

**EISA PRE-ELECTION ASSESSMENT MISSION  
REPORT**



**REPUBLIC OF SEYCHELLES  
1 JUNE – 31 AUGUST 2020**

## Contents

LIST OF ABBREVIATIONS .....	3
1. EXECUTIVE SUMMARY .....	4
2. HISTORICAL BACKGROUND AND CONTEXT OF THE 2020 ELECTIONS .....	5
3. ELECTORAL FRAMEWORK .....	8
3.1. The constitutional and legal framework .....	8
3.2 The electoral system .....	11
3.3 Party and campaign finance .....	11
3.3.a Campaign funds accounting .....	12
3.4. Election Management .....	12
4. KEY FINDINGS ON THE PRE-ELECTION PHASE .....	14
4.1. Constituency delimitation .....	14
4.2. Voter registration .....	14
4.3. Registration and nomination .....	15
4.4. Gender and minority rights .....	17
4.5. Media .....	18
4.6. Civic and voter education .....	19
4.7 Security .....	19
4.8 Campaigns .....	20
4.9. Preparedness of the EMB .....	20
CHALLENGES AND OPPORTUNITIES .....	22
RECOMMENDATIONS .....	22
For the 2020 elections .....	22
For future elections .....	22

## LIST OF ABBREVIATIONS

ACDEG	African Charter on Democracy, Elections and Governance
AU	African Union
CDWS	Citizen Democracy Watch Seychelles
CEO	Chief Electoral Officer
CRO	Chief Registration Officer
CEPS	Citizen Engagement Platform of Seychelles
CSOs	Civil Society Organisations
CRPD	Convention on the Rights of Persons with Disabilities
ECS	Electoral Commission of Seychelles
EISA	Electoral Institute for Sustainable Democracy in Africa
EOM	Election Observation Mission
EMBs	Election Management Bodies
FPTP	First Past the Post
LDS	Lynion Demokratik Seselwa
LSD	Lafors Sosyal Demokratik
IOC	Indian Ocean Commission
MNAs	Members of the National Assembly
MP	Member of Parliament
NGOS	Non-Governmental Organisations
PAM	Pre-election Assessment Mission
PEMMO	Principles for Election Management, Monitoring and Observation in the SADC Region
PL	Parti Lepep
PWDs	Persons with Disabilities
SBC	Seychelles Broadcasting Corporation
SCR	Seychelles Rupees
SNP	Seychelles National Party (SNP)
SPM	Seychelles Patriotic Movement
UDHR	Universal Declaration of Human Rights
VE	Voter Education
VR	Voter Registration

## 1. EXECUTIVE SUMMARY

In line with its mission of promoting credible elections, citizen participation and strengthening political institutions for sustainable democracy in Africa, the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed a virtual Pre-Election Assessment Mission (PAM) to Seychelles from 1 June – 31 August 2020. The purpose of the PAM was to assess the state of preparedness of the Electoral Commission of Seychelles (ECS), political parties, Civil Society Organisations (CSOs) and other stakeholders for the forthcoming 22 – 24 October 2020 General elections.

The PAM was also tasked to undertake an assessment of the pre-election context of the election to ascertain whether conducive conditions exist for the conduct of credible elections in line with regional and international norms such as the African Charter on Democracy Elections and Governance; and the Principles for Election Management, Monitoring and Observation (PEMMO).

The mission contacted and engaged with all the key stakeholders in the electoral process (**See appendix1**). EISA wishes to thank these stakeholders for availing themselves to provide necessary information to the mission.

Initially scheduled to hold only the Presidential elections, Seychelles will now hold the Presidential and National Assembly elections simultaneously. This came after the President dissolved Parliament on 30 July 2020, alluding to the national interest as provided for by Article 110 of the Constitution of Seychelles.

The EISA PAM further notes that these elections will take place under the new amended Elections Act, and the Political Parties Act. The Election Commission of Seychelles (ECS) is led by the new Chairperson, Mr. Danny Lucas and Mrs. Manuella Amesbury has since been appointed the Chief Electoral Officer (CEO) of the Commission.

The elections are expected to be a tight contest between President Danny Faure - Parti Lepep, he will be contesting the presidential election for the first time, having taken over the Presidency office in 2016 following the resignation of then President James Michel. His main opponent is Rev Wavel Ramkalawan of the National Party, who is contesting for the high office for seventh time.

