



SECOND PRELIMINARY STATEMENT

Abuja, 11 March 2019

Systemic failings and electoral security problems show need for serious reform

This second preliminary statement of the EU election observation mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages of the state-level elections remain, including collation of results and adjudication of petitions. The EU EOM is now only in a position to comment on observation undertaken to date. The EU EOM will also publish a final report, containing full analysis and recommendations for future electoral processes. The mission was invited to observe the elections by the Independent National Electoral Commission and is independent in its conclusions under the leadership of the Chief Observer, Maria Arena, Member of the European Parliament.

Summary

This governorship and State House of Assembly elections on 9 March followed the presidential and National Assembly elections held on 23 February. This second EU Election Observation Mission preliminary statement supplements the first issued on 25 February.

- Election operations for the governorship and state assembly elections improved, with EU observers more positively assessing polling procedures. However the elections were marked by an overall low turnout. There was also violence, including against election officials and voters. Security forces obstructed observer access to some collation centres. The elections were competitive with overall freedom to campaign. However, there was misuse of incumbency, including on state media, preventing a level playing field. There was also pressure on local media outlets and journalists before and on election day. The systemic problems evident in the 2019 electoral process show the need for an inclusive national discussion on reform for greater electoral integrity and participation.
- Polling on 9 March was more orderly and was assessed more positively by EU observers. However turnout was consistently recognised to be overall very low. There was a significant improvement in opening times, with nearly two-thirds of polling units visited opening on time or less than 30 minutes late. The procedures for accreditation of voters were significantly improved, but secrecy of the vote was not always sufficiently protected.
- There was extensive live coverage of election day in the electronic media, increasing transparency of the process. However electoral transparency was limited by restrictions on journalists and observers. In five states, journalists from respected media houses were obstructed from reporting in certain areas. Civil society groups reported that military and security agents denied citizen observers access to eight collation centres in three states, and that they were further denied access in a number of others by INEC personnel or threatening groups. EU observers were prevented from entering the Independent National Electoral Commission (INEC) office in Rivers, apparently by military personnel. On 10 March, INEC suspended all electoral processes in Rivers citing widespread violence and disruption to the elections.

- On election day on 9 March, violent incidents were recorded in 19 states, with at least 17 people reported killed. Instances of violence during the general elections have had a negative effect on the process and discouraged participation in the elections. INEC has reported fatalities, abductions and sexual assault against officials.
- Candidates for the state elections resumed their campaigning after the announcement of federal results, and were overall able to campaign freely. Although the campaigns of key governorship candidates regularly used social networks to promote their messages, intensive online activities were apparent only in a few states. In the two weeks leading up to the state elections, EU observers saw various instances of misuse of state resources by both APC and PDP incumbents at state level.
- State-level media broadcast political debates in 21 states, giving voters the opportunity to directly compare candidates. In 12 states, incumbents or their main challengers refused to participate. All nine state-owned radio stations monitored by the EU Election Observation Mission served the interests of incumbent governors. This limited voters' access to non-partisan information and is not consistent with international standards for access to information and political pluralism in the media. In the fortnight before the state elections, one journalist was arrested, and the regulator closed one commercial radio station and issued fines to 45 others, which can foster self-censorship.
- On 9 March, there were high numbers of candidates, with 1,046 contesting the 29 governorship elections and 14,609 for the 991 State House of Assembly seats. The proportion of women candidates was low and generally less than in 2015, with those nominated primarily put forward by smaller parties with less chance of being elected. Despite the lowering of some constitutional age requirements, the two main parties hardly nominated anyone under 30.
- The 9 March state elections followed on from the 23 February federal elections. These were marked by low turnout, incidents of violence including against election administration staff, lack of transparency, and problems in the collation of results. On 27 February, INEC announced the official presidential results, with the incumbent, President Muhammadu Buhari from the All Progressives Congress (APC), winning with a sizeable margin of nearly four million votes. The candidate of the main opposition, the Peoples Democratic Party (PDP), Atiku Abubakar, rejected the results and announced the party would contest the outcome in court. The turnout for the elections on 23 February went down to 28.6 million, or 34.7 per cent of registered voters as compared to 43.7 per cent in 2015, with wide variation between states.
- The national collation centre for the presidential election was open to party agents and observers, and was continuously televised. However inconsistent numbers, lack of clear checks and explanations, and insufficient public information undermined confidence in the integrity of the election. Polling was cancelled in many polling units without sufficient accountability, resulting in the annulment of voting for nearly 2.8 million registered voters. There was a large discrepancy of 1.66 million more registered voters, as announced by INEC on 14 January, compared to those announced by state returning officers during the collation of presidential results.
- Although prior to the elections, INEC and civil society made efforts to promote inclusion of persons with disabilities, only six reportedly contested the federal and state-level elections out of more than 20,000 candidates. On 9 March, EU observers saw that INEC's initiatives aimed at facilitating the participation of voters with disabilities, such as priority queues and assistive devices, were not consistently implemented throughout the 22 states visited.

