

## **INTERNATIONAL ELECTION OBSERVATION MISSION (IEOM)**

### **CÔTE D'IVOIRE 2020**

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### **PRELIMINARY STATEMENT**

**Abidjan, November 2, 2020**

### **NON-INCLUSIVE IVORIAN ELECTION IS BOYCOTTED, LEAVING COUNTRY FRACTURED**

*EISA and The Carter Center again urge political leaders to pursue inclusive dialogue*

*This statement from the joint EISA-Carter Center International Election Observation Mission (IEOM) is preliminary and covers aspects of the electoral process through Nov. 2 only, as the electoral process is ongoing. Essential phases are outstanding, including the announcement of preliminary results by the Independent Electoral Commission (known by its French acronym, CEI) and the resolution of disputes before the announcement of final results by the Constitutional Council (CC). The IEOM is only able to comment on its observations up to this stage of the process and will subsequently publish a final report, including a comprehensive analysis of the process and recommendations for future elections. The IEOM may also issue further statements or press releases on the progress of the ongoing process if as appropriate.*

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#### **Executive Summary**

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- The overall context and process of the polls did not allow for a genuinely competitive election. It was hampered by an active boycott by a segment of the population and a volatile security environment. Several candidates ultimately did not contest the election and broad sectors of the Ivorian population did not participate. Calls by the opposition to commit civil disobedience, and the violence that subsequently occurred, also impacted the vote. These issues now threaten the acceptance of the results and the country's cohesion.
- The decision of outgoing President Alassane Ouattara to run for a third term, after having pledged not to be a candidate, increased tension within the political class and the population.
- The validation of his candidacy, by the Constitutional Council, was challenged. The reasoning for this decision has no clear or substantiated legal basis. This alarming trend echoes a tendency observed on the African continent to change or amend the Constitution to allow incumbent Presidents to run for a third term.
- Forty out of 44 candidates were disqualified without being entitled to an effective remedy, as the decision rejecting their candidacy was final.
- Out of the four qualified candidates, only Alassane Ouattara and Kouadio Konan Bertin campaigned, while the two opposition candidates called for an active boycott of the electoral process.
- These factors combined to drag the country into an unbalanced and lackluster campaign period marked by civil disobedience and violence, which left more than 40 people dead and hundreds of people injured.
- The obligation to respect the official campaign period and the ban on the use of government assets were widely flouted. Political party and campaign financing were only partially enforced; the legal framework does not specify a ceiling for campaign finance, nor their monitoring.
- Both the COVID 19 pandemic and the state of emergency were used as the basis for amending the electoral code by executive order six months prior to the elections without the consensus of Ivorian political forces.

- The Republic of Côte d'Ivoire should be aware of the need to abide by the rulings of international judicial bodies and, in particular, the recent judgments of the African Court of Human and Peoples' Rights, whose decisions are binding on Côte d'Ivoire.
- The use of the state of emergency as a legal basis to restrict the rights of expression and assembly did not allow citizens to exercise their fundamental freedoms during such a critical period, and these freedoms continued to be restricted even after the state of emergency was lifted. State authorities should not exert discretionary powers to restrict these freedoms during an election period.
- The composition of the election management body should ensure that the full spectrum of political forces are represented. However, this political diversity has been blurred by various political reversals and a persistent efforts to block the opposition from nominating members, resulting in their withdrawal from the institution.
- This situation prompted the Independent Electoral Commission (CEI) to operate with 13 rather than 16 members while its local branches operated with five out of eight statutory representatives. In effect, these institutions were largely dominated by the presidential majority; 95% local CEI branches presidents with whom our observers met were members the ruling party, RHDP.
- Côte d'Ivoire's electoral roll was revised in 2020, which led to a significant increase in the number of registered voters, reaching today about 71% of the target population. However, the relative lack of transparency by Ivorian institutions regarding the voter registry does not guarantee its territorial representation, the comprehensiveness of its data or the uniqueness of voters. In addition, the de-registration of deceased voters reported by the CEI accounts for only 5% of those who have potentially died since the last revision in 2018; a large number of deceased voters therefore remain in the database. Given the political tensions observed around the condition of the voter registry, which was established 10 years ago, the CEI should reassure all actors by conducting an external audit to ensure that the registry meets international standards.
- Voter card distribution suffered from the opposition's active boycott, and only 41.15 percent of cards were delivered in advance of the polls. However, because the Independent Electoral Commission made the voting cards available on election day and the Electoral Code allows the voting with a national identity card, the impact of the boycott was minimized.
- Faced with politicized media, the opposition took advantage of social media and used it as a highly influential media platform during the electoral process.
- The IEOM deployed 16 observer teams, which were able to observe voting operations in 213 polling stations in 17 of the country's 33 regions and autonomous districts.
- Observers also noted that the turnout at the polls showed strong disparities across the country, with relatively high rates in the north and lower rates in the center and west, and were variable in the south of the country.
- Election day was marked by an active boycott, causing a large number of incidents and a volatile security environment. In six of the 17 regions, observers noted that the organization of the vote was heavily impacted. At least 1,052 polling stations were never able to operate.
- In light of the deteriorated security situation, only 54% of the polling stations were able to open on time and the opening operations were assessed positively in 66% of cases, with staff rushing to start voting as soon as possible, without respecting procedures.
- Although officials generally adhered to voting procedures in the majority of the polling stations visited, voting processes took place amid a highly problematic context.
- Election materials were readily available in the polling stations that opened, although the use of polling booths and touchscreen tablets should be enhanced. Shortcomings in the verification of voters' fingerprints, the biometric control provided for by the CEI, and the display of the voters' roll occurred in 20 percent of the polling stations.
- The CEI distributed voter cards in 89% of the observed polling stations in accordance with existing procedures and without interference in 82% of the cases.
- Political party representatives were present in 99% of the polling stations, mainly RHDP (83%). The opposition boycotted the election, and did not deploy party agents.

*At the invitation of the Ivorian authorities, the Electoral Institute for Sustainable Democracy in Africa (EISA) and the Carter Center (the Center) deployed a long-term International Election Observation Mission (IEOM) to Côte d'Ivoire in August 2020 to observe the Oct. 31 presidential election and the anticipated parliamentary elections. The mission consists of an Abidjan-based core team of election experts from EISA and the Carter Center, 12 international long-term observers (LTOs) deployed in six teams across the country and 24 short-term observers (STOs) who joined the mission on October 25. The short-term observer delegation is led by Denis Kadima, the Executive Director of EISA.*

*The IEOM's overall objective is to assess independently, objectively and impartially the integrity, credibility, and transparency of the Oct. 31 Ivorian presidential election. The mission is evaluating the election in accordance with the national legal framework governing the organization of elections in Côte d'Ivoire and sub-regional, regional and international instruments governing elections including the United Nations Charter, the Universal Declaration of Human Rights, the African Charter of Democracy, Elections and Governance of 2012, the Declaration of the Organization of African Unity/African Union (OAU/AU) on the principles governing democratic elections in Africa, and the Principles for Election Management, Monitoring and Observation (PEMMO) and the Additional Protocol of ECOWAS.*

*EISA and the Carter Center deployed 50 international observers from 28 African and European countries across the country on election day to assess the Oct. 31 poll. Observers, equipped with touchscreen tablets, observed the opening and voting in 213 polling stations. The IEOM will remain in Côte d'Ivoire to observe post-election developments, including tabulation and centralization of results, electoral challenges and the announcement of final results. The IEOM is independent in its conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.*

*This statement is available in French and English; please refer to the official French version if variations in translation exist.*

## **POLITICAL AND SECURITY CONTEXT**

The Oct. 31 presidential election represented a crucial opportunity to consolidate democracy in Côte d'Ivoire and an occasion for its citizens to assess the country's progress on the road to stability, peace and democracy. The presidential election, held every five years, is an opportunity for every Ivorian voter to evaluate the candidates' programs and their commitment to democracy, the rule of law, human rights and development.

