



## INTERNATIONAL ELECTION OBSERVATION MISSION

### CÔTE D'IVOIRE 2021 – LEGISLATIVE ELECTIONS

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#### PRELIMINARY STATEMENT

Abidjan, March 8, 2021

### ***“An inclusive election in a generally peaceful atmosphere”***

*This statement from the joint International Election Observation Mission (IEOM) of the Electoral Institute for Sustainable Democracy in Africa (EISA) and The Carter Center is preliminary in recognition of the ongoing electoral process; it covers all aspects of the process relating to the National Assembly election through March 8, 2021. Essential phases remain to be completed, including the announcement of provisional results by the Ivorian Independent Electoral Commission (Commission électorale indépendante, CEI in French), the handling of any complaints and appeals by the Constitutional Council (CC) and the CEI's proclamation of final results. The IEOM is therefore only presenting its findings of the process to date. It will publish a final report including a comprehensive analysis of the electoral processes regarding the Oct. 31 presidential election and the March 6 National Assembly election, as well as its recommendations for future electoral processes, following the conclusion of the elections. The IEOM may issue further statements or announcements on the ongoing process, as necessary.*

#### **EXECUTIVE SUMMARY**

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- The March 6 legislative elections in the Republic of Côte d'Ivoire were held in a calm and largely peaceful socio-political context. The Dec. 29 political agreement, which followed the electoral violence linked to the Oct. 31 presidential election, significantly contributed to easing political tensions and the organization of inclusive elections with the renewed participation and collaboration of opposition parties.
  - Although formally prohibited by the Electoral Code, many pre-campaign activities were carried out by both ruling party and opposition candidates as well as independents. The campaign took place in a generally calm atmosphere and without any major violent incidents. However, it generated little voter enthusiasm.
  - The lingering impact of restrictions on freedom of expression and assembly, particularly in relation to demonstrations and protest activities, during the presidential election and the post-election crisis negatively affected the current electoral process. Despite the absence of new prohibitions, the continued detention without trial of demonstrators and supporters of the civil disobedience movement raised concern among citizens and activists regarding public gatherings. These apprehensions were compounded by uncertainty over the prevailing COVID-19 measures for the holding of public gatherings during the pre-campaign and election campaign.
  - The legal and institutional framework for elections integrates international, regional, and sub-regional electoral standards and obligations. However, there is still scope for strengthening certain aspects, including prohibition of the use of State resources (human and material) for the purposes of electoral campaigning, clarifying aspects of candidate eligibility and enforcing the quota for women candidates.
  - As in other State bodies, women are largely under-represented both in the various structures of the CEI and on candidate lists. Despite the legal framework in force, only eight of the 53 parties and political groups running in these elections submitted lists that complied with the legally mandated quota of a minimum of 30% of women candidates out of the total number of candidates.

- The electoral system is clearly defined and offers a sound basis for holding open and competitive elections. However, the use of the simple majority system in multi-member constituencies tends to reduce the level of popular representation and fosters the over-representation of larger parties. The current boundary delimitations distort the representativity of the electoral system and require harmonization with international obligations and the Constitution, which enshrine the principle of equality of suffrage.
- The reorganization of the composition of the Independent Electoral Commission (Commission électorale indépendante, CEI in French) as part of the December 2020 political agreement increased the inclusiveness and political representativity within the CEI. Despite these positive changes, the CEI did not communicate relevant decisions and orders regarding electoral operations in a timely and transparent manner, including on the tabulation of results.
- The CEI published the final list of candidates by region and by constituency on Feb. 22. 1,511 principal and substitute candidates were accepted following the complaints and appeals process before the Constitutional Council (CC). While the CEI issued a decision establishing the provisional candidate list, it did not publish a final list of candidates that reflected the CC's decisions in the 72 challenges filed. In the absence of this list and considering that the list of provisional candidates was removed from the CEI website on Feb. 22, the capacity for candidates and citizens to assess and compare the provisional and final lists is very limited.
- An analysis of the complaints and appeals procedure for candidates to the legislative elections reveals certain anomalies that would benefit from clarification. This is the case with the notion of continued residency, the interpretation of which has been inconsistent. The mission also notes that the CC seems to have established jurisprudence conferring on the CEI a responsibility to verify one's eligibility beyond the physical verification of submitted documents. In view of its administrative nature, the Mission questions the scope of such jurisprudence, which is contrary to the legal framework governing elections, in particular, Article 127 of the Ivorian Constitution.
- A total of 20 teams was deployed throughout the country to observe voting on March 6. Voting and counting operations were generally conducted in a peaceful and transparent manner in most of the 293 polling stations in which the mission observed. The Mission observed isolated tensions, and official sources informed the IEOM that polling centers in Port Bouët and Bouaflé were looted. The presence of candidate and list representatives was substantial and strengthened the transparency and integrity of the process. National observers were also present in 17% of polling stations visited.
- Despite the calm and peaceful climate, the mission observed limited voter turnout. The tabulation of results is still ongoing, and the mission continues its observation work across the country.

## **INTRODUCTION**

*The Electoral Institute for Sustainable Democracy in Africa (EISA) and The Carter Center deployed a long-term International Election Observation Mission (IEOM) in Côte d'Ivoire in August 2020 to observe the Oct. 31 presidential election and the March 6 National Assembly elections. The mission is composed of an EISA and Carter Center core team of experts based in Abidjan, 16 long-term international observers (LTOs) deployed in eight teams across the country, and 24 short-term observers (STOs) who joined the mission on March 1. The mission is led by EISA Executive Director Denis Kadima.*

*The IEOM's mandate is to assess the integrity, credibility, and transparency of the electoral process in an independent, objective, and impartial manner. The mission assesses the legislative elections in accordance with the Ivorian national legal framework for elections as well as provisions in sub-regional, regional and international instruments covering elections, including the Universal Declaration of Human Rights; the African Charter on Democracy, Elections and Governance; the Organization of African Unity/African Union Declaration on the Principles Governing Democratic Elections in Africa; and the Protocol of the Economic Community of West African States (ECOWAS) on Democracy and Good Governance.*

*On election day, the IEOM deployed 54 international observers from 28 African and European countries across the country, including 40 observers and 14 core team experts to observe the March 6 election. IEOM observers, equipped with touchscreen tablets, observed election day procedures in 293 polling stations. The IEOM will remain in the country to observe the post-election stages of the electoral process, including the transmission and tabulation of results, the complaints and appeals process and the CEI's announcement of final results. The IEOM is independent in its conclusions and abides by the Declaration of Principles for International Election Observation and Code of Conduct, adopted in October 2005.*

*This official statement is available in French, with a courtesy copy in English.*

## **POLITICAL AND SECURITY CONTEXT**

In contrast to the October 2020 presidential polls, the March 6 legislative elections were held in a relatively calm and peaceful political context. Political dialogue between President Alassane Ouattara and former President Henri Konan Bédié following the presidential polls signaled a softening of political tensions. These talks culminated in the signing of a political agreement on Dec. 29, 2020. Importantly, the agreement provided for increased representation of opposition political forces within the electoral commission at the national and local levels. Other key points were the withdrawal of the opposition's call for civil disobedience launched in October 2020 and the adoption of various measures aimed at easing the political climate as well as ensuring more inclusive and peaceful elections, which included releasing prisoners detained for acts of civil disobedience.

The abating of social and political tension following the political agreement reinvigorated the electoral process. The IOEM notes that political parties from across the spectrum participated in the legislative elections with the notable exception of Generation and Solidary Peoples (Génération et Peuples Solidaires, GPS in French).

For both the ruling party and the opposition, these legislative elections were a test. For the Rally of Houphouëtists for Democracy and Peace (Rassemblement des Houphouëtistes pour la démocratie et la paix, RHDP in French), its main challenge was to legitimize and consolidate its presidential candidate's victory after a highly contested election that was boycotted by the opposition by obtaining a solid and powerful electoral base throughout the country. The RHDP also hoped that a more inclusive election would help soothe the political and security tensions that followed the presidential election and whose effects are still felt politically.

