



INTERIM MISSION STATEMENT

BY THE

**SADC PARLIAMENTARY FORUM ELECTION OBSERVATION MISSION TO THE
2015 SEYCHELLES PRESIDENTIAL ELECTIONS**

**DELIVERED BY THE MISSION LEADER
HONOURABLE FEZILE BHENGU, MEMBER OF PARLIAMENT FROM SOUTH
AFRICA**

ON 07 DECEMBER 2015

AT AVANI HOTEL, MAHÉ, SEYCHELLES

SALUTATIONS

- Your Excellency Nyeleti Modlane, Head of the SADC Election Observer Mission and Deputy Foreign Affairs Minister of Mozambique;
- Esteemed Heads of the African Union, ECF-SADC, Commonwealth, Indian Ocean Commission and other International Election Observation Missions;
- Members of the Electoral Commission of Seychelles;
- Members of the Diplomatic Corps;
- Esteemed Leaders of Political Parties;
- Members of Civil Society Organisations;
- Media Representatives;
- Distinguished Guests;
- Ladies and Gentlemen

It is my honour and privilege to welcome you all to this event to present the SADC Parliamentary Forum Election Observation Mission's Interim Statement on the First Round of the 2015 Seychelles Presidential Elections in my capacity as the Mission Leader.

1. INTRODUCTION

Following an invitation by the Electoral Commission of Seychelles, the Southern African Development Community Parliamentary Forum (SADC PF),¹ constituted an Election Observation Mission to observe the First Round 2015 Seychelles Presidential Elections which took place on 3, 4 and 5 December 2015. The Mission has been in Seychelles since 28 November 2015 and is composed of Members of Parliament from SADC Parliaments and officials from SADC PF Secretariat.

Through this Interim Statement we are sharing our Mission's findings and assessment on the First Round elections with stakeholders in Seychelles. The aim is to promote the holding of democratic elections that meet legal requirements and stakeholder expectations as well as established international standards, both in Seychelles and the entire SADC Region. We shall be issuing a more detailed Statement at the conclusion of the Second Round Elections which will include overall assessment and recommendations on both the First and Second Round of the 2015 Presidential Elections.

2. TERMS OF REFERENCE

¹ The SADC Parliamentary Forum is a Regional inter-parliamentary forum that was established in 1996 and was approved by the SADC Summit as a consultative and deliberative body in accordance with Article 9 (2) of the SADC Treaty. It is composed of 14 National Parliaments, namely Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe

The Mission's observation work was guided by its Terms of Reference that are premised on SADC PF's two election instruments, namely the *Norms and Standards for Elections in the SADC Region* and the *Benchmarks for Assessing Democratic Elections in Southern Africa*, as well as the *SADC Principles and Guidelines Governing Democratic Elections* and the *African Charter on Democracy, Elections and Governance*, among other regional and international election instruments.

3. DEPLOYMENT PLAN

The Mission deployed its Members in Mahé where they observed the electoral process including campaigning, distribution of polling materials, voting, counting and declaration of results for the First Round Elections.

4. OBSERVATION METHODOLOGY

The Mission Teams used various methods to gather information, including review of the constitutional and legal framework governing elections in Seychelles, consultations with key stakeholders such as the Electoral Commission of Seychelles, Seychelles Media Commission, political parties and candidates, civil society organisations (CSOs), media, and the general electorate. The Mission also observed political campaign rallies, witnessed door-to-door campaigns by political parties and candidates and monitored the mass and social media.

Furthermore, the Mission interacted with other Election Observation Missions including SADC Election Observation Mission, African Union, Commonwealth and Electoral Commissions Forum of SADC and the Indian Ocean Commission, to exchange information and observations.

The Mission was also guided by observation principles of impartiality, neutrality, comprehensiveness, transparency, inclusiveness and objectivity, in doing their work.

5. MISSION FINDINGS

5.1 Historical and Political Context and the Campaign Environment

The SADC PF Mission took note of the political landscape of Seychelles stretching from:

- i) Colonisation to independence in 1976;
- ii) One-party state rule ushered by the 1977 coup d'état and legalised by a constitutional provision in 1979;
- iii) Return to multi-party democracy in 1991;
- iv) Adoption of a new constitution in 1993; and
- v) The holding of the first multiparty presidential and parliamentary elections in 1993.

The Mission also noted that the 2015 Presidential Elections are the sixth in the country's history since its return to the multiparty system.

The 2015 Presidential Elections took place against the background of major electoral reforms that were spearheaded by the Electoral Commission from October 2011 pursuant to Article 116 of the Constitution (6th Amendment). The Reforms were undertaken under

the auspices of the Electoral Reform Forum which also comprised representatives of all registered political parties, civil society organisations and other stakeholders.