The International Election Observation Mission (IEOM), deployed by the Electoral Institute for Sustainable Democracy in Africa (EISA) and The Carter Center, notes that the Oct. 31 presidential election was held in a highly polarized political environment. The pre-election climate was marked by a profound lack of consensus between political forces and a media landscape damaged by hate speech, thus inciting violence and exacerbating regional divisions. Some political actors advocated for a postponement of the vote in favor of dialogue to achieve consensus and remove key obstacles to a peaceful electoral process.

The overall context and process did not allow for a genuinely competitive election. The process excluded a number of Ivorian political forces and was hampered by an active boycott by a segment of the population and a volatile security environment. Several candidates ultimately did not contest the election and broad sectors of the Ivorian population did not participate; these issues now threaten the acceptance of the results and the country's cohesion.

President Alassane Ouattara's decision to run for a third term in office, after promising that he would not be a candidate in the election, caused strong friction within the political class and heightened tension dramatically in the population. Opposition leaders questioned the constitutionality of his candidacy, announced on Aug. 6 and validated by the Constitutional Council (CC) on Sept. 14. These concerns resulted in a pre-election crisis, which was further strained by differences over the composition of the CC and the Independent Electoral Commission (known by its French acronym, CEI), as well as the rejection of 40 of the 44 candidate applications in the presidential election.

The opposition's call for civil disobedience and for an active boycott of the electoral process weighed heavily on the pre-election environment and, in particular, on the distribution of voter cards. The IEOM notes that the opposition's stance affected the peaceful conduct of the vote due to a volatile security environment, which hindered the opening of an important number of polling stations.

The tense electoral environment in Côte d'Ivoire has prompted worries from a large number of international organizations, including the Economic Community of West African States (ECOWAS), the African Union (AU) and the United Nations (UN), and concerns the entire sub-region. In fact, a deep political crisis in this strategic and central country could destabilize the region, due to the fragile and degraded security environment and a strong intertwined nature of the countries of the sub-region.

## CANDIDATE REGISTRATION

### *The candidacy registration process did not protect one's right to an effective legal recourse*

The submission period for candidates for the presidential election took place from July 16 – Aug 31, 2020. Forty-four candidates registered. Within 72 hours, the CEI forwarded these nominations to the CC, which immediately published a list comprising the same 44 contenders, paving the way for the period of electoral challenges. The CC rejected 40 of these nominations, for failing to meet eligibility criteria<sup>1</sup> or the constitutional requirements for the office<sup>2</sup>, and allowed only four contenders to run for the presidency. Thus, the CC rejected the candidacies of Guillaume Soro and Laurent Gbagbo, as they had been removed from the voter registry following the final decisions of the Korhogo and Abidjan Tribunals, respectively.

Concerning the case of Guillaume Soro, the African Court of Human and People's Rights (ACPHR) ordered the State of Côte d'Ivoire, on Sept.15, 2020, to take all necessary steps to remove major obstacles preventing him from enjoying his rights to vote and stand as a candidate. In a second decision, concerning Laurent Gbagbo, issued on Sep.25, 2020, the ACPHR ordered that the reference to a criminal sentence in the criminal record must be suspended and that all necessary actions should be taken immediately to remove all obstacles preventing him from registering on the voter registry. Although the decisions of the ACHPR are legally binding, the State of Côte d'Ivoire has not enforced them (see legal framework).

Although Article 127 of the Constitution requires it, the CEI did not publish an interim list of candidates, nor did it verify their eligibility criteria.<sup>3</sup> Thus, the CC, under Article 56 of the Electoral Code, was obligated to publish the candidate list without verifying their eligibility at this stage. The timeline set out in the Election Code (45 days in advance of the election) contradicts that of the Constitution, which requires the CC to publish the final list of candidates only 15 days in advance.

While the candidacy of the four applicants who were accepted by the CC could be challenged, unsuccessful applicants (apart from those who had an opportunity to finalize their sponsorship lists) had no legal recourse, as CC decisions cannot be appealed. The process failed to guarantee the right to effective legal recourse, as set out by international standards for democratic elections, for unsuccessful candidates.<sup>4</sup>

The CC approved four candidate applications, including those of current president Alassane Ouattara of the Rally of Houphouëtistes for Democracy and Peace (RHDP), Henri Konan Bédié of the Democratic Party of Côte d'Ivoire-African Democratic Rally (PDCI-RDA), Pascal Affi N'Guessan of the Ivorian Popular Front (FPI), and Kouadio Konan Bertin (KKB), an independent candidate and dissident of the PDCI. Of the 40 files rejected, 31 were rejected on the basis of ineligibility; or missing, incomplete or non-compliant documents.<sup>5</sup> Nine were disqualified for lack of the appropriate number of supporting voter signatures.

Five potential candidates appealed the council's decision. All were aimed at the candidacy of President Alassane Ouattara and were rejected for lack of standing. The council has yet to publish its legal reasoning on these cases. According to the CC's interpretation, only applicants who were confirmed as candidates have legal standing to contest the results, and thus be a party to the case. The CC's interpretation is restrictive and objectionable. Article 56 of the Electoral Code allows all candidates, rather than the final roster of eligible candidates, the right to appeal. The paradox of this interpretation has led the CC to judge both the ineligibility of the candidates and their standing in a potential appeal, and their eligibility in parallel.

### ***Sponsorship of candidates: an opaque procedure***

The CC rejected the applications of nine candidates for a failure to meet voter sponsorship requirements. Only six of the nine had an opportunity to rectify their application file by supplying additional lists of sponsors, while two were not even notified. One female candidate was automatically rejected. The requirement for voter sponsorship was introduced in 2020 in the Electoral Code, and the majority of candidates struggled with this new process in this electoral process. While the CEI conducted the first stage of the process to collect the

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<sup>1</sup> The submission of a candidacy for the election of President of the Republic requires, among other administrative documents: a copy of one's birth certificate, proof of citizenship, an extract from the criminal record, a certificate of fiscal regularity, a copy of the bond receipt for filing fees, a letter of investiture from a political party or group, if necessary, and a petition from a number of registered voters across regions who have agreed to sponsor the candidacy.

<sup>2</sup> Article 50 of the Electoral code defines certain restrictions for candidature running for President of the Republic.

<sup>3</sup> Art. 127 « [...] The Constitutional Council decides and publishes the final list of candidates for the presidential election a fortnight before the first round of voting, after the Independent Electoral Commission conducted verification of the files of the various candidates and published the provisional list of candidates ».

<sup>4</sup> Article 2.3 of the International Covenant on Civil and Political Rights (IPDCP).