The opposition, meanwhile, hoped to mobilize voters who supported the boycott of the presidential election and capitalize on popular resentment to achieve an electoral advantage with the goal of establishing a counter-balance to the RHDP in the National Assembly. The opposition regularly voiced concerns regarding the ruling party's steps to create a one party-State. Opposition parties joined forces and ran joint lists in most electoral constituencies; the various components lacked agreement in some areas.

Civic education campaigns calling for peaceful elections organized jointly by administrative and traditional authorities, candidates, law enforcement and civil society organizations were far-reaching. Overall, political and electoral activities were carried out peacefully. Although no major violent incidents were reported or observed by the mission's teams during the campaign or on election day, opposition figures voiced persistent apprehensions and doubts to the IEOM regarding their under-representation within local electoral commissions.

## **PRE-CAMPAIGN AND ELECTORAL CAMPAIGN**

Political pluralism and an open electoral campaign environment allowing voters a genuine choice are essential aspects of democratic elections. Equal treatment and opportunity for candidates and parties, as well as maintaining a peaceful, open, and transparent campaign environment, are important to ensure the integrity of the electoral process.<sup>1</sup>

The electoral campaign is regulated by articles 28-32 of the Electoral Code and the provisions of Presidential Decree 2021-62,<sup>2</sup> which established a seven-day electoral campaign period from midnight on Feb. 26 through midnight on March 4, 2021. Most stakeholders, notably candidates and the CEI, considered the electoral campaign period to be too short, and reported that it limited their capacity to adequately conduct outreach to voters. Beyond this period, Article 32 of the Electoral Code states that "all electoral gatherings and electoral campaigning of any kind beyond the legally established campaign period, are prohibited."

*The pre-campaign: although prohibited, electoral campaigning takes place*

In meetings with the IEOM, many political parties and candidates admitted to carrying out pre-campaign activities, generally voter outreach. This practice seemed to generate a certain consensus among the various political forces. The mission noted the participation of some ministers, who were running as candidates, in official public events, thereby benefiting from significant media coverage linked to their role as public officials. Some opposition leaders traveled extensively around the country during the pre-campaign period, also generating extensive media coverage

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<sup>1</sup> U.N. (CCPR), General Comment 25, para 19: "Persons entitled to vote must be free to vote for any candidate for election and for or against any proposal submitted to referendum or plebiscite, and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.

<sup>2</sup> Presidential Decree 2021-62 of Feb. 3, 2021.

due to their prominent stature. These violations of Article 32 of the Electoral Code led the CEI to publish a statement calling on candidates to respect it.<sup>3</sup> The lack of a framework of sanctions regarding the pre-campaign period did not allow for the effective implementation of the prohibition on election campaigning beyond the regulated electoral campaign period. The CEI had to limit itself to reminding candidates of the law.

### *The election campaign*

The election campaign did not generate great voter enthusiasm. Candidates began campaigning in 205 constituencies from its opening in Feb. 26. Although the campaign started relatively quietly, it gained in intensity over its last days. No acts of violence or significant disturbances were reported or observed by any mission members. The absence of provisions to cap campaign spending for some and insufficient resources for others undermined a level-playing field among candidates. Apart from the larger political parties and groups, several candidates told the IEOM they lacked financial resources for the campaign and complained about the lack of legal provisions to cap campaign expenses.

Although the Electoral Code prohibits the use of administrative vehicles, it is silent regarding the use of other material or State resources for electoral campaigning. The legal framework remains vague concerning these fundamental issues. Consideration should be given to strengthening it with a normative framework that clearly prohibits the use of these resources in electoral campaigns and defines a system of proportionate sanctions.<sup>4</sup>

## **LEGAL FRAMEWORK FOR LEGISLATIVE ELECTIONS**

According to international standards and obligations, the legal framework for elections should be transparent and easily accessible to the public and should not contain contradictory provisions in order to protect the rule of law and enhance democracy.<sup>5</sup> The Ivorian framework governing the conduct of legislative elections is largely in line with universal, regional, and sub-regional instruments related to elections. In this regard, Côte d'Ivoire has made remarkable progress over the last decade by adopting and ratifying several key international and regional instruments.<sup>6</sup>

There are shortcomings in the existing legislation and texts in force regarding several aspects of the electoral process, among others on the use of State resources (human and material), candidate eligibility, and gender quotas. These shortcomings reduced the inclusiveness and transparency of these aspects of the electoral process. In terms of national legislation and its implementation, the IEOM encourages the State of Côte d'Ivoire to make further efforts to protect civil and political rights and to apply its commitments more strictly and rigorously, particularly in terms of women's representation.

### *Texts governing the electoral process*

The elections for the National Assembly (Assembly) are regulated by the 2016 Constitution, as amended in March 2020, and articles 65-103 of the Electoral Code, revised in April 2020. Other relevant instruments include the 1993 Law on Political Parties; the 2004 Law on the Financing of Political Parties and Groupings; Decree No. 2021-60 of Feb. 3, 2021 establishing electoral constituencies; various decrees issued by the President of the Republic at the CEI's request; and the electoral administration's orders and statements.

The constitution establishes a bicameral Parliament, composed of the National Assembly and the Senate. Members of the Assembly are elected by direct, universal suffrage for a five-year mandate. In compliance with the Constitution, the CEI proposed to hold the legislative elections on March 6, so as to allow for the opening of the

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<sup>3</sup> <https://cei.ci/respect-des-dates-de-la-campagne-electorale>

<sup>4</sup> United Nations Convention against Corruption.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/171/42/PDF/G1217142.pdf?OpenElement> : "Another problem is the use of State resources, including the time of government employees, vehicles and equipment, by political parties during their campaigns. The government must ensure that all public servants, police and military personnel do not engage in political activities or use government resources while working in an official capacity, and that neutrality is crucial".

<sup>5</sup> UN Resolution A/HRC/RES/19/36, paragraph 16(c): "Calls upon States to make continuous efforts to strengthen the rule of law and promote democracy by: Ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law, in order to avoid any arbitrariness". <https://undocs.org/en/A/HRC/RES/19/36>.

<sup>6</sup> Among others: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of Persons with Disabilities (CRPD). The IEOM welcomes Côte d'Ivoire's recent adoption and ratification of the United Nations Convention against Corruption (UNCAC), the African Union Convention on Preventing and Combating Corruption, the African Charter on Human and Peoples' Rights (ACHPR), the African Charter on Democracy, Elections and Governance (ACDEG), the Protocol to the African Charter on Human and Peoples' Rights and the ECOWAS Protocol on Democracy and Good Governance.

2021-2026 legislature by April 1. This date was endorsed by the government and, on Dec. 30, the President of the Republic issued a decree convening the electoral colleges for the National Assembly elections.<sup>7</sup>

Article 182 of the 2016 Constitution provides that “the mandate of the Parliament elected following the coming into force of the present Constitution shall end in December 2020. Notwithstanding, if it is not possible at that time to hold elections for Assembly Members and Senators, Parliament shall remain in session until those elections are held.” Considering that the inauguration of the ordinary session of the Assembly is scheduled for the first working day in April, in accordance with Article 94 of the Constitution, the new Assembly for the 2021-2026 legislature should commence April 1, 2021.

#### *Electoral system and electoral boundaries*

When drawing electoral boundaries, the legal framework should ensure that the distribution of voters does not discriminate against any particular region or group. Equal suffrage implies, among other things, that each vote should have more or less the same value and impact on the delimitation of electoral constituency boundaries.

The Assembly is composed of 255 members elected through a simple majority system. There are 205 electoral constituencies, of which 169 are single-member and 36 are multi-member constituencies. Seats are allocated to candidates or lists of candidates that obtain the highest number of valid cast votes.

