



**ELECTION OBSERVATION MISSION
Guinea, Presidential, June 2010**

PRELIMINARY STATEMENT

**The Carter Center Commends Guinea's Historical Election; Urges Continued Calm in the
Post-Election Period**

Conakry, June 29, 2010

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Executive Summary

Conakry... The June 27, 2010, elections, represented an important political opening for the people of Guinea. These were the first elections to be held in Guinea without an incumbent candidate, which increased political space and the opportunity for participation by all sectors of society.

Despite procedural flaws and logistical challenges, this election, marked by high voter turnout and wide participation, was an important step forward in Guinea's process of democratization. Although it lacks experience and faces challenges of poor infrastructure, the Independent National Electoral Commission (CENI) exhibited good faith efforts in their attempts to ensure a credible, transparent, and peaceful process.

As the counting process and proclamation of results continues, The Carter Center urges all candidates to adhere to their commitment to a peaceful transition of power, utilizing appropriate legal challenges for the filing of complaints as necessary. The CENI and relevant judicial bodies should recommit themselves to ensuring transparency throughout the process of proclamation and dispute resolution, ensuring all challenges are addressed in a timely and effective manner. In addition, it is critical

through debate of their differences in an open forum accessible to all Guineans.

The main interim findings of the Center’s observation mission are as follows:

The election campaigns were based on messages of national unity, with parties adhering to a code of conduct, and party supporters engaged in largely peaceful campaign events.

The Carter Center commends the transitional administration of Guinea for adhering to the January 2010 Ouagadougou agreement, including the agreed upon schedule for presidential elections and the tenet of abstaining from running as presidential candidates.

The elections were the first to be organized by an independent election commission, the CENI. The Carter Center recognizes the challenges faced by this agency, including a compressed electoral calendar, a legal vacuum, and a poorly developed national infrastructure.

Confusion about several important aspects of voting and counting procedures, delay in allocation of polling stations, and late delivery of essential voting materials negatively affected the quality of polling. The Carter Center is concerned that an uneven delivery of service to voters in different parts of the country and confusion over proper election day procedures has the potential to undermine the principles of universal and equal suffrage. In future elections, the establishment of a clear legal and procedural framework, well in advance of election day, may allow for better preparation and training.

The CENI introduced several complex technological innovations such as biometric voter cards and a system of tamper-proof envelopes for transferring poll results, that were well-conceived but required more attention and planning in their application.

The Carter Center will continue to observe the completion of the tabulation and official results process as well as any electoral disputes that may arise.

The Carter Center election observation mission has been in Guinea since May 12, 2010, following an invitation from CENI. The Carter Center mission was led by General Yakubu Gowon, former head of state of Nigeria and Dr. John Stremmler, Carter Center vice president for peace programs. Eight long-term observers from five countries were deployed throughout the country in advance of election day to assess election preparations. On election day, 30 observers from 15 countries visited 138 polling stations throughout Guinea to observe voting and counting. Carter Center observers continue to assess the conclusion of counting and vote tabulation and will remain in Guinea to observe the post-election environment. The Carter Center conducted this assessment on the basis of Guinea’s domestic law and international commitments for democratic elections.¹ The mission was conducted in accordance with the Declaration of Principles for International Election Observation.

¹ Guinea is a member of the United Nations, the African Union, the Economic Community of West African States (ECOWAS), and the Organisation of African States (OAS).

Statement of Preliminary Findings and Conclusions

This statement is preliminary; a final report will be published four months after the end of the electoral process.

Introduction

Elections are a central component in the Ouagadougou Agreement, which was signed in January 2010. Guinea's recent history has been marked by quasi-dictatorial rule—leading to increasing levels of discontent amongst the population and sporadic outbreaks of violence. As such, the 2010 presidential election offers the first real opportunity for a democratic and openly contested election since Guinea declared its independence in 1958. Guinea's unique place as the only one of the Mano River Union nations not to fall into civil war, paired with the recent military coups in Niger and Mauritania, also gives these elections an important regional significance. Further, the strong signal sent by the African Union and Economic Community of West African States (ECOWAS) to suspend Guinea's membership and the international condemnation of last September's massacres will mean little if Guinea does not achieve a transition to a stable democratic government.

