)	The law be amended to strengthen legal requirements for integrity and transparency in party primaries as well as internal party dispute procedures. The law also be amended to give INEC powers to reject nominations for candidacies if primaries are not conducted in line with legal requirements.	Electoral Act	Parliament President	Right to stand, genuine elections ACDEG, article 3 “Strengthening political pluralism and recognising the role, rights and responsibilities of legally constituted political parties”. ACDEG, article 12: “State Parties undertake to implement programmes and carry out activities designed to promote democratic principles and practices as well as consolidate a culture of democracy and peace.” ICCPR article 25, HRC GC 25, para 26: “... States should ensure that, in their internal management, political parties respect the applicable provisions of article 25 in order to enable citizens to exercise their rights thereunder.” ICCPR article 25, HRC GC 25, para 20: “An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.”
POLITICAL FINANCE					
15	Although foreseen in the Constitution and the Electoral Act, the oversight and enforcement of political and campaign finance rules have not been sufficiently implemented by INEC. INEC lacks the capacity, administrative sanctioning powers as well as the enabling environment to carry out its	Political party oversight be strengthened to promote compliance with legal and regulatory requirements, including in regards to political finance. The responsible body follow robust transparency and accountability procedures, be appropriately resourced, and have strong administrative sanctioning powers.	Amend the Electoral Act	Parliament President INEC	Transparency and fairness in the campaign African Union Convention on Preventing and Combating Corruption, article 10 “Each State Party shall adopt legislative and other measures to proscribe the use of funds acquired through illegal and corrupt practices to finance political parties; and incorporate the principle of transparency into funding of political parties.” UN CAC, article 7.3 “Each State Party shall also

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	mandate. Enforcement relies on a costly and prohibitive judicial process of prosecution. (p. 24.)				<i>consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidates for elected public office and, where applicable, the funding of political parties.”</i> ICCPR article 25, HRC GC 25, para. 26 “States should ensure that, in their internal management, political parties respect the applicable provisions of article 25 in order to enable citizens to exercise their rights thereunder.”
16	Under the Electoral Act, candidates are subject to contribution and expenditure limits, but there are no corresponding reporting requirements. Conversely, parties are required to submit financial reports but have no contribution or spending limits. Limits and reporting requirements are therefore ineffective, allowing for candidates’ spending to be channelled through parties. (p. 23.)	So that campaign finance rules are comprehensive, establish legal limits for campaign donations and expenditures of political parties , and introduce a legal obligation for individual candidates to report on contributions and spending . Reports by candidates and parties be promptly disclosed and subject to full public scrutiny, with sanctions applied for non-disclosure.	Amend the Electoral Act, articles 88-93.	Parliament President	Equality of campaign opportunities, transparency of candidate and party funding ICCPR article 25, HRC GC 25, para. 19 “Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party.” UN CAC article 7.3 “Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidates for elected public office and, where applicable, the funding of political parties.”
17	Key beneficiaries of campaign spending, such as media houses, online platforms or advertising agencies, have no reporting	Strengthen transparency and accountability in campaign spending. Consider establishing reporting requirements for media	Introduce new provisions in	Parliament President	Transparency of political finance, access to information UN CAC, article 7.4 “Each State Party shall, in accordance with the fundamental principles of its

NO	CONTEXT (including reference to the relevant page of the final report)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT
	<p>requirements which reduces political finance transparency. Publication by service providers of prices charged and income received from contestants is essential to allow for verification of financial reports submitted by candidates and parties and to enable public scrutiny. (p. 24.)</p>	<p>outlets, advertising agencies and social network platforms, on prices charged and income received from political advertising. Paid online campaign material be required to be clearly labeled and to display a digital imprint of the sponsoring organisation at all times, so voters can easily distinguish between paid and user-generated content</p>	<p>the Electoral Act</p>		<p><i>domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.”</i> UN CAC, article 7.3 “Each State Party shall also consider taking appropriate legislative and administrative measures, ... to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.” UN CAC, article 12.1 “Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures.” 12.3 “In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards ... for the purpose of committing any of the offences established in accordance with this Convention.” UN CAC, article 13.1 (b) “Each State Party shall... ensure that the public has effective access to information.”</p>
MEDIA					
18	<p>The FRCN and the NTA lack financial and editorial independence. The president</p>	<p>Establish a legal and regulatory system that transforms the federal government-owned media, the NTA</p>	<p>Draft a new act governing</p>	<p>Parliament President</p>	<p>Freedom of expression, access to information. The Declaration of Principles on Freedom of</p>

NO	CONTEXT (including reference to the relevant page of the final report)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT
	appoints the management of the NTA, and for the FRCN, the minister of information, with the president’s approval. Both can be dismissed on vague grounds. The minister is legally empowered to give directions to the NTA and FRCN. Both financially rely on political decisions. (p.28.)	and FRCN, into genuine public service broadcasters. This includes provisions for editorial independence, financial autonomy, clear separation from any government institution, and an open and competitive selection process of the management.	the NTA and the FRCN Repeal FRCN Act and NTA Act	Ministry of Information, Culture and Tourism (MoICT) FRCN and NTA	Expression in Africa (DPFEA), Chapter VI “the government-controlled broadcasters should be transformed into public service broadcasters ... governed by a board which is protected against interference.” ICPPR, article 19, HRC GC 34, para. 16 “States parties should ensure that public broadcasting services operate in an independent manner; ... guarantee their independence and editorial freedom, ... provide funding in a manner that does not undermine their independence.”
19	The NBC lacks genuine independence and is not following robust transparency and accountability procedures. Its director-general is appointed by the president who can terminate his tenure on vague grounds. The NBC did not publish full decisions on complaints and fines. NBC communication on social media platforms did not provide adequate transparency. (p. 27.)	Transform the National Broadcasting Commission into a genuinely independent media regulatory body. Establish institutional transparency and accountability requirements, and the selection of the board and director through an open, inclusive and competitive system, with a cross-party approval mechanism and/or participation of industry professionals.	Amend the NBC Act Amend the Nigeria Broadcasting Code	Parliament President MoICT NBC Commercial broadcasters	Freedom of expression, access to information. DPFEA, Chapter VII “the appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party.” ICPPR, article 19, HRC GC 34, para. 39 stipulates a regulatory framework that respects freedom of expression, “a necessary condition for ... transparency and accountability.” Para. 19 “States parties should proactively put in the public domain Government information of public interest.” UN, OSCE, OAS, ACHPR Joint statement on the Media and Elections, 15 May 2009 “Oversight of any rules relating to the media and elections should be vested in an independent administrative body which should address any complaints promptly.”
20	New broadcasting licences are approved by the president, upon recommendation of the minister	Priority recommendation: Reform the licensing system for broadcast media to provide for pluralism	Amend the NBC Act	Parliament President	Freedom of expression, Access to information DPFEA, Chapter V “States shall encourage a diverse, independent private broadcasting; an