Ahead of the 2020 elections, there is a good cooperation between ECS and key electoral stakeholders. Some CSOs have indicated their intention to deploy local citizen observers across the country on Election Days. The PAM notes the challenges posed by COVID-19 on the

preparations and conduct of the elections by the ECS, CSOs, political parties and candidates. These stakeholders will need to factor in issues of social distancing and hygiene during the pre-election period as well as on election days.

On the state of preparedness for the conduct of the 2020 elections, which will be the first general elections in Seychelles since the 1998 Presidential and National Assembly election, the PAM is of the view that the ECS is adequately prepared. The mission gathered that the Commission received an amount of R15 million pre-Covid to conduct the Presidential elections. The PAM notes that the ECS has since requested additional funds for the two elections and COVID-19 measures.

## **2. HISTORICAL BACKGROUND AND CONTEXT OF THE 2020 ELECTIONS**

The Republic of Seychelles is an archipelago of 115 islands scattered in the Indian Ocean. Mahe is the main Island, where almost 90% of Seychellois live.

The Seychelles islands were occupied by France in the 18th century, until Britain took over in the early 19th century, and ruled the territory until Seychelles became independent in 1976. The country's politics has for decades been polarised by two parties: the Seychelles People's United Party (SPUP), which would later become the Seychelles People's Progressive Front (SPPF), and the Seychelles Democratic Party (SDP). Britain introduced elections in 1966 which was won by the SDP. A new Constitution came into effect after the 1970 elections, which the SDP, led by James Mancham, won again. Mancham was again elected in 1974 until a coup d'état deposed him in 1977, which saw France-Albert René of SPPF come into power. As the country re-introduced multiparty politics, with the approval of a new Constitution in 1991, a transition process began with the election of a Constitutional Assembly in 1992, in which eight political parties participated, including former President James Mancham's SDP. The SPPF obtained 14 seats and the DP 8 seats. A referendum in 1993 approved a new consensual Constitution. This Constitution was subsequently amended several times in 1994, 1995, 1996 and 2000.

As the country returned to multiparty democracy in the early 1990s, the adoption of a new constitution in 1993 required the appointment of an independent electoral commissioner responsible for establishing and updating the electoral rolls, demarcating constituencies, supervising electoral campaigns, organising elections, and registering political parties. The new Constitution also dealt with was the holding of presidential and legislative elections every five years, through the one person one vote system.

The first multiparty presidential and legislative elections held under the 1993 Constitution saw three political groups contesting: the SPPF, the DP, and the United Opposition (UO), a coalition of three smaller political parties. President France-Albert René and his SPPF party y won this poll and the two subsequent polls. Following the 2002 elections, the newly created Seychelles National Party (SNP) became the main opposition, and President René handed over power to his vice president, James Michel, in 2004, halfway through his last constitutional mandate, after 27 years in power. Elected in 2006 and re-elected in 2011, Michel managed to consolidate the smooth transition of Seychelles towards a pluralist democracy, which saw the polarisation of political life around two parties: the Seychelles People's Progressive Front, which became the Lepep Party in June 2009 then United Seychelles in November 2018, and the Seychelles National Party , the opposition party led by Wavel Ramkalawan.

Strong calls for electoral reforms following the general elections of 2007 and 2011 resulted in a sixth amendment to the Constitution of 1993, which introduced the new election management structure, the Election Commission of Seychelles (ECS) in 2011. The ECS recommended electoral reforms aimed at strengthening democracy.

It is in that context that Seychelles held the 2015 presidential election, the most competitive in the history of multiparty elections in Seychelles. The presidential election was marked by the highest number of candidates to contest an election since Seychelles first held elections,, a high turnout of 90% of the electorate, and for the first time since independence in 1976, the ruling party's candidate garnered only 47.78% of the vote, resulting in a run-off against an opponent, although the opposition was said to have had limited time to prepare for the run-off. President Michel won the run-off with 50.15% of the votes cast. See table 1 below for the results.

**Table 1: 2015 Presidential results**

Candidate	Party	1st Round		2nd Round	
		Votes	% votes	Votes	% votes
James Michel	Parti Lepep Formerly SPPF	28,911	47.78	31,512	50.15
Wavel Ramkalawan	Seychelles National Party (SNP)	21,391	35.35	31,319	49.85

Patrick Pillay	Lalyans Seselwa	8,593	14.20		
Alexcia Amesbury	Seychelles Party for Social Justice and Democracy	803	1.33		
Philippe Boule	Independent	408	0.67		
David Pierre	Popular Democratic Movement	400	0.66		
Total		60,506	99.99	62,831	100.00

**Source: Electoral Commission of Seychelles (ECS)**

The following year, the opposition won the majority of seats in the National Assembly,. That same year, the National Assembly passed an amendment to the Constitution that reduced presidential term limits from three terms to two. See table 2 below for the results.

