



European Union  
Election Follow-up Mission

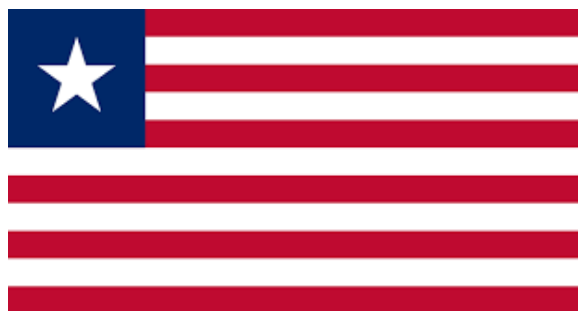
# **LIBERIA 2021**

Final Report



June 2021

**Final Report**  
**EU Election Follow-up Mission to Liberia**  
**23 April – 16 May 2021**



*EU Election Follow-up Missions are independent from the institutions of the European Union. The views and opinions expressed in this report are those of the authors and do not necessarily reflect the official policy and position of the European Union.*

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## **I. EXECUTIVE SUMMARY**

An EU Election Follow-up Mission (EFM) was deployed to Liberia between 23 April and 16 May 2021 to assess the degree to which the recommendations from the 2017 EU Election Observation Mission (EU EOM) have been implemented, as well as to discuss ways to achieve further progress in this regard. The EFM was led by Ms. Maria Arena, Member of the European Parliament and the Chief Observer of the 2017 EOM. Ms. Arena held meetings with a broad range of interlocutors, including the President and the Vice President of the Republic of Liberia, the Minister of Foreign Affairs as well as other senior state officials, political party leaders and civil society activists.

The EFM took place in the middle of the electoral cycle before the next general elections scheduled for October 2023. Following the elections in 2017, the EOM formulated 23 recommendations, six of which were identified as priority ones. The EFM concentrated on the three areas which it considered critical for the 2023 elections: women participation in the electoral process, voter registration and electoral dispute resolution.

The EFM noted very limited progress in implementing the recommendations offered by the 2017 EU Election Observation Mission ostensibly due to lack of political will. While only one recommendation could be considered as fully implemented, two are partially implemented and in several other instances the activities are ongoing and/or it is too early to determine their implementation. In general, the EFM also noted rather limited stakeholder awareness of the EOM recommendations.

On a positive note, should there be good will and interest of the authorities, there is still an opportunity to accelerate electoral reforms on key aspects and address some of the recommendations before the 2023 elections. One of the challenges is that implementation of some recommendations would require constitutional amendments which would have to be approved in a popular referendum. Such a referendum was held last year and none of the eight constitutional amendments proposed received the necessary votes to pass. In addition, only one of those amendments would have partially addressed the recommendation of the 2017 EOM regarding election appeals timelines. No other proposition tackled the EOM recommendations, including the priority one to remove the controversial ethnic definition of Liberian citizenship from the Constitution.

On the same day as the referendum (8 December 2020), mid-term senatorial elections were held; they were seen as a test of the support for president George Weah three years into his first term in office. The ruling Coalition for Democratic Change (CDC) won only three out of 15 contested senatorial seats, receiving 28 per cent of the votes. The opposition Collaborating Political Parties (CPP) won six senatorial seats and received 40 per cent of the votes. These results sent a warning signal to the government ahead of the 2023 general elections, which are expected to be hotly contested. In addition to the second presidential term, at stake will be 15 senatorial seats and 73 seats in the House of Representatives (HoR).

The new Board of Commissioners of the National Elections Commission (NEC) was appointed in 2020. Four out of seven Commissioners, including the chairperson, are women and five of them are newly appointed. The NEC faces serious financial constraints as a significant part of

its 2020 budget (around 3 million USD) is not yet transferred by the government. The shortage of funds has impacted its operations, including the mid-term elections and past electoral processes. Protracting the financial instability of the Commission may hamper its ability to organise the 2023 elections.

There were two electoral reform initiatives following the 2017 elections – the proposal of amendments to the New Elections Law (NEL) by the NEC and another one by the Elections Coordinating Committee (ECC) of civil society organisations. However, only few of the proposed amendments were directly linked with the EU EOM recommendations. The proposed amendments are currently being discussed in the Legislature, but there is uncertainty not only in regard to which changes will be included in the final reform bill but also on whether the bill will be discussed in the plenary of both Houses before August 2021, that begins the Legislature's recess which lasts until January 2022.

Voter registration was identified as the principal election-related concern by nearly all EFM interlocutors. The NEC advocates for introduction of Biometric Voter Registration (BVR) but it is unclear as to how this could resolve some of the problems brought to the attention of the EFM, such as fraudulent registration of foreigners or disenfranchisement of those who turn 18 years of age after the registration and before election day. The main deficiencies that could be addressed by BVR are possible cases of multiple registration and duplications of data entries. However, as the scale of such inaccuracies is unknown, BVR could theoretically resolve problems that perhaps are smaller than claimed. There is also no guarantee that a BVR would build stakeholder trust. Meanwhile, the biometric civil registration is progressing (nearly 0.5 million biometric ID cards were already issued) and a permanently updated civil register could be used in the future for extracting voter lists, as recommended by the 2017 EOM. However, it would require concentrating resources on civil registration and good cooperation between the relevant state institutions, particularly the NEC and the National Identification Registry. Whatever technological solution is chosen, further efforts are necessary to build stakeholder confidence on key issues of inclusiveness and transparency of voter registration by involving political parties and domestic observers.

Electoral justice, an area that proved vulnerable during the 2017 elections, might not benefit from significant improvements before the next elections. The priority recommendation to remove uncertainty on the span of appeals timelines or the recommendations to consider establishment of lower appeals courts and to consolidate election law and civil procedure laws timelines do not appear likely to be implemented. Nonetheless, the problem of protracted litigation could be still partially addressed by strengthening trainings for lawyers and NEC Hearing Officers, as recommended by the 2017 EOM.

Initially, the amendments to the election law proposed by NEC and ECC included the mandatory requirement of no less than 30 percent candidates from each gender in the list submitted to the NEC and the possibility of rejection of a list if this does not satisfy the required quota. Such a change would be in line with the EOM priority recommendation on affirmative action for women participation. However, the mandatory gender quota was removed from the bill during committee discussions in the Legislature. If not reinstated before plenary deliberations, the current electoral reform process will represent one more missed opportunity for increasing women's political participation and mainstreaming gender equality within political party structures. Sufficient political will and long-term vision are required to address this issue.

Many EFM interlocutors were sceptical that delimitation of constituencies would take place before the 2023 elections and thus that another important EU EOM recommendation pertaining to the inequality of the votes would be implemented. It is expected that the census, planned for 2022, would reveal significant growth of population in urban areas which would require increasing the number of HoR constituencies in these locations, therefore reducing the number of constituencies in rural counties. Such a decision could be very controversial and – according to EFM interlocutors – it is questionable that consensus will be found for it among the legislators.

In a positive development, the Press Freedom Act of 2019 decriminalized libel, thus partially addressing the 2017 EU EOM recommendation on media reform. At the same time, no progress was noted regarding transforming of the state media into public broadcaster which would help ensuring more editorial independence, plurality of views and critical reporting.

The NEC informed the EFM that following the revision of its regulation during the 2020 elections, election observers are now accredited for the entire electoral process. Furthermore, the EFM found that national observer organisations are active and benefit from continued support by intentional donors throughout the electoral cycle. This means that the EU EOM priority recommendation on the extension of domestic observation groups to the whole electoral cycle could be considered as fully implemented.

The European Union Delegation (DEL) in Liberia advocates for the implementation of EOM recommendations through regular political dialogue with the authorities and coordination among other stakeholders. The Delegation was the main donor of the project "Support to the Liberian Electoral Cycle 2015-2018" (extended to 2020) which was implemented by UNDP to *inter alia* strengthen the capacity of the NEC, enhance women's political participation and leadership and support civil society. The DEL is currently preparing a new country program which will include further support to electoral reforms, women representation and participation, civic education and civil society.

## II. MISSION INFORMATION

An EU Election Follow-up Mission was deployed to Liberia between 23 April and 16 May 2021. The EFM was led by Ms. Maria Arena, Member of the European Parliament and the Chief Observer of the 2017 EU Election Observation Mission and comprised Mr. Riccardo Chelleri, European External Action Service, Mr. Konrad Olszewski, Election Expert and Team Leader, and Ms. Eirini-Maria Gounari, Legal Expert.

The main objectives of the Follow-up Mission were to assess the degree to which the EU recommendations from the 2017 EOM have been implemented, as well as to discuss ways to achieve further progress in this regard.

During her visit in the country (2-7 May), Ms. Maria Arena held meetings with a wide range of interlocutors, including the President and the Vice President of the Republic of Liberia, the Minister of Foreign Affairs, the Minister of Finance and Development Planning, the Attorney General and Minister of Justice, the Minister of Gender, Children and Social Protection, as well as the Chief Justice, the Leaderships of the House of Representatives and of the Senate, the

Inspector General of Police, the Chairperson of the National Elections Commission (NEC), women political leaders, executives of the ruling Coalition for Democratic Change (CDC) as well as of the Liberty Party and the four opposition Collaborating Political Parties (CPP), and the managing editor of the Frontpage Africa newspaper. In addition, the Chief of Mission met with the Ambassadors of resident EU Member States, the USA Ambassador, the ECOWAS Officer in Charge, the UN Resident Coordinator and the UNDP Country Representative. The EFM also undertook a field trip to Kakata town – in Margibi county – to meet with county election officials and over twenty local women rights activists.

### III. CONTEXT

Following the general elections in 2017, the EU EOM formulated 23 recommendations, and identified six of them as priority ones. The EFM, which took place in the middle of the electoral cycle before the next general elections scheduled for October 2023, was a good opportunity to raise awareness among stakeholders about these recommendations and to encourage their timely implementation. The EFM concentrated on the three key areas, which could be critical for 2023 elections: women participation in the electoral process, voter registration and electoral dispute resolution.

Even if progress in the implementation of EU election recommendations remains very limited, there is still a chance to accelerate electoral reforms and implement some of the recommendations before the 2023 elections. One of the challenges is that implementation of some EOM recommendations would require constitutional amendments that must be ratified in a referendum. Such a referendum was held last year but all eight propositions failed to pass the required threshold. Only one of those amendments would have partially addressed one of the recommendations of the 2017 EOM. Another referendum is very unlikely before the next elections, according to all EFM interlocutors.