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	of information, who considers the NBC’s assessment. The approved licence holder gets a frequency only once a five-year licence fee has been paid in full. In all but three cities, the fees are the same despite a wide variation in the advertising market. High opening costs make FM radios dependent on state governments. Five states do not have commercial radios. (p. 27.)	and diversity in all states. Ownership structures be publicised, powers to grant licences be vested in the NBC without presidential approval, and licence fees be tailored to the economic circumstances in each state.	Nigeria Broadcasting Code The NBC Schedule of Licence Fees	NBC Commercial broadcasters	<i>independent regulatory body shall be responsible for issuing broadcasting licence; licensing processes shall be fair and transparent, and shall seek to promote diversity in broadcasting.</i> ” ICCPR, article 19, HRC GC 34, para. 14 “As means to protect the rights of media users...to receive a wide range of information and ideas, States parties should take particular care to encourage an independent and diverse media.” UN, OSCE, OAS, ACHPR Joint statement on the Media and Elections, 15 May 2009 “States should put in place a range of measures ... to create an environment in which a pluralistic media sector can flourish. These should include ... obligations of transparency of media ownership.”
DIGITAL COMMUNICATIONS					
21	The Cybercrimes Act penalises “ <i>cyberstalking</i> ” with up to three years in prison, a fine, or both. This includes broad prohibitions and has been used on several occasions to arrest bloggers and journalists. The Official Secrets Act refers to imprisonment for disclosure of vaguely-defined “ <i>classified matters</i> ” and grants authorities the power to arrest without a warrant. In January, the power was used by the military against the Daily Trust. Several senior editors then cited this as a reason why media did not scrutinise the role of	Remove or revise vague legislative provisions that have been used to overly restrict freedom of expression in the media and online. In particular, the vague definitions of “ <i>cyberstalking</i> ” in the 2015 Cybercrimes Act and “ <i>classified matters</i> ” included in article 9 of the Official Secrets Act.	Amendments to the Cybercrimes Act and Official Secrets Act	Parliament President	Freedom of expression Declaration of Principles on Freedom of Expression in Africa, African Commission on Human and Peoples’ Rights, 32nd Session, 17 - 23 October 2002, article 13.1 “States shall review all criminal restrictions on content to ensure that they serve a legitimate interest in a democratic society. 2. Freedom of expression should not be restricted on public order or national security grounds unless there is a real risk of harm to a legitimate interest and there is a close causal link between the risk of harm and the expression.” ICCPR article 19, HRC GC 34, para. 35 <i>Freedom of expression</i> “When a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in

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	security agencies in the elections. (p. 33.)				<i>specific and individualized fashion the precise nature of the threat and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.</i> ”
22	Although the right to privacy is provided for in the Constitution, Nigeria lacks specific data protection laws, leaving personal data, collected by several state institutions including the Nigerian Communications Commission and INEC, potentially vulnerable to abuse. In a positive development, on 25 January 2019, Nigeria’s National Information Technology Development Agency issued the Nigeria Data Protection Regulation 2019, which includes several concepts included in the EU General Data Protection Regulation (GDPR). To date, local institutions are not familiar with this regulation and it is not yet possible to assess its reach and implementation. (p. 32.)	Adopt a data protection law as well as other mechanisms to protect citizens’ right to privacy of their personal data, both online and offline.	Enact legislation to protect citizens’ right to privacy	Parliament President	Right to privacy African Union Convention on Cybersecurity and Personal Data Protection, 2014, article 8 (1). Right to Privacy “Each State Party shall commit itself to establishing a legal framework aimed at strengthening fundamental rights and public freedoms, particularly the protection of physical data, and punish any violation of privacy without prejudice to the principle of free flow of personal data.” Not signed or ratified by Nigeria. ICCPR, article 17 “No one shall be subjected to arbitrary or unlawful interference with his privacy... Everyone has the right to the protection of the law against such interference or attacks.” HRC, article 8, GC 16 “The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law.”
ELECTORAL SECURITY					
23	The elections became increasingly marred by violence and intimidation. After the state elections, INEC stated that	Priority recommendation: The inter-agency body responsible for electoral security works more		INEC Police	Right and opportunity to participate in public affairs, genuine elections African Charter on Democracy, Elections and

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	collation centres in Rivers were invaded by soldiers and armed gangs. The Electoral Act makes INEC responsible for managing election security. The Inter-agency Consultative Committee on Election Security, chaired by INEC, includes all of the responsible security agencies. It was not sufficiently effective, did not involve stakeholders or provide needed information. (p. 35.)	transparently and inclusively with regular consultations with political parties and civil society. Security arrangements, general principles for rules of engagement, updates, and complaints mechanisms be made public. Clear delineation of the operational roles of different security agencies be established, with the military only involved at the request of INEC.		Civil Defence Corps Military forces	Governance, chapter 6, article 14 “State Parties shall strengthen and institutionalize constitutional civilian control over the armed and security forces to ensure the consolidation of democracy and constitutional order.” ICCPR article 25, HRC GC 25, para. 19 “Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.”
ELECTORAL DISPUTE RESOLUTION					
24	Electoral dispute resolution mechanisms were used extensively during the electoral process, with overlapping jurisdictions and conflicting and late rulings. This undermined opportunity for remedy and created uncertainty in the electoral process. Timelines and pre-electoral tribunals will automatically reduce the number of court cases. (p. 43.)	Priority recommendation: To improve access to remedy and avoid petitions being taken to different courts at the same time, electoral tribunals be extended to also cover pre-election cases. Judicial capacity be increased through the appointment of more judges, training on election-related matters and improved case-management mechanisms.	Constitution Electoral Act	Parliament President	Rule of law and right to an effective remedy ACDEG, article 17.2 “Establish and strengthen national mechanisms that redress election-related disputes in a timely manner.” 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.” ACHPR, article 7 (1) “Every individual shall have the right to have his cause heard (d) ... within a reasonable time by an impartial court or tribunal.”
25	The law provides for a time limit of 180 days for the determination of pre-electoral cases. Decisions on pre-election petitions on primaries and other matters are	Shorten the timeframes for pre-election cases so that cases are completed well in advance of election day. This could include reducing time limits for	Constitution	Parliament President	Right to remedy ACDEG, article 17.2 “Establish and strengthen national mechanisms that redress election-related disputes in a timely manner.”

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	open to appeal to the High Court, the Court of Appeal and the Supreme Court, resulting in prolonged adjudication times. Some cases were only decided very close to election day and others after election day. (p. 43.)	determinations and appeals, and the number of appeal levels.			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.”

ELECTORAL OFFENCES

26	The Electoral Act specifies a wide range of electoral offences with correlated sanctions and empowers INEC to prosecute offenders through its own legal officers or legal practitioners it appoints. INEC does not have powers to investigate or arrest, and is therefore reliant on security agencies. There are a low number of arrests resulting in a pervasive culture of impunity. (p. 47.)	Strengthen the mechanism for the prosecution of electoral offences with responsibility for investigation and prosecution transferred to a separate institution as envisaged in the National Electoral Offences Commission Bill, 2017. Requirements be made for prompt public statistical information on investigations, prosecutions and convictions.	Electoral Act	Parliament President	Prohibition of abusive interference, prevention of corruption ICCPR article 25, HRC GC 25, para. 1 “Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced.” ICCPR article 19, HRC GC 31, para. 15 “States Parties’ establishing appropriate judicial and administrative mechanisms for addressing claims of rights violations under domestic law... Administrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies.”
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CIVIL SOCIETY AND ELECTORAL OBSERVATION