<sup>5</sup> In particular the tax certificate and/or payment of the bond of 50 million CFA francs (approximately USD 90,000).

sponsorship files transparently, the CC's validation of the lists of voter signatures proved opaque and, in two cases, inaccessible to candidates.<sup>6</sup> The major stakeholders in the process (potential candidates or political parties that invested them, the national and international observers) were not allowed to attend the counting, the consolidation and the validation of the voter signatures by the CC, which was done by an ad hoc technical support committee. As a consequence, the transparency of the process could not be evaluated.

Contrary to its own internal regulations, as defined in the organic law determining the CC's organization and operations, the CC did not justify its verdict. If candidates lacked the minimum number of sponsors in at least 17 regions and autonomous districts, the CC provided them with a 48-hour window to submit the missing voter signatures. The council did not provide detailed information as to which regions or districts lacked the required number of signatures. It was only while updating their file at the end of the 48-hour period, that the Council informed candidates of the categories, the overall number of sponsors and/or the regions that failed to meet the requirements.

The CC failed to ask candidates Marcel Amon-Tanoh and Serge Djibré to complete their voter sponsorship file or to schedule a follow-up session with them. They were unable to update their file or challenge the CC's decision. The CC's shortcoming in this regard has yet to be explained. Serge Djibré sent a letter to the CC on Sept. 15 asking it to remedy the error and validate his candidacy. The CC rejected his request on the basis that its decision is irrevocable. One candidate's file was rejected because she only provided sponsorship in the district of Abidjan. The remaining six candidates were rejected, and given an opportunity to present additional voter signatures to the CC. According to the Counsel, independent candidates Mamadou Koulibaly and Olivier Dje-Bi-Dje, for example, collected the required signatures in only 15 of the required 17 regions, while the candidate Albert Mabri Toikeusse (UDPCI) did not submit the required number of signatures in six regions until advised by the CC of the status of his submission. Without reviewing the Council's justification, it is difficult to analyze these decisions, as rejected candidates claimed to have submitted the required number of sponsorships.

### ***The controversy surrounding President Alassane Ouattara's eligibility to the supreme office***

The issue of President Ouattara's eligibility dominated the two months preceding the elections. The arguments for and against his right to stand for re-election revolve around the CC's interpretation of the 2000 and 2016 Constitution. President Ouattara was elected for his first five-year term in 2010. He was then re-elected in 2015 on the basis of Article 35, paragraph 1 of the 2000 Constitution, which stipulated: "*The President of the Republic is elected for five years by direct universal suffrage. He is only eligible for re-election once...* ». Under Article 35, which became Article 55 in the Constitution of Nov. 8, 2016, the President of the Republic is entitled to two five-year terms. After his re-election in 2015, President Ouattara proposed an amendment to the Constitution, which was later approved through a referendum, itself the subject of controversy. Its adoption, on Nov. 8, 2016, enshrines, according to the CC's decision, the beginning of the Third Republic.<sup>7</sup> This interpretation triggered a legal debate, as the entry into force of a new Constitution does not necessarily lead to the establishment of a new Republic.

In justifying the start of a new "*social pact*," the CC referred to Article 184 of the Constitution, which establishes the constitution's entry into force from the day of the enactment by the President of the Republic. According to the CC, the new Constitution created a clean slate and a new beginning. Since the Constitution does not expressly state that the mandates exercised under the 2000 Constitution must be taken into account, the Council concluded that the Constitutional revision reset the number of terms served by the incumbent president, thus renewing his eligibility to run for the country's supreme office.

This justification fails to consider the legal continuity of the Constitution.<sup>8</sup> Article 184 of the Constitution cannot be separated from Article 183, which defines legislative continuity.<sup>9</sup> This point was one of the main arguments put forward to challenge the President's eligibility. The same court did not mention its own jurisprudence from

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<sup>6</sup> The cases of Marcel Benoit Amon Tanoh and Serge Franck Aimé Djibré, who have not been notified by the CC of the need to replace some sponsors even if the sponsors' filing slips with the CIE clearly show that they had filed sponsorship lists in 17 or more regions and with a percentage of 1% or more.

<sup>7</sup> According to the Council, "*it follows, both from the explanatory statement and from the legal framework of the 2016 Constitution that the impulsive and decisive motivation of the initiators of this new fundamental law was to establish a new Republic.*"

<sup>8</sup> Art.127 "*the Constitutional Council ends and publishes the definitive list of candidates for the presidential election 15 days before the first round of elections, after the independent electoral commission has carried out the verification of the files of the various candidates and published the provisional list of candidates*"

<sup>9</sup> Article 183: "*The current legislation in Côte d'Ivoire remains applicable, except intervention of new texts in that it is not contrary to the present Constitution* ». Art.184 "*The present Constitution enters into force on the day of its promulgation by the President of the Republic*".

2018, which applied the principle of legislative continuity set out in Article 183,<sup>10</sup> thus reviving a provision of the 2000 Constitution.<sup>11</sup>

Both the 2000 and 2016 Constitution limit presidential mandates to two terms. Given the identical nature of the language, it is very difficult to assert that these two texts are contradictory. The Constitutional Council's justifications provided no clear or substantiated legal grounds.<sup>12</sup> This venture echoes a worrying trend, observed across the African continent, to change or amend the Constitutions allowing incumbent Presidents to run for a third term.

## **ELECTION CAMPAIGN AND FINANCING OF POLITICAL PARTIES**

### ***Pre-electoral campaign banned, but favored by an incomplete legal framework***

The Electoral Code foresees a 15-day presidential election campaign, which took place from Oct. 15-29, 2020. Although the Article 32 of the Electoral Code states that "*all electoral meetings and electoral propaganda shall be prohibited, outside the regulatory duration of the election campaign.*"

The IEOM directly observed "pre-election" campaign activities, organized mainly on the margins of the candidates' nominations<sup>13</sup>, for candidates of all political tendencies, but also through state visits by the President of the Republic, official ceremonies and ribbon cuttings to inaugurate infrastructure projects.<sup>14</sup> The opposition also held a large rally in Abidjan on Oct. 10, before the start of the legal campaign period.

Although the Electoral Code stipulates that the use of state resources is prohibited during campaigning, EISA-Carter Center observers noted pre-campaign activities including the distribution of materials by the RHDP in the presence of ministers and party officials.<sup>15</sup> These campaigning events monopolized the state media and, to a lesser extent, the private media. These activities are contrary to the principles of fairness and equality. The legal framework, which is silent on these issues, should be strengthened with a clear regulatory framework banning the use of state resources and introducing fines commensurate with the gravity of any violations.

### ***A tepid campaign marked by violence and civil disobedience***

The election campaign was characterized by a general lack of enthusiasm, reinforced by the opposition's call, from Sept. 20, for "civil disobedience," followed by an active boycott. Thus, only the incumbent President, Alassane Ouattara, and the independent candidate Kouadio Konan Bertin (KKB), campaigned actively.

Alassane Ouattara's campaign benefited from significant human and material resources across the national territory, while KKB's campaign was very scarce and primarily focused in target areas. The other two candidates, Henri Konan Bédié of PDCI and Pascal Affi N'Guessan of FPI, did not campaign. They communicated widely with the public, however, calling on supporters to prevent the electoral process from moving forward by all legal means.

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<sup>10</sup> The Decision No. CI 2018-008 / DCC / 23-08 / CC / SG of 23 August 2018 of the CC relating to the request of the President of the National Assembly. In this decision, the Council, was requested by the President of the National Assembly to rule on the conformity of its regulation with the Constitution before its implementation. In doing so, the Council relied on article 183 of the Constitution of 2016 to rule on the applicant's standing in the light of article 95 of the Constitution of August 1, 2000, clearly "reviving" a previous constitutional provision.