**Table 2: 2016 National Assembly election results**

Party/Coalition	%vote	Constituency seats	Proportional seats	Total seats	% seats
Lalyans Demokratik Seselwa	49.22	15	4	19	57.58
Parti Lepep	49.59	10	4	14	42.42
Seychelles Patriotic Movement	0.98	0	0	0	0.00
Independents	0.21	0	0	0	0.00
Total	100.00	25	8	33	100.00

**Source: Electoral Commission of Seychelles (ECS)**

President Michel resigned in September 2016 at the age of 72 and was succeeded by the vice president Danny Faure, in accordance with article 55 of the Constitution. Currently running for the presidency, Danny Faure will face, among others, his main opponent, Rev Wavel Ramkalawan of the National Party, who is contesting for the high office for the seventh time.

Initially scheduled to hold only the Presidential elections, Seychelles will now hold the Presidential and National Assembly elections simultaneously from 22 – 24 October 2020. On 22 and 23 October, there will be voting in special stations and outer islands. Main Election Day will be on 24 October 2020. As provided for in Article 110 (2) of the Constitution, President Danny Faure dissolved the sixth National Assembly on 30 July 2020 and set the election date. With the establishment of the electoral commission secretariat and the appointment of a permanent Chief Electoral Officer, this is perceived by stakeholders as a positive step towards the conduct of credible and transparent elections. This arrangement should further ensure the separation of responsibilities between the supervision and implementation tasks of the Election Commission.

### **3. ELECTORAL FRAMEWORK**

The legal framework governing elections in Seychelles has five principal pieces of legislation. These are the Constitution, Electoral Act, Political Parties Act, Public Assembly Act and the Code of Conduct for Political Parties, Candidates and Other Stakeholders.

Seychelles has also ratified and signed major international, continental and regional treaties that relate to human rights and the conduct of democratic elections<sup>1</sup>.

#### **3.1. The constitutional and legal framework**

The Constitution of Seychelles sets the legal framework for the conduct of elections. It guarantees fundamental civil liberties and human rights. Chapter III of the Constitution also provides for freedom of information, freedom of association and freedom of assembly.

The Constitution provides for citizens of Seychelles over the age of 18 years to vote in the Presidential and National Assembly elections and the referendum by universal, direct and secret suffrage.

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<sup>1</sup> These includes the Universal Declaration of Human Rights; the International Convention on Civil and Political Rights, the First and Second Optional Protocol to the International Convention on Civil and Political Rights; the Convention on the Political Rights of Women ; the Convention on the Elimination of All Forms of Discrimination Against Women; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women; the African Charter on Human and Peoples' Rights; the African Charter on Democracy, Elections and Governance; the SADC Principles and Guidelines Governing Democratic Elections and; the SADC Protocol on Gender and Development.

Article 110 (2) of the Constitution provides for the President to dissolve Parliament for the national interest. On 30 July 2020, the President gave the Speaker seven days' notice of his intention to dissolve the National Assembly for the national interest.

The EISA PAM notes that the National Assembly elections were only due in 2021, but due to COVID-19, the President moved them forward. The President acknowledged that holding the Presidential and National Assembly elections this year will help the country focus on rebuilding the economy in 2021 without any distractions<sup>2</sup>. This will be the first Presidential and National Assembly held since 1998.

Article 115A (1) of the Constitution also provides for the appointment of the Electoral Commissioners. Articles 116 and 118 provide for duties of the ECS members, including to conduct and supervision of voter registration, the conduct and supervision of elections and referenda, the delimitation of constituencies, the monitoring of election campaigns, the registration and public financing of political parties.

The other primary legal instruments guiding the conduct of elections in Seychelles are:

**Elections Act, 17 of 1995 as amended:** The Act regulates the registration of voters, the organisation of presidential and National Assembly elections, and referendums. It also provides, in detail, the procedures for the nomination of candidates, political campaigns, polling, counting, tallying, declaration of election results.

**Political Parties (Registration and Regulation) Act of 1991 as amended:** The Act establishes the Electoral Commissioner as the Registrar of political parties. The Registrar is tasked with maintaining a register of political parties, allocating public funds to parties, and reporting to the National Assembly accordingly.