#### A. POLITICAL CONTEXT

Following the 2017 general elections, the newly-elected president George Weah and his Coalition for Democratic Change comprising three former opposition parties, formed a new government in early 2018 with an ambitious agenda of fighting poverty and corruption, and implementing the economic reform plan “Pro-poor Agenda for Prosperity and Development”.

There was much hope among the public that the new government would improve living conditions.<sup>1</sup> However, the implementation of the reforms was hampered by insufficient funding and governance issues. Amid a climate of growing public dissatisfaction, the mid-term senatorial elections held on 8 December 2020 were seen as a test of the support for president Weah. The governing CDC lost these elections, winning only three out of 15 contested senatorial seats and receiving 28 per cent of the votes cast. The opposition CPP won six senatorial seats and received 40 per cent of the votes.

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<sup>1</sup> According to World Bank Liberia, in 2016, more than 2.2 million Liberians were unable to meet their basic food needs - 1.6 million were below the food-poverty line and 670,000 lived in extreme poverty.

These results sent a warning signal to the government ahead of the 2023 general elections. Nearly all EFM interlocutors were of the opinion that the next elections will be hotly contested and any legal or procedural shortcomings would likely be used to undermine their outcome. In addition to the second presidential term, at stake will also be 15 senatorial seats and 73 seats in the House of Representatives.

## **B. ELECTION-RELATED DEVELOPMENTS**

### ***2020 Elections and Referendum***

The 8 December 2020 mid-term elections were held to elect half (15) of the Senate seats. The elections were conducted simultaneously with the constitutional referendum.

The National Elections Commission reported that 926,773 (37 percent) of the 2,476,356 million registered voters went to the polls. According to EFM interlocutors, despite few procedural irregularities, the elections were well organised by the NEC and the campaign and election day were largely peaceful, with the exception of isolated incidents of harassment of female candidates and election violence.

The referendum questions included eight propositions for constitutional amendments; none of these received the required qualified majority of 2/3 of the votes to pass.<sup>2</sup> EFM interlocutors attributed this failure mostly to the lack of voter information regarding the proposed changes.<sup>3</sup> It is noteworthy that some 10 per cent of those who voted in the senatorial elections did not cast the referendum ballot at all while the majority of those who voted in the referendum casted an invalid ballot, reflecting the very poor understanding from voters of this key instrument and the issues that were put into consideration.

### ***Electoral Reform Initiatives***

There were two key initiatives of electoral reform following the 2017 elections – a proposal of amendments to the New Elections Law (NEL) submitted by the NEC and one proposed by the Elections Coordinating Committee (ECC) representing several civil society organisations.<sup>4</sup>

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<sup>2</sup> Specifically, these were the dual citizenship clause amending article 28 of the Constitution, which would allow *inter alia* a natural-born Liberian citizen to hold another citizenship but not qualify for “elected national or public service positions and appointive positions”; the reduction of the term of office of the President and Vice President from six to five years, and of the Senators from nine to seven years (amending articles 50, 45, 48 of the Constitution); the change of the election date from the second Tuesday in October to the second Tuesday of November of each election year – in order for the elections to be conducted during the dry season [article 83(a) of the Constitution]; the reduction of the time limit allocated to the NEC to adjudicate election complaints from 30 to 15 days [article 83(c) of the Constitution] and the reduction of the terms of the President Pro Tempore, as well as of the Speaker and Deputy Speaker from six to five years (articles 47 and 49 of the Constitution respectively).

<sup>3</sup> In their Statement of 9 December 2020, the Liberian Election Observation Network (LEON) reported that “there was still very little voter education happening on the referendum around the country through November and early December. (...) Although the NEC have produced radio information on the symbols for the different propositions there has been almost no information about what each proposition means and why one should or shouldn’t vote for it. Observers found that most posts on social media tell people to either vote for all or none of the propositions and a pro or against government response.”

<sup>4</sup> The Elections Coordinating Committee (ECC) is a network of civil society organisations that monitor, document and report on election issues. Six member organisations of the ECC received USAID –funding



Only a few of these proposed amendments were directly linked with the recommendations of the 2017 EOM.

In particular, the ECC submitted in August 2019 17 electoral reform amendments to the Legislature. Those included proposal for amendments to the Constitution as well as amendments to the New Elections Law of 1986, last amended in 2014 (related, *inter alia*, to the appointment and tenure of the NEC Board of Commissioners, voter registration and voter roll and gender quota for candidate nomination) and to the Code of Conduct (on the requirement for resignation of persons holding certain public positions before standing for office).

The National Elections Commission, on the other hand, set up a Technical Working Group on legal reform, following the publication of the EU EOM Final Report in April 2018, in order to review the electoral legislation and propose amendments, taking into consideration the recommendations of all international and national observer organisations which observed the 2017 elections. After conducting consultations with local stakeholders including political parties in four regions of the country (with the final consultation taking place in Buchanan on 8-9 May 2019) and subsequent discussions with civil society organisations, women and youth in Monrovia on 29 and 31 May 2019, the NEC's Technical Working Group prepared a draft electoral reform bill that was submitted to the Legislature in March 2020.

The NEC proposals included in the reform bill are broad, ranging from the appointment and tenure of the NEC Commissioners to voter registration and candidate nomination. Among the most significant amendments were the following:

- Increasing the maximum number of registered voters per voting precinct from 3,000 to 4,000;
- Introducing the criterion of “relevant and previous working experience”, on which the President of the Republic should base the nomination of NEC Board of Commissioners and the requirement that there will be no less than 3 members from each gender. In addition, their removal was to be conducted through impeachment by the Legislature (while, on the contrary, the Section currently in force does not clarify the process of removal) upon proof of *criminal* misconduct, contrary to the initial provision that foresees only misconduct; this additional requirement would provide for more transparent appointment mechanism, therefore reinforcing the institutional independence of the NEC Commissioners against potential arbitrary removal from office;
- Facilitating the decision-making process of the NEC by including the Co-chairperson as replacing the Chairperson to constitute a quorum, as well as limiting the number of NEC Members necessary for a decision to be binding from 5 to 4;
- Allowing for the use of a valid Liberian National Identification Card (ID) as a document for voter registration, in addition to a valid Liberian passport as included in the New Elections Law;
- Introducing the date of birth among voter's data that should be included in the voter registration roll, therefore reinforcing the credibility of the voter register;
- Increasing the number of days during which the registration roll should be available for inspection by voters, from at least two days to minimum seven days before Election Day, and providing for wide publicity at community level of the relevant dates and locations;

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in April 2019 to pursue electoral reform advocacy efforts, which culminated in the proposal for amendments that they submitted to the Legislature.

- Reducing the number of days between the submission of a claim for inclusion in the registration roll and its approval, if not objected, from 10 to 3 days upon its receipt.
- Introducing the mandatory requirement of no less than 30 percent from each gender in the governing body of a political party, coalition or alliance participating in an election;
- Introducing the mandatory requirement of no less than 30 percent from each gender in the list of candidates submitted to the NEC for an election and the sanction of rejection of a list by the NEC if this does not satisfy the required quota, with the possibility to be re-submitted only within the nomination period. It remains unclear from the new provision, however, how many times a political party, coalition or alliance can re-submit the list.
- Introducing the requirement that a political party, coalition, or alliance shall have at least one woman contestant for the primary at the convention for each constituency it nominates a candidate;
- Reducing the time limit to submit a complaint, except from those challenging the conduct of the elections or the results declared by the NEC (which are explicitly prescribed in Article 83 of the Constitution and for which the time limit of 7 days is maintained), from seven days after the offence or violation was witnessed to 48 hours;
- Introducing a new sub-section on procurement of election materials by the Public Procurement and Concessions Commission expeditiously upon receipt by the NEC of such requests related to by-elections, second round of elections and other electoral events not envisaged in the annual budget; this would significantly assist the NEC in its planning and execution of its duties; and
- Increasing significantly the fees for candidate registration for the positions of President, Vice President, Senator and member of the House of Representatives.

Although it contains amendments of 28 provisions in the elections law, the NEC's reform proposition did not address the shortcomings of the legal framework that were identified by the 2017 EU EOM, such as those related to electoral dispute resolution, the obligation of certain categories of presidential appointees (pursuant to the Code of Conduct) to resign at least 2 years (for any minister, deputy minister, director general, managing director and superintendent) or at least 3 years (for any other official appointed by the President who holds a tenured position and wishes to run for office) before elections if they wish to run, the criteria for the establishment of political parties and the requirements for nomination of candidates to promote for "genuine candidacy potential" and the provisions on electoral offences so as to remove any ambiguities and incoherencies.

The initial NEC bill, however, would significantly reinforce the participation of women as candidates, a long-standing recommendation of the international observers and national stakeholders, including the EU EOM (see *Implementation Status of EU EOM Recommendations / Participation of Women*).

A revised version of the bill was presented in July 2020 prior to a first public hearing in the House of Representatives in August 2020. The House Committee on Elections and Referenda then met in January 2021 to discuss the draft amendments and a third version of the bill was produced, which removed the proposed amendments regarding the mandatory 30 percent gender quota that was included in the NEC version and the July 2020 draft. This prompted a joint declaration of 30 January 2021 by eight civil society organisations, asking the Legislature to reinstate the text and vote for the amendments. The plenary deliberations in the Legislature have not taken place yet, but interlocutors met by the EFM were doubtful it would be reinstated.

The two subsequent drafts of July 2020 and January 2021 contain some additional improvements to the draft bill submitted by the NEC. *Inter alia*, they seek to further enhance the independence and credibility of the NEC Board of Commissioners through a more inclusive and transparent appointment mechanism. In particular, they provide for the introduction of a public vetting/scrutiny process of applicants for the appointments of Commissioners, managed by a seven-person panel comprising members from civil society organisations working on elections, the Inter-Religious Council of Liberia, women organisations, the Federation of Liberian Youth, the National Bar Association, the Press Union and the Liberian Business Association. They further provide for the reappointment of Commissioners for a second term and that no Commissioner may serve beyond the age of 70 years. As explained in the two latest drafts, “this will prevent perpetual appointment of an individual by the President” and was based on recommendations made by civil society organisations.

The NEL confers on the NEC the power to conduct civic and voter education as well as voter information programs. The draft bills propose that such programmes be undertaken also by other governmental agencies and institutions with the required mandate, while also this responsibility can be delegated by the NEC to civil society organisations and development partners.