The SADC PF Mission wishes to congratulate all stakeholders for committing to and undertaking these reforms which fundamentally improved the management of elections in the country.

The Mission noted that nomination day was 11 November 2015 which was followed by 20 days of campaigning. There was a further 1 day of resting where aggressive campaigning was not permitted.

The campaign environment was peaceful, thereby allowing citizens to fully enjoy the various freedoms accorded to them by the Constitution. It was heartening to see that the political rallies were literally a place for the entire family with children being a common sight alongside the adults. However, alcohol abuse was common at political rallies. The Mission calls for alcohol to be discouraged at political rallies as this can trigger violence.

Furthermore, the Mission witnessed a high number of domestic observers during the electoral process. This is positive as it ensures participation and contributes to the credibility of elections.

On the whole, the Mission commends the people of Seychelles for their political tolerance and maturity during the campaigning and voting period. This created a conducive atmosphere where political parties, candidates and voters enjoyed their political rights and fundamental freedoms without undue hindrance.

5.2 The Legal Framework Governing Elections

The main pieces of legislation governing elections in Seychelles are the Constitution and the Elections Act of 1995 as amended. Other important laws include the Political (Registration and Regulation) Act of 1991 as amended, The Public Assembly Act of 2015 and the Code of Conduct for Stakeholders of 2015.

The Constitution of Seychelles provides for the protection of citizens' fundamental freedoms and rights which are in the Bill of Rights. It also provides for all the necessary rights and duties relating to elections, including the right to elect and be elected and be registered as a voter.

The Constitution of Seychelles provides for the majoritarian electoral system for presidential elections. The president is elected by direct universal adult suffrage and the vice-president is elected on the same ticket as the president. The president is restricted to a maximum of three terms of five years each. A candidate and his/her running-mate must win more than 50 per cent of the votes to become president and vice-president. Failure which, a runoff is required within 14 days between the first and second candidate.

The Mission welcomes the establishment of an independent Electoral Commission through the 6th Amendment to the Constitution of Seychelles on 12 July 2011. The introduction of

the five-member Electoral Commission, in place of an Electoral Commissioner, as the sole custodian of the management and administration of the conduct of elections, augurs well for the promotion of democratic elections in Seychelles.

The Mission also welcomes the existence of a Code of Conduct for stakeholders covering polling and counting agents, election observers and journalists and media covering elections. This ensures harmony in the conduct of elections.

The majority of stakeholders that were consulted by the Mission expressed satisfaction with the legal framework governing elections in Seychelles and its application by the responsible authorities, in particular the Electoral Commission. However, concerns were raised regarding the current legal provision mandating the Electoral Commission to declare the election dates instead of the dates being set in advance. They cited the case where the Electoral Commission declared 19, 20 and 21 November 2015 as the dates for the Presidential Election which was met with an outcry by political parties leading to the Commission rescinding its decision. Some stakeholders were also of the view that voting should take place in one day.

Generally, the legal framework in Seychelles provides a reasonable basis for the conduct of democratic elections in line with regional and international principles on democratic elections.

5.3 The Electoral Commission and Election Administration

The Mission took note of the legal framework on the establishment, organisation, functions and responsibilities of the Electoral Commission of Seychelles as the authority responsible for the conduct of elections in the country, principally Articles 115 and 116 of the Constitution. The Commission, whose members are appointed by the President from candidates proposed by the Constitutional Appointments Authority on the basis of proven integrity, has the sole mandate to conduct and supervise registration of voters, review electoral boundaries, registration and regulation of political parties and supervising media coverage of elections. The Commission is comprised of five Commissioners who are entitled to serve for seven years and can be reappointed.

The Constitution provides that in performing its functions, the Commission shall not be subject to directions or control of any person or authority. This provision is important in guaranteeing the independence necessary for the Commission to undertake its work professionally.

The Mission noted that the Electoral Commission was evidently prepared to manage the elections. Ballot papers were printed and relevant election materials distributed timeously. Electoral staff were recruited, trained and deployed on time. Generally, stakeholders including political parties and candidates expressed satisfaction with the manner the Electoral Commission engaged them throughout the electoral process.

Concerns were however, raised regarding the low level of engagement between the Electoral Commission and civil society organisations in the voter education process.

On the whole, the Mission commends the Electoral Commission for the professional and efficient manner in which it prepared for and conducted the elections in compliance with the country's Constitution and electoral laws.