Ivorian law does not prescribe a binding legal basis for establishing boundary delimitations. The 2011 decree establishing electoral boundaries does not specify any criteria for review.<sup>8</sup> The existing electoral constituencies, which were based on a CEI proposal that was not released publicly, have wide variations in terms of their representativity. Electoral constituencies have remained unchanged, with an average number of registered voters per seat of approximately 29,000. Current variations between constituencies can range from as little as 5,000 voters to 126,000 voters per seat. For instance, the constituency of the municipalities (*communes*) and sub-prefectures (*sous-préfectures*) of Bilimono, Kong and Sikolo in the Tchologo region has three seats for less than 21,000 registered voters while the municipality of Divo in the Loh-Djiboua region has a single seat for more than 62,000 registered voters. The current boundary delimitations favor northern Ivorian regions with low population densities, while urban and densely populated areas are generally underrepresented. Several regions, considered to be strongholds of the ruling party such as Gontougo, Kabadougou, Bounkani, Worodougou, Bafing, and Tchologo, are over-represented. Abidjan, with 28% of registered voter and 12% of the seats in the Assembly, is particularly underrepresented.

The use of the simple majoritarian system in multi-member constituencies tends to reduce the level of representativeness between voters and their elected officials. Several party representatives expressed concern regarding the impact caused by these distortions in the representativeness of electoral constituencies and by the majoritarian electoral system, which tends to favor the over-representation of large parties to the detriment of smaller parties.

The current boundary delimitations distort the electoral thresholds of representativity of each seat and should be harmonized with existing international obligations and the Ivorian Constitution, which require that the principle of equality of the vote be respected.<sup>9</sup> The IEOM encourages the authorities and other stakeholders to define clear and objective criteria for the delimitation of electoral constituencies within the Ivorian legal framework. In accordance with international standards aimed at maintaining electoral integrity and equality of votes, the periodic and transparent review of electoral constituencies, including through public debates and stakeholder consultations, should be guaranteed.

#### *The legal framework promoting the representation of women in elected assemblies was not respected*

Article 36 of the Constitution compels the Ivorian State to promote the political rights of women by increasing their opportunity to be represented in elected assemblies. In addition to this constitutional provision, three different texts govern and address the representation of women in National Assembly elections. These are, in chronological

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<sup>7</sup> Decree 2020-999 of Dec. 30, 2020 convening electoral colleges for the election of members to the National Assembly.

<sup>8</sup> Decree No. 2011-264 of Sept. 28, 2011 establishing electoral constituencies for the 2011-2016 legislature.

<sup>9</sup> Article 52 of the Constitution states that “Suffrage is universal, free, equal and secret”. Venice Commission Report on Constituency Delineation and Seat Allocation, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)034-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)034-e).

order, Law 2019-870 of Oct. 14, 2019<sup>10</sup>, Article 78<sup>11</sup> of the Electoral Code amended by Order 2020-356 of April 8, 2020,<sup>12</sup> and Decree 2020-941 of Nov. 25, 2020 on the implementation of Law 2019-870.<sup>13</sup>

To fulfil these legal requirements, in a statement dated Dec. 31, 2020, the CEI established that: “In accordance with the texts in force, political parties or groups are required to present a minimum of 30% of women candidates in relation to the total number of constituencies comprising at least one seat. In addition, for constituencies with more than two seats, all lists must include at least 30% of women candidates.”<sup>14</sup>

On Jan. 14, the CEI invited political parties and groups as well as civil society organizations (CSOs) that had participated in political dialogue sessions between Dec. 21-29 to a workshop to discuss the implementation of the recommendations that derived from the political dialogue. Based on the difficulties mentioned by political parties and groups in their application of these provisions, CSOs offered proposals to achieve a consensual formula to facilitate the implementation of these three texts. If all stakeholders in the electoral process had duly signed an agreement, it could have offered a certain level of legality and inclusiveness and helped to alleviate these issues surrounding implementation, taking advantage of the ongoing period for submitting applications through Jan. 22.

In its decision of Jan. 31, the CEI did not refer to Law 2019-870 or its implementing decree, which introduced a 30% quota for women’s representation. Only Article 78 paragraph 4 of the Electoral Code provisions were considered by political parties and groups when establishing their lists for constituencies of more than two seats, of which there are seven of 205.<sup>15</sup> Almost none of the political parties or groups respected the quota law or its implementing decree with regards to the inclusion of 30% women candidates within their overall lists of candidates.

Applying these quotas only to seven of 205 constituencies based only on Article 78 of the Electoral Code deprives the 2019 law of its purpose and effectiveness.

The figures presented by the CEI clearly illustrate this situation. Of 1,511 principal candidates, 86.36% are men, compared to 13.63% women. A similar proportion emerges from the list of substitute candidates Gender-disaggregated data of the final candidate lists has not yet been made available at the time of issuing this statement.

No instrument establishes clear rules regarding the application and the system for calculating the 30% women’s quota in relation to the presence of principal and substitute candidates in candidate lists. It is important for future electoral processes that the law clearly specifies how this quota should be applied in relation to principal and substitute candidates.

The application of the legal provisions contained in the three instruments governing women’s representation remains uncertain as regards to independent candidates, considering the particular nature of these candidacies and the absence of ad hoc provisions for them.

The 2019 law and its implementing decree provide that all political parties or political groups that include at least 50% women candidates on their lists will receive additional public funding. The amount of funding as well as its terms and conditions should be specified by decree, approved by the Council of Ministers. According to the mission's interlocutors, to date, this decree has not yet been issued by the Government.

With the aim of respecting the rule of law, the IEOM notes the initiative of a group of male and female voters who presented a challenge before the Constitutional Council (CC) calling for the invalidation of all candidate lists that did not fulfil the minimum 30% women’s quota as prescribed by law. While the CC considered the challenge to be formally admissible, it was rejected on the ground that those presenting the challenge should have specified the particular candidacy applications that were being challenged. The challengers should have appended the specific candidate lists, indicating the regions, communes, sous-préfectures and constituencies they wished to invalidate to

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<sup>10</sup> Law 2019-870 of October 14, 2019, <http://www.famille.gouv.ci/public/documents/19838507.pdf>.

<sup>11</sup> Article 78 of the Electoral Code amended by Order 2020-356 of April 8, 2020: “(...) For constituencies with more than two seats, the candidate lists must include at least thirty percent (30%) of female candidates. No candidate list for the election of members for constituencies with more than two seats can be accepted if it does not include at least thirty percent (30%) of female candidates.”

<sup>12</sup> On the legality of the order, please to refer to the IEOM’s Preliminary Statement of Nov. 2, 2020:

[https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/cote-divoire-prelim-110220-fr.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/cote-divoire-prelim-110220-fr.pdf), pages 7-8 .

<sup>13</sup> Decree 2020-941 of Nov. 25, 2020 on the implementation of Law 2019-870,

<http://www.gouv.ci/doc/1606336177Communique-du-Conseil-des-Ministres-du-mercredi-25-novembre-2020.pdf>

<sup>14</sup> <https://www.cei.ci/documents-officiels-aux-elections-legislatives-2021/>

<sup>15</sup> For the allocation of the 255 seats that make up the National Assembly, existing electoral boundary delimitations, in force since 2011, divide Côte d’Ivoire into 205 constituencies. These include 169 one seat constituencies, 29 two seat constituencies, four constituencies with three seats (Koumassi, Daloa, Korhogo and Bilimono-Kong-Sikolo), one with four seats (Bouaké) and two constituencies with six seats (Abobo and Yopougon).

enable those affected by the challenge to submit any potential observations, in accordance with Article 99 of the Electoral Code. According to the CC, the challenge was undefined and therefore lacked merit.<sup>16</sup>

The IEOM notes that Organic Law 2001-303 pertaining to the organization and the functioning of the CC establishes that it can “take all investigative measures; namely, to hear any expert or knowledgeable person, and request any potentially useful document.” The CC, as judge of the conformity of the law with constitutional provisions and in its capacity in supervising the legislative elections, could have consulted the publicly available provisional candidate lists to help guarantee that the constitutional rights of Ivorian women were upheld.