**Public Assembly Act 2015:** The Act provides for control of public gatherings, including public meetings and rallies of political parties and candidates. It also provides for voting by detained persons (those in holding cells or prisoners awaiting trial) but prohibits voting by convicted prisoners. The Act was realised after the Public Order Act 2013 unconstitutional in July 2015.

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<sup>2</sup> <http://www.nation.sc/articles/5587/president-faure-moves-to-dissolve-parliament>

**The Code of Conduct for Political Parties, Candidates and Other Stakeholders:** All electoral stakeholders, including political parties, candidates, employees, agents, supporters election officials, polling and counting agents, election observers, journalists and other media representatives covering elections are expected to adhere to the Code. It sets out acceptable standards of behaviour relating to electioneering during the campaign period. The PAM, however, notes that, as it is not enacted, it has no regulatory force.

**Presidential Election and National Assembly Election (Election Petition) Rules of 2016:** The Act provides for the practice and procedures for the Courts relating to election petitions. The PAM notes with concern the reports that the current Chief Justice, Judge Mathilda Twomey, will be stepping down this year, and the search for the new Chief Justice is underway, with applications closing on 20 August 2020.

The PAM further notes that the Electoral Commission began the electoral reform forum in 2017 in line with Article 116 of the Constitution to undertake electoral reforms. The process was concluded in August 2020, when the requisite bills were submitted to the President for assent and were promulgated successfully.

The proposed legislation consists of:

- a. **Elections (Amendment) Act, 2020** The Act clarifies key terms such as ‘rejected ballot paper’, ‘spoilt ballot paper’, ‘total votes cast’, ‘valid votes cast’; and ‘votes cast in favour of a candidate’. It introduces voters’ census to be conducted by the Commission every five years; limits on expenditure by candidates and political parties; clarify when a candidate may use voters’ details without their consent to support his/her candidacy, this nomination will be rejected and may also be considered an offence. The Electoral Officer shall provide for the aged, pregnant women and voters requiring assistance to vote; persons who want to vote should physically come to a voting station; explains the term of ‘incapacitated voter’ and establish procedures for assistance and determine the qualification of the person that will assist them in voting.

The Electoral Commission is to publish voting records analysis on its website any time after six months but not later than 24 months following an election.

- b. **Political Parties (Registration and Regulations) (Amendment) Act, 2020** - The Act details the application for registration, makes detailed provisions for financial support to political parties by the Commission. The Commission may from time to time, publish reports on its website disclosing the funds received by each candidate or political party and the number of persons from whom such funds were received.

### **3.2 The electoral system**

Article 78 of the Constitution provides for a mixed system for the National Assembly elections through direct universal adult franchise using first-past-post constituency elections combined with proportional representation. Legislative power is vested in a unicameral parliament, the National Assembly<sup>3</sup>.

Article 78, Schedule 4 of the Constitution specifies that 25 members are elected in First-Past-The-Post (FPTP) single-member constituency elections. Up to 10 further members are elected by proportional representation (PR) with each party allocated one (1) seat for every 10% of the votes obtained; the threshold for a PR seat is 10%. The term of the National Assembly is five years. The PAM notes that the term of office for the current National Assembly is four (4) years. The President called for an early election in the national interest of the country.

The President is the Head of State and Government, as well as Commander in Chief of the armed forces<sup>4</sup>. The President holds executive power assisted by the Vice-President and a Cabinet.

Schedule 3, Articles 1, 5, 8 of the Constitution of Seychelles provides for the President to be elected by absolute majority through universal adult franchise. Article 51(2), Schedule 3, Article 1; and Article 66A (4) of the Constitution provides for the Vice-President to be elected on the same ticket as the President. Article 52(1), (2) of the Constitution provides that the President is restricted to two consecutive terms of office of five years each.

### **3.3 Party and campaign finance**

Section 27 of the Political Parties (Registration and Regulation) Act establishes the Political Parties Financial Support Fund. The Commission administers the fund.

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<sup>3</sup> See Article 85 of the Constitution

<sup>4</sup> See Article 50 of Constitution of Seychelles

Section 29 mandates the Commission to provide the amount that each political party is entitled to receive to be paid quarterly in advance on or before 30 January, 30 April, 31 July and 31 October or in such manner and at such times as the Commission may, in consultation with the political party, determine. However, the EISA PAM has been informed that the amount due to be paid to political parties shall be paid in advance for the quarter in which the general election is to be held in an election year.

### **3.3.a Campaign funds accounting**

The Electoral Act regulates the expenditure of campaign funds. Section 94 of the Elections Act establishes limits of SCR5,000 on contributions or donations parties and candidates may receive from a single source. Section 94 (A) provides for SCR 250,000 as the ceiling for a campaign expenditure.

