



**GUIDELINES AND CODE OF CONDUCT
FOR
OBSERVERS FOR THE 2012 ELECTION PROCESS**



Sierra Leone Elections 2012

WHEREAS Section 32 of The Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) {and Section 2(1 and 3) of The National Electoral Commission Act 2002} established the National Electoral Commission as an Independent Electoral Commission;

WHEREAS Section 33 of the said Constitution empowers the Commission to make regulations by statutory instrument for the conduct of all public elections and other matters connected therewith;

WHEREAS the Commission in its Mission and Vision statements “*seeks to impartially serve all stakeholders in the electoral process*”, and administer “*elections in such a manner that the results are acceptable to all*”;

WHEREAS the Commission welcomes the participation of all registered and accredited political parties/political party coalitions, nominated independent candidates and their agents, to observe any or all aspects of the electoral process in order to ensure transparency and accountability and in support of the conduct of credible elections;

THEREFORE, IN FURTHERANCE OF THE ABOVE OBJECTIVES;

The National Electoral Commission hereby promulgates the following Guidelines and Code of Conduct for Political Parties/ Party Coalitions, Independent Candidates and their Agents:

NEC’s MISSION STATEMENT

The National Electoral Commission (NEC) is a public institution, whose mission is to organize, conduct and supervise all public elections and referenda, register all eligible voters, demarcate constituency boundaries and make regulations for the efficient performance of its functions.

The NEC also seeks to impartially serve all stakeholders in the electoral process, and to undertake voter education programmes for the citizens of Sierra Leone as a means of promoting and sustaining democracy and good governance.

NEC's VISION STATEMENT

Our vision of the National Electoral Commission (NEC) in the future is that of an independent, credible and well-resourced institution which promotes democracy and good governance by continually administering elections in such a manner that the results are acceptable to all.

NEC's GUIDING PRINCIPLES.

In the attempt to attain our mission and vision, the principles that guide NEC are:

- ⌚ Independence
- ⌚ Transparency
- ⌚ Credibility
- ⌚ Impartiality
- ⌚ Professionalism and Dedication
- ⌚ Integrity
- ⌚ Accountability

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Part I.

GENERAL PROVISIONS

Section 1. Citation and General Introduction

These guidelines and code may be cited as the Guidelines and code of conduct for Observers.

Electoral observation has become an integral part of the democratic and electoral processes in Africa. In a bid to enhance the transparent, credible and accountable conduct of elections, and to assess the level of acceptability of the election results, there is the need to recognize the role of independent and competent local and international observers. These observers may assess the various stages of the electoral process from the registration of voters, nomination of candidates, polling, counting of ballots and announcement of results. The presence of competent observers is considered generally healthy in the context of assessing the level of acceptability of the election results.

Elections observation involves watching and noting what takes place in relation to an electoral activity, and thus making an informed judgment and report about the process on the basis of the information collected. In this context, election observation therefore means:-

“The purposeful gathering of information regarding an electoral process and the making of informed judgments about the process on the basis of the information collected.” In short, unlike an election monitor, an election observer has no role in the actual administration of an election.

Section 2. Definitions

1, In these guidelines and code of conduct for observers, unless the context otherwise requires:

a) “**Organization or Institution**” means any registered body of persons or institution, either within or outside Sierra Leone, wishing to observe the electoral process and applying to the National Electoral Commission (NEC) for such, and accredited or granted observer status by the Commission.

b) “**Observer**” means a person or group of persons representing an organization (whether local or international) accredited by the National Electoral Commission for the purpose of observing any or all aspects of the electoral process (*from the voter registration exercise, all the way through nomination period, campaigning, polling, counting and the announcement of the results*).

c) “**The Commission**” means the National Electoral Commission (NEC) of Sierra Leone.

d) “**Electoral process**” means all electoral activities conducted by the Commission, including voter registration, exhibition of the provisional

voters register (PVR), claims and objections to the provisional voters register, the nomination of candidates, polling, counting, and the compilation and announcement of results;

e) “**The Electoral Laws Act**” means the Electoral Laws Act of 2002 (Act No. 2 of 2002), as amended.

f) “**Code of conduct**” means the code of conduct for observers (both local and international) issued by NEC.

