



Elections Observation Mission Interim Report

--Released on 9 January 2015--

Brief Mission Profile

ANFREL deployed 35 independent election observers that hailed from 20 organizations in 15 countries in Asia. The observers were deployed in 24 districts across the country on 26 December 2014 to observe the pre-election period, election day, and counting process. The observers will continue to observe the post-election environment. The mission's objective is to assess the conduct of elections, using the existing laws in the country and the democratic elections principles mandated by International norms, as the basis. ANFREL election observation mission is guided by the principle of international elections observation mission¹. ANFREL is also guided by the principles of the Bangkok declaration on Free and fair Elections² in assessing the conduct of the Sri Lanka Presidential election 2015. For more information about ANFREL please visit www.anfrel.org

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1. INTRODUCTION

ANFREL's election observation mission observed a smooth and transparent polling and counting process with only isolated irregularities and violence. However, ANFREL remains concerned in respect to the principles of fairness and free and fair elections, in particular, in regard to the misuse and abuse of state resources and the absence of a level playing field among contending parties.

ANFREL observed several incidents of misuse of public property such as the use of public buses to transport people to campaign rallies. Similar concerns have been highlighted by national monitoring groups that contend that public funds and the government bureaucracy are misused to serve as campaign machinery. Furthermore, unequal access to media has also been observed with the ruling party receiving disproportionate air time on both public and private channels.

¹ more information regarding DoP is available online at [http://anfrel.org/declaration-of-principles-for-international-elections -observtion-and-code-of-conduct-for-international-election-observers/](http://anfrel.org/declaration-of-principles-for-international-elections-observtion-and-code-of-conduct-for-international-election-observers/)

² Bangkok ideclaration is available at: [http://aesforum.anfrel.org/the -bangkok-declaration/](http://aesforum.anfrel.org/the-bangkok-declaration/)

An environment of fear has also been felt in different provinces including Eastern, North Western, and Northern provinces where voters have shown some hesitance in expressing their opinion about the electoral process. Vandalism of party offices and private property as well as assaults on party workers and supporters have become serious concerns. ANFREL observed an atmosphere of intimidation against civil society members which must be condemned. All such incidents should be investigated and perpetrators should be prosecuted equally according to existing Sri Lankan law.

2. ELECTIONS ADMINISTRATION

The Sri Lanka Department of Election (DE), as the key institution tasked to administer the election, is largely enjoying respect from electoral stakeholders. The DE has received compliments for the efforts taken to maintain its professionalism despite challenges and power limitations to hold free and fair election. The DE has to be commended for its efficient job in the preparations, postal voting, election day management, and the transportation and counting of votes.

The DE has shown its fair commitment in preventing irregularity intervening in the processes. The DE also shown its positive intention in enhancing transparency and accountability of the elections by allowing national monitoring groups, for the first time, to observe in the counting centers. It has also invited and accredited observers from other Electoral Management Bodies (EMBs) as well as accredited civil society and International election observers.

DE did all possible steps to ensure franchise of citizens by providing mechanisms for the the Internal Displaced Persons (IDPs) who were victims of wars in the North or those affected by. Notwithstanding of efforts for enfranchisement, however the mission noticed a disenfranchisement of an est. 2 million Sri Lankan citizens living abroad as postal voting is only limited inside the country. Postal voting can expand its reach Sri Lankan living overseas.

There appears to be a lack of voter education campaign being conducted both by the Department of Election and civil society organizations. Voters tend to rely on their previous voting experiences. However, this was crucial especially for first time voters.

3. CAMPAIGN

The 28-day campaign for the presidential candidates (commenced on the 8th of December 2014 and concluded on 5th January 2015), was considered peaceful to some extent. However, the general campaign environment is perceived to be more favorable to the ruling party. Nonetheless, observation reports reveal that both parties are able to hold door to door campaigns.

The most visible campaign materials are those from the incumbent president. Posters of United People's Freedom Alliance (UPFA) party can be seen on large, medium, and small billboards in several districts. On the other hand, the opposition's posters are in much lesser proportion. UPFA's campaign is characterized by blue flags and banners.