<sup>11</sup> According to the CC, the new Constitution has "*erga omnes*" effects that "allow everyone, in terms of design, to draw the consequences of a new beginning".

<sup>12</sup> In an unusual step, the CC relied, in particular, on a text of Professor Martin Bleou who proposed to introduce a specific provision: "*to remove any ambiguity, to provide in the final provisions that the principle according to which the President of the Republic is only eligible for re-election once and applies to situations arising under the Constitution of August 1, 2000*". On the basis of these conclusions, which moreover have no legal value, the CC affirmed that neither the Ivorian constituent, nor the transitional provisions, nor the new article 55 of the Constitution, have raised the ambiguity raised by Professor Bleou and therefore, that for this reason "*one cannot maintain that a new candidacy of the President in office is not possible*". The IEOM recalls that Professor Bleou's words as taken up by the CC are only a partial extrapolation of his reasoning which was first of all based on the permanence and continuity of the principle by virtue of which the President of the Republic does not is eligible for re-election only once. The CC also relied on statements by Pascal Affi N'Guessan, declaring that "*nothing in the new Constitution [...] prevents President Alassane Ouattara from being a candidate for his own succession*".

<sup>13</sup> President Alassane Ouattara was sworn in as the RHDP candidate at a major campaign rally in Abidjan on Aug. 22, ahead of the Constitutional Council (CC) decision on Sept. 14 on the final list of presidential candidates. Henri Konan Bédié was nominated on Sept. 12 in Yamoussoukro for the PDCI-GDR. Konan Kouadio Bertin (KKB) was publicly nominated on Oct. 4. Pascal Affi N'Guessan decided to suspend sine die his nomination ceremony, which was scheduled for Sept. 26.

<sup>14</sup> Two visits to the region of the Moronou, from Sept. 9-12, and in Marahoué region from Sept. 23-26.

<sup>15</sup> La IEOM has observed, among other things, a ceremony organized by the HRDP, October 4, at the town hall of Man, in the presence of two ministers and the mayor, bringing together more than 1,000 people, including the delivery of 10 vehicles, motorcycles, 18 buses and six trucks. On Oct 4, the IEOM attended the ceremony for the delivery, on behalf of the RHDP and in the presence of a minister and party officials, 11 vehicles and 88 motorcycles in preparation for the election.

However, the mission deplors that their calls for civil disobedience have led to acts of violence and destruction. The IEOM also regrets that the electoral management body has been targeted by violence and destruction, aimed at preventing the CEI from distributing voter cards<sup>16</sup> and condemns the incidents and the violence that characterized the electoral process, causing at least 30 deaths (namely in Dabou, Bongouanou, Bonoua, Daoukro, Divo, Gagnoa) and many injured.

### ***Party and campaign funding: lack of transparency and weak enforcement of provisions***

Laws governing political party financing and electoral campaigns are weak and not well enforced due to gaps in the legal framework and implementing institutions. The Law No. 2004-494 of September 10, 2004 addresses political party financing, which to date, has been largely unregulated. Nevertheless, its application remains limited, due to deficiencies in the traceability of funds, the absence of spending limits, weak measures to sanction violations of the regulations and an after-the-fact reimbursement *a posteriori* of campaign expenses. These shortcomings lead to a disparate treatment of public and private campaign funding.

The annual subsidy allocated to political parties and groups during their five-year term is based on the number of votes a party garners in the polls, the number of seats awarded and the number of members of each parliamentary group. However, the IEOM notes that, for the year 2020, the parties received funding only on the basis of the number of votes obtained, without further clarification, due to the failure to establish a commission intended to define these financing arrangements and that of the election campaign. In addition, a law outlining its application was never passed. Although the law provides for political parties and groups to submit an annual report to the Court of Auditors, this provision is not applied, making the use of these funds opaque. The same applies to the private financing of political parties.

Presidential candidates receive additional campaign subsidies, which were supposed to have been enshrined in the Finance Act 2020; this was not the case. In addition, campaign expenses, eligible for reimbursement, are not capped and the law restricts neither the origin nor the nature of such funding.

The weakness of these provisions and their non-enforcement leads the IEOM to question the ability of the State to ensure equal opportunities to be provided to all candidates and the origin of the funds used, despite clear international obligations in this area.<sup>17</sup>

## **PRESIDENTIAL ELECTION LEGAL FRAMEWORK**

The legal framework for the presidential election is governed by the 2016 Constitution, as amended on March 19, 2020, and the 2020 Electoral Code.<sup>18</sup> It is supplemented by other texts, such as the Political Parties Act of 1993 and the 2004 Law on the Financing of Political Parties and Groups and the Election Campaign. The legal framework is also completed by various presidential decrees and regulations issued by the Independent Electoral Commission (CEI).

Despite the numerous legal texts regulating the elections, the legal framework still suffers from various shortcomings. Additionally, provisions within the Constitution and the Electoral Code have not been harmonized. In particular, the regulations fail to specify the modalities to establish the final list of candidates and the related dispute resolution measures. Several aspects concerning the electoral process and the campaign are insufficiently regulated or are completely absent, such as the regulation of pre-campaign activities, the prohibition of the use of state resources, the control of public and private financing, the control of the election campaign, the procedures relating to the order of candidates on the ballot paper or the procedures for candidate withdrawal from the final list.

### ***Adoption of the Electoral Code 2020 by ordinance***

Since the advent of the Second Republic, marked by the entry into force of the 2000 Constitution, the adoption and revision of the Electoral Code was within the purview of the law by the parliament. However, the Code was amended in 2018 and 2020 by executive order. Although the 2016 Constitution grants the president the power to issue executive orders, the Ivorian legal framework requires the parliament to first adopt enabling laws. The preamble to the executive order amending the Electoral Code covers the State of Emergency and the 2020 State

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<sup>16</sup> Attacks against the election administration branches in Iboguhé, Bouaflé, Didiévi, Yamoussoukro, Tiebissou, Daoukro, Sikensi and Yakasse Attobrou.

<sup>17</sup> Art. 25C of the International Covenant on Civil and Political Rights (PIDCP). Art. 7 of Convention des Nations-United Nations Against Corruption.

<sup>18</sup> The 2020 Electoral Code, Ordinance No. 2020-356 of April 8, 2020, introduced other modifications.

Budget, respectively. For the first, there is no provision to authorize regulation by ordinance; The State Budgeting Act, on the other hand, authorizes the President use an executive order, only in economic and financial matters. The COVID-19 pandemic and the state of emergency to contain it, served as a basis to change the electoral law by executive ordinance.<sup>19</sup> According to the Protocol on Democracy and Good Governance of the Economic Community of the West African States (ECOWAS), any change to an electoral law, in the six months preceding an election, should obtain the prior consent of a large majority of political actors). This consensus did not occur.

### ***Standards and international obligations and respect for international justice***

The Ivorian legal framework for the organization of elections meets universal and regional commitments. In addition, Côte d'Ivoire has ratified almost all applicable treaties and legal texts.