Section 24 (2) of the Political Parties (Registration and Regulation) Act requires that registered political parties keep accounts of all money received and paid by the political party every year in a form as may be directed by the Commission. It further provides that registered political parties, before the 30 June of each year, must submit financial statement(s) and audit report to the Commission for all expenses incurred during the campaign period and is obliged to keep full records of funds received and expenses incurred. Failure to comply with these provisions is an offence and is liable on conviction to a fine of SCR 10,000 and to a further fine of SCR 100 for each day the offence continues after conviction.

The PAM notes that while the law provides for a ceiling on party and candidate election expenditure, it does not provide for the accounts submitted to disclose the identities of either the donors of the funds or of those with whom the expenses have been incurred.

### **3.4. Election Management**

Prior to 2011, elections in Seychelles were conducted by an independent electoral commissioner appointed to manage electoral processes. Following calls for electoral reforms after the 2011 elections led to the adoption of a new election management structure. The Electoral Commission of Seychelles (ECS) comprises seven commissioners led by a chairperson<sup>5</sup>. In line with Article 115 of the Constitution, all members are appointed by the President from candidates proposed by the Constitutional Appointments Authority.

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<sup>5</sup> The current ECS is comprised of Mr. Danny Lucas, Chairperson; Ms. Veronique Bonnelame-Alcindor; Ms. Jenny Adrienne, Ms. Wendy Didon, Mr. Henry Bastienne, Ms. Norlis Rose-Hoareau; and; Mr. Patrick Hoareau

Article 140 of the Constitution provides that the Constitutional Appointments Authority (CAA) is comprised of one person nominated by the President, one by the Leader of the Opposition and a Chairperson co-opted by the other two members. The CAA advertises positions of the ECS, and to qualify, and members are expected to be professionals with no political party affiliation. The CAA then recommends a shortlist of seven names to the President, who makes the final appointment.

According to Article 115C(1) of the Constitution, the Electoral Commissioners are appointed for a term of not more than seven (7) years but is eligible for reappointment for further terms. The law, however, does not provide for the removal of a Commissioner from office. However, members may hand in their resignation letters to the Chairperson, and the Chairperson may hand in their resignation letter to the President. The resignation shall affect the date it is last received by any person addressed to.

## **Functions**

Article 116 of the Constitution places the authority to run elections in the hands of the ECS. The Commission is charged with the following responsibilities:

- Conduct and supervision of voter registration.
- Conduct and supervision of elections and referenda.
- Delimitation of constituencies.
- Monitoring of election campaigns.
- Registration and public financing of political parties.
- Review existing legislation governing electoral matters and make recommendations to Government as well as to conduct other functions as prribed by the Constitution.

The PAM notes that the President approved the amendment to the Elections Act making provision to employ a permanent Chief Electoral Officer (CEO) in December 2018. The CEO is responsible for the administration of the Secretariat, among other duties. The PAM noted with satisfaction that ECS had appointed its first female CEO in September 2019, Mrs Manuella Amesbury to prepare for the 2020 general elections.

## **4. KEY FINDINGS ON THE PRE-ELECTION PHASE**

The EISA PAM assessed Seychelles' readiness for the 2020 general elections in the following areas: constituency delimitation, voter registration, political party registration, conflict management and nominations and voter education. The findings for each section are summarised below.

### **4.1. Constituency delimitation**

Article 112 of the Constitution of Seychelles bestows the mandate for constituency delimitation on the Electoral Commission of Seychelles. The Constitution stipulates that there shall be less than 19 electoral areas on the Island of Mahé, two on Praslin and one for the Inner Islands. The Article further provides that the National Assembly shall be represented by one member of the National Assembly for each electoral area. The PAM notes that boundaries are reviewed three years before every election.

### **4.2. Voter registration**

According to article 114 Constitution, every Seychellois who is at least 18 years of age, in possession of a National Identity Card, and has resided for at least three months in a given electoral area in Seychelles before the date of registration, is entitled to register as a voter, unless the person is disqualified from registration under an Act on the grounds of:

- (a) infirmity of mind;
- (b) criminality; or
- (c) residence outside Seychelles.

An electronic register of voters is updated every year. The ECS plans to install biometric identification cards and use barcode readers and existing GIS databases to register voters for the 2020 elections.

Although this technology shift is expected to improve the accuracy of the voters' lists, there have been rumours over the issue, relaying some parties' alleging attempts of tampering the voters' register, to give advantage to a particular political party in the legislative election on some social media.