## ELECTORAL ADMINISTRATION

The Independent Electoral Commission (Commission électorale indépendante, CEI in French) is a permanent administrative legal entity. It is financially independent and has regulatory powers enabling it to clarify the application of relevant laws and associated operational procedures regarding electoral processes.

The legal framework guarantees the representation of diverse political forces within the CEI’s structure to ensure its political and administrative balance. The reduced political tensions and commitment of opposition parties to run in the legislative elections contributed to the swearing in of the representative proposed by the PDCI-RDA opposition party who had been appointed in August 2020.<sup>17</sup> As a result, the central CEI was able to operate with all its permanent members and achieve greater opposition party representation. An assessment of the opposition’s representation within the central CEI remains uncertain due to the vague political positions of certain political parties, including the Renewal for Peace and Concord (Renouveau pour la paix et la concorde, RPC Paix in French) and the Pan-African Congress for Renewal (Congrès panafricain pour le renouveau, CPR in French).

The renewal of the CEI’s Local Electoral Commissions (LECs) took place between Feb. 1-8; less than 60 days before the beginning of electoral operations, contrary to legal requirements.<sup>18</sup> Additional members representing opposition parties were integrated into the LECs. The balance between the ruling party and the opposition has been, however, called into question by certain stakeholders, given that the members of RPC Paix, which joined the RHDP in March 2018, were appointed as representatives of the opposition. Several opposition candidates complained about the configuration of the LECs on this basis, stressing that certain members selected as opposition representatives were well-known sympathizers of the RHDP. Based on information shared with the IEOM, more than 93% of LEC Presidents represent the RHDP.

The inclusion of the Together for Democracy and Sovereignty political party (Ensemble pour la démocratie et la souveraineté, EDS in French) within the central and local CEI structures was required by the political agreement signed by the government and the opposition on Jan. 15, 2021. However, it has not been fully implemented, although the LECs were established after its signing. EDS representatives reported that their absence within these bodies affected the level of information the party received regarding the electoral process.

The IEOM generally enjoyed a collaborative relationship with the CEI at the central and local levels. The majority of LECs shared the list of their politically-affiliated members, as established by the CEI, with the IEOM. However, it is impossible to verify the breakdown and balance within their membership at the national level, given that the CEI’s official decisions on the issue have not been published.

LECs, with limited financial means for fully-fledged awareness-raising campaigns, focused on polling operations, including the receipt of electoral material, training of electoral agents and distribution of voter cards. The LEC’s temporary nature and their late establishment did not enable them to acquire a comprehensive understanding of the electoral process as a whole, limiting them to the specific tasks they were required to fulfil.

The CEI’s internal administrative decisions and orders pertaining to the March 6 elections have not been published. These decisions and orders include those relating to the transmission and proclamation of results, the opening of the LECs, the practical arrangements for polling, the securing of ballots and results protocols, the definition of valid

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<sup>16</sup> [http://www.conseil-constitutionnel.ci/sites/default/files/decision\\_053\\_du\\_11.02.2021\\_gogoua\\_kouly\\_rachel\\_autres\\_expedition.pdf](http://www.conseil-constitutionnel.ci/sites/default/files/decision_053_du_11.02.2021_gogoua_kouly_rachel_autres_expedition.pdf)

<sup>17</sup> Decree 2020-610, of Aug. 5, 2020. His election took place during an extraordinary General Assembly of the CEI held on Feb. 11, 2021, as well as that of the President of the Pan-African Congress for Renewal (Congrès panafricain pour le renouveau, CPR in French), a group of political parties from the opposition; appointed by Decree 2021-31 of Jan. 28, 2021, to replace the 2<sup>nd</sup> Commissioner Deputy Permanent Secretary. In compliance with the Electoral Code, she resigned on January 18, 2021 to run as an independent candidate in the 6 March election. Representing RCP-Paix; she had been sworn in on Sept. 27, 2019.

<sup>18</sup> Article 18 of 2019-708 of Aug. 25, 2019. The members of the LEC are appointed by decision of the President of the CEI following a proposal from: the local administrative authorities (one member), from the ruling political party or group (three members) and from the opposition political parties or groups (four members). On Feb. 12, the CEI adopted Order 33/CEI/PDT, officially opening the 4<sup>th</sup> session of the LECs to prepare and supervise the operations for the legislative elections.

and invalid ballots, and the roles and responsibilities of polling station staff.<sup>19</sup> While these decisions were shared on an ad hoc and informal basis with some stakeholders within 48 hours of election day, the exact number of decisions relevant to the electoral process remains unknown as they have not been published. A printed version of the Operational Procedure for the March 6 election, which was not officially published, was shared with candidates on Feb. 23 and with election observers on March 4. This document which does not contain detailed information on the process of recovery of electoral materials or the tabulation of results, and refers to a 2016 deliberation when a new decision on result tabulation was adopted on Jan. 28. In addition, the tabulation centers and results' consolidation levels in each constituency are not specified.

The IEOM encourages the CEI to create the necessary conditions to promote public accountability for its management, enhance the transparency of the electoral process and guarantee the right to information.

#### *Recruitment and training of Electoral Agents*

The CEI recruits civil servants from the prefectural authorities, mainly teachers, to serve as electoral agents. Many polling staff who participated in the presidential election were re-appointed. Cascade trainings of nearly 73,000 people, including 66,405 polling station staff and an additional 10% reserve contingent,<sup>20</sup> were conducted nationwide, starting on Feb. 22. The training, assessed as positive by the mission, covered the voting procedures and operations as well as the use of biometric voter identification tablets. Given that voters can only vote in the polling station in which they are registered, polling station staff deployed beyond their places of residence are effectively deprived from exercising their right to vote.

#### *Polling centers and polling stations*

The distribution of 10,759 polling centers and 22,135 polling stations, listed on the CEI's website, remained unchanged from the 2020 presidential election. The average number of registered voters per polling station varied from 173 to 436, well below the maximum of 600 registered voters per polling station set by the electoral code, aimed at facilitating polling and counting operations.

#### *Civic and voter education*

The central CEI organized three meetings to communicate information on the electoral process with key stakeholders: a meeting on Jan. 14 with civil society organizations and political parties involved in the political dialogue, a second on Feb. 23 with candidates, and a third on March 4 with election observers. The CEI launched a civic and voter education campaign throughout the country to promote voter participation. The campaign, which was launched Feb. 1, 2021, came slightly late in the process. However, the IEOM observed civic and voter education billboards and posters, largely on the country's main roads, radio, and television advertisements as well as content in print media. A voter outreach campaign calling for peaceful elections was more prevalent than voter outreach campaigns. Local public authorities, with the support of Ivorian civil society as a whole, played a key role in this civic and voter education campaign. Fourteen civil society organizations (CSOs), funded by the United Nations Development Programme (UNDP), supported the CEI from Feb. 11-24 to reinforce civic education aimed at ensuring peaceful elections in areas where violence had been reported before, during or after the presidential election, across 14 regions of Côte d'Ivoire. The IEOM also observed an awareness-raising campaign focused on non-violence conducted by the National Council for Human Rights (Conseil national des droits de l'homme, CNDH in French), in collaboration with the Chamber of Kings and Traditional Leaders.

Most civic education activities observed by the mission were aimed at conveying a message of peace, tolerance, and avoidance of any resurgence of electoral and communitarian conflicts. The IEOM welcomes the CEI's commitment as well as that of local public authorities, CSOs and the United Nations to promote peace and cohesion in the run-up to the March 6 elections.