The European Union Election Observation Mission (EU EOM) has been in Nigeria since 5 January 2019. The mission includes a core team of 11 experts and 40 long-term observers deployed to 20 locations on 21 January. The EU EOM issued its first preliminary statement on 25 February after the presidential and National Assembly elections. On 9 March, the EU EOM deployed 73 observers from 26 EU member states, Canada, Norway and Switzerland across 22 states. On election day, observers visited 223 polling units and 81 collation centres. Observers assess the whole electoral process against international obligations and commitments for democratic elections to which Nigeria is signatory, as well as the laws of Nigeria. The EU EOM is independent from EU institutions and member states. EU EOMs adhere to the Declaration of Principles for International Election Observation signed at the United Nations in 2005.

Findings

1. BACKGROUND

On 27 February, INEC declared that the incumbent presidential candidate of the All Progressives Congress (APC), Muhammadu Buhari, won with 15,191,847 votes (55.6 per cent). The Peoples Democratic Party (PDP) candidate, Atiku Abubakar, was second with 11,262,978 votes (41.2 per cent). The citizen observer group YIAGA Africa announced that the results were consistent with their parallel vote tabulation that independently projected the result based on a sample of 1,515 polling units.

The APC presidential candidate appealed to supporters not to “*gloat or humiliate*” the opposition.¹ The PDP candidate rejected the results, announcing the party would file a petition in court.² PDP allegations included voter suppression in the south through the use of violence by thugs and the military, underage voting and vote-buying in the north, politically-motivated cancellation of polling, and the tampering of smart card readers to slow down voting in some areas. The Coalition of United Political Parties (CUPP), the grouping of 51 parties that backed the PDP candidate, also rejected the results, saying they would not recognise President Buhari’s legitimacy after his inauguration on 29 May. The National Peace Committee facilitated dialogue between the parties through separate meetings with leading candidates.³

While there were more than 15 million new voters on the register compared to 2015, the turnout was 28.6 million, falling from 43.7 per cent in 2015 to 34.7 per cent in 2019.⁴ There was wide variation in turnout, the lowest being 18.3 per cent in Lagos and the highest 54.6 per cent in Jigawa. Overall turnout in the three northern zones was 41.0 per cent; in the three southern zones 26.1 per cent.⁵

The 9 March elections were for state governors, who are powerful as heads of the executive, and

¹ The president said in his address to the APC on 27 February, “*I will like to make a special appeal to my supporters not to gloat or humiliate the opposition. Victory is enough reward for your efforts*”.

² Parties have 21 days to file petitions. On 7 March, the Hope Democratic Party lodged a petition challenging the presidential results.

³ The PDP made six demands, including: no military deployment in subsequent elections, the unfreezing of opposition politicians’ bank accounts, and the release of politicians allegedly detained by the federal government.

⁴ These turnout figures are calculated by looking at votes cast compared to the total number of registered voters announced 30 days before the elections. In total 29,432,083 votes were cast in 2015, and 39,469,484 in 2011.

⁵ Some parties and commentators referred to the violence in Lagos and the effect this had on the 23 February elections and may have on the governorship elections. The PDP also alleged inflated turnouts in parts of the north (e.g. 41.2 per cent turnout in Borno despite the insecurity there).

State House of Assemblies, the states' legislatures.⁶ In total, 29 governors were voted for in single-member constituencies with a majority run-off system.⁷ Seven other states held "*off-cycle*" elections at a different time as a result of court rulings.⁸ Of the 29 states, in 2015 the APC won 20 and the PDP nine, with three governors since defecting to the PDP.⁹ Eighteen incumbent governors sought re-election, with others having reached their two-term limit. State House of Assembly seats were voted for using the first-past-the-post system. Each state assembly has between 24 and 40 members, giving a countrywide total of 991 for the 36 assemblies. Thirty-two supplementary elections for the Senate and House of Representatives, deemed inconclusive during the 23 February elections, were also scheduled for 9 March.

2. FEDERAL RESULTS PROCESS AND THE ELECTION ADMINISTRATION

High number of cancellations; insufficient transparency, explanation and accountability

The national collation centre for the presidential results was open to party agents, observers and the media, with each state's results projected on a large screen. There was continuous live television coverage and the media published the results as announced by INEC, thereby increasing access to results information.

However inconsistent numbers, lack of clear checks and explanations, and insufficient public information undermined the integrity of the election and is not in line with international standards for access to information and public accountability.¹⁰ Citizens did not have sufficient means to scrutinise results. To date, INEC has not provided centralised information on the declared results for the different elections, despite these being races for federal bodies, and has not posted complete results data on its website.¹¹ Similarly there is a lack of disaggregated results by local government area (LGA), ward or polling unit, which would allow for a thorough checking of results. No information was made centrally available on the polling units that did not open or were cancelled due to security issues or operational shortcomings. In addition, although INEC made the use of smart card readers mandatory, no data was provided from their use.