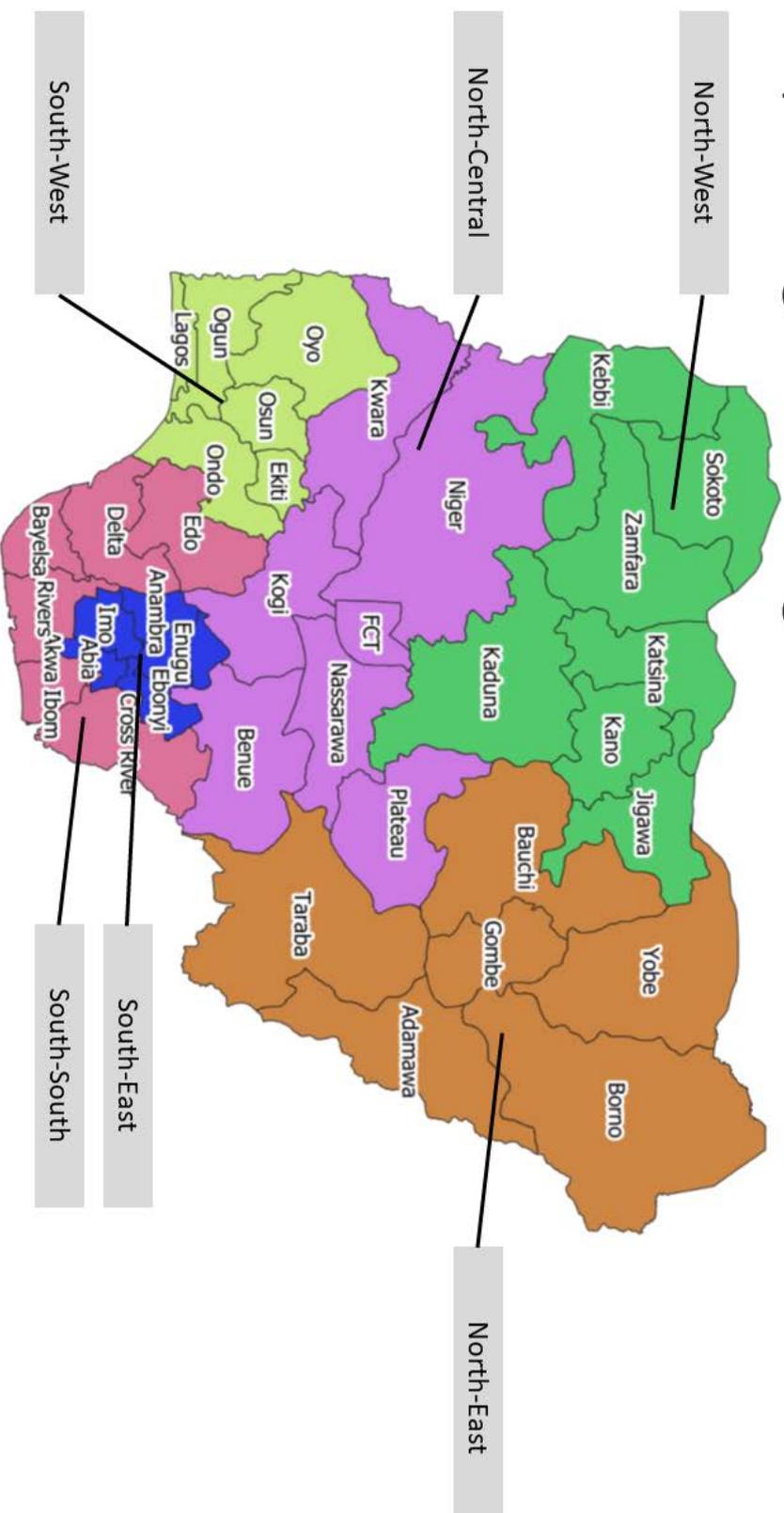
27	Citizen observers provided vital information updates over the different election days, especially important when information was not forthcoming from INEC. For example, they provided real-time information	Legal provisions be made for the right of observers to access all stages of the election process, and to make it an offence to obstruct or intimidate observers. Legal provisions to include requirements for timely, accessible and clear accreditation arrangements.	Amend the Electoral Act	Parliament President Citizen observers	Genuine elections and transparency ACDEG, article 12 , “State Parties undertake to implement programmes and carry out activities designed to promote democratic principles and practices as well as consolidate a culture of democracy and peace” ACDEG, article 12 (3) “Create conducive
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	<p>on the late opening of polling units and other operational shortcomings. Observers were subject to obstruction, harassment, threats and arrests. The Electoral Act makes minimum reference to observers, although access to observing all stages of the process was provided for in INEC guidelines. An electoral offence relating to obstruction of observers could also apply to obstruction of party agents. INEC accreditation for observers was again late, putting unwarranted organisational pressure on citizen observer groups. (p.48.)</p>	<p>Citizen observers be encouraged to undertake observation of many different aspects of the election, including voter registration activities, the primaries, electoral dispute resolution, election offence prosecutions and media monitoring.</p>		Donors	<p><i>conditions for civil society organizations to exist and operate within the law.</i> ” ICCPR article 22 1 “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.” ICCPR article 25, HCR GC 25, para. 20 “There should be independent scrutiny of the voting and counting process...” ICCPR, article 12, HRC GC 27, para. 16 “The application of restrictions in any individual case must be based on clear legal grounds and meet the test of necessity and the requirements of proportionality.”</p>
INCLUSION					
28	<p>In the absence of any legal provision for independent candidates, the ability of women to run for office is determined by political parties. The 2019 elections furthered the negative trend with another decrease in the number of women elected. Contrary to international standards, there are currently no temporary special measures for promoting the participation of women and parties continue to lack policies in this regard.</p>	<p>Priority recommendation: Given that it is only possible to run for office through a party, introduce a legal requirement for political parties to have a minimum representation of women among candidates. Non-compliance be sanctioned with proportionate and deterrent penalties. Parties be required to have policies and provide regular information on the promotion of women’s political participation within parties, as candidates, and more widely.</p>	<p>Adopt a new Act or amend the Electoral Act.</p>	<p>Parliament President Political parties</p>	<p>Women’s participation in public affairs and equality between men and women ECOWAS Protocol on Democracy and Good Governance, article 2.3 “Member States shall take all appropriate measures to ensure that women have equal rights with men to ... be voted for in elections.” Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa, article 9 “States Parties shall take specific positive action to promote... equal participation of women in the political life of their countries through affirmative action.”</p>