#### *Voter lists and voter cards*

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<sup>19</sup> CEI deliberation 002/2018 relating to the transmission and proclamation of results of the Election of Members to the National Assembly; decree 033/CEI/PDT of Feb. 12, 2021 opening the 4th session of the CEL, decree 035/CEI/PDT of Feb. 17, 2021 on securing the vote counting protocols for the election of Members of the National Assembly of March 6, 2021; decree 035/CEI/PDT of Feb. 17, 2021 on securing the ballots for the election of Members of the National Assembly of March 6, 2021; decree 037/CEI/PDT of Feb. 17, 2021 on the appointing and attributions of polling station staff for the election of Members of the National Assembly of March 6, 2021; Order 038/CEI/PDT of Feb. 17, 2021 establishing practical voting arrangements for the election of Members of the National Assembly of March 6, 2021; and Order 039/CEI/PDT of Feb. 17, 2021 defining valid ballots, invalid ballots blank ballots for the election of Members to the National Assembly of March 6, 2021.

<sup>20</sup> The deputies of the Central CEI supervisors trained local commissioners, who in turn trained polling station staff.

Voter lists were not updated between the presidential and legislative elections. According to the CEI, the limited time to plan and implement the necessary operations, which include the training of registration agents, a voter registration exercise, the processing of data, and the complaints and appeals process, was insufficient for this undertaking. Therefore, voters who turned 18 after the 2020 presidential election were disenfranchised from the March 6 election. Similarly, voters who changed their residency since the presidential polls were not entitled to vote in their new place of residence. In addition, those who died in the period between the elections remained on the voter lists. The IEOM regrets that not updating the voter lists, even partially, reduced the inclusiveness and reliability of the voter lists for the legislative election.

Voter cards were produced in 2020 for the 7,397,413 registered voters in the run-up to the presidential election. These cards are valid for five years. Less than half of voter cards were distributed prior to the presidential election. For the legislative election, the CEI organized a new distribution of voter cards at the LEC level from Feb. 20-27. The IEOM noted a low turnout of potential voters to obtain their voter cards. Many LECs complained about the lack of awareness among voters as well as a lack of human and financial resources allocated to ensure distribution at a more decentralized level that might have been more accessible to voters. Although the CEI also provided voters with the possibility of collecting their voter cards in polling stations on election day, the possibility of voting by showing national identity cards (*carte nationale d'identité*, CNI in French) as a form of identification, meant that potential voters were not required to collect their voter cards to cast a ballot. The mission observed very few voters collecting their voter cards on election day.

## CANDIDATE REGISTRATION

In accordance with the regional and international treaties to which the Republic of Côte d'Ivoire has subscribed, the Ivorian legal framework guarantees the right and possibility for every eligible citizen to be elected.<sup>21</sup>

Candidate registration for the election of National Assembly members and the relevant complaints and appeals process is regulated by articles 85 – 100 and Article 127 of the 2016 Constitution and by Chapter 2 of the Electoral Code. In a statement dated Dec. 31, 2020,<sup>22</sup> the CEI initially announced that candidate registration for the March 6 legislative elections would take place from Jan. 4-20. This was later extended by two days.<sup>23</sup> Based on the provisions in the Electoral Code, the CEI published the requirements for office<sup>24</sup> as well as the 13 documents that are required to complete candidate applications.<sup>25</sup>

*Analysis of the CEI decision of Jan. 31, 2021 and the challenges before the Constitutional Council: an overlap of roles that does not clarify procedures*

By the candidate registration deadline, the CEI had received 1,291 applications for a total of 1,587 candidates, including 830 independents, running for the position of principal candidates and the same number of substitute candidates. In its decision of Jan. 31, 2021 establishing the provisional candidate lists,<sup>26</sup> the CEI rejected 25 candidate applications and declared 1,266 submissions as complying with the law.

Unlike the presidential election where the Constitutional Council (CC) is the sole judge of eligibility and decides and publishes the final candidate list; Article 127 of the Constitution establishes that the CC rules on any complaints and challenges, while the CEI finalizes and publishes the final candidate list for the legislative elections.

Two types of challenges can be taken before the CC according to the provisions of articles 82 and 98 of the Electoral Code. In the first case, candidates who have had their candidature rejected by the CEI, as well as the political parties who sponsored them, can appeal to the CC within three days of being notified of the decision. If the CC has not presented its decision within three days, the candidacy must be registered. In the second case, any registered voter can challenge the eligibility of a candidate within a period of eight days from the date of publication of the provisional candidate list by the CEI. Seventy-two challenges were filed before the CC.

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<sup>21</sup> ICCPR, article 25; AU, ACHPR, article 13: "The effective application of the right and the possibility of standing as a candidate for elective office guarantees those with the right to vote a free choice of candidates".

<sup>22</sup> <https://www.cei.ci/documents-officiels-aux-elections-legislatives-2021/>

<sup>23</sup> <https://www.cei.ci/prorogation-de-la-periode-de-reception-des-dossiers-edan-2021/>

<sup>24</sup> Article 71 of the Electoral Code: "Candidates for election as Members of the National Assembly must: be at least 25 years of age; be Ivorian by birth; never have renounced Ivorian nationality".

<sup>25</sup> Articles 76, 77 and 79 of the Electoral Code. <https://www.cei.ci/documents-officiels-aux-elections-legislatives-2021/>

<sup>26</sup> Decision 001/CEI/EDAN/CC of Jan. 31, 2021: <https://cei.ci/decision-du-31-janvier-2021-portant-sur-la-publication-sur-la-publication-de-la-liste-provisoire-des-candidats-retenus-aux-elections-des-deputes-de-lassemblee-nationale/>

In both cases, the procedures for adjudicating challenges was not followed transparently. Contrary to the provisions of Article 15 of Organic Law 2001-303, which establishes the organization of the CC, the body did not hold public hearings to adjudicate any of the legal challenges brought before it. This meant that these proceedings could not be observed or assessed. Furthermore, the CC only published its decisions on its website<sup>27</sup> on Feb. 23, one day after the CEI's publication of the final candidate list. Decisions were not notified in a systematic way. Of the 72 challenges, eight concerned cases of candidates rejected by the CEI when drawing up the provisional candidate list.

The complaints and appeals process before the CC was also marked by a procedural anomaly. In the case of a challenge against a candidate's eligibility, the CEI<sup>28</sup> and the CC<sup>29</sup> exclusively referred to the right of voters to bring such a case.<sup>30</sup> No reference was made to the right of candidates rejected by the CEI to challenge these decisions, as foreseen in Article 82 of the Electoral Code. For the complaints and appeals process provided for in Article 98, the CC had, at most, 15 days to rule, from the day the case was raised before it. The CC published its decisions on Feb. 23, the last potentially valid date in line with the Electoral Code, for cases that followed the Article 98 procedure, but did not do so for those under the Article 82 procedure.

While the CEI published a provisional list of candidates, it did not publish a definitive list of candidates that reflected the CC's 72 rulings. In the absence of this and considering that the provisional candidate lists were removed from the CEI's website on Feb. 22, the capacity for candidates and the general public to assess and compare the provisional and final candidate lists is very limited.<sup>31</sup>

The CEI published a final list of candidates divided by regions and constituencies on Feb. 22; it announced the definitive number of candidate applications accepted during the public presentation of the Operational Procedure on Feb. 23. Of these, 1,232 applications for 1,511 principal and substitute candidates were accepted.

Although the court did not hold public hearings, the CC published its decisions.<sup>32</sup> In 33 cases, the CC found the appeals admissible but baseless and therefore rejected them; in 14 cases it declared itself incompetent; in six cases it found the appeals inadmissible; in two cases the decisions are not available on the CC's website. The CC deemed the appeals to be admissible and well-founded in 17 cases, ordering the CEI to take appropriate measures to amend the provisional candidate list. Within this last set of decisions, deemed admissible by the CC, 14 related to candidate withdrawals, two to violations of Law 2004-495 on the substitution of Members of the Assembly in part or "during the renewal of the mandate for which they were elected as substitutes; substitutes are not permitted to stand against the principal candidate for the same electoral constituency", and one relating to a replacement on account of the death of a substitute included on the provisional list.