The voter registration exercise did not go as initially planned due to COVID-19 restrictions. There was a national lockdown in March and April 2020. As a result, the ECS was forced to cease all customer-facing services (i.e. new registration on the voters' register, changes on the voters'

register and verification on the voters' register). However, the PAM note the initiative by the ECS providing voters with an opportunity to check their registration status through the SMS number 9600. Voters could also check their registration status by visiting the ECS website.

While the stakeholders consulted by the EISA PAM did not raise significant concerns regarding the voter registration exercise, there were reports from stakeholders accusing the ECS of gerrymandering. The ECS has since refuted the allegations of tampering with constituency boundaries, advising that the register of voters would be certified before the elections<sup>6</sup>.

### **4.3. Registration and nomination**

Article 14 of the Electoral Act provides that the ECS shall, at least 21 days before the earliest date fixed under section 13 of Article 14, for a Presidential Election or a National Assembly Election, hereafter referred to as 'election day', by notice in the Gazette, appoint the date, place and time for the nomination of candidates for the Presidential Election or the National Assembly Election and shall in the notice specify:

- a) The sum required to be deposited or secured with the Electoral Commissioner by each candidate for each such election;
- b) The number of the persons needed to endorse the nomination paper of each such candidate

To qualify as a presidential candidate, the following requirements<sup>7</sup>:

- Pay a deposit no less than SCR 15000.
- Be endorsed by at least 500 endorsers to the nomination.
- Be nominated using a nomination paper provided for the purposes by the ECS.
- The candidate must submit signed nomination papers in person to the Chief Electoral Officer on the date and time set for nomination by the ECS.
- Other supporting documents include two passport-size colour photographs and a digital copy; the candidate's party symbol or in the case of an independent candidate, the colour adopted by that candidate, and a digital copy of the symbol or digital colour to be used on the ballot; a certificate from an officer of the respective political party authorising a candidate to act on behalf of that party; and a copy of the National Identity Card of each person endorsing the candidate to stand for election.

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<sup>6</sup> <http://www.nation.sc/articles/6084/electoral-commission-chair-refutes-allegations-of-rigging>

<sup>7</sup> See Art 14 and 15 of the Electoral Act

Presidential candidate nominations took place on 16 September 2020.

To qualify as a National Assembly candidate, a candidates must meet the following requirements<sup>8</sup>:

- Pay a deposit no less than SCR 1500.
- Be endorsed by at least 50 the nomination.
- Be nominated using a nomination paper provided for the purposes by the ECS.
- The candidate must submit signed nomination papers in person to the Electoral Officer appointed for the electoral area for which the candidate proposes to stand for election on the date and time set for nomination by the ECS.
- Other supporting documents include two passport-size colour photographs and a digital copy; the candidate's party symbol or, in case of an independent candidate, the colour adopted by that candidate, and a digital copy; a certificate from an officer of the respective political party authorising a candidate to act on behalf of that party; and; a copy of the National Identity Card of each person endorsing the candidate to stand for election.

National Assembly nominations took place on 18 September 2020.

Article 16 of the Electoral Act provides that a candidate for the President Election or a National Assembly Election may withdraw their nomination at any time by notice in writing to the ECS and shall, where the candidate withdraws the nomination at least seven (7) days before the election day, be refunded the deposit or returned the security for the deposit specified in the notice under section 14.

The EISA PAM notes with concern the inconsistency in Art. 14 (1) (b) of the Electoral Act which provides for the number of persons required to endorse the nomination paper of each such candidate and the newly amended Art. 15 (3) (b) of the Electoral Act which provides that the person endorsing the nomination paper must be a voter.

The law does not stipulate regarding an individual holding two nominations at the same i.e. for the Presidential and National assembly. Noting the gap in the law, in August 2020, Mr Ralph Volcère expressed interest to stand in both elections. The ECS took a month deliberating on the

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<sup>8</sup> See Art 14 and 15 of the Electoral Act

matter before it informed Mr Volcère that an individual cannot hold two nominations at the same time. The PAM learned that Mr Volcère has since decided to run for the Presidency as an independent candidate.

#### **4.4. Gender and minority rights**

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) of December 2008 underscores the equal right of people with disabilities to participate in political life. The CRPD aims to provide individuals with a voice to influence decisions that affect their lives. In 2009, Seychelles ratified the UN Convention on the Rights of Persons with Disabilities (CRPD), thereby committing to the inclusion and accommodation of individual differences. The PAM notes with satisfaction the measures put in place for voters with a disability by the recent electoral amendments to protect the secrecy of their vote.