The Carter Center's election observation mission in Guinea has found an environment of remarkable political will for elections. The political actors within Guinea have maintained a spirit of trust and good faith throughout the transition period following the Ouagadougou Agreement, with the country led by a government of national unity. While ethnic identity has sometimes been the object of political manipulation in Guinea, the transition period has been marked by concerted efforts of political parties to focus their campaigns on messages promoting national reconciliation and disavowing regional and ethnic interests. The legislative National Transitional Council (CNT) remained neutral in its oversight of all electoral processes and the Independent National Election Commission (CENI), which was faced with the enormous challenge of preparing for the election within a compressed time frame, has ensured that preparations for the election have been conducted in an independent fashion.

As counting and results proclamation move forward, The Carter Center urges all stakeholders to remain cognizant that a successful conclusion of the electoral process hinges on all the major candidates and party leaders accepting the final results of the elections and managing disappointment

Legal Framework

The Ouagadougou Agreement established a framework for the current transitional period. It designated General Sékouba Konaté as interim president, called for the formation of a National Transitional Council (CNT) representative of all sectors of Guinean society and the organization of presidential elections within six months. The CNT wa

genuine democratic election and that other international obligations related to the electoral process can be met.⁴

The new electoral law gives CENI primary responsibility over the conduct of elections.⁵ The Carter Center congratulates Guineans for the reaffirmation of the administration of elections by an independent body.

handling polling station results at the prefectural level remained in Conakry waiting for funds and transportation.

Universal and equal suffrage⁶ are closely linked to ability for all voters to be awarded an equal opportunity to cast their ballots. Discrepancies in preparation, material allocation, and training in different parts of the country can lead to inequalities with regards to the effectiveness of polling. At worst, the scenario described above can produce

candidate supporters. Witnesses said supporters of former prime minister Sidya Toure's Union of

notably those found guilty of crimes.¹⁴ However, individuals in pre-trial detention, who comprise an estimated 70 percent of Guinea's prison population, should not be stripped of their civil or political rights, and their ability to vote should be guaranteed by the state. In practice, the entire prison population, regardless of their conviction status, was disenfranchised. Such broad disenfranchisement is in conflict with Guinea's international obligations¹⁵ and The Carter Center encourages Guinea to take the necessary steps to ensure that efforts are taken to register eligible members of the prison population to ensure respect for universal suffrage. Guinean law also states that voters must fulfill civic duties in order to be eligible to vote, although there is no evidence in practice that this requirement placed a limit on suffrage.¹⁶

The Carter Center did not observe voter registration except for its final phase, distribution of the voters cards. However, observers were informed of several factors and technical difficulties that hampered registration efforts and may have led to an underrepresentation of the electorate among registered voters. The Carter Center's long- and short-term observers witnessed the distribution of voters cards in several parts of the country. The printing of biometric voter cards was completed in June by MATAP in collaboration with SAGEM, a French company that won the contract for their production. The delivery of cards to regions furthest from Conakry, including the Forest Region, began about 11 days later than the planned June 1 date. This process was described by our observers as late, chaotic, and confusing in terms of the information provided to voters. Also, the practice of 'handing in the receipt' to receive the voter's card was not consistently followed or enforced.

While noting concerns, The Carter Center believes that the voter registration exercise represented a genuine effort on the part of the authorities on the national and sub-national levels. Interlocutors told of a great excitement to register throughout much of the country, and Carter Center observers did not report any cases of military or political actors trying to restrict or influence the voter registration process. Representatives of political parties were invited as registration observers throughout the country, contributing to the transparency of the process. The Carter Center encourages Guinea to develop robust and sustainable systems for developing and maintaining an accurate and comprehensive national voter register.

Voter Education

It is the responsibility of all states to take specific measures to address difficulties that could prevent people from exercising their electoral rights effectively.¹⁷ Voter education is recognized in international law as an important means of ensuring that an informed electorate is able to effectively exercise their right to vote. In a country that suffers from a high rate of illiteracy and has numerous local languages, voter education is a challenging task.