Polling was cancelled in a large number of polling units across the country, covering nearly 2.8 million registered voters or 3.3 per cent of the total.¹² This is almost four times more than in 2015. Polling units in all 36 states were reportedly affected but not in Federal Capital Territory (FCT). The cancellations did not affect the outcome for the presidential election, as the margin of victory

⁶ Sixty-eight Federal Capital Territory Area council elections were also held on 9 March.

⁷ If the highest-scoring governorship candidate does not get at least 25 per cent of the votes cast in at least two-thirds of the local government areas (LGA) in the state, a run-off takes place within 21 days between the candidate scoring the highest number of votes and the candidate with the majority of votes cast in the highest number of LGAs. If neither of the two candidates obtains at least one-quarter of the votes cast in at least two-thirds of the LGAs, a second run-off between the same contenders takes place within 21 days, and the highest-scoring candidate is elected.

⁸ Anambra, Bayelsa, Edo, Ekiti, Kogi, Ondo and Osun.

⁹ Of the 29 states, in 2015 the APC won 20 and the PDP nine, with three governors since defecting to the PDP, in Benue, Kwara and Sokoto. Of these, the governors of Benue and Kwara sought re-election on 9 March.

¹⁰ Paragraph 19 of the [UN Human Rights Committee's \(HRC's\) General Comment 34](#) requires states to "*proactively put in the public domain Government information of public interest*" ensuring "*easy, prompt, effective and practical access*". See also paragraph 20 of the UN Human Rights Committee's [General Comment No. 25](#).

¹¹ Although INEC is legally required to display on its notice board and website a notice of candidates' results and the declared winner, no time limits are specified and there are no requirements for complete results information. There is also no requirement for publication of declared winners in the official gazette.

¹² States where the percentage of registered voters in cancelled polling units exceeded five per cent: Rivers (29.3), Nasawara (9.7), Akwa Ibom (9.2), Cross River (8.7), Plateau (5.9), and Benue (5.0).

was almost four million votes.¹³ However, supplementary elections took place on 9 March for seven senatorial and 25 House of Representative seats where the cancelled votes were more than the margins of win.¹⁴

The lack of information and explanation on cancellations meant that there was insufficient accountability in the process.¹⁵ This increases the risk of accusations of politically-motivated cancellations, and undermines public confidence in the process. The cancellation of polling deprives citizens of the right to vote and can deter electoral participation. Sixteen of 36 returning officers gave no reason for the cancellation of polling and/or votes. Most of the others provided only general grounds, such as failure to use smart card readers,¹⁶ violent incidents, over-voting and falsification of results.¹⁷ Only four returning officers listed the exact LGAs affected.¹⁸

There was a large discrepancy of 1.66 million more registered voters, as announced by INEC on 14 January, compared to those announced by state returning officers during the collation of presidential results. Despite requests from political parties during the national collation, INEC failed to explain the discrepancy, making only general reference to mathematical errors and mistakes during lower-level collation. A similar discrepancy in 2015 shows the systemic nature of the problem and the need for improved data management.

There was an increase in the number of invalid ballots compared to 2015. The overall number was 1.3 million, or 4.5 per cent of the total, but in six states it exceeded six per cent, with even higher rates reported by EU observers in some LGAs.¹⁹ This raises questions about ballots being selectively declared invalid for political advantage.²⁰

On 6 March, the Court of Appeal granted the PDP access to INEC materials, necessary for filing a subsequent petition. However the court rejected the request for a forensic audit of smart card readers and other materials.

Before the state-level elections, INEC discontinued its good practice of daily press conferences, as held the week before the 23 February elections. On 1 March, INEC issued a press release clarifying that supplementary elections would be held on 9 March, but no further details were provided centrally on the number or location of these constituencies.²¹ Positively, on 7 March the chairperson announced that INEC would not declare results if election officials were forced to declare winners under duress.

¹³ As reported by YIAGA, only in Nasarawa could the cancellation of ballots have affected the outcome of the presidential election for the state. It had no effect on the national results.

¹⁴ On 28 February, INEC said that supplementary elections for the National Assembly would be held on 9 March. The number of supplementary elections was not centrally announced by INEC until 7 March. In total, there are 109 senator seats and 360 House of Representative seats.

¹⁵ INEC guidelines require presiding officers file a report if polling is not held or is cancelled, and for collation officers to subsequently fill in forms of cancellation (EC40G series). However these forms do not include reasons for annulment, and there is no requirement for these forms to be given to agents or copies to be publicly displayed. The law has no specific requirements on public information in relation to cancellation of polling.

¹⁶ A large number of polling units appear to have been cancelled due to non-use of smart card readers. However no data has been made available on their use. There is a lack of paper record, as results forms do not include data from the smart card readers.

¹⁷ Over-voting is defined by INEC's Manual for Election Officials as the total of votes cast exceeding the number of registered or accredited voters at a polling unit.

¹⁸ Akwa Ibom, Gombe, Kwara and Rivers.