Playing field not level

The playing field is considered not fair to all contesting parties due to the reported *misuse of state power and resources* and the *absence of campaign finance regulations*.

Food distribution was observed in villages for the flood victims. Ruling party distributed the First Aid kit and food items such as flour, rice, and some other dry food. Food items were also distributed by CM Department and CM Najeeb Abdul Majeed to flood people at village Kinniya in Triconmalee District .

According to the interim report of Transparency International in Sri Lanka (TI-SL) entitled “large scale misuse of public property in the 2015 Presidential Election,” there has been a substantial amount of misuse of public resources. The report mentioned that there were distribution of religious attire (SIL Redhi) amounting to 1000 Million LKR all over the country and this distribution is attributed to the UPFA presidential candidate. TI considers this distribution of goods and money as election bribes.

Also included in TI’s report, mobile phones were distributed to pensioners. This is an initiative by the Ministry of Public Administration and Home Affairs, Sri Lanka Youth, and Sri Lanka Telecom and Mobitel.

Misuse of State Power and Resources

Government power has been reported to be abused by the ruling party to favor its candidacy. Observations reveal that government media have been covering reports and activities about the government party. ANFREL observation reports received from Polonnaruwa District stated that, at least five members of the media, some media outfit belonging to the two major candidates (UPFA and NDF) are apparently biased.

Members of the media in the same district also decried the behavior of the ruling party using the flood incident as a campaign platform and by preventing other candidates to contribute to the victims. The media reported that the incumbent created a system where donors can donate while the government delivers the goods under its name.

TI-SL reported that buses from the Sri Lanka Transport Board (SLTB), which comes under the Ministry of Transport, is one of the major abuses in the 2015 elections. The buses, it reported, were used to transport people to all major campaign rallies of the UPFA presidential candidate.

These buses, according to TI-SL, costs the ministry 6 to 8 million LKR in losses. Campaign and Free and Fair Elections (CAFFE) domestic monitoring group reported in its pre-election report that between 950-1200 buses were deployed for the first election rally by President Rajapaksa in Anuradhapura.

The use of public buses for campaign purposes raises three major concerns: disruption to public service causing inconvenience to the general public; raising the question whether the opposition also had the opportunity to access public buses; and raising the question whether there are proofs to show that such use of buses were indeed paid.

In TI-SL's interim report, it has been said that even though the Transportation Minister stated that payments were made in advance for the use of the buses, investigations in the depots of Vavuniya, Mulativu, Killinochi, Horuwpatana, and Kakirawa revealed that no payment was made. To address this public curiosity about public buses, a proper audit should be undertaken.

Violation of Election Laws during the campaign

The most common violation in this election is the posting of posters, banners, cutouts, and other campaign materials outside the allowable posting areas. These have been observed in the districts of Puttalam, Kurunegala, Ratnapura, Kegalle, Nuwara Eliya, Polonnaruwa and Hambantota.

To maintain campaign order and abide the code of conduct, the department of elections have allocated 50 million LKR to designate the police to remove the campaign posters.

4. SECURITY SITUATION AND ELECTION RELATED VIOLENCE

During the duration of the campaign, ANFREL observers reported incidents of threats and harassment. Harassments and threats were observed and reported to be perpetrated by party supporters against opposing party supporters. In Matara district, UNP office was reported to have been destroyed in 28th of December 2014³. Reports of window breaking and removal of posters took place in the districts of Kekirawa, Thirappane, and Padaviya. Cases of intimidation and attack are also observed in Mannar and Matale, respectively.

Campaign related violence including burning office, intimidating campaign team, attacks on campaigns, threats and damaging camp material reported from Santhiveli, Kallady, Kattankudy and Eravur areas of District Batticaloa and Mananpithiya, Madagama, Matagama, Shadi junction and Wujebapura of District Polonnaruwa, district Puttalam, Matale, Atharagama, Aralanganwila, district Matara (investigated by ANFREL observers).