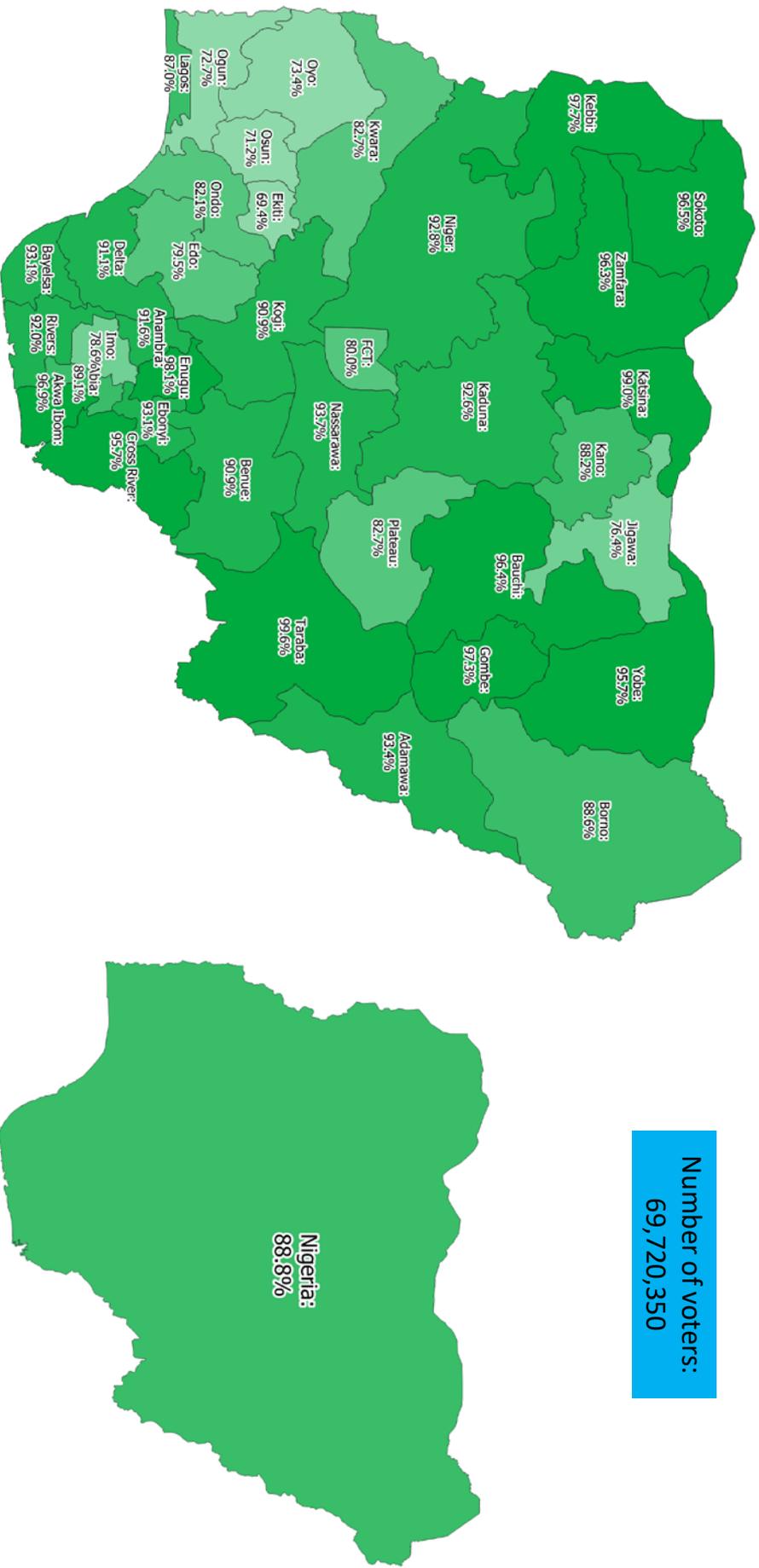
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	(p. 49.)				<p>UN General Assembly Resolution 66/130 on Women and Political Participation (distributed March 2012) “... urges all States to ... review the differential impact of their electoral systems on the political participation of women and their representation in elected bodies and to adjust or reform those systems where appropriate”.</p> <p>CEDAW Committee, GR 23, para. 34 “Political parties have an obligation to demonstrate their commitment to the principle of gender equality in their constitutions... on their executive boards.”</p> <p>CEDAW Committee, GR 23, para. 28 “Political parties have a responsibility to ensure that women are included in party lists and nominated in areas where they have a likelihood of electoral success.”</p>
29	Late adoption of INEC regulations on voting by internally displaced persons (IDPs) and its inconsistent implementation resulted in extensive variation in the practices of lower-level election officials and consequent wide differences in registration rates and voting arrangements. This led to the disenfranchisement of a substantial number of internally displaced voters. There was also a lack of INEC consultation with IDPs. (p. 50.)	INEC publishes a framework for the electoral participation of internally displaced persons before the start of any voter registration exercise and ensure its full and consistent implementation. INEC undertakes regular consultation with displaced persons and provide updates on plans for their inclusion.	No legal change required	INEC	<p>Right and opportunity to vote and stand for office for internally displaced persons</p> <p>The Convention for the Protection and Assistance of Internally Displaced Persons in Africa, article 9(2) “States Parties shall take necessary measures to ensure that internally displaced persons who are citizens in their country of nationality can enjoy their civic and political rights; particularly public participation, the right to vote and to be elected to public office.” (Kampala Convention)</p> <p>ICCPR, article 25(b) “Every citizen shall have the right and the opportunity...to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage...”</p> <p>ICCPR article 25, HRC GC 25, para.11 “States</p>

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					<p><i>must take effective measures to ensure that all persons entitled to vote are able to exercise that right.”</i></p>
30	<p>Political parties continue to lack policies on the promotion of persons with disabilities, with the number of such candidates remaining very low (six of more than 20,000). The Electoral Act gives INEC discretion to provide suitable means of communication for persons with disabilities as it stipulates that INEC “<i>may take reasonable steps to ensure</i>” the provision thereof. (p. 52.)</p>	<p>Parties be legally required to have policies on the political participation of persons with disabilities, including within the party and as candidates. Require INEC to provide assistive devices in all polling units and information in accessible formats.</p>	<p>Amend the Electoral Act, including article 56(2) or adopt a new act.</p>	<p>Parliament President Political parties INEC</p>	<p>Right and opportunity to vote and stand for office for persons with disabilities</p> <p>CRPD, article 29 “<i>States Parties shall promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation...in the activities and administration of political parties.</i>”</p> <p>CRPD, article 29(a)(i) “<i>Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others... by ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.</i>”</p> <p>CRPD, article 21(b) “<i>Accepting and facilitating the use of sign language, Braille, augmentative and alternative communication, and all other accessible means, modes and forms of communication...</i>”</p> <p>CRPD, article 21(a) “<i>Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost.</i>”</p>