¹⁹ Abia (6.1 per cent), Edo (6.4 per cent), Enugu (6.7 per cent), FCT (6.1 per cent), Ogun (6.5 per cent), Oyo (6.1 per cent). EU observers reported some LGAs with much higher rates, including Warri South in Delta with 12.8 per cent.

²⁰ EU observers also saw the number of rejected ballots being used to correct other inconsistencies on results forms.

²¹ By law INEC is required to publish no later than 14 days before election day a notice with the date and hours of the poll, as well as the location of polling units.

3. CANDIDATE NOMINATION

High numbers of candidates including young people, but declining participation of women

INEC data shows that 85 political parties contested the 29 governorship elections, nominating a total of 1,046 candidates, a significant increase from 2015.²² INEC data also shows 14,609 candidates for the 991 state assembly seats. To promote the participation of young people, who represent more than half the electorate, the Constitution was amended and the minimum age requirement for state assembly candidacies reduced to 25.²³ Consequently, young people aged 25 to 30 could run and made up 11.0 per cent of candidates. However only 0.1 per cent of the total were nominated by the APC or the PDP.

The proportion of female candidates generally reduced in comparison to 2015, with those nominated primarily put forward by smaller parties with less chance of election.²⁴ For the governorships, only 7.3 per cent of candidates were women, a reduction from 11.4 per cent in 2015. None were nominated by either of the two main parties. To date, there has never been an elected female governor.²⁵ Positively, the share of female deputy governor candidates increased to 26 per cent from 16 per cent in 2015, although only five women were nominated by the APC and the PDP combined. For the state assemblies, the proportion of female candidates dropped from 14.4 per cent in 2015 to 12.8 per cent in 2019.

Some pre-election petitions on candidacy were still pending after election day, while others were decided only very close to election day.²⁶ This was confusing for parties and voters and placed greater burden on the election administration. According to information available, there were at least 11 candidacy rulings in the two weeks before 9 March,²⁷ with the majority of cases involving internal party challenges from the primaries, mainly involving the APC. Some rulings resulted in parties not being able to run, but most involved candidates being disqualified with the party remaining on the ballot. Subsequent Court of Appeal rulings typically overturned those of the Federal High Court.²⁸

4. THE CAMPAIGN

Continued competitive campaigning and misuse of incumbency by both leading parties

Throughout the state-level campaign period, from 1 December 2018 to 7 March 2019, candidates campaigned with freedoms of assembly, expression and movement broadly respected. Candidates for state-level positions integrated their campaigns with those of national politicians, often benefitting from large-scale presidential rallies and appearing in joint publicity materials. After the announcement of federal results, candidates resumed campaigning, primarily through smaller meetings, door-to-door canvassing and with posters. After the federal elections, there were reports

²² All candidate nomination figures used are from INEC. In 2015, there were 380 governorship candidates.

²³ The minimum age requirement was reduced from 30 to 25. In total 1,609 candidates were aged 25-29. In addition, 442 candidates listed by INEC had missing age data or were below the minimum age requirement.

²⁴ There were 76 female candidates for governorships, 272 for deputy governorships, and 1,872 for state assemblies.

²⁵ One female deputy governor in Anambra became governor for three months in 2006-2007.

²⁶ The Court of Appeal decided four cases related to governorship candidates two days before the elections (Enugu APC, Kano PDP, Ogun APC, Taraba APC). One was decided on the eve of the elections (Rivers PDP).

²⁷ Two rulings for PDP Kano, two rulings for APC Taraba, two rulings for APC Enugu, one ruling for APC Rivers, one ruling for Accord Rivers, one ruling for PDP Rivers, one ruling for SDP Imo and one ruling for APC Ogun.

²⁸ Cases in which the Federal High Court disqualified the candidate, but the Court of Appeal allowed the candidate to run pending the conclusion of the appeals include: APC Taraba, PDP Kano, APC Enugu and APC Zamfara.

of state election posters being destroyed, particularly those featuring losing presidential candidates.²⁹

Following the announcement of the 23 February results, there was a decline in the level of the political discussions online. Although the campaigns of key governorship candidates regularly used social networks to promote their messages, intensive online activities were apparent only in a few states.³⁰ The EU EOM identified groups of online users and some influencers that in a coordinated manner amplified the partisan messages of contestants. Some campaigns appeared to have extensively used paid advertising on major social networks, although the extent of this could not be assessed due to lack of transparency in online advertising.

The mission came across several cases of disinformation directly aimed at distorting perceptions of election actors or the process. Fabricated statements of leading observer organisations alleging endorsement of the federal election process were widely circulated on social networks, resulting in extensive debate online.³¹ Several unsubstantiated claims were disseminated online about candidates withdrawing or being disqualified. Video footage or pictures that were either old, or presented out of their original context, alleged logistical or security problems in various states.