While the NEL states that the NEC legal section staff is appointed by the Commission by an “open and transparent selection process”, the two latest draft bills propose the recruitment of legal staff in accordance with the Civil Service Agency’s Criteria and Public Procurement Concession Commission procedures. Furthermore, they also propose the recruitment of Magistrates of Elections by “open and transparent selection process within each County”, instead of their appointment by the NEC as currently foreseen. These proposals promoting merit-based recruitment practices through an open and transparent selection process instead of an appointment with no prior defined criteria, not only could further enhance the capacity of the NEC’s legal section, but could also guarantee equal opportunities and access for all, and increase transparency of appointments in line with international standards.<sup>5</sup>

In regards to voter registration, while the July 2020 draft bill adds a paragraph to provide for the registration of the diaspora for voting in the presidential elections, this is not included in the January 2021 draft. However, the two latest draft bills provide for continuous registration of voters through the establishment by the NEC of Registration Centers at county and district locations, and the submission of the voter registration roll to political parties at least one month prior to the elections day. This would add transparency, as parties and voters would be able to scrutinise the voter roll in advance of elections, which could contribute to their confidence in the voter registration process. The two latest draft bills increase even more the number of days during which the voter roll shall be available for inspection, from seven days before elections day to a minimum of 15 days.

In regards to counting, the July 2020 draft proposed to remove a provision in the current law requiring, during the reconciliation process, to verify that the number of valid votes for each candidate, the number of spoiled ballots and “the number of ballots determined to be questioned as invalid or blank” and “the number of unused ballots” equals the number of ballots issued to the polling place. This amendment is not included in the January 2021 draft bill, thus the

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<sup>5</sup> UN Convention Against Corruption, Article 7.

original provision is reinstated; this is a positive development as it could enhance the checks and balances necessary for the quality of the results at polling station level.

Additionally, the two latest drafts reinforce the independence of the Magistrates and Hearing Officers during the conduct of their duties in adjudicating complaints, by introducing a provision stipulating that “they shall not be dismissed or subjected to disciplinary action based on their rulings.” Furthermore, the two last drafts extend the time period for appeals within NEC structures, as had been recommended by the EU EOM (see *Implementation Status of EU EOM Recommendations / Electoral Justice*).

The July 2020 draft bill had increased ten-fold the registration fees for candidates for elections,<sup>6</sup> although no such amendment was included in the bill submitted by NEC, to the extent that it would severely limit, if had been maintained, the right to stand. In a positive development, the January 2021 bill reduced this amount to only double of the original fees, which is however still high for women aspiring candidates.

Overall, the two latest drafts offer some improvements to the bill originally submitted by NEC, mostly in relation to the reinforcement of the independence of the NEC Board of Commissioners through a more transparent and inclusive appointment mechanism, and the provisions for continuous voter registration. However, the Legislature’s procedural rules<sup>7</sup> are prone to thwart timely adoption of the bill, while, if the mandatory gender quota for submission of candidates and intraparty democracy is not reinstated, structural barriers for women candidates will persist and the current electoral reform effort will represent one more missed opportunity for increasing women’s political participation and mainstreaming gender equality within political party structures.

## C. INSTITUTIONAL CONTEXT

The new Board of Commissioners of the National Electoral Commission was appointed by the President in 2020. Four out of seven Commissioners, including the chairperson, are women and five of the Commissioners are newly appointed.

The NEC faces serious financial constraints. According to EFM interlocutors, out of 14 million USD budgeted in 2020 for the NEC, the government is yet to transfer around 3 million USD. The shortage of funds has significantly impacted its operations, including the conduct of the 2020 mid-term elections. Reportedly, some vendors are still not paid for the services delivered during the 2020 elections and they might demand upfront payments for the 2023 elections, which may further complicate the administrative preparations such as purchase and distribution of electoral non-sensitive and sensitive materials. Protracted financial instability of NEC may hamper its ability to efficiently organise the 2023 elections.

Several interlocutors suggested that there are expectations on the side of the government that international donors would eventually cover parts of the NEC budget. However, based on the

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<sup>6</sup> For candidates for the office of Senator and Member of the House of Representatives, it was increased from USD 750.00 and USD 500.00 to USD 7,500.00 and USD 5000.00 respectively. For any other elective position, from an amount determined by the NEC not exceeding USD 50.00 it was increased to USD 1,000.00.

<sup>7</sup> According to EFM interlocutors from the Legislature, the process of passing a bill depends on both the relevant Committee’s reactivity and the Speaker’s willingness to present the bill to the plenary. There is no time line whatsoever for a bill to be presented to the plenary for deliberations.

EFM findings, representatives of international community promote ownership of the electoral process by the Liberian institutions. Donor support would continue to focus on technical assistance and advice to NEC, civic and voter education initiatives and supporting national observer organisations.

#### **D. EU ACTIONS ON EOM FOLLOW-UP**

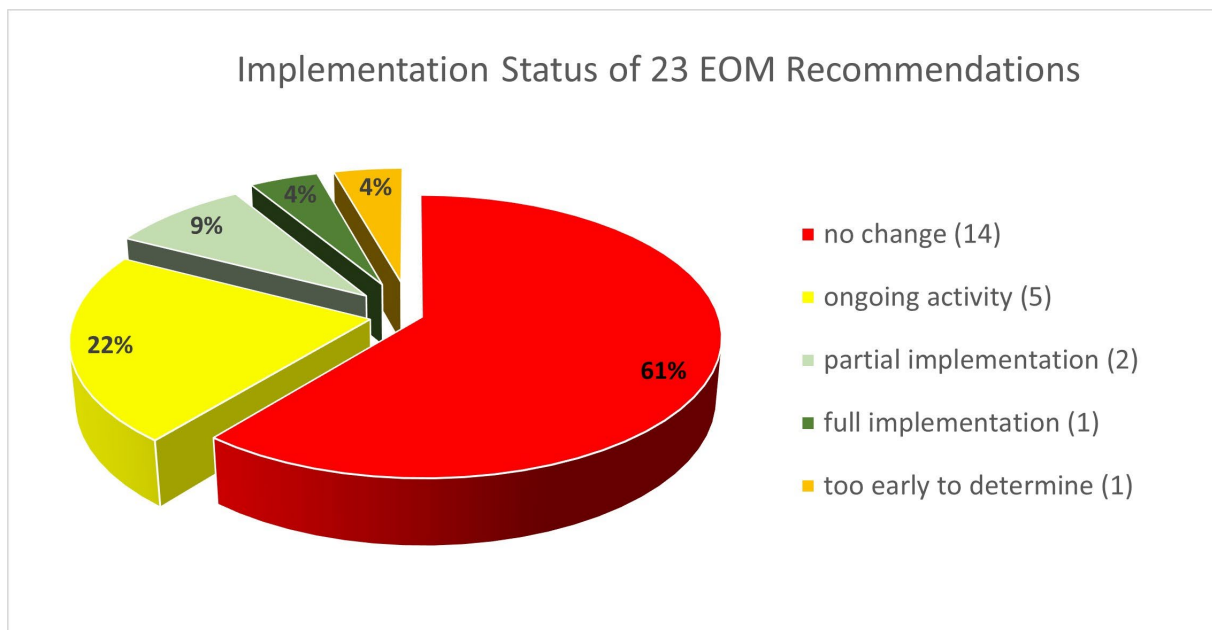
Following the publication of the EU EOM final report in April 2018, the European Union Delegation in Liberia developed an EOM Follow-up Plan to systematically monitor the state of play of the recommendations and identify how to provide support for their implementation, including the assistance to institutions and organisations involved in electoral reform.

The EU was the main donor (around 10 million EUR) of the project "Support to the Liberian Electoral Cycle 2015-2018" (extended until May 2020 as per EU agreement) which was implemented by UNDP to “strengthen the capacity of the NEC, strengthen the voter registration process, enhance women's political participation and leadership, support CSO to carry out civic and voter education, ensure election security forces act in accordance with international standards, and improve coordination among political parties and NEC and mitigate election violence”.

The DEL continues to advocate for the implementation of EU EOM recommendations through regular political dialogue with the authorities as well as through coordination among other stakeholders. Under the main financial tool of the EU's international cooperation for the period of 2021-2027 (NDICI – Neighborhood, Development and International Cooperation Instrument), the DEL is currently preparing the new country program identifying priority areas of intervention in alignment with the national country strategy. One of the priority areas – Improving Financial and Democratic Governance – will include support to the electoral cycle with focus on women’s representation and participation, electoral reform, electoral operations, civic education, and civil society in coordination with all actors.

#### **IV. IMPLEMENTATION STATUS OF EU EOM RECOMMENDATIONS**

The EFM noted very limited progress in implementing the recommendations offered by the 2017 EU Election Observation Mission and rather limited stakeholder awareness of the EU EOM recommendations in general. While only one recommendation could be considered as fully implemented, two are partially implemented and in several other instances the activities are ongoing and/or it is too early to determine their implementation.



The detailed overview of the state of implementation of the EOM recommendations is provided in the attached matrix.

#### A. LEGAL FRAMEWORK

The 2017 EOM to Liberia, in its Final Report, acknowledged that while the Constitutional legal framework enshrines key fundamental rights and is a solid basis for the conduct of democratic elections, it does not fully accord with Liberia’s international legal obligations prohibiting racial discrimination. In particular, the Constitution provides in Article 27 that “only persons who are Negroes or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia.” The EOM recommended for *the legislature to initiate a constitutional referendum process for the successful removal of the ethnic definition of Liberian citizenship*.

Such change was also advocated by President Weah who publicly called for the removal of this clause as it was “unnecessary, racist and inappropriate”.<sup>8</sup> While many EFM interlocutors suggested that the public may not be generally aware of this controversial requirement, a survey conducted by Afrobarometer in 2018 suggests that the notion to remove it may actually lack majority support.<sup>9</sup>

The issue of ethnic definition of citizenship was not included among the 2020 referendum questions. As conducting of another constitutional referendum before the 2023 elections is not feasible, according to EFM interlocutors, it is highly unlikely that this recommendation could be implemented before the 2023 elections.

<sup>8</sup> BBC News of 30 January 2018, <https://www.bbc.com/news/world-africa-42871741>

<sup>9</sup> According to the survey, “68 per cent of Liberians want the exclusive black citizenship law to be maintained.” See [https://afrobarometer.org/sites/default/files/lib\\_r7\\_presentation\\_presidents\\_performance\\_citizenship\\_land\\_ownership\\_and\\_the\\_trcs\\_mandates.pdf](https://afrobarometer.org/sites/default/files/lib_r7_presentation_presidents_performance_citizenship_land_ownership_and_the_trcs_mandates.pdf)

During the 2017 elections, the EOM identified some inconsistencies on complaint and appeals timelines, as well as loopholes in the law governing the rules for hearings of appeals in some matters, which overall did not contribute in ensuring legal certainty. The Mission recommended for the legislature ***to review the election law and civil procedure laws to consolidate all relevant timelines and extensions to such timelines (arising either under legal practice or civil procedure rules) to ensure transparency, accessibility and ease of comprehension for all election stakeholders.*** This recommendation has not been addressed yet, and neither the electoral reform bill submitted by the NEC nor the amendments proposed by the ECC included a comprehensive revision of the relevant timelines of the elections law and the civil procedure laws.