In Guinea, the focus of voter education campaigns has been to encourage voters to accept the final election results. While this is an important message given the recent history of Guinea, nonetheless The Carter Center regrets the lesser emphasis on effective basic voter education regarding the key

¹⁴ Electoral Law, Art. 7. While such a restriction based on criminal conviction is allowed by international law, it is good electoral practice that this restriction be limited to certain, serious crimes rather than applied as a blanket restriction for all convictions.

¹⁵ United Nations Human Rights Committee, General Comment 25, paragraph 14. "If conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence. Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote."

¹⁶ Electoral Law, Art. 5

¹⁷ Specific difficulties include such things as language barriers, poverty, and impediments to the freedom of

issues of importance for polling day. The short timeframe and limited funding for the election has inhibited CENI's ability to conduct more widespread education or ensure coherent messaging, and Carter Center observers found examples of mistaken information.

The state, and the CENI as an organ of the state, should be responsible for providing voter education to better ensure the uniform distribution of information to the voting population. While non-governmental organizations may have a role in the education of the electorate, it is ultimately the responsibility of the state to ensure that non-partisan information is available to the electorate. In the case of the Guinea 2010 elections, the CENI relied to a large extent on external actors including civil society, political parties, and the international community, to provide this service.

The Voting Process

The voting process is the cornerstone of the obligation to provide the free expression of the will of the people through genuine, periodic elections. Certain participatory rights must be fulfilled for the voting process to accurately reflect the will of the people. Foremost among these are the right to vote, to participate in public affairs, and to enjoy security of the person.¹⁸ The state must take all necessary steps to ensure such rights are fully protected and awarded to all citizens in an equal and non-discriminatory manner. The state must take necessary measures to give effect to rights enshrined in the treaty to which they are party. Such rights include the right for all citizens to be treated in an equal and non-discriminatory manner.¹⁹

According to the electoral law, polling stations should be installed in neutral locations that are easily accessible by voters. They also must be outside of military garrisons and religious sites.²⁰ Some inconsistencies with this provision were apparent following the publication of polling station lists for election day. Additionally, some voters were assigned to polling stations more than 15 km from their residences. CENI took active steps to address this concern, but unfortunately, many voters interviewed on election day complained of the difficulty in finding these new allocated polling stations. There were also numerous polling stations installed and then removed or relocated by local officials in the days and hours prior to voting. This raises concerns regarding the accessibility of the stations for all voters and observers. CENI should ensure that in the future, polling station locations are chosen in accordance with the electoral code and their locations are properly announced in advance of the vote.

In some constituencies, the lines were extremely long, with some voters waiting more than 8 hours

affiliations worked well together, cooperating with one another in the majority of polling places observed. In some cases, party officials commented on polling center procedures, but did not impede or interfere with the vote. In addition to political party agents, The Carter Center observed the presence of domestic observation organizations in a fair number of polling places across the country. Electoral procedures were established to allow party agents and domestic observers at each polling station to observe the voting process and record any concerns for legal scrutiny.²⁶ The Center commends the inclusion of these safeguards of transparency, and congratulates the political parties on their efforts in deploying the large number of agents who were observed at the polling stations.

Counting

An accurate and non-discriminatory vote counting process, including the announcement of results, is an essential means of ensuring that the fundamental right to be elected is fulfilled.²⁷

The Carter Center observed the close of polls and counting process in polling stations across the country. The counting process was generally peaceful, but not consistently free from irregularities. Carter Center observers noted that in many circumstances poll workers were not familiar with the protocol required by the CENI for vote counting and tabulation.

However, The Carter Center commends the high level of openness and transparency in the counting process, which was observable by party agents and domestic and international observers. In almost all stations observed, the Center reported that the declaration of results was announced to all party agents in attendance, and that results were tabulated and displayed in full view of all polling staff and observing agents present.