Several key PDP lawyers and advisers, as well as party members at national and state levels, were arrested in the last few weeks before the election. The arrests were perceived by some as intimidation by the ruling party to weaken the PDP's legal preparations and state-election campaigns.³²

Between the elections, the EU EOM continued to observe misuse of state offices and institutional websites for campaigning by both APC and PDP incumbent governors.³³ The extensive promotion of various social and financial initiatives since the 23 February elections by some incumbents raised concerns about voter inducement.³⁴ During the same period, EU observers either directly saw or received reliable information on multiple cash and in-kind payment to voters by both parties.³⁵

Party defections continued between the elections, indicating weak ideological and party loyalties.³⁶ There were also intra-party conflicts, with the APC suspending two sitting governors in Imo and Ogun on 1 March.³⁷

²⁹ For instance, EU observers noted that around half of all political billboards in Jigawa were vandalised. Further systemic removal or destruction of state-level election posters were seen in Bauchi, Benue, Gombe and Kano.

³⁰ The most active online campaign activities were noted in Akwa Ibom, Imo, Lagos, Plateau and Rivers.

³¹ In addition to established election observation missions, the group "*Foreign Observers*" held two press conferences. The group is not on INEC's list of accredited organisations and appeared aligned to the views of the incumbent party.

³² Arrests of national figures included: the PDP's deputy director-general of the presidential campaign, a key lawyer and Atiku Abubakar's son-in-law. The arrests were carried out by the Economic and Financial Crimes Commission (EFCC). In addition, the media reported that the senior security adviser to the PDP governor of Akwa Ibom was arrested by the army.

³³ EU observers saw state offices used for campaigning in Kano (APC) and Benue (PDP). Institutional governorship webpages were used by six incumbents (Bayelsa, Delta and Taraba by the PDP; Nasarawa, Ondo and Oyo by APC).

³⁴ For example in Bauchi (APC) and Kaduna (APC).

³⁵ Bauchi, Borno Lagos, Yobe (APC); Bauchi, Benue, Delta and Enugu (PDP). In Enugu, for example, EU observers saw the loading of bags of rice onto trucks at PDP headquarters that, according to party representatives, were then given to ward chairpersons for distribution. In Bauchi, large groups gathered at the APC governor's office and at PDP headquarters and were consistently reported to be receiving funds.

³⁶ For instance, it was claimed that approximately 2,500 members of the PDP defected to the APC in Kwara. PDP members also defected to the APC in Borno and to the Peoples Redemption Party in Kano. There were also multiple instances of smaller parties announcing their support for leading governorship contenders in the final two weeks before election day. In Bauchi, for example, 20 governorship candidates and 32 parties backed the PDP opposition candidate; in Kwara, 35 parties joined the APC opposition campaign.

5. MEDIA

Informative candidate debates in local media; state-owned radio stations serving governors' interests

State-level media broadcast public debates in 21 out of 29 states, giving voters the opportunity to compare governorship candidates and to raise questions of local concern.³⁸ Most took place in local languages and all were broadcast statewide. In 12 states, incumbents and/or their main challengers refused to participate, showing a disregard for public dialogue and weakening voters' ability to make an informed choice.³⁹

In the fortnight between the elections, national electronic media focused on results, disputed races, and controversies around electoral violence. Only a few APC and PDP governorship candidates featured in the national media, mainly in the context of intra-party power struggles or campaign events with the participation of the vice-president or senators-elect.⁴⁰ Consequently, regional media was of critical importance, especially in states with difficult terrain or security concerns that limited candidates' ability to engage directly with voters.

All nine state-owned radio stations monitored by the EU EOM served the interests of incumbent governors,⁴¹ thereby not fulfilling their responsibilities as public broadcasters.⁴² Governors' performances in office were not scrutinised. On eight radio stations, the joint share of coverage for the incumbent seeking re-election and/or his political heir was between 72 and 99 per cent.⁴³ The coverage of the opposition in the remaining airtime was generally negative in tone. In Anambra, Cross River, Kaduna, and Rivers, the governor was the only person meaningfully quoted during news bulletins. Voters were not informed of the full range of political alternatives, and the strong incumbency advantage undermined a level playing field.

Incumbency advantage was further amplified in paid campaigning, with state-owned radios placing adverts during primetime only of the party in power. The PDP placed three times as many adverts as the APC in the national electronic media, primarily promoting incumbent governors in the southern states.⁴⁴

³⁷ Both these sitting governors were elected to the Senate on 23 February after serving their maximum two terms as governors. They were suspended for backing governorship candidates who stood for other parties after failing to be nominated by APC.

³⁸ Debates, jointly organised by various media organisations, CSOs and universities, took place in Abia, Akwa Ibom, Bauchi, Benue, Cross River, Delta, Ebonyi, Gombe, Imo, Jigawa, Katsina, Kano, Kwara, Lagos, Nasarawa, Ogun, Oyo, Plateau, Rivers, Sokoto and Yobe.