5.4 Registration of Parties, Party Funding and Election Expenses

The Mission noted that pursuant to Article 118 of the Constitution, political parties must be registered by the Electoral Commission. The registration is done in terms of Political Parties (Registration and Regulation) Act. The Mission was informed that eight political parties were currently registered. Five parties were contesting the 2015 Presidential Elections, while one contestant was an independent candidate.

Registered political parties receive public funding under terms and conditions set by the Act. There is, however, no provision for public funding of political parties specifically for campaigning. Foreign funding of political parties is forbidden by law.

While commending the provision of public funding to political parties which levels the playing field and strengthens multiparty democracy, the Mission equally notes the complaints on access to and use of public resources by the ruling party. The Mission also noted that there is no cap on campaign expenditure and political parties are not required to disclose their sources of funds.

5.5 Voter Registration and the State of the Voters' Roll

The Constitution of the Republic in Article 24 (b) guarantees that every citizen who is 18 years and older has a right to register as a voter and to vote through universal and equal suffrage. The Electoral Commissioner is mandated to conduct and supervise the registration of voters.

The Mission was satisfied that the requirements for registration in Seychelles are simple and clearly stated. Citizens are accorded the opportunity to inspect the Voters' Register and to raise objections. There were concerns however, regarding the accuracy of the Voters' Register, including the perceived bloated number of registered voters as a percentage of the total population. Voters were not aggregated by age group which would give vital information to stakeholders such as the level of youth participation, for instance.

The Mission welcomes the recent amendments to the Electoral Act providing for the register of voters to be open for inspection throughout the year. It also mandates the Electoral Commission to make arrangements throughout the year for registration of new voters, claims or objections, transfers and change of demographic information of voters. This will ensure that the voters' register is more inclusive and accurate.

With few exceptions, the Mission was satisfied with the voter registration system and its application which gave many eligible citizens the chance to register as voters.

5.6 Civic and Voter Education

The Mission was informed that voter education started late but the Electoral Commission was using the mass media including television, radios and newspapers to publicise information encouraging citizens to exercise their right to vote and voting procedures. The Mission also noted the role of political parties in mobilising their supporters to go and vote.

In view of the above, the Mission calls for close collaboration between the Electoral Commission and CSOs in order to ensure citizens receive accurate and adequate voter education, particularly given the various changes that have been brought by the different amendments to the Electoral Act and related legislation. Similarly, more attention should be given to civic education to ensure that citizens are better informed about their rights and duties with regards to democratic processes including elections.

5.7 Media Coverage of Elections

Stakeholders informed the Mission that there was significant improvement on the way the state media provided fair, balanced and impartial coverage of all participating political parties and candidates. This was attributed to the new provision in section 97 of the Electoral Act which grants equal and free political broadcasting time of up to 134 minutes for television and 149 minutes for radio to each candidate for the Presidential Election.

The Mission commends Seychelles for enacting this provision which went a long way in levelling the playing field and ensuring that citizens are informed about the entire spectrum of political opinions and choices.

Social media was also widely used by citizens especially youths, political parties and local observer groups. Incidents of insults between supporters of rival political parties on social media were reported.

5.8 Gender Equality and Women's Participation

Out of the six presidential candidates, one was a woman candidate and one of the five Electoral Commissioners is female. However, females constituted more than 50 percent of the total registered voters. At voting stations visited by the Mission during polling days, majority of the voters as well as the staff employed by the Electoral Commission to service the polling stations were women. .

The Mission urges political parties to take measures to ensure the election of women in senior leadership positions in their parties and their adoption as candidates, particularly during the forthcoming National Assembly Elections. Seychelles has obligation to ensure gender parity in political and decision making positions by the end of 2015 in line with the SADC Protocol on Gender and Development which it signed and ratified.

5.9 The Role of Security Forces

The Mission was satisfied with the role played by the police in securing the electoral environment and the electoral process. There existed commendable rapport between political parties and the police throughout the electoral process. The police carried out their election related duties without interfering with the electoral processes and were present and visible at all the polling stations visited by the Mission. The Mission welcomes the

provision of special voting for police officers to vote in advance ahead of their deployment on election duties.

5.10 Role of Civil Society

Civil society organisations played an active and non-partisan role in the electoral process. They were an integral part of the Electoral Reform Forum which initiated major reforms that enhanced the integrity of the electoral process in Seychelles. The Mission was heartened to observe the active involvement of CSOs in training and deploying domestic observers. This greatly enhances the transparency of the electoral process and raises public confidence in the credibility and legitimacy of elections.