The 2017 EOM concluded that the absence of an appeals tribunal (Court of Appeals) between the lower courts and the Supreme Court (SC) leads to an overburdened SC, which had to adjudicate numerous election-related appeals within a seven-day time limit. In its recommendations, it suggested that ***the legislature, in consultation with the Supreme Court, could consider the establishment of a lower appeals court to alleviate an overburdened Supreme Court, which could equally contribute to the expeditious handling of cases including election complaints.*** This recommendation did not appear pertinent to the EFM interlocutors not only due to the additional costs implicated but also due to the fact that the appeals would still be handled by the Supreme Court. Instead, interlocutors were in favour of creating an independent *ad hoc* elections tribunal that would remove adjudication powers from the NEC. Importantly, the ECC's reform proposals in regards to electoral dispute resolution include the removal of judicial powers from the NEC so as to avoid conflict of interest, and to adjudicate all disputes by an *ad hoc* electoral tribunal comprising five persons, within fifteen days from the date of filing a complaint. Therefore, the EFM concluded that this recommendation is also not likely to be implemented before the 2023 elections.

The 2017 EOM found that much controversy surrounded legislation requiring presidential appointees to resign between 2 and 3 years before elections if they wished to run, and that this obligation to resign was unduly onerous and might impede participation by competent public servants. Therefore, it recommended to the Legislature ***to review and amend the 2014 Code of Conduct Law and promote participation and the right to stand.***

During meetings with the relevant stakeholders, it became obvious to the EFM that this was not a major issue of concern. However, the reduction of these time limits to six months prior to the date of elections was included in the amendments proposed by the ECC. Although this recommendation has not been implemented yet, the NEC informed the EFM that it no longer denies applicants for nomination who resign at any time prior to their application, pursuant to the 2017 opinion of the Supreme Court in *Kanwea and Liberty Party vs NEC*.<sup>10</sup>

According to the 2017 EOM findings, Liberia's legal framework appears to encourage strong competition of political parties but does not seem to provide adequate mechanisms to encourage enduring party cohesion and platform-based politics. To this end, the EOM proposed that ***the legislature could undertake a review of the criteria for the establishment and registration of political parties with a view to promoting more cohesion and policy in party political***

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<sup>10</sup> The Vice Presidential nominee of the Liberty Party, Harrison Karnwea, held public office for a year before the question of constitutionality of the 2014 Code of Conduct was raised. He was allowed to stand, however, on the basis that he resigned his post within days of a prior Supreme Court decision of March 2017, declaring the ban on candidacy for presidential appointees as constitutional.

*organisations. Such a review could consider membership requirements, changes to the number of constituencies where parties draw their membership, as well as the levels of registration fees payable.* During the EFM meetings with stakeholders, this issue was not pointed out as a priority, and has neither been included in the NEC electoral reform bill. The proposed amendments by the ECC include the adoption of a Political Parties Act that would deal with formation, registration and regulation of political parties, as well as application and registration of candidates for all elected offices. Still, it is not certain that the EOM recommendation will be implemented before the 2023 elections.

Furthermore, the 2017 EOM recommended for the NEC *to undertake a review of regulatory requirements relating to political parties' nomination of candidates and the assessment procedures related to minimise pro-forma nominations and ensure that political parties actively promote nominees with genuine candidacy potential.* This recommendation has not been a priority issue for the electoral stakeholders and has not been included in the NEC's reform bill nor the ECC's proposal. Again, it is unlikely that any change will be made in this regard before the next elections.

Another shortcoming that the 2017 EOM identified was a degree of incoherence and uncertainty on fines related to election offences, with broad scope on the application of some severe sanctions, and a lack of capacity for the effective implementation of some penalties. In order to ensure greater legal certainty and enforceability, the EOM recommended for the Legislature to *undertake a review of the New Elections Law provisions on electoral offences to address and remove any ambiguities and incoherencies as well as reviewing the scope and breadth of penalties and sanctions.* The NEC informed the EFM that it has been holding consultations with stakeholders, including the Ministry of Justice and the Liberia National Police on this recommendation. Nevertheless, no related amendment was included in its legislative proposal neither in the ECC's proposal. As it does not seem to be a significant issue for the election stakeholders, the EFM assumed that this recommendation was unlikely to be implemented before the 2023 elections.

## **B. ELECTORAL SYSTEM AND BOUNDARY DELIMITATION**

The Liberian Legislature consists of the Senate with 30 senators and the House of Representatives of (currently) 73 Representatives.<sup>11</sup> Each of the 15 counties of Liberia elect two senators in staggered elections. The members of the House are elected in smaller single-member constituencies. During the 2017 elections, the smallest counties of Grand Kru and River Cess elected only two representatives each while the biggest Montserrado county (with the capital Monrovia) – seventeen.

The 2017 EOM noted the problem of inequality of the vote caused by the disproportions in the size of the constituencies for the House of Representatives.<sup>12</sup> The Mission recommended that *delimitation of electoral constituency boundaries should be done in accordance with the Constitution and Liberia's international obligations.* The Constitution requires that: 1) each

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<sup>11</sup> In line with the Constitution Article 80, their number may change in accordance with population changes.

<sup>12</sup> The smallest HoR constituency River Gee nr 3 had 10,604 registered voters, while the biggest Montserrado nr 4 had 63,786. Thus, the weight of a vote in River Gee nr 3 was six time higher than in Montserrado.



HoR constituency should have an approximately equal population, 2) the number of citizens per constituency should be prescribed by the Legislature after a national census, and 3) the number of constituencies should not exceed 100.<sup>13</sup>

The Constitution stipulates that “immediately following a national census and before the next elections”, the NEC should “reapportion the constituencies in accordance with the new population figures so that every constituency shall have as close to the same population as possible”. Although the Constitution (Article 39) requires that the national census be conducted every ten years, no census has taken place since 2008. After the postponement, the new census is currently scheduled for 2022.

The Constitution in 1986 set the average number of 20,000 citizens per HoR constituency. The population of Liberia has grown significantly since then and it is currently estimated at around 5 million. As the Constitution requires that there should be no more than 100 constituencies for HoR, the new figure of average citizens per constituency would need to be set somewhere between 50,000 (with the maximum of 100 HoR seats) and 70,000 (if the number of seats remains 73).

Many EFM interlocutors were sceptical that delimitation of constituencies would take place before the 2023 elections and thus that the EOM recommendation would be implemented. It is expected that the delimitation process will be very sensitive as the new census would reveal significant growth in population of urban areas (such as Montserrado county), which would require increasing the number of constituencies in those locations and reducing the number of constituencies in rural, less populated counties. Such a decision would be very controversial and – according to EFM interlocutors – it is unlikely that consensus be found among legislators for such a change. Moreover, if the census is conducted in 2022, there will be limited time for the Legislature and the NEC to take necessary decisions before the 2023 elections.<sup>14</sup>

### C. ELECTION ADMINISTRATION

The 2017 EOM did not identify any serious deficiencies regarding technical aspects of administering elections in Liberia and none of the priority recommendations targeted election administration issues. The EOM reported, however, that the sessions of the NEC Board of Commissioners (BoC) were held *in camera* and their decisions and minutes of their meetings were generally not published, including important decisions on candidate registration or the electoral calendar. Thus, the EOM concluded that ***timely publication of the NEC BoC decisions that are of public interest could translate into enhanced transparency, public engagement and broader public trust.***

The NEC did not seem to agree with this recommendation. In its official response, the Commission stated that “all of the Board’s decisions on elections were published on the NEC website and copies given to media institutions within reasonable time after rendition”. During the meetings with the EFM, the NEC officials were somewhat more understanding in regards to the need to increase transparency of their work by timely publishing NEC decisions. However, the access to such documentation may be currently even more difficult than during

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<sup>13</sup> Article 80.

<sup>14</sup> The ECOWAS Protocol on Democracy and Good Governance, in its Article 2(1) states that “No substantial modification shall be made to the electoral laws in the last six (6) months before the elections”.

the 2017 elections. NEC representatives informed the EFM that the Commission's website was redesigned last year and some documents and decisions are still not re-uploaded. Therefore, the EFM concluded that the implementation of the EOM recommendation was likely ongoing but its implementation could not be confirmed yet.

#### **D. THE RIGHT TO VOTE AND VOTER REGISTRATION**

Voter registration was identified as the principal election-related concern by nearly all EFM interlocutors, including NEC officials, political parties and domestic observers. In order to address the reported shortcomings, the NEC advocates for introduction of Biometric Voter Registration (BVR). However, it is unclear how this could significantly improve the situation.

Liberia maintains active voter registration. The NEC conducts registration drives in all 2080 electoral precincts several months before general elections, using optical scanning technology for converting voter registration forms to computer-readable data, and taking applicants pictures for voter cards and voter lists.

According to the findings of the 2017 EOM, parts of the registration forms used in 2017 were inadequate which resulted in a number of voters being registered with the same registration number.<sup>15</sup> This and other inaccuracies and omissions in the voter registration roll led to some political parties questioning the accuracy of the lists. The 2017 EOM also noted the problem of *de facto* disenfranchisement of a number of voters who turned 18 after the end of voter registration period and before election day, as well as those in hospitals and in detention centers (in pre-trial custody).<sup>16</sup>

The 2017 EOM made two priority recommendations on voter registration, including ***progressing towards a passive voter registration system based on a reliable Civil Register, and ensuring the opportunity to vote for all qualified citizens, including, persons turning eighteen between registration and Election Day, as well as detainees and the hospitalised.***

Although, according to most interlocutors, the issue of voter registration could potentially undermine the credibility of the next elections, the scale and the nature of the actual problem is difficult to assess as no official data on omissions, duplicates or other errors are publicly available. According to the voter registration audit conducted in 2017 by the Liberia Elections Observation Network (LEON) – which used “voter-to-list” verification method – some 4 per cent of the surveyed persons were missing from the provisional voter roll while 5 per cent of those on the lists had one or more of their details incorrectly entered.<sup>17</sup>

After the 2017 elections, the NEC, with the assistance of ECOWAS experts, cleaned up the register, and – according to the county election officials met by the EFM and other interlocutors – the accuracy of the voter registration roll for 2020 mid-term elections was significantly improved.