³⁹ Candidates from incumbent parties did not attend in Benue (PDP), Cross River (PDP), Kano (APC), Katsina (APC), Ogun (APC and AMP) and Rivers (PDP). Candidates from the main opposition did not attend in Ebonyi (APC), Plateau (PDP) and Yobe (APC). In Akwa Ibom, Imo and Kwara, neither the APC nor the PDP took part. In Bauchi, rather than having a debate, each candidate had separate "public dialogue" with media, CSOs and the public.

⁴⁰ The incumbent governors seeking re-election in Delta and Rivers (both PDP), as well as governorship candidates endorsed by the sitting governors of Imo and Ogun (both APC, both suspended by the party).

⁴¹ From 11 January to 21 February, the EU EOM monitored state-owned FM radios from Anambra, Benue, Borno, Cross River, Gombe, Kaduna, Lagos, Rivers and Sokoto.

⁴² The Nigerian Broadcasting Code includes impartiality requirements for public service broadcasters. [The joint statement on the media and elections](#) by authoritative international bodies for protection of freedom of speech, including the African Commission on Human and Peoples' Rights, calls for state-run broadcasters "to respect strict rules of impartiality and balance, particularly when reporting on the governing party and on government decisions... during an election period". See also Chapter VI of [Declaration of Principles on Freedom of Expression in Africa](#).

⁴³ Since the federal elections, the editorial policy noticeably changed in Benue (with a PDP governor), with an increase in APC exposure, from three to 22 per cent.

⁴⁴ These included the PDP governors of Abia, Akwa Ibom, Delta, Ebonyi, Enugu and Rivers, as well as the PDP candidate for Lagos state. The APC advertised their candidates for Delta, Imo, Lagos and Kano.

Pressure was put on state-level private media in Abia, Bauchi, Edo, Gombe, Kwara and Plateau during the weeks between the elections.⁴⁵ EU observers noted that one radio station was closed in Plateau after actively reporting on protests against the 23 February results.⁴⁶ In Abia, a well-known local journalist/activist who criticised the governor was arrested after a live radio programme.⁴⁷

On 1 March, the National Broadcasting Commission (NBC) fined 45 media outlets for various breaches of campaign coverage rules. Although detailed public information is not available, it appears that some fines were for minor infringements.⁴⁸ All broadcasters received a fine of NGN 500,000 (EUR 1,240), a significant amount for a small state-level radio station. This encourages self-censorship, especially given that further infringements would result in closure of the broadcasting outlet.

6. SECURITY ENVIRONMENT BEFORE ELECTION DAY

Incidents of violence, including against INEC officials, harmed the process and discouraged participation

Since the 23 February elections, more information became available on violence over the election period. The PDP alleged that violence was used strategically to disrupt the election and/or depress turnout, particularly in the south.⁴⁹

During collation of the federal election results, INEC staff in some areas were subject to intimidation and violence. EU observers directly witnessed or received reports of intimidation of officials in 39 LGAs in 20 states.⁵⁰ In the vast majority of these cases there was also theft or destruction of sensitive material. In 13 cases in eight states, INEC offices were attacked.⁵¹

On 1 March, INEC noted in a press release that there were high levels of violence in a few places, with assaults, abductions and sexual violence against its officials. During voting and collation for the federal election, at least two INEC staff and one INEC driver were reportedly killed.⁵² Videos on social media also showed INEC officers apparently issuing collated results under duress and

⁴⁵ In Gombe, thugs attacked a radio station, but there was no resolute police action against the perpetrators. In Bauchi, after a radio station aired a party jingle that contained abusive language, police arrested two journalists. Both were released the next day. In Edo and Kwara, investigative journalists reported to EU observers intimidation by state actors.

⁴⁶ The National Broadcasting Commission (NBC) in its decision noted that “*your station’s continued broadcast may lead to breakdown of law and order in the state*”.

⁴⁷ The journalist was first charged under the Cybercrimes Act for insulting online and “*cyberstalking*” the governor in 2018. On 7 March, the charge was changed to violation of Abia’s state anti-terrorism legislation.

⁴⁸ For example, a radio station in Kaduna was fined for a “*breachful newspaper review and phone-in*” that on the day of campaign silence was criticising as well as praising the president. In Enugu, a radio station was fined because the anchor supposedly “*endorsed*” several different opposing candidates. A radio station in Sokoto received a call from the NBC after a show in which the APC chairman made “*degrading*” remarks about a former PDP governor.

⁴⁹ For example the PDP national chairman said in a press release on 1 March “*The clear effect of militarizing the election particularly in the South South and South East in addition to the killing of innocent electorates was the obvious suppression of voters who were either scared out or chased away.*”

⁵⁰ Of the 39 INEC collation centres where intimidation was reported to EU observers, 12 were in the South South zone, nine in the South West, eight in the South East, five in the North West, three in the North East and two in North Central.

⁵¹ Of the offices reported to EU observers, four were in the South South (all in Rivers), three each in the North East and South East, two in the North West and one in the South West.