Nevertheless, the Republic of Côte d'Ivoire should be particularly sensitive to respect the decisions of international judicial bodies and, in particular, the recent rulings of the African Court of Human and Peoples' Rights (ACHPR) relating to the composition of the electoral management body and the right to vote and be elected. Although Côte d'Ivoire signaled its intent to withdraw from the ACHPR on April 29, 2020, the court is competent to receive requests from individuals or non-governmental organizations (NGOs) through April 30, 2020 when the instrument of withdrawal takes effect. The ACHPR confirmed its jurisdiction in the *Suy Bi Gohore Émile case against the Republic of Côte d'Ivoire* in 2020.<sup>20</sup> Indeed, this withdrawal will only become effective on Apr. 30, 2020. Therefore, the Court's rulings are still binding on Côte d'Ivoire, which has an obligation to implement them.

### ***Regardless of constitutional safeguards, civil liberties were hampered by restrictions***

Article 20 of the Constitution guarantees freedom assembly and demonstration. However, the government banned marches, sit-ins and demonstrations across the entire territory, from Aug. 19 – Oct. 14, 2020, on the basis of three inter-ministerial decrees. These decrees were based on the state of emergency that came into force on March 23, 2020 and which has not been renewed since May 13, 2020. The obligation to inform the state of one's intention to organize demonstrations cannot be subject to the discretion of the state authority. Therefore, such restrictions did not allow the opposition to fully enjoy the above-mentioned fundamental freedoms.

In the same spirit, these bans were subsequently extended until Nov. 1, 2020, with the exception of the events organized as part of the election campaign. The IEOM notes that the reference to the state of emergency is no longer mentioned in the published decrees, therefore putting its legality into question. Finally, these provisions do not designate the authorities competent to authorize demonstrations and on which grounds requests can be denied.

## **ELECTORAL ADMINISTRATION**

### ***An electoral administration in the midst of a credibility crisis***

The Independent Electoral Commission (CEI) is a permanent administrative authority that enjoys legal individual status and financial independence. Its composition, organization, functions, characteristics, and operation are derived from the Constitution, the electoral code, and the law. It enjoys wide-reaching regulatory powers, allowing it to determine the scope of the application of the law, establish clear operational instructions, and to report on each stage of the electoral process, including registration records, the distribution of voter cards, or the latest operations implemented before elections.

The CEI's composition should guarantee representation of the various political actors to ensure its political and administrative balance.<sup>21</sup> However, the law on the composition, organization, functions and operation of the CEI<sup>22</sup> is constantly changing, with the last revision taking place as recently as April 2020.

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<sup>19</sup> Statement of the Ministerial Council of April 8, 2020: <https://www.presidence.ci/wp-content/uploads/2020/04/CCM-du-08-04-2020.pdf>.

<sup>20</sup> <https://fr.african-court.org/images/Cases/Judgment/Appl.%20044%20-2019%20-%20Suy%20Be%20Gohore%20-%20French.pdf>

<sup>21</sup> The Commissioners are proposed by the Head of State (1), the Minister of Territory Administration and Decentralization (1), the Supreme Council of the Judiciary (1), the majority (3), the opposition (4) and civil society (6).

<sup>22</sup> Law n°2004-462 from 14 December 2004 modified.



The political balance enshrined in its legal framework is a gray area. For example, some opposition members who joined the presidential majority,<sup>23</sup> are still considered part of the opposition. In addition, the opposition proposed four personalities to the Ministry de Territorial Administration and Decentralization, which establishes the final list of candidates the Council of Ministers to validate.<sup>24</sup> Their recommendation resulted in the opposition refusing to take the oath of office for a member put forth by the PDCI. Finally, more recently, the call to boycott the opposition's initiatives led to the withdrawal of AFD and MP representatives from the plenary of the CEI.

The lack of trust in the institution is worsened by constant accusations of political biases, especially regarding the CEI's president and the decisive role given to the vice president, who is appointed by the Head of State. The ACHPR, leveraging this situation, ordered the CEI to expand the opposition's representation and to hold new elections at the level of the local CEI branches. Although partially implemented, this decision did not address the issue of political obstructionism within the CEI.

There are 576 decentralized electoral commissions, temporary bodies, distributed throughout all administrative and territorial districts, in the regions (31), departments (82), sub-prefectures (387), municipalities (58) and in the 18 diplomatic representations. Each consists of eight members, including one recommended by the decentralized territorial administration, four by the opposition parties and three by the majority. Hence, the local branches suffer from similar partisan representation challenges and the lack of participation of the different political parties, just as the CEI. The latter operate, to date, with five members. The remaining three from the opposition parties (PDCI, AFD and MP) having not participated in pre-election and electoral activities. The IEOM observers met the presidents of 273 local CEI branches in 17 of the country's 33 regions and autonomous districts. Among these, it is worth noting the over-representation of presidents proposed by RHDP, accounting for 97% of officials. Only 1% of the presidents were proposed by the LMP and 2% from the RDGP-Paix. The mission notes that the PDCI and UPDCI are not represented within local CEI branches as president.

### ***Recruitment and training of election officials***

The CEI has access to a pool of state employees, mostly comprised of elementary and secondary teachers. Depending on their duty stations, they are responsible for conducting cascading training for regional and departmental trainers, and trickling down to polling stations supervisors.

A total of 66,405 polling station members participated in of cascading trainings from October 19-30, 2020, in the regions and then at the level of the local electoral commissions (CEL). The mission noted difficulties in training polling stations members, in particular on closing, counting and centralizing results. However, these deficiencies were generally addressed because of the high level of competencies of polling stations supervisors and officials. Although the voting processes took place amid a highly problematic context, observers reported that officials generally adhered to voting procedures in the majority of the open polling stations visited.

### ***Polling centers and stations***

The election map foresees 10,815 polling centers, of which 10,759 polling centers nationwide and 56 abroad, and a total of 22,381 polling stations, i.e. 22, 135 polling stations across the national territory and 246 abroad. This territorial coverage allows all registered voters to be assigned to an accessible polling station. Although the electoral code requires fewer than 600 voters per polling station, in practice the CEI has tried to limit each polling station to 450 voters, making it easier to carry out polling activities.

### ***Awareness, civic education and communication***

A communications campaign was carried out with visible posters on major traffic zones and spots on national and local radio stations, raising awareness among voters about their participation in the election and the need to maintain a calm electoral environment. The CEI organized a nationwide civic education campaign through a network of civil society organizations (CSOs) that first conducted voter outreach during voter registration, and later for 15 days in October 2020, with the same objectives of encouraging participation and peaceful elections. The establishment by the CEI, with the support of UNDP, of a media center with the aim of maintaining a media pool relaying electoral information, never materialized.

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<sup>23</sup> Although the RPC-Paix joined RHDP in March 2018, it is still counted as a representative of the opposition in the CEI.

<sup>24</sup> Law n°2004-462 from 14 December 2004 modified.

## VOTER REGISTRATION

The CEI's mission is, in particular, to maintain an up-to-date national voter registry via the implementation of annual audits. Based on the recommendations of the Ouagadougou Political Agreement (OPA) signed on March 7, 2007, the voter registry was completed in 2010, following a complex process of foreign audits, reconstruction of civil registers, biometric voter registration, and cross-checking with a dozen national registries. This exercise resulted in the initial confirmation of 5,277,392 voters, or approximately 65% of the target population in 2010.

Although the law provides for an annual audit, the CEI has faced budgetary constraints, as the government does not allow to conduct it during non-election years. Audits to the voter registry took place in 2015, 2016, 2018 and finally 2020.