Another issue that was brought to the attention of the EFM concerns the fraudulent enrolment of foreign citizens as voters. This practice reportedly occurs in the areas along the Liberian border where local population migrates between the countries because of economic or personal

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<sup>15</sup> Another reported problem was poor quality of some voters' pictures.

<sup>16</sup> Voter registration was conducted between 1 February and 14 March 2017.

<sup>17</sup> LEON surveyed 2,082 voters. The audit report is available at <https://leonobservation.org>

reasons. Apparently, a number of non-citizens pretend to be Liberian and register as voters. It is possible because the majority of Liberians have no passports or other identification documents and their eligibility is verified through their spoken language or by witnesses. Furthermore, there are serious allegations that organised groups of foreigners from neighbouring countries are paid to register and vote for specific candidates.

According to NEC officials, moving from scanning technology to biometric registration would address the existing voter registration problems and build public confidence. The cost of such a reform is estimated at 29-30 million USD. According to interlocutors, there are expectations that international donors would support this project as it would be nearly impossible to be funded from the state budget.<sup>18</sup>

In 2018, the NEC held consultations with the National Identification Registry (NIR) to discuss the possibility of using civil registry for extracting voters lists, as recommended by the 2017 EOM. The NIR conducts biometric population registration, assigns unique personal identification numbers and distributes biometric ID cards.<sup>19</sup> After the consultations, the NEC officials concluded that using NIR registry would not be feasible because of *inter alia* small number of registered citizens (at that time around 200,000) and high costs of issuing ID cards (5 USD). Thus, the NEC opted for biometric voter registration arguing that BVR is also used in most countries in the West Africa region.

The EFM received conflicting information by NEC officials as to what registration method would be used during BVR. Some suggested that the current active registration will continue with fresh registration ahead of each general election, while others believe that the biometric registration would be somewhat passive, conducted continuously at a county level (such proposal was included among the NEC amendments to the elections law). The latter solution, however, would require discipline of voters to register their changes of residence, inclusion of voters turning eighteen and reporting those who passed away. Should this not be done systematically, complete voter registration or at least comprehensive update in all precincts across the country would still be necessary before each general election.

It is unclear how biometric registration would resolve some of the problems brought to the attention of the EFM. It seems that the main deficiencies that could be addressed by BVR are possible cases of multiple registration of voters and duplications of entries such as names, registration numbers, etc. However, as the scale of such inaccuracies is unknown, a costly BVR project could theoretically resolve problems that perhaps are smaller than claimed.<sup>20</sup> On the other hand, it is not clear how BVR could address the other deficiencies. Voters turning eighteen between the end of the registration process and elections would still be disenfranchised and the BVR could not prevent illegal registration by foreigners. Preventing foreigners to register cannot be achieved by technological means. It could be done by: 1) developing clear criteria for proving Liberian citizenship and, 2) ensuring their rigorous implementation during voter (or civil) registration. Similarly, irrespective of the type of technology used, the problem of disenfranchised 18-years-old citizens needs to be resolved through constitutional amendment

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<sup>18</sup> The 2020/2021 Liberia state budget was 570 million USD.

<sup>19</sup> The ECOWAS Protocol on Democracy and Good Governance Article 4 requires that “each ECOWAS Member State shall ensure the establishment of a reliable registry of births and deaths. A central registry shall be established in each Member State”.

<sup>20</sup> According to the 2018 report by a UNDP Voter Registration Consultant, “there has not been a high reported incidence of duplicate registration in recent Liberia elections.”

which would allow for registering of voters who will turn 18 by the day of elections and not at the time of voter registration.<sup>21</sup>

Finally, and perhaps most importantly, there is no guarantee that BVR would build trust of stakeholders in the accuracy of registration data, as regional experience shows.<sup>22</sup> On the contrary, introducing digital electoral technologies in countries where stakeholders lack confidence in the electoral processes may further limit their confidence instead of building it. A technological solution to a political issue notoriously does not bring positive results.

The biometric civil registration by NIR is progressing and the EFM was informed that NIR has already issued nearly 0.5 million biometric ID cards.<sup>23</sup> According to NIR, the new requirements that users of mobile telephones have to register their IDs or their sim cards would be deactivated triggered significant increase in applications for IDs.<sup>24</sup> As the NIR civil registration will inevitably continue, the introduction of a parallel BVR might result in duplication of efforts and costs, and with adult Liberians potentially possessing two biometric cards (ID and voter card) in the future.

As recommended by the EOM, the development of a permanently maintained civil registry would help to ensure up-to date voter lists which could be extracted from the register before each election. However, the transfer from active to passive voter registration requires a holistic approach, including solid legislative framework (stipulating *inter alia* civic duties to register births and deaths), strengthening NIR infrastructure across the country and good cooperation between the state institutions concerned, particularly the NEC and the NIR.<sup>25</sup> Should that be achieved, permanent civil registration would include all voters turning 18 by the time of elections, and it would no longer be necessary to conduct costly voter registration drives before each general election.

Whatever technological solution is chosen, further efforts are necessary to build public confidence in the voter registration process by increasing transparency, involving political parties and domestic observers and by early displaying registration rolls for public scrutiny.

## **E. POLITICAL PARTIES, POLITICAL PARTY FINANCING AND ELECTION CAMPAIGN**

The EFM was informed about ongoing NEC activities pertaining to election campaign and campaign finance framework but the implementation of the relevant EOM recommendations in this area could not be confirmed yet.

The 2017 EOM found that “legal provisions regulating campaign activities are currently

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<sup>21</sup> Article 77 (b) stipulates that “every Liberian citizen not less than 18 years of age, shall have the right to be registered as a voter”.

<sup>22</sup> For example, the lack of confidence and other issues regarding biometric registration were reported by the 2020 EU EOM in Ghana while the 2019 EOM Nigeria noted problems with biometric data accuracy (removal of deceased, duplicate records) and distribution of biometric voter cards.

<sup>23</sup> Around 1,000 ID cards are issued per day to eligible residents who are six years old and older. NIR estimates to be able to issue 2 million IDs by July 2022 without additional costs. Should the decision be made to use civil registry for voting, the NIR estimated that registering all adult citizens and issuing them free IDs would cost between 10 and 20 million USD, depending on the registration period (shorter timeframe will require more staff and equipment).

<sup>24</sup> There is an estimated 2.8 million mobile telephone subscriptions in Liberia.

<sup>25</sup> NIR has already opened offices in all counties across Liberia.

scattered across several documents [1986 Constitution, New Elections Law, National Police Act, Code of Conduct Law (CoCL), NEC Regulations and Guidelines], with a lack of precise directives for the approval and co-ordination of political gatherings during the official campaign period.” Therefore, and in order to prevent the organisation of conflicting campaign events that could induce violence, the Mission suggested that ***effective management of larger political gatherings would benefit from the formulation of harmonised regulatory requirements in one single legal instrument to be issued by the NEC and enforced by the NEC in cooperation with Security Services***. In regards to this recommendation, the NEC informed the EFM that “the procedures and guidelines on campaigning were reinforced in the 2020 regulations” (for mid-term elections) and apparently the schedules of political parties were shared with the Liberian National Police and uploaded to the NEC website. Therefore, the EFM concluded that the implementation of this recommendation is ongoing.

Furthermore, the 2017 EOM reported that although political parties deployed numerous party agents to observe the voting and counting, “their activities contributed little substantive support to allegations of irregularities raised in the wake of the 10 October ballot.” Therefore, it recommended that ***political parties and their poll watchers' commitment to the integrity of the electoral process must be supported and strengthened and that political parties must conduct their recruitment, training and deployment more professionally***. The NEC informed the EFM that they trained the political party executives and agents in polling, counting and tallying procedures and will continue to facilitate this type of capacity building. The EFM concludes that it is too early to determine whether this recommendation has been implemented.

As the 2017 EOM further noted, legislation for collecting, scrutinizing, and disclosing financial reports was not fully enforced, also due to the fact that the NEC lacks the necessary capacity and expertise, while political stakeholders are not fully aware of the legal requirements they must fulfil. It therefore recommended ***establishing an appropriately resourced department on campaign and political party finance within the NEC to enhance the institution's capacity and expertise for an efficient enforcement of regulations***. During its meetings with NEC officials, the EFM was informed that the Commission is in the process of establishing a campaign finance committee by transferring NEC staff from other departments. In 2020, the NEC trained the political parties' finance officers with EU and NDI support, while during its meetings with the EFM, its officials acknowledged the need for more training on campaign finance monitoring, that should not be concentrated before the start of the campaign but provide continuous support to its relevant activities throughout the campaign period.

The 2017 EOM concluded that several public and private financial institutions could provide the NEC with necessary information in order to conduct more effective financial oversight of the submitted reports of political parties and candidates. Therefore, it recommended ***establishing or strengthening co-operation and information-sharing with private banks and relevant state tax and integrity institutions, e.g. Liberia Revenue Authority, Ministry of Justice, Liberia Anti-Corruption Commission, Financial Intelligence Unit***. In this regard, the NEC informed the EFM that it has increased its cooperation and information sharing with the Liberia Revenue Authority and the commercial banks, while it has become active in the National Integrity Forum that includes institutions such as the General Auditing Commission, Internal Audit Agency, Public Procurement and Concession Commission, to ensure transparency and accountability in the public sector. Therefore, the EFM concludes that the implementation of the two afore-mentioned recommendations is ongoing.

## F. MEDIA

The 2017 EOM formulated two recommendations regarding media. Concluding that the legal framework falls short of appropriate regulation that would ensure fair and equitable access by electoral contestants to state media and contribute to their equal treatment, the Mission proposed to ***introduce a legal provision for free airtime to political parties and candidates in the state-owned broadcaster to allow all election contenders to effectively communicate their platforms to the public***. No relevant bill has been introduced and consequently this recommendation has not been implemented.

Additionally, the Mission recommended to the Legislature to ***implement a genuine media reform and expedite the promulgation of the draft media legislation***, intended at establishing an appropriate regulatory body with safeguards against government intervention and pending since the previous government's mandate. Many EFM interlocutors underlined the importance of this recommendation, particularly given that the state-owned LBS radio has the largest coverage and audience in the country. Interlocutors complained about the lack of critical reporting on government activities in the state media and the absence of plurality of political views in general.<sup>26</sup> They pointed to the lack of good will of the government to transfer state media into public broadcaster and suggested it was highly unlikely that this recommendation be fully implemented before the next elections.