⁵² As reported by Niger Delta Watch 2019, 4 March 2019.

being threatened.⁵³ In addition to the human cost, such attacks on election administration staff compromised the integrity of the process and deter electoral participation. In addition there was a fire incident at an INEC office on the eve of the state elections, destroying sensitive and non-sensitive materials.⁵⁴

INEC publicly praised the professionalism of the security agencies during the 23 February elections, but also noted that the conduct of certain members in some states was a matter of serious concern.⁵⁵ In Rivers, EU observers received multiple reports of military personnel confiscating election material and shutting down at least two LGA collation centres during the federal elections. Opposition parties, notably the PDP, criticised what they claimed was a partisan role played by the military which they alleged depressed turnout.⁵⁶ The military emphasised its neutrality and constitutional role, encouraged the public to submit any complaints and evidence of misconduct for investigation, and also noted impersonators using their uniforms. EU observers reported that some INEC staff referred to a lack of protection from security agencies, in particular noting that staff from other agencies such as customs and immigration, were insufficiently trained in crowd control.⁵⁷

On 4 March, the Acting Inspector General of Police said that 323 arrests had been made nationwide for electoral offences. However no further information was available from the police or INEC. Some EU observer teams noted that police at local level did not provide full information or underreported incidents and arrests over the 23 February election period.

Based on information currently available from media and other sources, at least 17 people were reported killed in election-related violence between the two election days. Voters, INEC officials, police officers and military personnel have all lost their lives. However exact numbers of incidents and fatalities are hard to obtain and there are different views on what is categorised as political violence.

7. POLLING, COUNTING AND COLLATION FOR THE STATE ELECTIONS

Operational improvements, but overall low turnout

Polling was more orderly and assessed more positively by EU observers in comparison to the 23 February elections. There was a significant improvement in opening times, with nearly two-thirds of polling units visited opening within 30 minutes of 8am.⁵⁸ However turnout was reported as overall low.

EU observers followed voting in 166 polling units. In 88 per cent, party agents of the two main political parties were both present; in 36 per cent, citizen observers were present. In 11 observed polling units, party agents were interfering in the process. In 22 per cent of visited locations,

⁵³ In Imo West senatorial district, the returning officer announced results claiming to be under duress. In Ikwere LGA in Rivers, the election officer stated “*the military invaded*” the INEC office leading to the election being declared inconclusive. Several videos and pictures circulating online since 23 February have suggested misconduct or manipulation during voting or collation. However some others involved footage that was not from the 23 February elections, or was presented in a misleading context.

⁵⁴ In Akwa Ibom on 8 March. An INEC office was also set on fire during collation in Imo on 25 February.

⁵⁵ Media also referred to election officials in Delta and Lagos telling journalists that the army interfered in the process.

⁵⁶ EU observers reported hearing some negative reactions to a military presence in several locations, particularly Benue, Kano, Sokoto and in multiple states in the south.

⁵⁷ Cases where INEC staff complained of a lack of security included Adamawa, Anambra, Imo, Kogi, Niger and Taraba.

⁵⁸ The reasons given for mainly short delays in the remaining polling units were late arrival of polling staff and some election materials (seals, stamps, voting cubicles).

observers reported the presence of unauthorised persons; in 12 polling units, unauthorised police personnel were present; and in 11 polling units, there were unauthorised party officials. EU observers noted that in 13 per cent of observations, there were military personnel in the immediate vicinity of the polling unit. In ten per cent of observed polling units, there was no security presence at all.

The environment outside the polling units was assessed as conducive to the conduct of voting, with no intimidation, in 93 per cent of those visited. However out of 166 observations, in 28 cases observers reported problems in the vicinity of the polling unit. At eight polling units observed, there were indications of vote-buying; in seven polling units, campaign activities; and in four, unrest; in six, violence. In 25 per cent of polling units, there were attempts to influence voters' choices.⁵⁹

The procedures for the accreditation of voters significantly improved from 23 February. Smart card readers were used in all but one polling unit visited. In almost all cases, polling staff marked the voter register as required by INEC. However, manual accreditation procedures were not always correctly followed when smart card readers failed to authenticate voters' fingerprints. The secrecy of the vote was not sufficiently protected in 28 per cent of visited polling units. Ballot boxes were not sealed in 28 per cent of polling units observed. Eight cases of obvious underage voting were also observed.

Overall, the counting of ballots was transparent. In 25 out of 28 observed polling units, results forms were filled in completely. However in 18 observations, results forms were not posted, although in almost all cases, party agents received copies of the forms.

To date, EU observers have seen 81 collation centres. APC and PDP agents were present in 69, and citizen observers in 40 centres visited. Overall assessment of the collation process was positive, but in 12 cases collation was assessed as bad or very bad. In most cases, results forms and smart card readers were not packed in tamper-evident envelopes when delivered to collation centres. Numerical discrepancies in polling unit results forms were identified by collation officers in 33 collation centres and were mainly corrected on the spot. In five centres, party agents were interfering with the work of the collation officers. In seven collation centres, there was unrest in the area. In 13 cases, there were unauthorised people present at collation.