Section 3

Observation by accredited Domestic and International organizations

1. The right to observe the electoral process is safeguarded by law and NEC regulations. (Electoral Laws Acts 2002 Part 1 preliminary Sections 1, 68(2), 74)
2. Domestic and international organizations may appoint persons to observe any or all aspects of the electoral process following their accreditation by the Commission. Such organizations shall hereinafter be collectively referred to as **observer organizations**.
3. The following bodies shall have the right to apply for accreditation to observe any or all aspects of the electoral process:
 - a) Domestic organizations, which have been accredited by the National Electoral Commission.
 - b) International and regional intergovernmental organizations;
 - c) Representatives of states and foreign missions; and
 - d) International non-governmental organizations permitted to exercise their activities in accordance with the laws effective in their home countries.
4. The Commission shall, to the extent practical, extend all possible cooperation to observer organizations and their appointed observers and provide all non-confidential information in response to queries. However, the Commission shall not be under any obligation to provide support facilities or services beyond or other than those set out in the present guidelines and code of conduct.
5. The provisions of these guidelines and code of conduct shall not apply to political parties, political party agents, or independent candidates or their agents.

Part 2:

ACCREDITATION OF OBSERVERS

Section 4. Request for accreditation by observer organizations

1. The person or persons authorized to represent an observer organization shall submit a written request for accreditation to the Commission, using the appropriate NEC form. (NEC/OB Form 01)

2. With respect to a domestic organization, the request for observer accreditation shall be accompanied by:
 - a, Copy of proof of being a registered organization;
 - b, Completed form requesting observation; i.e. NEC/OB Form 01
 - c. Lists of observers (where appropriate) in NEC/OB Form 02

3. With respect to an international organization, the request for observer accreditation shall be accompanied by
 - a) Copy of proof of registration in the country of origin or instrument establishing the organization; and
 - b) Completed NEC form requesting observation. i.e. NEC/OB Form 01
 - c) List of potential observers (where appropriate) in NEC/OB Form 02

4. The observer organization shall also furnish such further information or documentation as may be required by the Commission.

5. Domestic organizations based in Freetown and international organizations shall submit the request for accreditation to the External Relations unit, at NEC headquarters in Freetown.

6. Domestic organizations based outside Freetown may either submit the request for accreditation to the External Relations Unit, Commission's headquarters in Freetown or to the District Elections office in the district where the organization is based.

7. Forms to request accreditation shall be available from the External Relations Unit at the headquarters of the Commission in Freetown or NEC District Elections Offices and shall be free of charge.

8. As soon as practicable, the Commission shall inform the applicant organization(s) in writing that its application has been received.

Section 5.

Decisions of Commission on Accreditation

1. If the Commission finds that the application of a domestic or international organization for accreditation complies with the requirements set out herein, it shall accredit the applicant organization for the purpose of observing any or all aspects of the electoral process, and notify the applicant organization in writing within seven (7) days of receipt of a complete and accurate request for accreditation. The Commission shall also request the accredited organization to submit its list of appointed observers, if not already enclosed in the request form.

2. If the Commission finds that the application of a domestic or international organization for accreditation does not comply with the requirements set out herein, it shall not accredit the organization and shall notify the applicant organization in writing of its decision and its reasons. Deficiencies in the application may be rectified by the applicant, without prejudice to the deadline of submitting requests for accreditation pursuant to sub- section 4(8) of these guidelines and code of conduct.

3. Decisions of the Commission with regard to applications are final.

4. The Commission shall issue a Certificate of Observer Accreditation to an applicant organization whose request for accreditation complies with the requirements set out herein.

Section 6.

Appointment of Observers

1. A domestic or international organization which has been accredited by the Commission in accordance with these guidelines may appoint observers to observe any or all aspects of the electoral process. Observers appointed by accredited organizations shall be considered accredited by the Commission.

2. Copies of written notices to the appointed observers shall be submitted to the Commission by the accredited observer organization using the appropriate NEC form i.e. NEC/OB Form 02.

3. The accredited organization shall submit the completed NEC form to the Commission's headquarters or through the District Elections offices.

4. The forms giving notice of appointment of observers shall be available at the headquarters of the Commission in Freetown or any District Elections office.

5. Upon accreditation of an organization, the Commission shall issue NEC observer identification cards or badges to the organization, on the basis of information submitted by the organization.

6. The observer identification cards or badges shall include the logo of the Commission and the signature of the authorized officials of the Commission.

7. The accredited organization shall issue the appointed observers with the observer identification cards or badges issued by the Commission.