On a positive note, a part of the media reform process included the decriminalisation of press offences, particularly, libel, by amending the Liberian Penal Law. Thus, the EU EFM noted that this recommendation has been partly implemented, as the Press Freedom Act of 2019 decriminalised libel, sedition and criminal malevolence.<sup>27</sup> Apart from the afore-mentioned amendment in the Penal Law, the media reform bill of 2017, that would, *inter alia*, create an independent Media Commission, has still not been passed by the Legislature.

## G. PARTICIPATION OF WOMEN

Due to the limited participation of women in political processes and the absence of enforceable affirmative action measures as well as the lack of proactive support for women candidates, one of the 2017 EOM priority recommendations addressed to the Legislature was to ***modify legislation (NEL 4, §4.5, consider enacting the Affirmative Action Bill) and NEC Candidate Nomination Regulations for enforceable affirmative action for women participation and ensure greater representation in decision-making roles within election administration***. Furthermore, the Mission suggested ***implementing capacity building for prospective female candidates and measures for higher integration of women in political parties throughout the electoral cycle***.

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<sup>26</sup> Article 15 (d) of the Constitution stipulates that "Access to state owned media shall not be denied because of any disagreement with or dislike of the ideas expressed".

<sup>27</sup> Defamation remains a civil offense and the current legal framework contains no limitation to the amount of damages that can be sought in civil libel lawsuits. <https://frontpageafricaonline.com/news/2016news/un-special-rapporteur-calls-on-liberia-to-abolish-defamation-laws>. Also, Freedom House last report: <https://freedomhouse.org/country/liberia/freedom-world/2021>

The proposed amendments submitted by the Elections Coordinating Committee to the House of Representatives in August 2019 included a revised version of Section 4.5 of the New Elections Law rendering mandatory the 30 percent gender quota of a list of candidates submitted to the NEC for an election.<sup>28</sup> Furthermore, the bill submitted by the NEC to the Legislature in March 2020 attempts to reform not only the list of candidates but also the intra-party democracy by extending the quota requirement to party primaries and parties internal governing bodies. As such, it included the following proposed amendments to Section 4.5 of the New Elections Law:

- Introducing the mandatory requirement of no less than 30 percent from each gender in the governing body of a political party, coalition or alliance participating in an election;
- Introducing the requirement that a political party, coalition, or alliance shall have at least one woman contestant for the primary at the convention for each constituency it nominates a candidate;
- Introducing the mandatory requirement of no less than 30 percent from each gender in the list of candidates submitted to the NEC for an election and the sanction of rejection of a list by the NEC if this does not satisfy the required quota, with the possibility to be re-submitted only within the nomination period. It remains unclear from the new provision, however, how many times a political party, coalition or alliance can re-submit the list.

If the reform is passed, the NEC will be equipped with the legal tool to enforce the requirement, as it should reject a list if it does not satisfy the mandatory quota. However, a reticence to adopt this reform, which would have a significant impact on the electoral process, has been highlighted by all EFM interlocutors. And, as the January 2021 draft bill reveals, the sections related to the mandatory gender quota were removed following the second reading of the bill in the Committee. Nevertheless, **this provision can be still reinstated before the bill is presented to the Legislature for plenary deliberations.**

The *Affirmative Action for Equitable Participation and Representation Act of 2016* originally proposed the creation of 21 “Special Legislative Constituencies” out of which 15 would be reserved exclusively for women, one in each county, and three seats each for youth and people with disabilities (PWD). In September 2016 the Legislature passed an amended version, establishing seven “Special Constituencies”, among which five seats would be reserved for women, one for youth and one for PWD. The bill, however, was not signed into law and no attempt has been made since to re-introduce it, while budgetary concerns linked with the higher costs of more seats in the Legislature were invoked by several EU EFM interlocutors. Furthermore, several interlocutors argued that introducing reserved seats for women would be contrary to the equality clause of the Liberian Constitution.<sup>29</sup> While this issue would have to be determined by the Supreme Court (if such measure is introduced and if it is challenged at the

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<sup>28</sup> The NEL Section 4.5(b) states that a political party or coalition in its submission of its list of candidates should “endeavor to ensure” that the governing body and its list of candidates has no less than 30 per cent of its members from each gender. The amendment proposed to replace the words “should endeavor to ensure” with “shall”, i.e. “The list of candidates submitted to the Commission for an election shall have no less than 30% of the candidates from each gender.”

<sup>29</sup> Article 11(c) of the Constitution stipulates that “all persons are equal before the law and are therefore entitled to the equal protection of the law”.

court), introducing gender quota would be compatible with the international legal obligations of Liberia. The Convention on the Elimination of All Forms of Discrimination against Women, in particular, favours the adoption of temporary special measures to enhance the participation of women in political life.<sup>30</sup>

## H. PERSONS WITH DISABILITY

The 2017 EOM assessed the participation of persons with disabilities (PWDs) in the electoral process in Liberia and concluded that while PWDs were estimated to amount to more than 16 per cent of the population, accessibility of public buildings outside urban areas was very limited for PWDs because of the poor state of infrastructure in the country. The Mission recommended ***to further improve access and opportunity of the right to vote for Persons with Disabilities through measures for better accessibility of Polling Places, provision of Tactile Ballot Sleeves, and mainstreaming of voter information in general Civic and Voter Education. Consider introduction of mobile registration and the Absentee Voting to facilitate homebound voting.***

The NEC informed the EFM that tactile ballot sleeves were used during elections in the last decade and training had been carried out across the country to promote the use of the ballot sleeves. EFM interlocutors confirmed that the ballot sleeves were widely available during 2020 elections. The Commission also declared its intention to further improve accessibility to PWDs, including the erection of tents where necessary. On the other hand, election officials did not seem to give any consideration to introducing absentee voting as recommended by the EOM.

The EFM concluded that this recommendation was partially addressed while its full implementation could be only assessed during the next elections.

## I. ELECTORAL JUSTICE

Among the 2017 EOM findings was a lack of precision and certainty available to the public through the elections law on timelines associated with complaints and aspects of mechanisms for complaint filing. Also, that some complainants from remote areas argued that the law operated against them since the 48 hours appeal time from decisions of Hearing Officers to the Board of Commissioners in Monrovia made difficult the exercise of their right to appeal. Therefore, the EOM recommended for the NEC ***to review and amend all appeals timelines in its regulations to ensure consistency and fairness throughout and to consider a moderate extension of the 48 hours timeline for appeal from Hearing Officers to the Board of Commissioners to ensure due process and equal access across Liberia.***

The NEC Board of Commissioners informed the EFM that it cannot amend the appeals' timelines included in its Regulations without prior amendment of the NEL that provides the 48-hour period, and it pointed out that, based on experience, it considers the 48-hour period reasonable. Noteworthy, the NEC's electoral reform bill includes an amendment that reduces

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<sup>30</sup> Convention on the Elimination of All Forms of Discrimination against Women, Article 4.1: "Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention..."



the time limit to submit a complaint, except from those challenging the conduct of the elections or the results declared by the NEC (which are explicitly prescribed in Article 83 of the Constitution and for which the time limit of seven days is maintained), from seven days after the offence or violation was witnessed to 48 hours. Based on the afore-mentioned, the EFM concluded that the implementation of this recommendation before the 2023 elections is unlikely.

The findings of the 2017 EOM showed that legal proceedings demonstrated some shortcomings in the professional capacity of lawyers as well as among some of those administering various stages of the hearings. With the aim to ensure enhanced capacity in the effective administration of election complaints, the Mission further recommended for the NEC *to develop a syllabus of practice-based trainings for lawyers involved in election dispute resolution and Hearing Officers to be implemented well in advance of the next elections with the possibility for refresher trainings*. In this regard, the NEC informed the EFM that it has been the practice of the NEC to conduct workshops for lawyers and hearing officers prior to elections and the NEC will continue this endeavour. The EFM was also informed by various interlocutors that prior to the 2020 elections, the NEC trained three lawyers to support the Commission in electoral dispute resolution, while during the 2017 elections, all 19 NEC Magistrates received training by UNDP.

Following the stay order issued by the Supreme Court in November 2017 halting the presidential run-off until the final determination of a complaint filed by the Liberty Party, the EOM recommended for the Legislature to *consider undertaking a review of article 83 of the Constitution and remove uncertainty on the span of appeals timelines to safeguard future inaugurations against potential conflicts with complaint timelines*. A constitutional referendum is needed for the implementation of this recommendation. The revision of the Article 83(c) which would partially address the aforementioned EOM recommendation was included in the 2020 referendum, with the proposal to reduce the time afforded to the NEC to hear and determine post-election complaints from 30 to 15 days; however, it did not obtain the required two-thirds of votes to be approved. The majority of the EFM interlocutors excluded that this recommendation could be implemented before the 2023 elections.

## **J. CIVIL SOCIETY OBSERVERS**

The 2017 EOM concluded that it would be beneficial if civil society groups with expertise in elections, such as the ECC and LEON, could observe not only the period around national elections, but the electoral cycle as a whole, ensuring inclusive information sharing and collection with other civil society actors. The Mission recommended to *consider the extension of domestic observation groups to the whole electoral cycle to reinforce the role and participation of civil society in monitoring and reform of the electoral process*.

The NEC informed the EFM that following the revision of its regulation during the 2020 elections, election observers are now accredited for the entire electoral process. Furthermore, the EFM found that both national observer organisations continue their activities throughout the electoral cycle and benefit from continues support of intentional donors.

The EFM concluded that this recommendation was fully implemented.

## V. THE STAKEHOLDER ROUNDTABLE

The roundtable took place on 7 May 2021 in Monrovia. A total of eleven civil society activists representing ten organisations took part. Among them were the Young Ambassadors for Peace, the Liberian Women National Political Forum, the National Civil Society Council of Liberia, the Liberian Election Observation Network, the Coalition of Political Parties Women in Liberia, the Naymote, the Liberian Women Community Leaders, the Election Coordinating Committee, as well as the Press Union of Liberia. Some EU Ambassadors as well as representatives from the UN Women also attended.

While initially the agenda included the three priority areas: 1) women participation, 2) voter registration and 3) electoral dispute resolution, another topic – electoral violence – was added to the agenda following the suggestions of some participants.