None of the eight appeals presented before the Council by potential candidates who were initially rejected by the CEI, was successful. The analysis of the complaints and appeals procedure for parliamentary candidatures reveals a few anomalies that could benefit from clarification. One relates to the notion of "continuous residency," whose interpretation has not been consistent. The mission also notes that the CC seems to have developed a jurisprudence<sup>33</sup>, conferring upon the CEI a responsibility to verify one's eligibility beyond the physical verification of submitted documents. In view of its administrative nature, the Mission questions the scope of such jurisprudence, which is contrary to the legal framework governing elections, in particular Article 127 of the Constitution.

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<sup>27</sup> <http://www.conseil-constitutionnel.ci/decisions>

<sup>28</sup> Article 6 of the CEI's Jan. 31 decision: "*Indicates that any voter can challenge this decision before the Constitutional Council within eight days of the publication of the list of candidates by the CEI*".

<sup>29</sup> [http://www.conseil-constitutionnel.ci/sites/default/files/communiqué\\_scrutin\\_du\\_06\\_mars\\_2021.pdf](http://www.conseil-constitutionnel.ci/sites/default/files/communiqué_scrutin_du_06_mars_2021.pdf)

<sup>30</sup> Article 98 of the Electoral Code grants the right to challenge the eligibility of candidates to any voter within eight days of the date of publication of the provisional candidate list by the CEI, therefore from Feb. 1 to 8, 2021.

<sup>31</sup> <https://cei.ci/liste-des-candidats-edan-2021/>

<sup>32</sup> 32 decisions relate to a request from voters to challenge the eligibility of candidates, 14 on requests of candidates to withdraw, 8 relating to candidatures rejected by the CEI when the provisional list was drawn up, five on requests relating to the rectification of symbols, logos and colors, five relating to a request to rectify the type of candidacy (independent or sponsored by a party or political group), four relating to a request to rectify the first and/or last name of a candidate, two relating to the rectification of the political status of the candidate, one relating to the replacement of a deceased substitute candidate and one relating to the non-respect of the 30% quota of candidatures reserved for women.

<sup>33</sup> [http://www.conseil-constitutionnel.ci/sites/default/files/decision\\_028-el-2021\\_du\\_08.02.2021\\_adia\\_damana\\_expedition\\_0.pdf](http://www.conseil-constitutionnel.ci/sites/default/files/decision_028-el-2021_du_08.02.2021_adia_damana_expedition_0.pdf) and [http://www.conseil-constitutionnel.ci/sites/default/files/decision\\_029-el-2021\\_du\\_08.02.2021\\_justin\\_katinan\\_kone\\_expedition\\_0.pdf](http://www.conseil-constitutionnel.ci/sites/default/files/decision_029-el-2021_du_08.02.2021_justin_katinan_kone_expedition_0.pdf)

## HUMAN RIGHTS AND PUBLIC FREEDOMS

Côte d'Ivoire has signed and ratified the main international and regional treaties relating to civil and political rights and public freedoms. The Ivorian Constitution recognizes the fundamental freedoms that are the foundation of all democratic electoral processes; namely in Articles 19, 20, and 21, which establish and guarantee the freedoms of expression, opinion, association, assembly, peaceful demonstration, and movement. In addition, Côte d'Ivoire adopted a law on the promotion and protection of human rights defenders in 2014.

Defined as fragile in 2019<sup>34</sup>, the human rights and public freedoms context deteriorated considerably around the Oct. 13 presidential election following the ban on demonstrations, the arrest of political leaders and demonstrators who participated in civil disobedience actions, and the surge in electoral and inter-community violence. Ivorian human rights organizations<sup>35</sup> have noted a political "detente" in the run-up to the legislative elections, following the decision of opposition parties and candidates to contest them; however, while some candidates have been released, others are still detained. The official report on those incidents totals 85 fatalities and 484 injured persons between Aug. 10 and Nov. 10, 2020. To the IEOM's knowledge, there have been no reported deaths linked to the electoral process since that time.

Freedom of expression and assembly, particularly in relation to demonstrations and protest activities, were severely restricted in the run-up to the presidential election and during the post-election crisis, through the enactment of a series of interministerial rulings prohibiting demonstrations and gatherings throughout the country from Aug 19 to Dec. 15, 2020. Despite the absence of new prohibitions, the exercise of the right to demonstrate and freedom of expression were negatively affected throughout the legislative electoral process. The continued detention without trial of several hundreds of demonstrators and supporters of the civil disobedience movement arrested during the presidential election cycle continues to fuel fears of detention among citizens and activists during public gatherings. These fears were compounded by uncertainty over the prevailing COVID-19 measures for the holding of public gatherings during the pre-campaign and election campaign.

While various opposition leaders and supporters have been released<sup>36</sup>, some human rights defenders, such as Pulchérie Gbalet and his collaborators, remain imprisoned to this day, for having exercised their fundamental rights by calling for peaceful demonstrations. In this context, civil society organizations (CSOs) and human rights defenders highlight the reluctance of people to express their opinions; they themselves opt to work discreetly, limiting their actions to the issuing of press releases requesting the release of detainees. No demonstrations have been called by CSOs since December 2020. The exact number of persons currently detained in connection with the presidential election, particularly during the incidents of electoral and intercommunal violence, is not known. Amnesty International estimates that a total of 432 persons were detained, of which around 100 have been released. The National Council for Human Rights (Conseil national des droits de l'homme, CNDH in French) has documented that of 41 persons who were arrested between Aug. 13 and Oct. 25, 2020, thirty were provisionally released under judicial supervision. The 21 opposition leaders and persons arrested on Nov. 3, 6, and 7, 2020 following the announcement of a National Council of the Transition (Conseil National de la Transition, CNT in French) on Nov. 2, have been released.

### *Impact of electoral and inter-community violence*

Following demands by Amnesty International, the CNDH and other important human right defender organizations<sup>37</sup> to investigate post-electoral and inter-community violence, the latter presented a report on the violent incidents that took place between Sept. 16 and Nov. 10, 2020. A judicial investigation unit was set up by the authorities, but only made its first arrests of suspected perpetrators in mid-February. This gave rise to a growing atmosphere of mistrust and a perception of impunity that was not conducive to the promotion of a peaceful climate in the affected communities in the run-up to the legislative elections.

### *Restrictions on the right to vote and to be elected*

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<sup>34</sup> Communication from Amnesty International relating to the United Nations Universal Periodic Review. 33<sup>rd</sup> session of the UPR Working Group, May 2019.

<sup>35</sup> The Ivorian Human Rights League (Ligue ivoirienne des droits de l'homme, LIDHO in French), the Ivorian Human Rights Movement (Mouvement ivoirien des droits humains), the Action for the Promotion of Human Rights (Action pour la promotion des droits de l'Homme, APDH in French).

<sup>36</sup> Of the 21 political leaders and individuals arbitrarily arrested at the residence of opposition leader Henri Konan Bédié on Nov. 3, 2020, all but one (Narcisse N'Dri Kouadio, Henri Konan Bédié's chief of staff), have been released. The six women linked to the GPS who were arrested in August 2020 during protests against the third term of office, were released on Jan. 27, 2021.

<sup>37</sup> These include the Ivorian League of Human Rights (Ligue ivoirienne des droits de l'homme, LIDHO in French), the Ivorian Movement for Human Rights (Mouvement ivoirien des droits de l'homme, MIDH in French), and the Ivorian Coalition for Human Rights (Coalition ivoirienne des droits de l'homme).