The accredited organization shall also issue the code of conduct to the appointed observers.

Part 3. OTHER PROVISIONS

SECTION 7.

Rights and Obligations of Observers

1. Every accredited observer is entitled to attend and observe at any time any or all aspects of the electoral process at the registration centers, exhibition centers, polling places and at other premises used by the Commission or its officials.

2. Every accredited observer shall abide by the Electoral Laws Act of 2002, regulations, guidelines and code of conduct issued by the Commission.

3. Every accredited observer shall be knowledgeable about the ELA 2002, regulations, electoral procedures, guidelines and code of conduct issued by the Commission.

4. Observers shall be impartial and neutral while observing electoral activities. No observer shall interfere with electoral activities.

5. No observer shall disrupt electoral activities.

6. No observer shall make any remark aimed at influencing other persons on the premises where electoral activities are being conducted.

7. Observers shall, while observing electoral activities, visibly display their identification cards and any other documentation required by the Commission. If requested by NEC official, the observer shall also produce a copy of the letter of his/her nomination by the organization or institution which he/ she is representing.

Section 8

Revocation of Accreditation

(1) The Commission may revoke the accreditation of an observer upon a determination that the individual has:

(a) failed to comply with a lawful instruction, direction or order issued by or on behalf of the Commission;

(b) hindered or obstructed any official of the Commission in the conduct of his or her duties; or

(c) Infringed the guidelines or Code of Conduct for observers

Part 4

Policy and Code of Conduct for Election Observers

SECTION 9

NEC Policies on Observation of the Electoral Process

1. An observer must comply with all national laws and regulations currently in force in Sierra Leone.

2. An observer shall have the right to enter any registration centre, exhibition center, revision court, nomination centre, polling station and counting and collating centre throughout the country to observe any or all aspects of the electoral process.

3. An organization or institution that wishes to be accredited as an observer shall forward an application to the Commission giving the following details:
 - a. the names, addresses and telephone numbers of the institution or organization and its head;
 - b. the names, addresses and telephone numbers of the officer(s) in charge of the observation exercise, if different from (a) above;
 - c, a list of all persons who will serve as observers together with their photographs;
 - d, the status of the organization or institution i.e. whether local or international;
 - e, an undertaking to abide by the relevant laws, rules, regulations, policies guidelines and code of conduct governing the election process;

4. Accreditation of observer status shall be given only to institutions or organizations recognized by the Commission and not individuals.

5. Unless the Registration / Revising/ Presiding Officer otherwise permits, access to the registration centre/nomination centre/polling station shall be limited to two (2) observers for each accredited institution or organization at any one time.

6. Unless the Returning Officer otherwise permits, access to a counting center during the collation of results for the constituency or ward shall be limited to two (2) observers for each accredited institution or organization

7. No observer shall be allowed access to any registration centre, nomination centre polling station or counting center:

a. Unless he/she wears or displays the official identification issued by the Commission;

b. If he/she wears or in any manner displays any identification of a Political Party or a Candidate contesting the election;

8. The Commission or its representatives may cancel the accreditation of any institution, organization or individual where, in the opinion of the Commission or its representatives, the organization or individual has:

a, failed to comply with lawful instructions or directives issued by or on behalf of the Commission;

b, publicly demonstrates or favours a particular candidate or a political party;

c, hinders or obstructs any election official in the conduct of his or her lawful duties;

d, Infringes the guidelines and code of conduct for election observers published by the Commission;

9. An institution or organization sponsoring an Observer shall be responsible for all expenses incurred during the performance of his or her duties;

SECTION 10

Code of Conduct for Observers

Organizations or Institutions accredited to participate in the electoral process shall conduct themselves properly, thereby paying attention to this Code of Conduct issued by the Commission.

The objective of this code is to ensure that;

- a. Observation of any/ all aspects of the election process is done with integrity, transparency and impartiality; and in support of the conduct of a credible electoral process.
- b. Election Officials are left independent and impartial in doing their work; and
- c. Establish a level playing field for all actors in the electoral process.

Against this background, every observer representing an accredited organization, whether local or international shall adhere to this code of conduct.