Over election day, violent incidents were reported in the media in 19 states.⁶⁰ Elections were cancelled in several LGAs in two states following the burning of INEC offices and INEC officials being held hostage.⁶¹ Media also reported further attacks and abductions of INEC officials in a further six states.⁶² At least 17 people were reported killed on election day in election-related incidents.⁶³

There was extensive live coverage of election day in the electronic media, increasing transparency in the process. However electoral transparency was limited by restrictions on journalists and observers. Such incidents limit scrutiny and therefore increase the risk of wrongdoing. In five

⁵⁹ This included offering money and party agents approaching voters and attempting to influence their choices.

⁶⁰ With Akwa Ibom, Imo, Kogi, Oyo and Rivers most affected.

⁶¹ In the early hours of 9 March, three registration area centres storing sensitive materials were destroyed in Ebonyi, preventing 36,392 citizens in 75 polling units from voting. An INEC office was also burned in Benue resulting in the cancellation of polling in one LGA. In a further two LGAs in Benue, elections were cancelled when INEC officials were held hostage. For security reasons, voting was called off in one LGA in Kaduna.

⁶² Akwa Ibom, Imo, Katsina, Ogun, Ondo, and Rivers.

⁶³ Incidents involved the snatching of ballot boxes and disruption of voting, or clashes between APC and PDP supporters in Akwa Ibom, Anambra, Benue, Delta, Enugu, Katsina, Ondo, Oyo, Rivers and Sokoto. Several voters, two security personnel and a member of the House of Representatives were among the victims.

states, journalists from respected media houses were obstructed from reporting in areas with a history of electoral problems, including parts of Rivers, or were attacked while documenting electoral malpractices.⁶⁴ There were reportedly arrests of three citizen observers. Civil society groups reported that military and security agents denied citizen observers access to eight collation centres in Akwa Ibom, Rivers and Zamfara. Overall, groups reported exclusion from LGA collation centres in ten states, including by INEC officials and threatening groups.⁶⁵ EU observers were denied access to information in Lagos and prevented from accessing the collation centre in Rivers, apparently by military personnel. Later INEC suspended all electoral processes in Rivers citing widespread violence and disruption to the elections.

8. PARTICIPATION OF PERSONS WITH DISABILITIES

INEC made efforts to promote participation, but only a few candidates with disabilities were nominated

In cooperation with disabled persons organisations, INEC tried to promote inclusion and established a comprehensive framework.⁶⁶ However, INEC's website and voter information in the media were not tailored for persons with disabilities. On 9 March, EU observers noted that 68 per cent of polling units visited were accessible for voters with disabilities, but a priority queue was organised in only in 24 per cent of cases.⁶⁷ Despite INEC's intention to provide assistive devices, such as Braille ballots, tactile ballot guides or magnifying glasses, these were available only in six per cent of polling units visited. To compensate for the lack of reliable demographic data on voters with disabilities and their specific needs, INEC introduced a census form to be filled in by polling staff on election day. EU observers noted that it was completed in only seven per cent of cases.

The National Disability Act, passed in January 2019, contains only vague reference to political participation and does not provide for full implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD), ratified by Nigeria in September 2010. Disabled persons organisations reported that only six candidates with disabilities ran, out of more than 20,000 candidates for all federal and state-level elections.⁶⁸

For further information, please contact: Sarah Fradgley, EU EOM press officer, mobile: +234 906 253 9438 *Website:* www.euomnigeria2019.eu, *Facebook:* [EUEOMNigeria19](https://www.facebook.com/EUEOMNigeria19), *Twitter:* [@EUEOMNigeria19](https://twitter.com/EUEOMNigeria19)

⁶⁴ The military obstructed Daily Trust journalists from reporting about elections in Damaturu (Yobe). In Ahoada West LGA (Rivers), armed men held hostage for two hours a news editor from CoolWazobiaInfo FM hostage and prevented the news crew from accessing polling units. In Shendam LGA (Plateau), a reporter from Premium Times was abducted and made to delete photos of underage voters. In Lagos, a well-known politician hit a BBC Pidgin reporter who had documented vote-buying. In Esan West LGA (Edo), Channels TV and ITV reporters were prevented from covering the opening of the polls.

⁶⁵ Akwa Ibom, Benue, Delta, Ebonyi, Imo, Kano, Rivers, Sokoto and Zamfara, YIAGA Africa statements on 9 and 10 March, Situation Room statement 10 March. YIAGA reported that they were prevented from accessing three per cent of 542 the collation centres.

⁶⁶ The framework notes that political parties “*should be encouraged to have quotas or set affirmative action percentage for persons with disabilities, for elective and appointive positions*” and “*INEC should regularly publish the number of political parties in compliance with the Framework as a means of naming and shaming political parties not in compliance*”.

⁶⁷ The observations are based on a sample of 166 polling units visited across 22 states.

⁶⁸ One for the Senate, one for the House of Representatives and four for State Houses of Assembly.