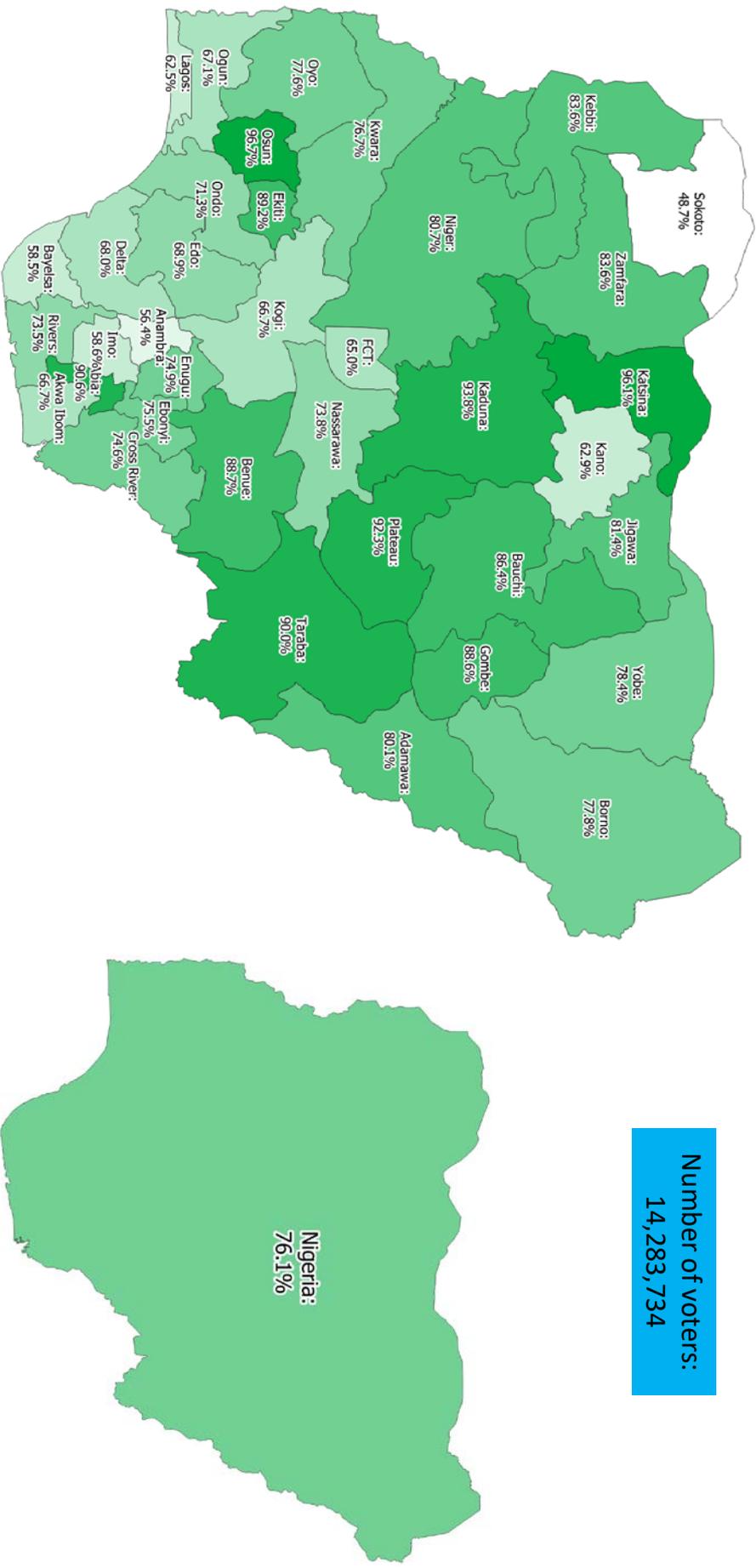
Map of regions of Nigeria



PVC collection rate – 2016

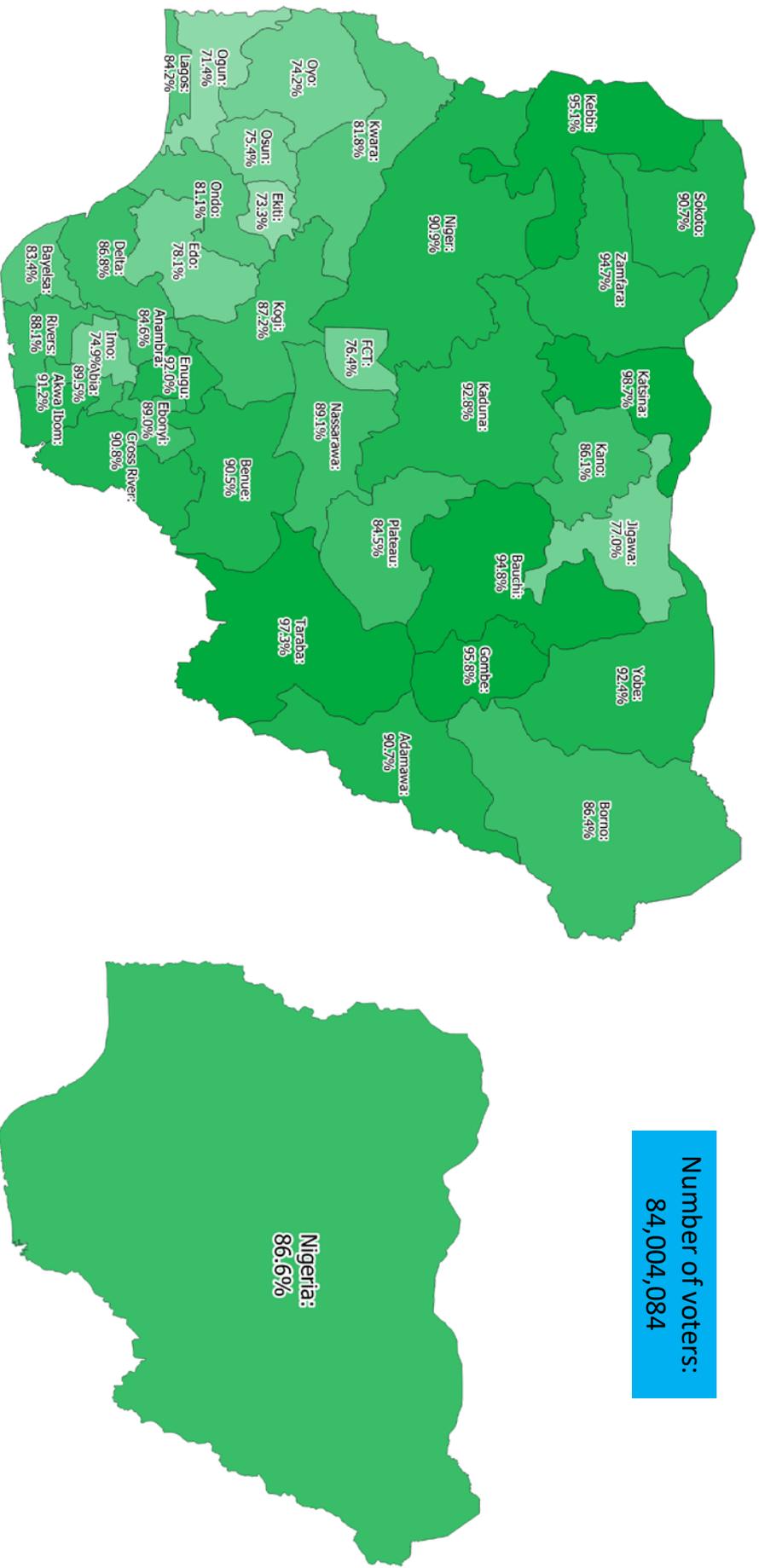


PVC collection rate – 2017-2018

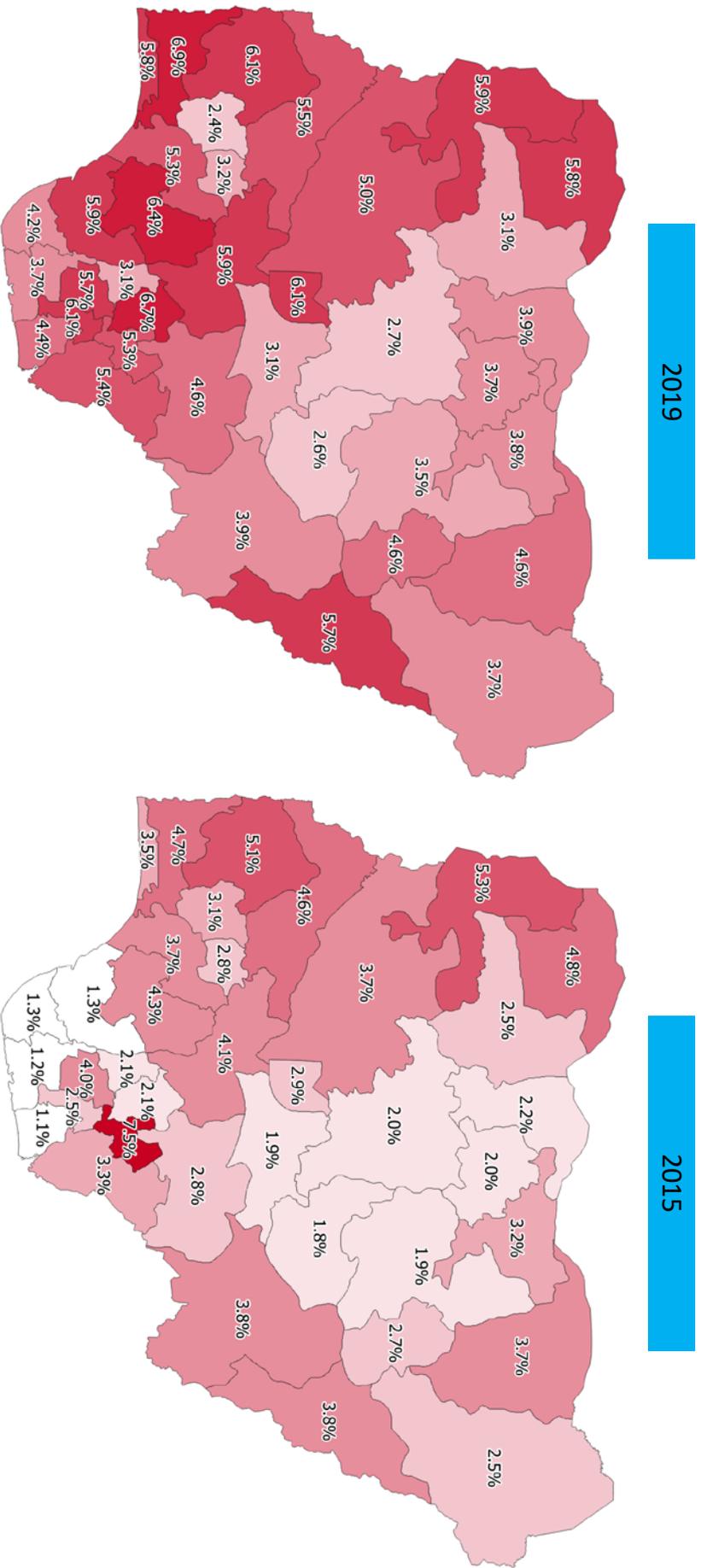


Number of voters:
14,283,734

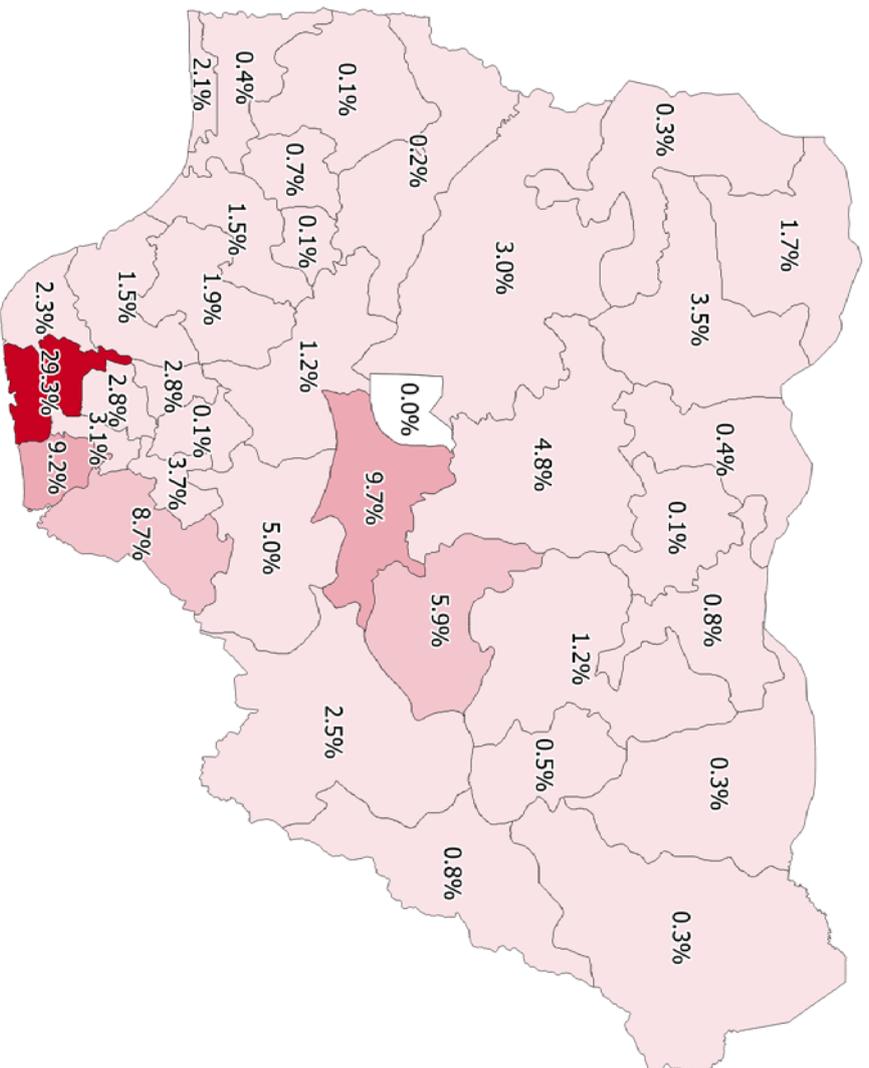
PVC collection rate – 2019



Percentage of rejected (invalid) votes



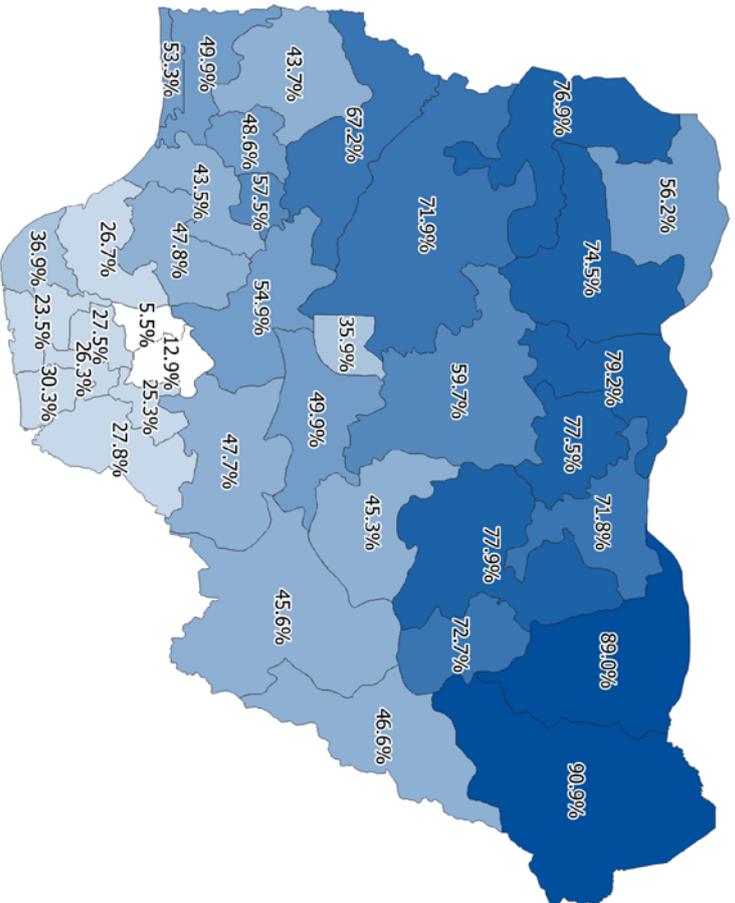
Percentage of voters affected by cancelling polling units on 23 February