1. An observer shall not be involved in the administration of any aspect of the election process, either by giving directives to, or interfering with an election official in the performance of his/her election duties;
2. An observer shall not touch or remove any registration/ election material or equipment without the consent of the Registration/Presiding officer at a registration centre/ polling station or the Returning officer as the case may be;
3. An observer, institution/ organization shall maintain strict impartiality and neutrality in the process of observing any aspect of the election process, and shall not be seen displaying anything that could be interpreted as identification with a political party or candidate contesting an election;
4. An observer shall not carry, wear or display on his or her person any electioneering material or any article, clothing or any insignia denoting support for or opposition to any political party or candidate contesting an election;

5. An observer shall not carry or display arms or any offensive weapon during the conduct of his or her duties;

6. An observer shall desist from reporting rumour as fact and shall substantiate allegations reported in connection with the conduct of any aspect of the election process. If an allegation cannot be substantiated, the observer's report shall so state that he/she was unable to verify the allegation;

7. Observer's report dealing with irregularity or impropriety should be precise, clear, well documented stating time, location and the names of those involved where appropriate;

8. An observer shall comply with lawful directives issued by or under the authority of the Commission, including an order to leave a registration centre/ polling station or any premises where an electoral activity is being conducted by the commission, given by the registration/ returning officer or presiding officer, as the case may be;

9. An observer shall not accept or attempt to procure gifts, favour, and inducements from a political party or candidate, their agents, organizations or persons involved in the electoral process;

10. An observer may report irregularities to an election official, but not to give instructions contrary to the decisions of an election official;

11. An observer shall desist from making personal or premature comments, judgment about his or her observation to the media or other interested persons, and will limit remarks to general information about the nature of his or her activity;

12. An accredited institution or organization must submit to the National Electoral Commission (NEC), a copy of its report on the aspect of the election process observed within 24hrs of its release, and must be prepared to discuss the report with the Commission if called upon;

13. This Code of Conduct shall be binding upon all Organizations (and their representatives) accredited by the Commission for the purpose of observing any/all aspects of the entire election process organized by it.

We the Commissioners of the National Electoral Commission hereby approve these guidelines and code of conduct for observers

Signed:

Christiana A. M Thorpe (Dr)
Chief Electoral Commissioner/ Chairperson

Mr. Stephen A. Mattia
Commissioner East

Mr. Mohamed N. Conteh
Commissioner North

Mrs. Florence K. Kebbie
Commissioner South

Ms. Miatta French
Commissioner West

Dated this 10th day of January 2012

Attachment. 1 Address

NEC Headquarter and District Offices. DISTRICT: LOCATION/ADDRESS

Western Area

1. National Headquarters: NEC Headquarters, OAU Drive, Tower Hill, Freetown
2. Western Area Urban: 15 Industrial Area, Wellington, Freetown
3. Western Area Rural Freetown Road, opposite Police Station, Waterloo.

Southern Region

4. Bo. 79 Tokonko Road, Bo City
5. Bonthe Main Office: District Administration Station compound, Hedde Road, Bonthe sub Office, **Matru Jong** opposite Government hospital
6. Moyamba District Office: District Administration Area Near the Reservation in Moyamba
7. Pujehun District Office: District Administration Area, old Pujehun Town

Eastern Region

8. Kenema District Office: Maxwell Khobe Street by Prisons Office Kenema
9. Kono District Office: 80 Old Yengema Road, Koidu Town
10. Kailahun District Office: Off District Council Office near the radio station Kailahun

Northern Region

11. Bombali District Office: 23 Magburaka Road, Makeni
12. Kambia District: District Administration Area, Kambia
13. Koinadugu District Office: District Administration Area, near the military Barracks Kabala
14. Port Loko District Office: off Kambia Lane in the Administrative Area, Port

Loko

15. Tonkolili District Office: District Council Administration Area, Magburaka.

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FORMS Attachment 2 List of Forms

FORMS

Attachment 2 List of Forms

Republic of Sierra Leone National Electoral Commission

NEC/OB Form 01

Request for Accreditation: Observer Organization

1. Organization: _____

Address: _____

Telephone: _____

Email: _____

Website: _____

2. Political Party / Independent Candidate Name: _____

Address: _____

Telephone: _____

3. Person authorized by the political party / candidate to liaise with the Commission or its appointed representatives

Name _____ Telephone: _____

Position: _____

Address _____ Email _____

4. Number of representatives to be appointed by the political party / candidate in the district: _____

ADDITIONAL INFORMATION REQUIRED

For accreditation of representatives, in addition to this form, please attach other details as contained in Section 5(2) of these Guidelines and Code of Conduct.