The Mission however, received complaints regarding late approval and accreditation of the application by some civil society organisations as observers. Furthermore, in view of the limited role of CSOs in the provision of voter education, there is need to strengthen collaboration between civil society organisations and the Electoral Commission in this respect.

5.11 Voting, Counting and Announcement of Results

The Electoral Act comprehensively provides for voting procedures from arrangements at polling stations to closure of voting, verification, counting and declaration of results and petitions on the same.

Polling stations were adequate and conveniently located in public places that were easily accessible to the voters. Multiple polling streams were established in polling stations which sped up voting and reduced overcrowding and long queues. The sick, pregnant, visually impaired and disabled persons were fast tracked in the voting process. However, there were no Braille ballot papers and visually impaired citizens relied on assistance to vote.

Polling officials followed voting procedures consistently and voting proceeded efficiently under the scrutiny of agents for political parties and candidates as well as international and domestic observers. Safeguards including the use of indelible ink were used to prevent multiple voting. Voting materials including ballot papers were available at polling stations in adequate quantities.

No incidents of violence, intimidation, undue influence, coercion, bribery or any other unfair inducements were witnessed by the Mission. However, concerns regarding the practice of induced voting were raised by some stakeholders.

Special voting was extended to various groups in line with the law and these voted on 3 December 2015. The voting process was done under the scrutiny of international and local observers as well as political parties, candidates and their agents.

Closing and counting procedures were properly followed. Voters who were already queuing at close of polling were allowed to vote in line with the law. Ballot boxes were sealed and all unused ballot papers were secured. Reconciliation and counting of votes was done promptly in the presence of observers and party agents.

The results of the count were duly recorded in the official results statements and copies of the statements were provided to all party and candidates representatives. The Mission noted that the law does not require for the polling centre results to be immediately announced or to be posted at the polling centre for public access. After the count, results were transmitted to the national results centre while polling materials were secured and transported in line with procedures. The statement of the results from the 25 electoral areas were transmitted by fax directly to the Electoral Commission which verified them before final announcement.

5.12 Petitions and Appeals

The Constitution in Article 51(3) states that the Constitutional Court shall have jurisdiction to hear and determine whether a person has been validly elected to the office of President. The Elections Act 43 provides that the results of a presidential election cannot be questioned or be subject to review in any court except on an election petition presented to the Constitutional Court within 10 days following the publication of results. However, the law is silent on the timeframe within which the petition must be determined. The Constitution also provides that a person elected as president holds office from the day after the election took place.

6. GOOD PRACTICES

The Mission observed the following as good practices from the First Round 2015 Presidential Elections in Seychelles:

- 6.1** The establishment of the Electoral Commission of Seychelles in place of the Election Commissioner which further strengthens the integrity and efficiency of the Commission;
- 6.2** High degree of political tolerance and maturity shown by the public and stakeholders in Seychelles which created a peaceful and conducive environment for elections;
- 6.3** The high number of local and international observers accredited by the Electoral Commission to observe elections which aided the transparency and credibility of the electoral process;
- 6.4** The existence of legal requirement for and the granting of equal and free political broadcasting time for political parties and candidates by the Seychelles Broadcasting Corporation;
- 6.5** Provision for special voting to special groups which allowed many eligible voters to exercise their right;
- 6.6** The adequate number of polling stations which were conveniently accessible to voters in terms of distance and location, including those with disabilities;
- 6.7** Professionalism and commitment to duty demonstrated by the electoral staff who worked under pressure for long hours throughout the electoral process;
- 6.8** Counting of votes at polling stations and availing of statements of results to party and candidate agents; and
- 6.9** Provision of adequate training to electoral officials in elections management and attendant processes.

7. MISSION'S PRELIMINARY ASSESSMENT OF THE FIRST ROUND 2015 SEYCHELLES PRESIDENTIAL ELECTIONS

Based on its observation of the electoral processes up to this First Round Election, the Mission is satisfied that the elections were conducted in a conducive and peaceful environment. The Seychellois people were accorded the opportunity to freely express their will in voting for the candidates of their choice.

The SADC PF Election Observation Mission is, therefore, of the view that the process and results for the First Round Elections are a credible reflection of the will of the Seychellois people who voted. SADC PF will continue to observe the Second Round Elections and will give its Overall Assessment and Recommendations at the conclusion of the process.

The Mission commends the political parties, candidates, the electorate and all electoral stakeholders in the Republic of Seychelles for the mature and tolerant manner in which they conducted themselves during the entire First Round Elections.

The Mission calls for the same maturity and tolerance leading into the Second Round Elections. Where there are grievances, these should be dealt with in terms of procedures and the law.

I thank you.