Between 2010 and 2018, irrespective of the aforementioned budget constraints, the CEI managed to maintain a voter registration rate of around 60-65% of the target population. These audits have helped to achieve a relatively consistent registration rate from one election process to another one, thereby making it possible to regularly keep up with the annual target population growth rate estimated at 2.6%.

The 2020 audit operations began on June 10 and continued until July 5, 2020, after two extensions. As a result, 1,711,855 people applied for registration throughout the territory and 18 diplomatic representations abroad. The CEI subsequently worked clearly to ensure (i) the uniqueness of voters, followed by the removal of 52,534 duplicates from the 2018 lists (ii) the eligibility of voters, resulting in 763 voters stripped of their civil and political rights. In addition, 7,779 applicants were denied voter cards because they did not meet the requirements. With regard to the deletion of deceased voters, the CEI relied on in data provided by the Ministry of Territorial Administration and Decentralization, resulting in the deletion of 8,073 of 34,380 voters.

The IEOM notes that the removal of deceased voters by the CEI remains very low, accounting for less than 5% of voters who have potentially died since 2018. Some 95% would therefore still be present in the electoral roll. The quality of the electoral registry cannot be assessed without comparing the disaggregated data against that of the target electoral population. To date, CEI is unwilling to report on the detailed data in the electoral roll and the National Statistics Office (INS) has not published detailed data about target population aged 18 and above, per age and sex and per region. This does not help to compare the electoral roll with the target population figures. The IEOM noted mixed experiences in the transparency of data when working with local institutions in this area. In addition, it was not possible to analyze the quality of the biometric and alphanumeric data collected. The completeness of voter information, the guarantee that each voter is registered only once, or the work of deleting deceased voters could be evaluated. Despite requests from the political class, the CEI still refuses to have an external audit of the file conducted and did not disclose detailed data of the electoral rolls.

Complaints regarding the voter lists allowed a large number of applicants to assert their rights. Thus, 13,307 requests were processed first or last resort, with an acceptance rate of 70.69%. These requests concerned requests for corrections of the personal voter data (6,709), statements of omission (5,969), and finally, requests for removing voters based on the nationality of an unduly registered voter, but also in the context of reporting the death of a voter (629).

Ultimately, the 2020 updated voter registration record contains 7,495,082 registered voters. The work performed by the CEI shows the strongest growth observed on the electoral rolls since the generation of the file in 2010, thus reaching today 70.40% of the target electoral population.

The electoral roll comprises 48.65% of female voters and 51.35% voters (7,397,413 in Côte d'Ivoire/97,669 abroad). It is perfectly consistent with the official trend as highlighted in the 2014 General Census of Population and Housing (RGPH), which identified a ratio of 48.65% women to 41.7% men. The RGPH includes many migrant workers, around 6 million people, who distort the gender ratio, which should always give a slight predominance to the representation of women. The male-female ratio reached by the electoral roll is therefore consistent, compared to 105 against 107 as officially reported for 2014 in the last RGPH. Compared to the last revisions, the 2020 revision increased the electoral population by 1.14%, one of the strongest growth rates since 2010, still below the 2.6% annual population growth rate.

In view of these factors, the opposition's recurrent request for the conduct of an international audit of the Ivorian electoral roll would effectively allow to accurately determine whether the electoral lists are representative of the populations of each department, the female/male ratio in the population or the age brackets of the target voters.

### ***Distribution of voter cards***

The CEI committed itself to printing all voter cards for all 7,495,082 registered voters. Indeed, voter cards have a lifetime of an election cycle and therefore all must be reprinted before each election. The distribution was planned, in all polling centers, from Oct. 14-25. In view of the political tensions observed and the "active boycott" against the distribution of voter cards, this phase proved complex for the branches of the CEI. The final issuance rate presented by the CEI was 41.15%.

Though low, the boycott of this process has had relatively no impact on voters' participation in the election, given that they had the opportunity to pick up their registration cards at their respective polling stations on polling day. In the absence of the voting card, voters were allowed to exercise their right to vote by producing their national identity card (CNI), as allowed by the law. Difficulties in distributing the voters' cards did not impact adversely on voting operations on polling day. Voter cards were thus distributed, either at the polling stations, in 69% of cases, or in the polling centers in 20% of cases. It should be noted that the use of the national ID card to confirm the voter's status has been well applied, for voters who did not hold their voting cards.

### **THE MEDIA AND SOCIAL NETWORKS**

The Ivorian media space is vastly diverse. Communication is mainly structured around the press (print and digital), and the radio and television stations (public and private). The audiovisual space that was once the monopoly of the Ivorian Radio and Television Broadcasting (RTI) has since been expanded. A number of private television channels have been authorized to broadcast (A+ Ivoire, Life TV, 7 Info and the Nouvelle Chaîne Ivoirienne).

For many media space observers, these newly created television channels remain under the control of prominent personalities close to the ruling party. Law N° 2017-867 of Dec. 27, 2017 on the legal status of the press regulates the press community, decriminalizes press crimes and regulates the practice of the journalist profession. Generally, in Côte d'Ivoire, media outlets are linked to parties or politicians. From 2017 to 2020, a dozen of journalists were arrested in Côte d'Ivoire and ordered to pay financial penalties that were very powerful coercion instruments.

The HACA (High Authority for Audiovisual Communication) is responsible for regulating the audiovisual sectors (radio and television broadcasting). The National Press Authority (ANP) is tasked with regulating the print media and online press. The HACA and the ANP should ensure equal access of candidates to the media during elections. The State media however remain under the control of the ruling party.

Political stakeholders and Ivorian people in general are increasingly interacting through online media, which are becoming a power issue and for the opposition is the main propaganda tool. Indeed, throughout the electoral process, both the opposition and the ruling party used this channel to inform and propagate instructions and slogans to their supporters.

The Mission notes that all political parties organize the widespread dissemination of hateful or harmful information using networks of cyber activists and that on the online media, the pages of some political party activists spread many dangerous and hateful messages. According to the mission's findings, such messages fuel tension in the political climate and incite people to violence.

The IEOM team monitored more than 9,000 Facebook posts. This analysis revealed a clear polarization on social media with, on the one hand, the supporters of the RHDP for the holding of the presidential election on Oct. 31, 2020, and on the other hand Internet users close to the political opposition objecting to the holding of the voting process. The mission observed hate speech and dangerous speech as well as a disinformation campaign on social media. The mission has not observed the official pages of parties and candidates broadcast any hate speech.

Hate speech and dangerous speech, observed by the mission, have, in most cases, dealt with issues related to ethnicity and nationality. The publications, usually published by avatars in groups, have aroused very highly politicized reactions. In addition, disinformation campaigns have focused on comments attributed to political figures. Often unverifiable information was shared, notably by avatar Chris Yapi, which remains closely viewed.

## **WOMEN'S PARTICIPATION**

Despite the ratification of the main international instruments on women's rights, women struggle to find a seat for themselves in the decision-making and political spheres in Côte d'Ivoire. Of the 44 presidential candidates, only three were women (6.81%) and none were retained by the CC.

The preamble of the 2016 Constitution outlines the principle of gender equality for the first time -and its decline in various areas (parity in the labor market, political participation and the fight against violence against women). Another step forward, although still needing improvement, is represented by the adoption of Law 2019-870 introducing a quota of 30% women in parliament and the introduction of alternate party lists <sup>25</sup> beginning in the next elections.