Submitted by: _____

Position: _____ Date: _____

Received by: _____

Position: _____ Date: _____

Republic of Sierra Leone



National _____ Political Party / Independent Candidate: _____

Declaration of Agent or Representative

I, _____ (*name*) hereby confirm my commitment to serve as an agent/representative of _____ (*name of party, coalition or alliance, or independent candidate*) to observe the electoral process.

I shall adhere to the laws of Sierra Leone, Guidelines and Code of Conduct for Agents or Representatives of Political Parties/Coalitions and Alliances, and Independent Candidates, and such other instructions issued by the National Electoral Commission.

I understand that my accreditation may be revoked by the National Electoral Commission if, among other reasons, it determines that I have infringed the Guidelines or Code of Conduct for Agents or Representatives of Political Parties/Coalitions and Alliances and Independent Candidates. Signature of Representative: _____ Date: _____

NEC/FORM PP/IC 04

Statement of Commitment by the National Chairperson/Secretary General

I, _____ (*name*), National Chairperson/ _____ Secretary _____ General for _____ (*name of party/coalition or alliance, or independent candidate*) hereby affirm that the nominated agents or representatives listed in form provided, are the sole individuals that will receive the Identification Cards or badges issued by NEC to the above mentioned party/coalition or alliance or independent candidate. The identification cards or badges will be used only for the purpose of observing the electoral process, at the location of assignment.

I also affirm that the nominated agents shall adhere to the laws of Sierra Leone, Guidelines and Code of Conduct for Agents or Representatives of Political Parties/Coalitions and Alliances, and Independent Candidates, and such other instructions issued by the National Electoral Commission.

Signature of National Chairperson/Secretary

General: _____

Contact Address _____

Date: _____



National Electoral Commission(NEC)
 OAU Drive, Tower Hill, Freetown



4TH January 2012.

The Secretary General

Ref: NEC/142.

**INVITATION TO POLITICAL PARTIES/POLITICAL PARTY COALITIONS, TO
 OBSERVE SIERRA LEONE’S BIOMETRIC VOTERS REGISTRATION PROCESS
 (23RD JANUARY - 26TH MARCH 2012**

The National Electoral Commission here by extends an invitation to all registered political parties and is pleased to accredit agents or representatives of political parties (and independent candidates) to observe the Biometric Voters Registration process scheduled to take place from 23rd -26th March 2012.

The conduct of the biometric voters’ registration process is in accordance with Section 33 of the 1991 Constitution of Sierra Leone, (Act No. 6 of 1991), which gives the National Electoral Commission the responsibility to conduct and supervise the registration of voters for, and of, all public elections and referenda.

Dr. Christiana Thorpe
 Chief Electoral Commissioner/ Chairperson
 National Electoral Commission,
 Sierra Leone.



NATIONAL ELECTORAL COMMISSION (NEC)

OAU Drive, Tower Hill, Freetown-Sierra Leone



10th January 2012

Ref: NEC/142.

INVITATION TO OBSERVE SIERRA LEONE'S ELECTION PROCESS (17TH NOVEMBER, 2012 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS)

The next Sierra Leone Presidential and Parliamentary Elections are scheduled to take place on the 17th November 2012. The National Electoral Commission (NEC), which is in charge of organizing and conducting the said elections, hereby extends an invitation to all interested groups and organizations, local and international, to observe the electoral process. The Voter Registration exercise, which is planned to take place from January 23rd to March 26th 2012, will herald activities followed by nominations, campaign, polling, counting and the announcement of results. This is in line with the Commission's view that electoral observation will enhance the transparent, credible and accountable conduct of the process.

All interested groups and organizations wishing to participate in the observation of the 2012 elections must first be accredited by NEC. Individual(s)/person(s) will not be accredited. The Commission will inform all interested groups and organizations on the procedures to be followed for accreditation in the near future. An electoral calendar stating broad timeline of the aforementioned electoral tasks will be released soon. This will be followed by the release of guidelines and code of conduct for observers

Interested groups and organizations are requested to contact the Chief Electoral Commissioner/Chairperson, National Electoral Commission headquarter, OAU Drive, Tower Hill, Freetown, Sierra Leone.

Dr. Christiana Thorpe
Chief Electoral Commissioner/ Chairperson
National Electoral Commission,
Freetown, Sierra Leone.