Three opposition party leaders detained on Nov. 3, 2020, and released<sup>38</sup> in January and February 2021, had their candidacy accepted and were able to campaign in their constituencies. While the candidacy of Alain Lobognon, a GPS member of the Assembly detained without trial since December 2019, was accepted, he remained deprived of his freedom of movement and was unable to campaign, meet with voters, or exercise his right to vote. The IEOM regrets the lack of mechanisms and procedures to guarantee the exercise of the right to vote of those in pre-trial detention who still enjoy their civil and political rights and the presumption of innocence.

## **MEDIA AND SOCIAL NETWORKS**

Freedom of expression and the right to information are enshrined in the Constitution. The High Authority for Audiovisual Communication (Haute autorité de la communication audiovisuelle, HACA in French), and the National Press Authority (Autorité nationale de la presse, ANP in French), regulate the Ivorian media space for broadcast media and for print media, respectively.

In its statement of Feb. 24, the HACA reiterated the principles of equitable access and pluralism of opinion to be applied in State-owned and private media during the election campaign. Private media are required to apply identical pricing conditions to all candidates and to communicate their pricing schedules to HACA 72 hours before the official start of the election campaign. The HACA is responsible for supervising radio and television broadcasts within the framework of respect for pluralism of thought and opinion and has the power to impose sanctions.<sup>39</sup>

Since the advent of the multiparty politics in 1990, the Ivorian media environment is polarized. Over 15 newspapers are published regularly and can be divided between pro-RHDP and pro-opposition publications. State-owned media, including television, radio and print media are aligned with the ruling party.

While a new legal regime for the press established in 2017 has decriminalized press offenses, journalists' associations denounce the heavy fines that can be applied, as well as intimidation through the use of defamation or charges such as the disclosure of "false news," disturbing public order, and the arrest of several bloggers in 2020.

As during the presidential election, the IEOM monitored social media networks. The observation focused on actors with an interest in high-stakes areas during these legislative elections. While the polarization between pro-ruling party activists and those close to the opposition remains, the local nature of the legislative election influenced the communication strategy of different activists whose preference for particular candidates within the same political movements became apparent. During this observation period, the mission monitored approximately 6,500 Facebook publications. Nine cases of hate speech were identified, of which eight related to ethnic discrimination, and one targeted a person with disability. Forty-five cases of disinformation were noted.

Despite a relatively calm atmosphere, the last days of the campaign saw the emergence of divisive rhetoric on social networks. The mission noted the significant use of ethnic references in various localities following the remarks of a candidate endorsing ethnic voting to repudiate an outgoing Assembly Member. This rhetoric was denounced by several online media.

As noted previously, the CEI denounced premature online campaigning by candidates. Different visual content, mainly promoting opposition and independent candidates circulated on social networks, particularly during the last two weeks of January 2021. The CEI statement and the threat of delisting candidate lists that breached these provisions contributed to subdue these illegal online campaigns. Nevertheless, the IEOM observed the circulation of a few partisan publications prior to the official start of the campaign.<sup>40</sup> Despite its efforts to discourage online campaigning outside of the official campaign period, the CEI experienced difficulties in monitoring and enforcing the provisions of the Electoral Code in online spaces, especially as online campaigning also took place outside of candidates' or their parties' official accounts.

The mission's monitoring revealed a significant number of cases of disinformation on social networks. These narratives were often broadcast by the Chris Yapi avatar, which, between the October and legislative elections, gained significant notoriety through a network of relays mainly composed of online-activists and media outlets that shared his posts with their subscribers.

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<sup>38</sup> Some of which remain under judicial supervision and are prohibited from leaving the country.

<sup>39</sup> On Feb. 18, the ANP suspended the daily newspaper "Le Béliér", considered to be close to the opposition, for 15 editions. The newspaper was accused of publishing an "irreverent" article against the Head of State. Those responsible for the newspaper expressed their willingness to hold a hunger strike in protest.

<sup>40</sup> Facebook publication of Seriba Coulibaly, RHDP candidate for Grand-Bassam, as of Feb. 19; Facebook publication of Bruno Nabagné Kone, RHDP candidate for Bakoué, as of Feb. 24.

## THE PARTICIPATION OF WOMEN

Côte d'Ivoire has ratified the relevant regional and international instruments on the rights of women and their participation in political life, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Maputo Protocol. The Constitution calls upon the State to enhance the opportunities for women to access representation in elected assemblies.

Despite these commitments, only 11.37% members of the 2016 National Assembly were women (29 of 255), placing Côte d'Ivoire's parliamentary representation of women lower than the average for countries on the African continent (24.1%), and in 160<sup>th</sup> position in the Inter-Parliamentary Union's global ranking. The 2021 legislative elections are the first in which a 30% quota of women on candidate lists is to be applied, to enhance their representation in the Assembly. As mentioned previously, the application of the law by political parties and groups has nevertheless been extremely disappointing. Out of 1,511 principal candidates only 206 (13.63%) are women, below the percentage for the 2016 elections,<sup>41</sup> in which there were no legal provisions to enhance their participation and potential election, and they represented 15.76% of total candidates. Of the 53 parties and political groups running in these elections, only eight parties and one coalition - none of which is represented in the Assembly - presented lists that respected or went beyond the 30% quota of women candidates, including principals and substitutes.<sup>42</sup> The law on quotas has not been applied by political parties and groups according to the CNDH and civil society organizations, particularly those promoting the rights of women and human rights. In addition to the socio-cultural constraints and the difficulties to fund their electoral campaign, these CSOs consider that the lack of commitment of political parties to include women on their lists (see candidate registration) represents a significant obstacle to the participation of women as candidates.

Women represent 48.64% of those registered on the 2020 voter register, below the 2016 figures in which they represented 49.52%. Within the electoral administration, four of 16 members, or 25%, of the CEI Board are women. However, at the level of the LECs, women remain largely under-represented or absent. Observer findings indicate that based on all observed polling stations on election day, on average, only one of the three members of polling station staff was a woman, and only 16% of these women held the position of president.

## CANDIDATE REPRESENTATIVES

The Electoral Code contains provisions guaranteeing candidates free access to all polling stations, as well as the right for each candidate and list of candidates to appoint two representatives per polling station, one principal representative and one substitute. The Electoral Code also details the representatives' roles and responsibilities, including the supervision of all voting operations, ballot counting and tabulating in those premises where these operations are carried out. Candidate representatives are also entitled to have their observations, complaints, or challenges included in the relevant protocols. These measures are intended to ensure the integrity and transparency of the election.

Candidates did not submit the list of their principal and substitute representatives to accredit them before the CEI. Therefore, they were not able to receive official CEI accreditation and their total number remains unknown. The IEOM noted their strong presence on election day, an indication of the level of commitment of candidates in these elections. Despite their lack of CEI accreditation credential, candidate representatives were allowed to follow voting operations, and the counting and tabulation processes by presenting an authorization from the respective candidate.

In the polling stations and LECs where the IEOM observed, all candidate and list representatives received official copies of the relevant protocols at that level. The CEI has committed itself to publish results disaggregated by polling station to allow comparison with the results protocols.

## NATIONAL AND INTERNATIONAL OBSERVATION

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<sup>41</sup> There were 174 women principal candidates among the 1,104 registered candidates for the 2016 elections.

<sup>42</sup> These include the FPI/AFD/UDPCI/Arc-en-ciel and AGIR Coalition, the Ivorian Democratic Collective (Collectif des démocrates ivoiriens), the Ivorian Green Party (Parti écologique ivoirien), the New Union for Côte d'Ivoire (Union nouvelle pour la Côte d'Ivoire), the Forces to the People Party (Parti forces aux peuples), the Ivorian Popular Front (Front populaire ivoirien) / UDPCI COJEP, the Rally of the Democrats of Cote d'Ivoire (Rassemblement des démocrates de Côte d'Ivoire) and the Party for African Integration (Parti pour l'intégration africaine).