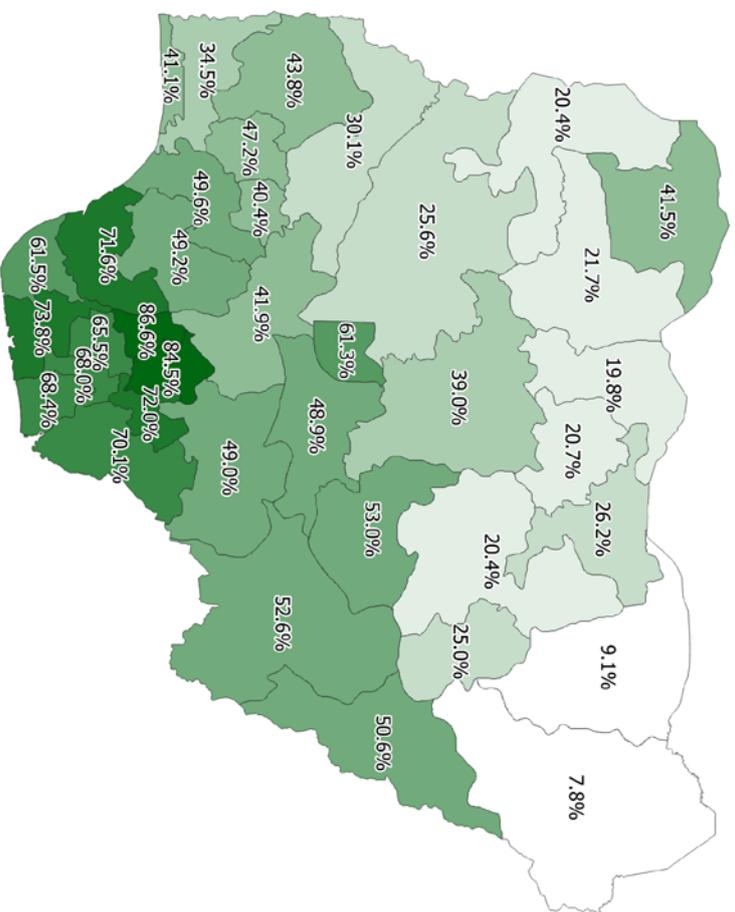
Based on register of voters announced before the election

2019 Presidential results

APC result

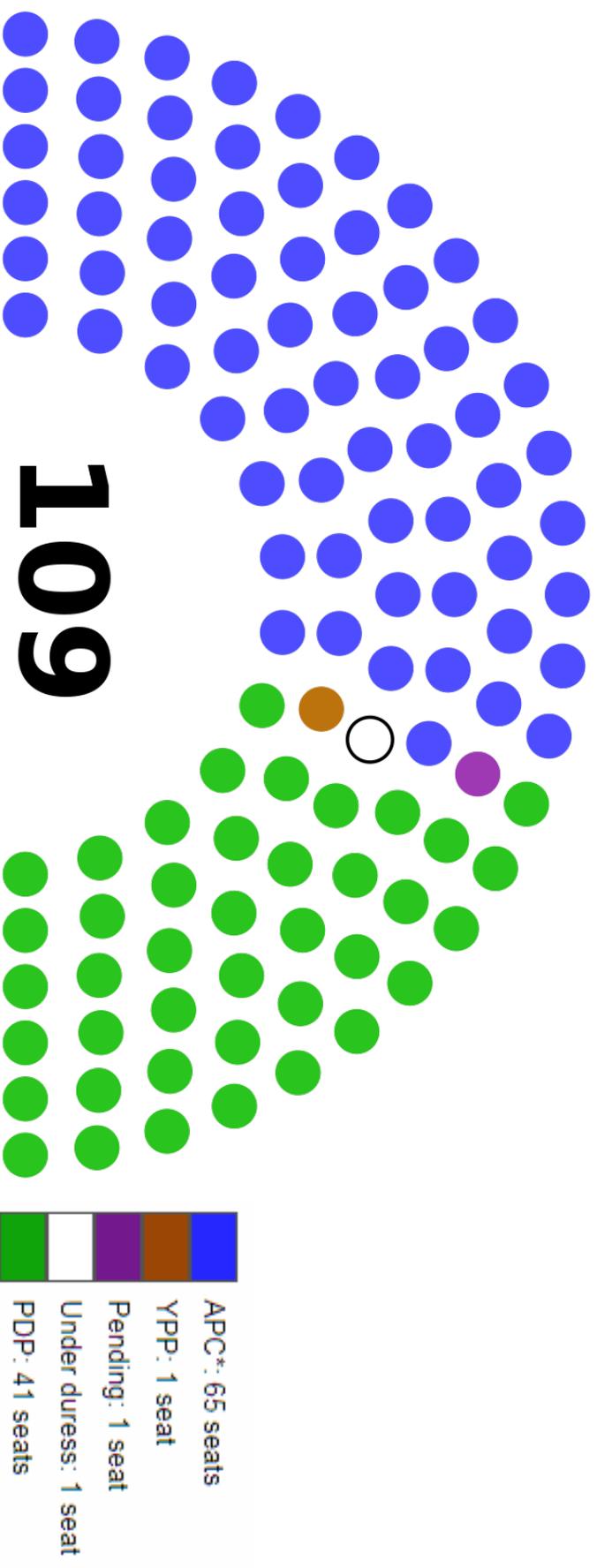


PDP result



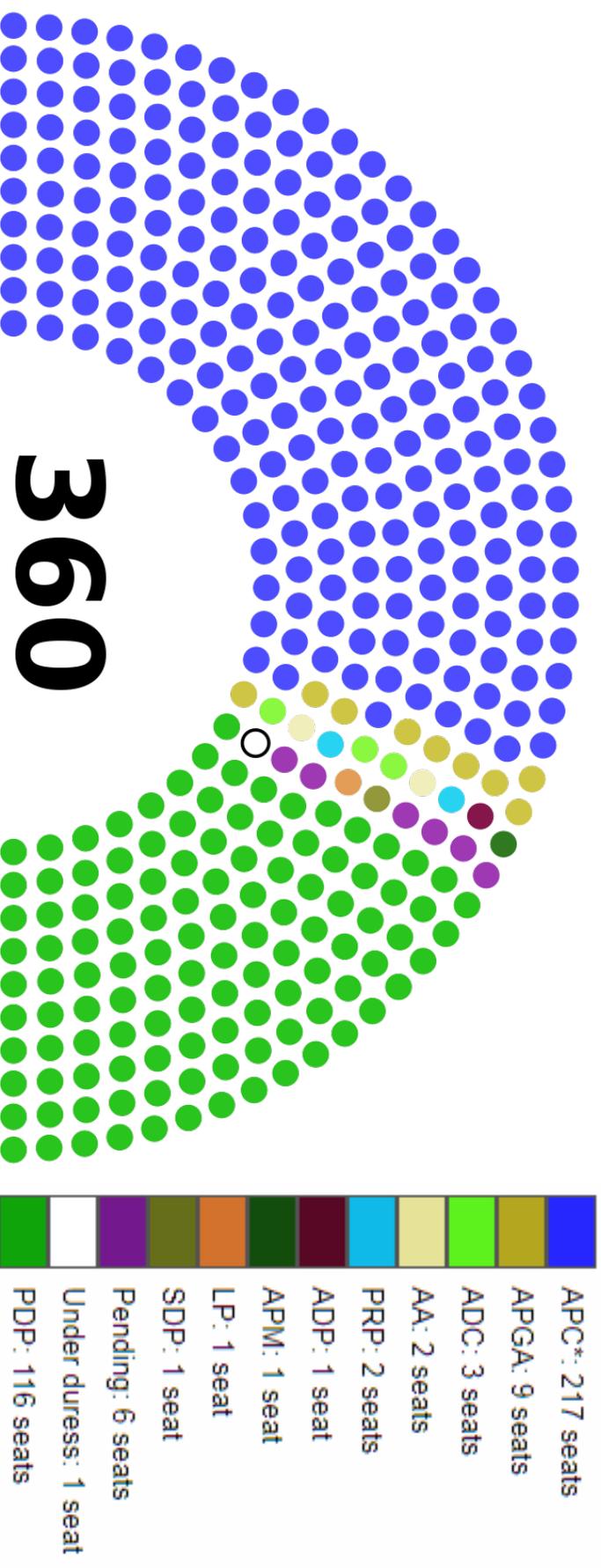
Results

Senate elections (02.05.2019)