Different from the international target quota of least 30% for women's representation, only 12% of the members of the National Assembly and 19.2% of the Senate are women.<sup>26</sup> Women represent only 3% of the regional councils with only one as president and women sit on 7% of municipal councils. Within the CEI, there are 25% women (4 of 16 members). Although diverse, their presence is rather small in local electoral commissions and party governing bodies. Few political parties prioritize gender in their statutes and women are rarely included in decision-making bodies. The MIOE observers noted that XX% of polling stations did not have female representation, while 77% of polling stations had one woman only 7,6 % of the presidents of the polling stations were women.

## **PARTICIPATION OF PEOPLE WITH DISABILITIES**

Côte d'Ivoire ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2014. The voter status of persons with disabilities is a protected right and they should be included in the electoral process. The coordinators of the associations of persons with disabilities (CAPH-VB) which has nine associations, received training on election observation from Sept. 8-12, 2020.<sup>27</sup> According to Section 37 of the electoral code, voters with a physical disability can be assisted by any person of his choice. According to IEOM observations, this procedure was generally followed on polling day. However, voters did not have the option to request a tactile-Braille ballot. Unfortunately, only 70% of the polling stations visited were accessible to people with reduced mobility.

## **NATIONAL AND INTERNATIONAL OBSERVATION**

National and international observation is not provided for by the Electoral Code. However, the CEI has established the criteria and the accreditation procedure, which turned out to be cumbersome and bureaucratic. The CEI granted accreditations that relate to specific phases of the electoral process (for example a type of accreditation only allowing to cover the period of voter registration, or the campaign period until the publication of the final results, etc.). Unfortunately, these limitations have made for the work of IEOM observers difficult- a few CEI local branches refused to allow them to observe; in the San Pedro region, for example, the collection of information was slowed down significantly by the reluctance of the polling officials to collaborate. In the interests of transparency, the IEOM encourages the CEI to set clear guidelines to ensure that all stages of the process are open for scrutiny, without hindrance, in accordance with international commitments and best practices regarding democratic elections to which Côte d'Ivoire has adhered.

According to the CEI statements, more than 10,000 observers have been accredited. Several national platforms have been accredited by the CEI such as the Programme of Organizations of the School for the Observation of Electoral Control in Côte d'Ivoire (POECI); the Transition and Political Inclusion Programme (PTI); the Research and Education Initiative for Peace (INDIGO); the Coalition of Civil Society for Peace and Democratic Development in Côte d'Ivoire (COSOPCI), the Human Rights National Council (CNDH), the West Africa Network for Peacebuilding (WANEP) to follow the various stages of the process. On polling day, IEOM observers met with national observers in XX% of the polling stations observed.

The CEI has also accredited several short-term international election observation missions and, notably, the Economic Community of West African States (ECOWAS) with 90 observers, the 11-member International

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<sup>25</sup> The elective positions are: MPs, Senators, Regional Councils, District Councils and Municipal Councils.

<sup>26</sup> UN Women in Politics 2020 <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/women-in-politics-map-2020-fr.pdf?la=fr&vs=828>

<sup>27</sup> According to the 2014 General Population Census, there are 453,000 people with disabilities in Côte d'Ivoire.

Organization of Francophonie (OIF), the African Union (AU), which has deployed 40 observers, and the four-person European Union (EU EEM) team of experts. The EISA-Carter Center IEOM was the only long-term international mission to Côte d'Ivoire.

## **ELECTION DAY OBSERVATION**

EISA and the Carter Center deployed a total 17 observation teams, 16 of which were able to lead proper field observation during election day. These teams observed the opening and vote in 213 polling stations (« PS » below) in 17 out of the 33 regions and districts.

Although officials generally adhered to voting procedures in the majority of the polling stations visited, voting processes took place amid a highly problematic context that did not allow for a fully competitive election.

Election day was been affected by protests and a so-called « active boycott » over a large portion of the country, impacting the polls in differently in each region considered. In the regions where the IEOM was able to observe, a minimum of 1052 polling stations did not open.

### ***Regions in which the security situation had little impact on the polling***

In 11 of the 17 regions where observers were deployed (namely Poro, Loh-Djiboua, San-Pedro, Cavally, Tchologo, Agneby-Tiassa, Hambol, Tonkpi, Haut-Sassandra, Abidjan and Guémon), voting activities were conducted in a calm manner. Voting in these areas was not been impacted significantly, though sporadic events were reported.

- In the regions of Poro and Tchologo, electoral authorities confirmed that 100% of PS were able to open during e-day;
- In the Tonkpi region (District of Sipilou), an armed attack (machete) occurred in two PS and ballot boxes were stolen. In the Man district (west of the country), voting booths were set on fire within the premises of the Local Electoral Commission. The Commission was thus compelled to use improvised booths;
- In the Cavally region, the electoral process has been impacted by various security events, which prevented 53 PS to open on e-day;
- In the region of Loh-Djiboua (District of Lakota) roadblocks that were set up in the morning slowed down the opening of PS, without fully impeding the voting process;
- In the Autonomous District of Abidjan, sporadic events have been observed. Most of them were roadblocks or involved groups local youth, in particular in Blockhaus, Bingerville and Yopougon (where 9 PS could not open on e-day);
- In the region of Agneby-Tiassa, security events impeded the polling to take place in 17 PS spread across the whole district, thus limiting their overall impact;
- In the Haut-Sassandra region (District of Daloa), while downtown remained rather calm and allowed voting, surrounding rural areas suffered from a degraded security situation. This was the case in Sapia, Bouali, Boludughé and Boguedia, where voting was prevented in a limited number of PS (4 out of 84 observed). The electoral administration refused to communicate on consolidated figures for the entire region.

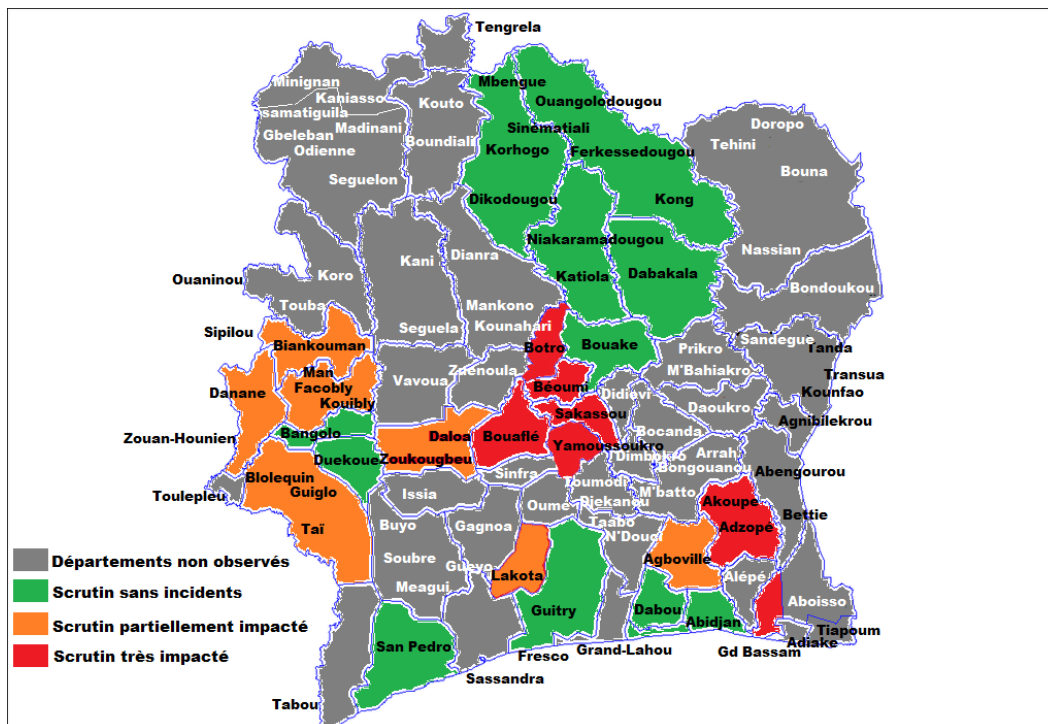
### ***Regions in which the security situation impacted the voting process***

EISA/Carter Center observers were deployed in six regions where the security context had a large impact on the voting process and voter participation. These regions were : Sud-Comoé, Gbèkè, Yamoussoukro, Bélier, Marahoué et la Mé.