Despite numerous revisions, the Electoral Code remains silent on national and international election observation. The CEI nevertheless allows for the accreditation of organizations wishing to observe the electoral process. The Operational Procedure for the Election of Members of the National Assembly (EDAN-2021) outlines the rights and responsibilities of organizations that can be accredited to follow the entire electoral process, including the transmission and tabulation of results.

A Charter for the Observation of Elections in Côte d'Ivoire, published in the run-up to the October 2020 presidential election and which remains available on the CEI website, details the criteria and procedures for accreditation. According to the Charter, the conditions to be fulfilled are listed on an application form available at the CEI. Information and procedures on the accreditation of organizations wishing to observe the electoral process could benefit from greater centralization and ease of access on the CEI website, notably including the contact details of a focal point.

For these legislative elections, the CEI accredited around 60 national and international organizations, including the CNDH, PTI INDIGO and various international representations and embassies. As of March 4, the CEI had issued 7,212 accreditation badges. As of March 7, the CEI had not yet published the list of accredited organizations, as required by the Charter.

## **ELECTION DAY OBSERVATION**

IEOM observers observed election day operations at a total of 293 polling stations across the country. They received the full cooperation of polling station staff, except for two teams, one of which was denied entry to the polling station by the President of polling station 01 of EPP N'GORLA in Hambol; another team was refused any information in the polling station 06 of the Centre des Métiers in Abidjan.

### *General environment*

Election day unfolded in a calm atmosphere that was conducive to peaceful elections. Police officers were present outside 94% of visited polling stations, in a generally calm and unobtrusive manner. The presence of police officers was assessed as intimidating in three polling stations observers, but it was not considered to have influenced voting operations.

Despite a generally peaceful environment, voter turnout remained low. A climate conducive to the holding of peaceful elections was upheld during the day in most constituencies. However, the mission regrets that the atmosphere deteriorated in certain places throughout the day, ranging from violent verbal exchanges without major impact, to the sacking of 30 reported polling stations. Agitation and temporary disruptions in polling were observed in five polling stations following the malfunction of voter identification tablets and in another two because political party representatives were in possession of a copy of the voters list. Although permitted, this was perceived negatively by supporters of opposing political parties in Port Bouët and Yamoussoukro. The IEOM also noted two incidents of assault on candidates and political party representatives in Daloa and Duekué. The deterioration of the general atmosphere was accentuated in places in the late afternoon, with physical aggressions accompanied by the looting of polling centers by groups of violent individuals in Port Bouët and Bouaflé. Official sources informed the IEOM that 22 polling centers comprising a total of 30 polling stations were ransacked in Bouaflé.

### *Polling station opening*

Fifty-two percent of observed polling stations opened to voters at 8 a.m. as required. Thirty-nine percent of polling stations opened with a delay of 15 to 45 minutes and nine percent between 8:45 a.m. and 9 a.m. These delays, which did not cause any major impact on the polling, were mainly due to a lack of organization of polling station staff and delays in the delivery of materials from LECs. In accordance with procedures, observers noted that the president of one polling station prohibited access to candidate representatives without the official CEI accreditation; following an order issued by the CEI to authorize their entry into the polling station, based on an authorization produced by the candidates, the opening procedures were able to continue.

### *Electoral materials and polling station layout*

The required electoral materials for the smooth running of the voting operations were present in almost all the observed polling stations. In the few observed polling stations where materials were lacking, these were mainly the polling booths and indelible ink. The tablet used for voter identification was present in 99% of the polling stations visited by the mission and was used in 96% of observed cases. Malfunctioning tablets slowed down operations in some polling stations and were the source of tensions and disputes between candidate representatives in Guémon, leading to a temporary disruption of polling operations.

The layout of polling stations visited by IEOM observers allowed for orderly and fluid polling operations. Ballot boxes were properly sealed and placed in a visible position for the public to see. However, a decision to place the polling booths so that the back of voters was exposed to others in the polling station was meant to prevent voters from taking photographs of their ballots and therefore prevent potential vote buying. Observers noted that it did not always guarantee the secrecy of the vote.<sup>43</sup>

Around 40% of the visited polling stations were assessed as not being easily accessible for persons with reduced mobility, mainly due to an irregular floor or the presence of steps. In 12% of these cases, the polling station was not on the ground floor.

#### *Polling operations*

Polling operations were carried out calmly and procedures were generally well respected in the observed polling stations. The distribution of voter cards in 21 polling stations and the verification of the inking of voters' fingers in 54 polling stations were not carried out systematically.<sup>44</sup> To some extent, the lack of organization in the distribution of voter cards also contributed to slowing down polling operations.

The IEOM observed that voter lists were not displayed in front of polling stations in half of those visited. This added to the confusion for those persons who had not already withdrawn their voter cards. While the posting of voter lists is not required in the procedures, it is considered good practice by international standards.

The capacity of polling station staff was assessed positively in 95% of cases. The less positive assessments were largely due a lack of knowledge and organization.

#### *Closing and counting operations*

The closing and counting operations observed by the IEOM were carried out calmly and without incident. Candidate representatives were present in all cases. All signed the results protocol and received a copy of it. Their presence, both during the polling and the counting, helped to strengthen the transparency and integrity of the process. Polling station staff followed procedures providing candidate representatives and observers access and adequate visibility of the operations, including by publicly displaying each ballot during the count, announcing aloud the choice expressed by each voter and performing the tallying of votes cast by candidate or list in a manner that was visible to all. However, polling station staff had difficulties completing the protocols and results sheet in 25% of observed polling stations.

The IEOM notes that when the ballot boxes were opened, seal numbers were not checked and compared with those entered in the protocol in half of the polling stations in which the closing and counting operations were observed. Contrary to procedures, the President did not announce the results aloud in 25% of observed polling stations, and result sheets were not posted in 60% of observed polling stations. The average rate of participation in observed polling stations was generally low, however with significant variations.

#### *Participation of political party representatives and observers*

The presence of candidate and list representatives was substantial. It contributed to strengthen the transparency and integrity of the process. The presence of RHDP representatives was observed in almost all visited polling stations, and that of PDCI-RDA/EDS in more than half of polling stations, EDS in 31% of polling stations, PDCI-RDA in 27% and FPI/AFD/UDPCI/AECA in 20% of polling stations. Representatives of independent candidates were present in more than 77% of visited polling stations. While only one representative per candidate should be allowed in a single polling station, the IEOM observed that they were over-represented in 27 polling stations.

National observers were present in 17% of visited polling stations. The presence of international observers remained very limited. The mission did, however, meet with representatives of the African Union. Candidate representatives as well as observers had good visibility of the polling and counting operations.

#### *Tabulation of results*

The IEOM notes that the list of LECs where the tabulation of results was to take place was not published. This did not allow easy identification of the different tabulation centers. The transmission of polling station results to the first levels of the tabulation process was carried out under police escort in all observed cases. In all the visited LECs,

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<sup>43</sup> The polling booth orientation was changed in a polling station upon request from a candidate representative, interrupting voting temporarily.

<sup>44</sup> In polling station 3 of the EPP Hôpital in Hambol, a person attempted to vote using the voter card of another voter who was at that moment voting with his national identification card. That person was prevented from voting and security forces called in accordance with procedures.

including at the level of the second tabulation phase, the behavior of law enforcement agents was assessed as calm, discreet and professional. The presence of candidate representatives was observed in 84% of the observed LECs. At this stage of the process, the IEOM has been able to access all results entry rooms visited except in the commune of Daloa, where the observers were denied access. Tabulation operations in this case were taking place behind closed doors and no candidate representative were present.

The CEI has committed itself to publish results disaggregated by polling station to allow comparison with the results protocols. The IEOM applauds the CEI for this initiative, which is in alignment with international standards for transparency and access to information, and encourages it to publish the disaggregated results in a timely and effective fashion so as to facilitate a candidate' ability to file and substantiate any electoral challenges. The mission continues to observe the ongoing tabulation process.

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