Seychelles ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1992 and its Optional Protocol in the year 2000. In Seychelles, women and men have equal rights to participate in and access political and public life. Women's right to vote and run for election was introduced in 1948 and reinforced as a fundamental right in the Constitution of 1993.

In 2006 Seychelles ratified the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women, better known as the Maputo Protocol. The Protocol guarantees comprehensive rights to women, including the right to take part in the political process and social and political equality with men. It also provides that "States Parties" take positive actions to promote participative governance and the equal participation of women in the political life of their countries. This should be done through affirmative action, enabling national legislation and other measures. The PAM noted that there is no legal provision to ensure gender parity, such as quota or other special measures to boost women political presence. The Constitution of the Republic of Seychelles does not explicitly recognise or prohibit gender discrimination law.

The current Election Commission is made up of seven members, and the CEO is a woman. The posts were advertised in the local newspapers. Any person was entitled to apply as Chairperson and/or Commissioner. Applicants were interviewed and chosen from the list of applicants. The EISA PAM notes with satisfaction the high-representation of women in the seven-member Electoral Commission, which has four women and the female CEO.

While the majority of electoral officials are women and women represent the majority of voters in most age groups, their participation in national politics (mostly as parliamentarians, government officials or party officials policies) remains relatively low compared to that of men.

Since the reintroduction of a multiparty system in 1993, women's representation in Parliament was below 30%. After the 2011 elections, women's seat noticeably increased to 43,8%, before dropping to 21,2% in the 2016 election. The EISA PAM regrets to note that out of 22 current parliamentary seats, only seven (22 %) are women.

The PAM has been informed that women are less likely to sit on the executive committees of political parties, and parties tend to nominate more male candidates than female candidates. The argument that is often put forward is that they select "the best candidates".

Lepep was the only party with a higher number of women candidates (44%), followed by the Seychelles Patriotic Movement (21,7%). Political parties have not adopted internal quotas or other measures to encourage the representation of women. It is clear that without strong advocacy, there will be few gains in women's political representation.

#### **4.5. Media**

The Seychelles media landscape is composed of print and broadcast media, either state-owned or private. During the one-party system, the media were entirely controlled by the government. Though the multiparty system has favoured some pluralism in the media sector, giving way to a diversity of opinions and greater editorial freedom for journalists, the Seychelles press remains polarised and partisan. The government retains control over the country's public television channel and the two radio stations it owns, and private media, often politically engaged, tends to show some bias towards the ruling party in their coverage of the election campaigns.

Article 97 of the Election Act governs access to public media for campaigning purposes and the ECS ensures that all candidates and parties receive equal airtime on national radio and television. The PAM notes however, that the EC does not exercise any control over campaign opportunities through the private media.

The PAM has been informed that, for the 2020 elections, the Seychelles Broadcasting Corporation (SBC) public radio and television channels will be the only channels that have an obligation to guarantee equal visibility of each candidate. Private radio and television channels

are free to put forward one or more candidates of their choice. The Media Commission, which regulates, promotes and protects media in the country has informed the public that it is developing a code of ethics applicable to local media. It will be of interest to see how this provision guarantees fair access of candidates and political parties to public and private media.

#### **4.6. Civic and voter education**

The ECS is mandated by the law to provide and conduct civic and voter education. The PAM notes that the ECS has a voter education department tasked with the conduct of voter education and information activities. The PAM further notes a large number of sensitisation campaigns that were organised before and during the voter registration and rolls' inspection period.

The ECS also accredits CSOs to conduct civic and voter education. Ahead of the 2020 general elections, the PAM notes that some organisations like the Civic Engagement Platform of Seychelles (CEPS) and the Citizen Democracy Watch Seychelles (CDWS) have already begun CVE activities across the country.

As in the past, it is also expected that political parties will provide civic and voter education. In addition the state media through the Seychelles Broadcasting Corporation (SBC) and other newspapers and forms of media will also play a role in sensitising citizens and providing voter information and voter education.

#### **4.7 Security**

In line with Articles 22, 53 and 96 of the Electoral Act, the Seychelles Police Force (SPF), are responsible for providing security during campaigns, election days and protection of elections materials. The PAM was informed that the SPF had formed the ECS Secretariat to address issues relating to:

- Preparations for the 2020 General Elections; and,
- To discuss security arrangements around the elections

Despite what is set to be highly contested elections, there were no reported security concerns at the time of the PAM.