The participants of the roundtable fully supported the 2017 EOM recommendation on enhancing women participation in elections. They criticized, however, the lack of political will to adopt the relevant provision requiring the minimum 30 per cent of women candidates on party lists which was included in the draft amendments to the elections law proposed by NEC. The participants concluded that without appropriate laws to increase women's participation, this will not be achieved. They also commented on the fact that the internal processes of political parties need to be made transparent so that women have more chances to participate, and suggested that incentives be provided to political parties so that they nominate more women (such as decrease of registration fees for women candidates). At the same time, they acknowledged the fact that the lack of financial means is a major impediment for prospective women candidates due to the costs of election campaigns. The participants also suggested to decentralise candidate registration process and provide more training for women candidates.

The participants agreed that voter registration is a serious problem in Liberia, mainly because of the lack of confidence of election stakeholders in the accuracy of the registration data. Even if the national civil registry be used for extracting voter lists as recommended by the 2017 EOM, the opposition parties would still not trust the system. Therefore, there should be a long-lasting solution that would address the existing shortcomings and build trust in the voter registration roll. The participants supported one of the 2017 EOM priority recommendations, to ensure registration of persons turning eighteen between registration and elections day. In conclusion, the participants suggested that national ownership of voter registration in Liberia could be only achieved by timely allocation of resources and increasing transparency and public awareness.

In regards to the 2017 EOM recommendations related to the resolution of election disputes, the participants agreed that the provisions on electoral dispute resolution need to be revised, including the method of appointment of the Supreme Court judges, and mentioned that the Supreme Court itself does not respect the legal time lines for the adjudication of cases.

The participants noted that electoral violence could be a very serious issue during the 2023 elections which are expected to be fiercely contested. In their view, the attitude of the police will play a key role. Thus, training of police officers as well as their timely deployment will be critical. On the other hand, reinforced presence of armed police could sometimes result in voter intimidation.

## **VI. ONGOING AND PLANNED DONOR SUPPORT TO ELECTORAL REFORM AND FUTURE ELECTION PROCESSES**

The donor community in Liberia actively supports electoral reforms and provide assistance to the NEC and national observer organisations. Their Working Group is meeting monthly to harmonise international support. The meetings, chaired by the NEC Executive Director, involve all key international donors and implementing organisations such as EU (Delegation and Members States), USAID, SIDA, Irish Aid, UNDP and the Carter Center.

UNDP is the main provider of electoral assistance through an ongoing project “Liberia Electoral Support project – LESP”. UNDP currently supports the NEC in developing action plan with timelines for the implementation of the recommendations from the “Lessons Learned” conference organised recently by the NEC with the participation of county Magistrates. Other activities include reviewing of the compendium of recommendations from the 2017 elections produced by several international and national election observation missions (EU, ECOWAS, NDI, Carter Center, LEON and ECC) with a view to review status of their possible implementation by various departments of the NEC and where applicable update the roadmap to their fulfilment. UNDP is also planning to support surveys to assess the confidence of voters in election administration and to identify reasons behind the high number of invalid ballots in the 2020 referendum (over 50 per cent) and senatorial elections (nearly 5 per cent).

During the course of the EFM, UNDP selected an international expert who – together with an ECOWAS expert – will conduct a feasibility study for possible implementation of BVR and other field technologies, including electronic results transmission. UNDP is also planning to continue supporting political parties (campaign finance, transparency and internal governance) and the Legislature (capacity building of the secretariat in research and analytical skills) as well as civic and voter education initiatives. Together with the National Bar Association, UNDP also plans to implement a comprehensive continuous training on complaint adjudication to enhance capacity of NEC, political parties and civil society.

Also during the EFM, the USAID finalised its tender for The Elections and Democracy Activity for 2021-2026 with the focus on: 1) women participation, 2) civic education (including in primary schools), and 3) support to NEC and civil society observers. Democracy International Inc. was chosen as the main implementing organisation for this activity. The Carter Center which, inter alia, provides continues support to LEON is currently undergoing an external audit which will help prioritise its further electoral assistance.

## **VII. CONCLUSIONS**

The EFM noted very limited progress in implementing the recommendations formulated by the 2017 EU Election Observation Mission. While only one recommendation could be considered as fully implemented, in several other instances the activities are ongoing and it is too early to determine their implementation. The fact that amendments to the New Elections Law are currently discussed in the Legislature offers some hope for possible implementation of some EOM recommendations in the short term. Furthermore, if the Legislature will exercise long-

term vision and prioritise remedying deep-rooted gender inequalities and following best practices over political interests, by reinstating in the draft bill and adopting in the plenary the mandatory gender quota, the 2023 elections will be conducted under a more inclusive and resilient framework.

No recommendation that requires constitutional change is likely to be addressed before 2023 elections. While there is still sufficient time to implement some reforms before the next elections, priority could be given to addressing particularly vulnerable areas that may give ground to undermining confidence in their outcome – the electoral dispute resolution and voter registration.

Possible introduction of biometric voter registration is unlikely to build confidence of stakeholders in the integrity of the registration and it will not address some of the identified problems, and might not be in place for the 2023 elections. There is still a chance to implement the relevant EOM recommendations by building civil register to be used for extracting voter lists but it will require a holistic approach and good cooperation between the NEC and the NIR. Whatever solution is chosen, strengthening of confidence building measures such as increased transparency of voter registration, involvement of political parties and civil society will be of paramount importance.

Electoral justice might not benefit from significant improvements before the next elections in regards to complaints timelines and their potential conflict with future inaugurations, as this recommendation requires a constitutional amendment. Nonetheless, the previously identified problems pertaining to electoral dispute resolution, namely the protracted litigation, could be still partially addressed by strengthening trainings for lawyers and NEC Hearing Officers, as recommended by the 2017 EOM.

## **VIII. ANNEXES**

- a. Press Release
- b. Matrix on the implementation status of EOM recommendations.

## **ANNEX A**

### **European Union Election Follow-up Mission Liberia 2021**



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#### **PRESS RELEASE**

***Monrovia, Liberia,  
7 May 2021***

#### ***The EU Election Follow-up Mission encourages authorities to act on key recommendations ahead of the 2023 elections***

An Election Follow up mission from the European Union was deployed to Liberia on 23 April and headed by Maria Arena, Member of the European Parliament and former Chief Observer for the EU at the 2017 Liberian elections. The main objectives of this mission are to assess the degree to which the EU recommendations for improving the Liberian election framework from 2017 have been implemented in the meantime, as well as to discuss ways to achieve further progress on electoral reform. The recommendations were based on an impartial assessment of all aspects of the electoral process and guided by regional and international standards for elections. The Follow-up Mission met with the President and Vice President of Liberia, the National Elections Commission, the leadership of Senate and House of Representatives, several ministries, chief Justice, political parties, civil society organisations, media and the international community.

Amongst priority recommendations, EU election observers recommended affirmative action for women participation in elections, including implementing capacity building for prospective female candidates and measures for better integration of women in political parties throughout the electoral cycle. “I remain hopeful that the Liberian authorities will engage with stakeholders on improving the electoral framework before the 2023 elections and, among other, introduce measures to increase participation of female candidates to elections and support the 30 per cent female mandatory quota for political party candidates, as proposed by the National Elections Commission” –said Ms. Arena.

Ms. Arena recalled that “The EU electoral recommendations are a sign of EU willingness to support democratic elections in Liberia via the improvement of the electoral framework. They should be seen as an indication for possible electoral reform prior to the next elections”.

Even if progress in the implementation of EU EOM recommendations has been limited, certain electoral reforms are being discussed and should be further acted upon. These relate to campaign environment, political finance and electoral dispute resolution mechanism. “We urge all electoral stakeholders to engage in good faith in consultations to build a greater level of public confidence in time for the 2023 election. The European Union will continue to support Liberia in this process.” – said Ms. Arena.

A comprehensive final report of the EU Follow-up Mission will be published in the next couple of months and will be used to inform the EU’ support for Liberia’s democratic institutions.

The full archive of EU EOM reports and recommendations can be found at <http://database.eueom.eu>, for the EU EOM Liberia 2017 report, please see: <https://tinyurl.com/pm74s4rm>

## **ANNEX B**

<b>No.</b>	<b>Year</b>	<b>Recommendation</b>	<b>Electoral Theme</b>	<b>Status (1-6)</b>	<b>Comments and Additional information</b>
<b>1</b> <b>Priority</b>	2017	<b>The legislature could initiate a constitutional referendum process for the successful removal of the ethnic definition of Liberian citizenship.</b> Working co-operatively and using advocacy and civic education could contribute to the alignment of Liberia with its international and regional obligations prohibiting racial discrimination.	Legal framework	1	<p>NEC TWG on Electoral reform recommended that the following observer recommendation should be referred to the Law Reform Commission (LRC) for consideration: Amend article 27 (b) to remove the ethnic definition of Liberian citizenship; however, during the national consultation the consensus was very limited.</p> <p>Referendum 2020: it included a dual citizenship question - any natural-born Liberian citizen, born from a Liberian parent, will be able to hold another citizenship, though shall not qualify for elected positions. However the referendum did not reach the necessary quorum while the issue of ethnic definition of citizenship was not included in the questions.</p>
2	2017	<b>Review election laws and civil procedure laws to consolidate all relevant timelines and any procedural extensions</b> (arising either under legal practice or civil procedure rules) to ensure transparency, accessibility and ease of comprehension for all election stakeholders.	Legal framework	1	A bill of amendment containing 28 proposals was submitted to the Legislature for consideration and enactment but it does not include any amendments to timelines, while there are not propositions to amend the civil procedure law. To date, no bill has been introduced before Legislature and it is unlikely that this reform will be implemented ahead of the 2023 elections.
3	2017	<b>Consider the establishment of a lower appeals court</b> to alleviate an overburdened Supreme Court, which could	Legal framework	1	This recommendation is not likely to be implemented before the 2023 elections, as it does not enjoy the support of any stakeholder

		equally contribute to the expeditious handling of cases including election complaints.			that the EFM met, such as the Legislature, the judiciary, the Liberian Bar Association, the NEC and civil society organisations who support the establishment of an elections tribunal that would undertake NEC's judicial powers.
4	2017	<b>Amend 2014 Code of Conduct Law to promote participation and the right to stand.</b> The Liberian Civil Service Standing Orders permitting leave of absence could facilitate presidential public appointees to stand for election without having to fully resign in preparation for an intended political candidacy.	Legal framework	1	This recommendation is not an issue of concern for election stakeholders. According to the NEC, pursuant to the 2017 Supreme Court case ( <i>Kanwea and the Liberty Party vs NEC</i> ), the NEC no longer denies applicants for nomination who resign at any time prior to application for nomination.
5	2017	<b>Review criteria for the establishment and registration of political parties to promote more cohesion and policy in party organisations.</b> Such a review in consultation with stakeholders could consider membership requirements, changes to the number of constituencies in which parties must have a presence, as well as the levels of registration fees payable.	Legal framework	1	This recommendation is not an issue of concern for stakeholders and therefore has not been considered by the election stakeholders.
6	2017	<b>Review of regulatory requirements relating to political parties' nomination of candidates and the assessment procedures related thereto</b> so as to minimise <i>pro-forma</i> nominations and ensure that political parties work to build a national spread and actively promote nominees with genuine candidacy potential.	Legal framework	1	This recommendation is not a priority issue of concern for stakeholders and therefore has not been considered by the election stakeholders.
7	2017	<b>Review provisions on electoral offences to address and remove any ambiguities and incoherencies as well as reviewing the scope and breadth of penalties and sanctions to ensure greater certainty and enforceability.</b>	Legal framework	1	While many EFM interlocutors acknowledged this recommendation as still pertinent, it is not a priority issue of concern for them and no related amendment was included in the electoral reform bill.