** Three seats in Zamfara were won by the APC on 23 February, but subsequently the Sokoto Court of Appeal declared their candidatures invalid, without directing who legally won the elections*

House of Representatives elections (02.05.2019)



** Seven seats in Zamfara were won by the APC on 23 February, but subsequently the Sokoto Court of Appeal declared their candidatures invalid, without directing who legally won the elections.*

Table of presidential results

no	State	VRR (14.01.2019)	VRR (23.02.2019)	PVCs collected (2019)	accredited voters (23.02.2019)	number of invalid (rejected) ballots (23.02.2019)	total valid votes (23.02.2019)	total ballots used (23.02.2019)	Cancelled PUs (# of voters - 23.02.2019)
1	ABIA	1 932 892	1 793 861	1 729 943	361 561	21 180	323 291	344 471	59 825
2	ADAMAWA	1 973 083	1 959 322	1 788 706	874 920	49 222	811 534	860 756	15 505
3	AKWA IBOM	2 119 727	2 119 727	1 933 362	695 677	26 365	578 775	605 140	195 799
4	ANAMBRA	2 447 996	2 389 332	2 071 714	675 273	19 301	605 734	625 035	69 395
5	BAUCHI	2 462 843	2 453 512	2 335 717	1 075 330	37 648	1 024 307	1 061 955	29 660
6	BAYELSA	923 182	923 182	769 509	344 237	14 089	321 767	335 856	21 380
7	BENUE	2 480 131	2 391 276	2 244 376	786 069	34 960	728 912	763 872	122 989
8	BORNO	2 315 956	2 319 434	2 000 228	987 290	35 419	919 786	955 205	5 931
9	CROSS RIVER	1 527 289	1 512 915	1 387 314	461 033	24 145	421 901	446 046	132 189
10	DELTA	2 845 274	2 719 313	2 470 924	891 647	52 492	829 762	882 254	43 009
11	EBONYI	1 459 933	1 392 931	1 299 048	391 747	20 263	359 131	379 394	54 668
12	EDO	2 210 534	2 150 127	1 726 738	604 915	38 317	560 711	599 028	42 176
13	EKITI	909 967	899 919	666 591	395 741	12 577	381 132	393 709	635
14	ENUGU	1 944 016	1 935 168	1 787 537	452 765	30 049	421 014	451 063	2 910
15	FCT	1 344 856	1 335 015	1 026 920	467 784	27 457	423 951	451 408	0
16	GOMBE	1 394 393	1 385 191	1 335 223	604 240	26 446	554 203	580 649	7 090
17	IMO	2 272 293	2 037 569	1 702 178	585 741	31 191	511 586	542 777	63 048
18	JIGAWA	2 111 106	2 104 889	1 625 721	1 171 801	43 678	1 106 244	1 149 922	16 014
19	KADUNA	3 932 492	3 861 033	3 648 831	1 756 868	45 402	1 663 603	1 709 005	189 865
20	KANO	5 457 747	5 391 581	4 696 747	2 006 410	73 617	1 891 134	1 964 751	7 600
21	KATSINA	3 230 230	3 210 422	3 187 988	1 628 865	63 712	1 555 473	1 619 185	12 027
22	KEBBI	1 806 231	1 802 697	1 718 180	835 238	47 150	756 605	803 755	6 293
23	KOGI	1 646 350	1 640 449	1 435 751	570 773	32 480	521 016	553 496	19 960
24	KWARA	1 406 457	1 401 895	1 149 969	489 482	26 578	459 676	486 254	2 562
25	LAGOS	6 570 291	6 313 507	5 531 389	1 196 490	67 023	1 089 567	1 156 590	141 256
26	NASARAWA	1 617 786	1 509 181	1 442 184	613 720	18 621	580 778	599 399	157 591
27	NIGER	2 390 035	2 375 568	2 173 204	911 964	45 039	851 937	896 976	71 237
28	OGUN	2 375 003	2 336 887	1 694 867	613 397	41 682	564 256	605 938	9 680
29	ONDO	1 822 346	1 812 567	1 478 460	598 586	30 833	555 994	586 827	28 047
30	OSUN	1 680 498	1 674 729	1 266 587	732 984	17 200	714 682	731 882	12 082
31	OYO	2 934 107	2 796 542	2 176 352	905 007	54 549	836 531	891 080	3 273
32	PLATEAU	2 480 455	2 423 381	2 095 409	1 074 042	28 009	1 034 853	1 062 862	146 355
33	RIVERS	3 215 273	3 215 273	2 833 101	678 167	24 420	642 165	666 585	942 368
34	SOKOTO	1 903 166	1 895 266	1 726 887	950 107	54 049	871 891	925 940	33 057
35	TARABA	1 777 105	1 777 105	1 729 094	756 111	28 687	712 877	741 564	45 066
36	YOBE	1 365 913	1 365 913	1 261 914	601 059	26 772	559 365	586 137	4 407
37	ZAMFARA	1 717 128	1 717 128	1 626 839	616 168	18 785	578 439	597 224	60 592
ALL		84 004 084	82 343 807	72 775 502	29 363 209	1 289 407	27 324 583	28 613 990	2 775 541

XXVI. ANNEX 2: LIST OF ABBREVIATIONS

AAC	African Action Congress
ANN	Alliance for New Nigeria
ACDEG	African Charter on Democracy, Elections and Governance
ACHPR	African Charter on Human and Peoples' Rights
AGAP	All Grand Alliance Party
APC	All Progressives Congress
APM	Allied Peoples Movement
C4C	Coalition for Change
CCT	Code of Conduct Tribunal
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CPRD	Convention on the Rights of Persons with Disabilities
CSO	Civil society organisation
CUPP	Coalition of United Political Parties
DPFEA	Declaration of Principles on Freedom of Expression in Africa
DPO	Disabled persons' organisation
ECOWAS	Economic Community of West African States
EFCC	Economic and Financial Crimes Commission
EOM	Election Observation Mission
EPT	Election Petition Tribunal
EU	European Union
FCT	Federal Capital Territory
FRCN	Federal Radio Corporation of Nigeria
GC	General Comment (of the UN HRC)
HRC	(UN) Human Rights Committee
IDP	Internally displaced person
ICCES	Inter-agency Consultative Committee on Election Security
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
INEC	Independent National Electoral Commission
IPAC	Inter-Party Advisory Council
LGA	Local government area
LTO	Long-term observer
NBC	National Broadcasting Commission

NGN	Nigerian naira
NHRC	National Human Rights Commission
NIP	National Interest Party
NPC	National Peace Committee
NTA	Nigerian Television Authority
PDM	Peoples Democratic Movement
PDP	Peoples Democratic Party
PVC	Permanent voter card
REC	Resident Electoral Commissioner
SDP	Social Democratic Party
UNCAC	United Nations Convention against Corruption
VRR	Voter Registration Roll
YIAGA Africa	Youth Initiative for Advocacy, Growth and Advancement, Africa