- In the Sud Comoé region (Bonoua district), 13 polling centers out of 28 were still not open at midday. A strongly degraded security context prevailed throughout e-day. Ten PS never opened, seven of which had never received electoral equipment and three of them had been ransacked. A total 59 PS out of 119 PS never opened in the Bonoua district. In other « Départements » of the Sud Comoé region, 42 PS could not open;
- In the Gbèkè region (District of Sakassou) voting was only possible downtown. Some 128 rural PS were not able to open due to incidents. In the same region, in the District of Béoumi (« Sous-Préfectures » of Bodokro, Kondrobo, Sakasou and Andokekrenou), 131 out of 187 PS never opened. In the Bouaké district (« Sous-Préfectures » of Botro and Bouaké), a vast majority of PS did open. The precise figure is still unknown;
- In the Autonomous District of Yamoussoukro (political capital), the security situation remained very tense the day before elections and throughout e-day. Events encompassed roadblocks, firearm shootings, and intimidations by local youngsters on motorcycles holding machetes. This environment impeded 276 out of 359 PS to open (77% of the whole district);

- In the Bélier region (Tiébissous District) 113 out of 139 PS remained closed throughout e-day. Additionally, only 22 out of the 26 PS that remained open were later able to centralize and consolidate results. The 4 other PS had been ransacked in the meantime;
- In the Marahoué region (District of Bouaflé), a PS opening occurred late due to roadblocks. By the end of e-day, 119 PS never opened, mainly in rural areas;
- In the Mé region, the degraded security situation prevented voting in 97 out of 236 PS.

*General environment, as observed by MIOE – impact on polling*



**Opening of the Polling Stations**

IEOM observers attended opening operations in 15 of the 33 regions and autonomous districts of the country. The very tense situation in Yamoussoukro did not allow a proper observation of in the morning of election day. From a larger standpoint, the prevailing security situation led numerous delays in the opening of PS. This caused the frequent breaching of processes (set forth by the Central Independent Electoral Commission) by PS staff attempting to quickly open the PS to voters.

Delays observed in the opening of PS

In 10 of the 15 regions observed, observers noted moderate delays in the opening of PS, caused by the necessity for security forces to assist PS staff and secure the operations. Only 54 % of PS opened on time (08AM), 26% within 30 minutes, 11% after 1 hour, and 9 % more than 1 hour later. These figures encompass only PS that opened and were observed during e-day.

General environment

Delays results in lines during the opening period in 66.6 % of PS observed. However, the general environment surrounding the PS allowed the opening in fair conditions, in all cases. Security forces were always present, outside the PS. They positively contributed to the safe unrolling of electoral operations in the majority of cases.

Opening procedures

The process set forth by the electoral commission implied that PS staff was supposed to be in place from 7 AM. Due to prevailing security conditions, a large number of staff preferred to wait for the arrival of the security forces. Hence, only 66,6% of PS staff members arrived on time.

Opening procedures were largely respected and occurred as follows: i) random draw for the location of the hologram, was respected in 73% of cases, ii) the empty ballot box was presented to all people present in 80% of PS, iii) the ballot box was properly sealed in 86% of cases and iv) the seal reference has been written in the minutes in 73% of PS observed. The PS opening procedures has not been respected that strictly for PS that opened late, due to time pressure caused by delays.

## ***Voting Operations***

Sixteen IEOM teams observed the voting operations in 17 of the 33 Regions and Autonomous Districts of Côte d'Ivoire, and the voting process in 198 PS throughout the country, during e-day.

### General organization of Polling Stations

IOEM observers were able to freely access 95% of open PS. Although officials generally adhered to voting procedures in the majority of the polling stations visited, voting processes took place amid a highly problematic context. The number of voters registered in the PS corresponded to the numbers imposed by the CEI (Central Independent Electoral Commission), varying from 98 to 465 voters, far below the maximum 600 voters, a figure set as a ceiling in the electoral regulations. In 97% of PS visited, the general atmosphere was positive for the voting process. Security forces were present in 97% of PS visited, with a largely positive impact. In only 2,5% of PS, they were not present. In 3% of cases, observers noticed difficulties in order management.

Three PS staff members were present – as requested by the rule – in 94% of PS observed. In all other cases, at least 2 members were present at all times, allowing the vote to take place even in the 6% remaining cases. At least 1 woman was present in 77% of PS, but only in 7,6% of cases she presided. 30% of PS were not accessible to people with reduced mobility.

### Distribution of Voter cards

In 89% of PS observed, the CEI facilitated the distribution of voter cards. In 82% of cases, this distribution has been completed according to regulation. In only 2 cases, members of political parties were observed interfering with the process. Voter cards were available: i) at the PS (89%), or ii) at the polling center (20%) as planned by the IEC (who decided that in the polling centers where at least 50% of cards had been distributed on October 25, the remaining cards would be delivered directly at the polling center on e-day). However, the IEOM underlines that in 11% of PS observed, no voter card distribution could be done. In such case, voters were still allowed to cast their vote if they presented their national ID card.

### Voting process

Voting operations have been largely respected in the PS that were observed. Fingerprint checks (voter finger to be placed on the tablet) were found to be less systematic. Thus : i) the voter card or national ID card has been checked in 93% of cases, ii) fingerprints checked with the tablet (74%), iii) the visual check of absence of permanent ink on the voter fingers (82%), iv) check of the name of voter against the nominative list (attendance list) (93%), v) the delivery of a unique ballot with hologram and signature (92%), vi) secrecy of vote respected (90%) vii) voter signature on the list (93%) and viii) the voter finger marking with permanent ink in 94% of cases.

### Voting Continuity

Voting process was interrupted in 4% of PS observed. IEOM observers were unable to access the 1052 PS that never opened on e-day.

### Involvement of political parties' representatives

Representatives of President Ouattara were present in 83% of PS. Supporters of Bertin Kouadio Konan were present in 16% of PS. No representatives of PDCI candidate Henri Konan Bédié nor of FPI frontrunner Pascal Affi N'Guessan were observed, in line with the active boycott strategy line of these two competitors. Observers noted that representatives of the candidates only interfered with the voting process in 3% of PS visited.

### Observation of voting operations by national organizations

National observers were noticed in 26% of PS visited. These encompassed people from CNDH (9%), PTI (5%) and various other NGOs (12%).

### ***Closing, counting and centralization***

IEOM observers were unable to observe any step of the closing, the counting or centralization of results processes due to security reasons.

For further information, please contact the mission's press officer

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