In some polling places, polling officials were unable to accurately reconcile the ballots cast in their polling place. This appeared to be caused by confusion about poll closing and counting procedures. In the cases observed by The Carter Center, the discrepancies in vote count process did not appear to significantly undermine the integrity of the process but did complicate centralized vote tabulation at the prefectural level, due to the use of varying vote count procedures by poll station workers. Future CENI training efforts should pay more attention to ensure that poll workers understand all aspects of the closing and counting procedures.

The tabulation of election results is still being conducted and a final vote count has not yet been announced. The Carter Center will continue to observe this process until its completion.

Participation of Women

State obligations to promote de facto equality for women derive, in part, from broader political obligations regarding absence of discrimination²⁸ and the right of all citizens to participate in the public affairs of their country regardless of gender.²⁹ Through ratification of international and regional treaties, Guinea has pledged to promote the political participation of women on an equal basis with men.³⁰ The Constitution provides for the equality of all persons before the law. Men and

²⁶ The right to participate in the public affairs of one's country, including the electoral process, are recognized at the regional and international level. See for example, African Charter on Human and Peoples' Rights, art. 13 (1); AU Declaration on the Principles Governing Democratic Elections in Africa, art. 7; and ICCPR, art. 25 (a)

²⁷ International Covenant on Civil and Political Rights, Art 25(b)

²⁸ ICCPR, art. 25; 2(1); 26.

²⁹ UDHR; Art. 21(a); ICCPR, Art 25(9); ICERD, Art 5(c).

³⁰ See, for example the United Nations Convention on the Elimination of Discrimination Against Women, ratified 9 August 1982, Convention on the Political Rights of Women, ratified 24 January 1978, and the

women have the same rights and duties. Privileges and disadvantages conferred on the basis of sex are prohibited.³¹

While women in Guinea have had the right to vote and stand for election since independence in 1958, Dr. Saran Daraba of the Democratic Panafrican Convention (CDP) was the first female presidential candidate in the history of Guinea. Her presence as the only woman among 24 is illustrative of the fact that while women are actively involved in the electoral process, their participation is not equal to that of men. A total of four women presented candidacy files to the Supreme Court, but three were rejected for failure to pay the required nomination fee. In light of increased global recognition of the difficulties faced by female candidates in receiving financial backing for their campaigns, The Carter Center urges Guinea to consider the disproportionate impact of deposit requirements on potential female candidates.³²

Election day observation consistently showed that women seemed to exercise their franchise in equal if not higher numbers than men. According to verbal communication from MATAP officials, women represent 52 percent of registered voters in Guinea and 53 percent of registered voters in the diaspora. The Carter Center encourages Guinea to publish gender-disaggregated voter information to facilitate evaluation of women's participation. Observation during the campaign period also indicated that women are active members of political parties and participate in political rallies.

Women were also participants in the voting process as polling station staff, as party representatives, and were especially numerous as domestic observers. There are also women working for the CENI and its *démembrements*. At the national level, two of the 25 CENI commissioners are women.³³ Observers across Guinea estimated that women comprise approximately 25 percent of CEPI, CESPI, and CECI officers. The Carter Center notes that they are most often secretaries or treasurers rather than presidents. Approximately one-third of the magistrates presiding over the centralization commissions within each prefecture are women. The Carter Center congratulates Guinea and civil society groups for efforts to promote women's participation in political processes. It calls on Guinea to take equal participation of women in all electoral administration bodies as its goal.

Media Environment

The Carter Center did not conduct a comprehensive, methodical review of the media's election coverage. Based on its limited observation and time in country; however, the Center does offer the following observations.

International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive and impart information through a range of media.³⁴ Guinea's constitution also guarantees freedom of political expression, freedom of the press, and the right of access to public information.³⁵ The electoral law further provides for non-discrimination and

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, signed 16 December 2003

³¹ Constitution, Art. 1

³² While not directly applicable to this single-race election, The Carter Center notes that the electoral law now requires 30% of candidates on all proportional lists for legislative and communal elections to be women.

While voters can file disputes on the basis of the voter registration, the electoral law does not specify available recourse for individuals on or after election day, effectively limiting the standing of