#### **4.8 Campaigns**

Articles 50 and 95 of the Elections Act provide nominated candidates for an election of the right to campaign for the election. The campaign period is also regulated by a Code of Conduct for electoral stakeholders, including political parties and candidates, election officials, polling and counting agents, election observers, journalists and other media representatives covering elections. However, the PAM notes that the ECSS is not responsible for the enforcement of the Code of Conduct as its observance is dependent on the goodwill of political parties and candidates.

Based on its consultations with stakeholders, especially observer groups, the PAM gathered that the campaigns have generally been peaceful and that parties and candidates are conducting their activities without undue restrictions.

#### **4.9. Preparedness of the EMB**

The ECS's preparation for the 2020 elections took place within a context of COVID-19 uncertainties, including electoral reforms and the change to hold both Presidential and National elections together, which impacted on the operational preparedness for the polls.

Preparations started early with the restructuring of the Commission, following the amendments on the Elections Act in 2018. The changes in the Act enabled the Commission to create the Secretariat. The Commission has since appointed Mrs Manuella Amesbury as the Chief Electoral Officer (CEO) and Ms Lynn Gillian Bilal as the Chief Registration Officer (CRO). The CEO is the head of the Secretariat, implementing the Commissions' policy decisions and carrying out administrative duties. The ECS Commissioners will be concerned with policy, direction, and oversight over the Secretariat

In line with Article 151 of the Constitution, the Commission received an amount of R15 million to conduct the Presidential elections, approved pre-COVID. The PAM notes that the budget may be reviewed since two elections will now be held simultaneously, and the ECS has to factor in COVID-19 measures.

Although planning is underway, there have been delays in concluding the voter registration exercise. Eligible voters could not access registration centres in person as required by the law due

to a nationwide lockdown in March and April on account of the COVID-19 pandemic. The ECS also temporarily closed the voter registration process.

On 31 July 2020, through a declaration, the President brought the national elections forward in the interest of the country. This means the ECS will now hold the general elections (Presidential and National) in 2020. As such, additional resources are required to conduct the general elections and the ECS has requested additional funds.

The ECS informed the EISA PAM that it consulted with all stakeholders through stakeholder meetings on the electoral process. The PAM commends this move as it improves the level of cooperation between stakeholders.

The procurement and delivery of various election materials is ongoing. Non-security materials such as ballot boxes have been procured, and distribution to districts has commenced. The Commission informed the PAM that the ballots papers are to be printed in Dubai (United Arab Emirates (UAE)). The PAM notes that there was general agreement among stakeholders that the ECS had the competence to discharge its duties.

See below table for the next stages on the electoral calendar:

**Table 3: Electoral Calendar**

<b>Event</b>	<b>Dates</b>
Collection of nomination forms <b>for all elections</b> at INEC headquarters	24 August 2020
Presidential candidate nomination	16 September 2020
National Assembly nominations	18 September 2020
Last day for campaigns	21 October 2020
Voting in special stations and outer islands	22 and 23 October 2020
Main Election Day	24 October 2020

**Source:** Electoral Commission Seychelles (ECS)

## **CHALLENGES AND OPPORTUNITIES**

- Given the COVID impact, it is perceived that social distancing will be a significant challenge as voters will be asked to queue at the voting station, especially if voters arrive at the station at the same time.
- In 2015, during the last presidential election, power cuts were noted in an office in the south of the Island. To avoid this kind of inconvenience, all 24 polling stations will be equipped with electric generators and emergency lamps. The health situation could cause the absence of several foreign observers in the archipelago for the two elections.
- The rising cost of elections because of COVID-19. These are costs related to risk mitigation measures, which include both health and safety, and also additional voting centres. The ECS will need to purchase personal protective equipment (PPE). In cases if additional voting centres are used in order to reduce crowds on election day and so lower the risk of infection, the ECS will also need additional staff, facilities and materials.

## **RECOMMENDATIONS**

### **For the 2020 elections**

- ❖ That the government of the Republic of Seychelles releases additional funds requested by the ECS to ensure to ensure that the Commission caters for both elections amid COVID-19

### **For future elections**

- ❖ That the Art. 14(1) (b) of the Electoral Act be amended to be consistent with the newly inserted Art. 15 (3) (b) of the Electoral Act
- ❖ The introduction of mechanisms to improve women's representation in the National Assembly, as well as strengthening democratic governance to enhance women's participation in politics
- ❖ That the ECS take appropriate measures to improve the integrity and credibility of the voters' register