8	2017	NEC to <b>review and amend all appeals timelines in the regulations to ensure consistency</b> and fairness throughout. The review could entail a moderate extension of the 48 hours timeline for appeal from Hearing Officers to the BoC to ensure due process and equal access across Liberia.	Electoral complaints and dispute resolution	1	The appeals timelines in the NEC Regulations are in conformity with the New Elections Law and NEC cannot amend these without prior amendment of the law. However, the timelines were not included in the proposed amendments of the electoral reform bill, while the NEC Board of Commissioners indicated to the EU EFM that it believes the 48-hour period is reasonable and should not be extended.
9	2017	<b>Comprehensive practical trainings for both lawyers and Hearing Officers to be implemented well in advance of the next elections</b> with the possibility for refresher trainings to ensure enhanced capacity in the effective administration of election complaints cases and to avoid such matters becoming unduly burdened and delayed with unnecessary legal formalities.	Electoral complaints and dispute resolution	1	Prior to the 2020 senatorial elections, the NEC trained three lawyers to support the Commission in electoral dispute resolution, while following the 2017 elections, training was conducted for all 19 NEC magistrates by UNDP. The NEC indicated to the EFM that it will continue its capacity building efforts including the provision of legal education. Therefore,, the implementation of this recommendation is ongoing.
10 Priority	2017	<b>Review of article 83 and its implications for the timeline for handling complaints against presidential election results considering the SC ruling of 6 November 2017</b>	Electoral complaints and dispute resolution	1	A constitutional reform followed by a popular referendum is needed for the implementation of this recommendation. The review of paragraph (c) of article 83 through reducing the time NEC has to adjudicate complaints from 30 to 15 days was included in the 2020 referendum questions. As this didn't pass the required threshold, it is highly unlikely that this recommendation will be implemented before the 2023 elections.
11	2017	<b>Timely publication of the NEC BoC decisions</b> was unavailable or published with a considerable delay on the NEC website.	Election administration	2	NEC representatives informed the EFM that the Commission's website was redesigned last year and some documents and decisions are still not re-uploaded. Therefore, the EFM concluded that the implementation of the EOM

					recommendation was likely ongoing but its implementation could be not be confirmed yet.
12	2017	<b>Delimitation of electoral constituency boundaries</b> should be done in accordance with the Constitution and Liberia's international obligations.	Election administration	1	The population census preparation has started and the census is planned in March 2022. However, it has been questioned by some EFM interlocutors that delimitation will take place before the 2023 elections due to its political sensitivity and likely contentious reapportionment of urban and rural constituencies.
<b>13 Priority</b>	2017	<b>Consider progressing towards a passive voter registration system based on a reliable Civil Register</b> thus enhancing participation in elections and addressing uncertainties inherent to active voter registration.	Election administration	1	<p>NEC TWG – Election in 2020 were still based on VR 2017. NEC/NIR collaboration toward biometric VR with many challenges ahead (technical and financial) and postponed at least to VR preparation for 2023 election.</p> <p>In 2018 NEC met with NIR (civil registry) and abandoned the idea of using civil register for voters roll. Currently NEC advocates for introduction of BVR.</p>
14	2017	With a view to prevent the holding of conflicting campaign events that could induce violence, effective management of larger political gatherings would benefit from the <b>formulation of harmonised regulatory requirements in one single legal instrument</b> to be issued by the NEC and enforced by the NEC in cooperation with Security Services.	Election campaign	2	According to the NEC, the procedures and guidelines on campaigning were reinforced in the 2020 Regulations as political parties were required to submit their campaign schedules in advance, and these were shared with the police and the media.
15	2017	Political parties and their poll watchers' commitment to the integrity of the electoral process must be supported and strengthened. Considering that electoral complaints typically rely on party agents' reports and testimonies,	Election campaign	5	Implementation of this recommendation could be only assessed during the next elections

		political parties must conduct party agents' recruitment, training and deployment more professionally.			
16	2017	<b>Establish an appropriately resourced department on campaign and political party finance within the NEC</b> to enhance the institution's capacity and expertise for an efficient enforcement of regulations. The unit would be responsible for conducting systematic verification of submitted accounts, application of sanctions where applicable and conducting information campaigns among political actors.	Party finance	2	The NEC informed the EFM that it is in the process of establishing a campaign finance committee by transferring NEC staff from other departments. However, NEC acknowledged the need for more training on campaign finance monitoring. In 2020 NEC trained the political parties' finance officers through EU and NDI support.
17	2017	<b>Increase the NEC's capacity to scrutinise submitted reports</b> by establishing or strengthening co-operation and information-sharing with private banks and relevant state tax and integrity institutions, e.g. Liberia Revenue Authority, Ministry of Justice, Liberia Anti-Corruption Commission, Financial Intelligence Unit.	Party finance	2	As the NEC informed the EFM, it has increased cooperation and information sharing with the Liberia Revenue Authority and the commercial banks, in order to scrutinize report submitted by candidates. Additionally, the NEC has a dedicated staff (Compliance Officer) who also serves as a liaison person between the NEC and the two entities.
<b>18 Priority</b>	2017	<b>Implement effective measures to ensure the opportunity to vote for all qualified citizens</b> , including, persons turning eighteen between registration and Election Day, as well as detainees and the hospitalized, should be granted.	Human rights	1	No progress
<b>19 Priority</b>	2017	<b>Consider modification of legislation (NEL 4, §4.5 and/or enacting of Affirmative Action Bill) and NEC regulations to achieve enforceable affirmative action for women participation and ensure greater representation in decision-making roles within election administration. Implement capacity building for prospective female candidates and measures for</b>	Human rights	2	The Affirmative Action for Equitable Participation and Representation Act of 2016, originally proposed the creation of 21 'Special Legislative Constituencies,' out of which 15 would be reserved exclusively for women, one in each county, and three seats each for youth and people with disabilities. In September 2016 the Legislature passed an amended (due to

		higher integration of women in political parties throughout the electoral cycle.			<p>budget constraints) version, establishing seven 'Special Constituencies', among which five seats would be reserved for women, one for youth and one for PWD. The bill however was not signed into law by the President and no attempt has been made since to re-introduce it.</p> <p>The electoral reform proposal submitted by NEC to the Legislature introduced the mandatory requirement of no less than 30 percent from each gender in the governing body of a political party, coalition or alliance participating in an election, as well as in the list of candidates submitted to the NEC for an election and the sanction of rejection of a list by the NEC if this does not satisfy the required quota. It also included the requirement that a political party, coalition, or alliance shall have at least one woman contestant for the primary at the convention for each constituency it nominates a candidate. However, the EFM was informed that the gender quota was removed during the second reading of the bill in the House Committee on Elections and before it was presented to the plenary.</p>
20	2017	Further <b>improve access and opportunity of the right to vote for PwDs</b> through measures for better accessibility of Polling Places, provision of Tactile Ballot Sleeves, and mainstreaming of information on its use in Civic and Voter Education. Consider introduction of mobile registration and the absentee ballot to facilitate voting for persons unable to leave their homes.	Human rights	3	<p>Some proposals under the electoral reform proposal toward accessibility to Polling Places.</p> <p>Partially implemented in 2020 mid-term elections by introducing tactile ballot sleeves.</p>
21	2017	Consideration should be given to <b>introduce a legal provision for free airtime to political parties and candidates in the state-owned broadcaster</b> to allow all election contenders to effectively communicate their	Media	1	<p>This recommendation has not been implemented and no relevant bill has been introduced.</p>

		platforms to the public and contribute to the equal treatment of political parties and candidates. Such time should be allocated in a fair and non-discriminatory manner, on the basis of transparent and objective criteria.			
22	2017	The preservation of a free media environment is essential to ensuring that Liberia's efforts to safeguard peace and stability and protect fundamental human rights are achieved with success. The government could show its commitment towards this end by <b>implementing a genuine media reform and expedite the promulgation of the draft media legislation</b>	Media	3	<p>Partial implementation. The Press Freedom Act of 2019 decriminalized libel, sedition and criminal malevolence.</p> <p>Apart from the afore-mentioned amendment in the Criminal Code, the media reform bill of 2017 has still not passed by the Legislature no progress was observed regarding transferring state media into public media</p>
<b>23</b> <b>Priority</b>	2017	<b>Consider the extension of domestic observation to the whole electoral cycle and reinforce the role and participation of CSO in the monitoring and reform of the electoral process.</b>	Civil society and citizen observers	4	<p>This recommendation should be considered as implemented. Since 2020, the NEC accredits domestic observers for the entire electoral cycle and all key domestic observer networks are active throughout the electoral cycle. Various organisations (Carter Center, NDI; Sweden, Irish Aid, DAI, USAID) are supporting the domestic observation groups (ECC and LEON) and extended their activity to the whole electoral cycle.</p>

Category	Description	Guidance
1	No change	No action has been taken to implement this recommendation.
2	Action or activity is ongoing but implementation of the recommendation has not yet been confirmed	Examples may include the formation of a working group to review legislation, or the preparation of a legislative bill of reform, but the change has not yet been confirmed by legislative change.
3	Partial implementation of recommendation	The recommendation has been addressed/implemented in part, but other elements of the recommendation have not been addressed.
4	Full implementation of recommendation	The recommendation has been implemented in full e.g. electoral legislation has been amended and all aspects of the recommendation have been addressed.
5	Too early in electoral cycle to determine	Some recommendations may relate to administrative action/practice which can only be assessed at a later stage i.e. strengthening of civic/voter information
6	Recommendation is no longer relevant	For example, a change in the electoral system may make redundant a recommendation on candidate registration under the old electoral system.