There were numerous attacks on the houses and workers of opposition supporter in district Hambantota, Matale, Allwatta ANFREL observer teams have investigated and verified. There was shooting incidents reported in Ratnapura, Kahawattna where the three workers of opposition party were preparing the campaign stage was attacked. Three people were injured during the attack which involved small fire-arms and injures 3 workers there.

Though, there were some incidents of violence, it can be said that the security situation was generally peaceful. According to police chiefs of the districts, there are no significant security threats. Police is taking all necessary means to maintain peace in the districts during the campaign period, cooling day, Election Day and post-election period. Police will deploy two officials at each polling station and one police mobile will cover three to four polling stations. It is said by the police head in the paper for

³ Matara, there was an incident on 28 December 2014. The election office of opposition party (UNP) was destroyed at late night (1am) by the voters who live surrounding the office. The party agent has filed the complaint to police, but there was no intervention, the PAFFREL coordinator said.

deployment of 71,100 security officer to cover the 12,252 polling station nation-wide. To ensure the elections security the police will also set up 417 road-blocks throughout the country from 5th January 2015 until a week of post elections. Additionally to anticipates post elections protest the police has form 55 full riot squad and 97 mini riots squad⁴.

5. HUMAN RIGHTS SITUATION

Right to vote and democratically elect a government through the free expression of the will of the people is a right recognised under international conventions⁵ and guaranteed by the Constitution of Sri Lanka. Increasingly, it can be noted that several human rights come under attack during the campaign period.

Based on the observation from the field and information received from the national observer groups, voters are hesitant to express their opinion about the electoral process which indicates lack of an environment where they can freely exercise freedom of speech. Particularly, the minority communities feel a heightened fear while discussing their political opinions in numerous areas including Jaffna, Batticaloa, Trincomalee, Kilinochchi, Vavuniya, Ratnapura, Kegalle and Colombo.

Freedom of expression should also be upheld in protecting members of the media to deliver election report freely and in an impartial manner.

Freedom of association and assembly was, to some extent, respected during the campaign but sporadic incidents of attacks on party supporters' had caused a sense of insecurity. **There should be no restrictions on the voters to participate in campaign and gathered peacefully for campaign.**

Civil society, much like the media has also been reporting that they have had to work in extremely restrictive circumstances. However, they have also stated that in this period they felt some easing and could work as much of the attention fell on the political workers. Some groups did however report that given earlier attacks they had chosen not to get involved in election related work for lack of proper protection mechanisms. Civil society organisations engaging in election observation welcomed the improvement in relations with the Election Department, however, they called for inclusion of proper legal provisions providing them recognition.

Civil society experts and voters have expressed that women have been completely neglected in these election and there are concerns that women voters are vulnerable and there will be chances of intimidation. They have been sidelined and are not seen actively taking part in the campaigns. It was also noticed that most polling stations were headed by male officers while female officers formed the majority of the polling and counting staff.

⁴ Daily mirror. 2 Jan 2015

⁵ Article 25 International COvenant on Civil and Political Rights

There are also instances of use of children for canvassing making them wear party clothes (t-shirts) and distribute party leaflets is noted in some places by government, based on the evidence provided by opposition in Mullaitivu district.

Minorities and Internally Displaced Persons' (IDP) right to vote are protected under Sri Lankan laws. IDPs are facing issues to receive voting cards due the change of location. About 8000 IDPs across the country, especially those in Puttlam reported difficulties and obstruction in crossing over to Mannar to cast their votes. Rules should be clearly defined for the Internally displaced people to vote.

Minority rights are believed to be neglected, used for campaigning, and are potential victims of intimidation and harassment, especially in the Anuradhapura, Mannar, Kandy, Vavuniya⁶, and Jaffna districts. Reports of two hand grenades blowing up in the Tamil areas is problematic and requires proper investigation, as it may have impacted the turn out in these areas.

6. COOLING PERIODS

The cooling period was observed to be relatively peaceful, the moment of silence was seen to be respected by the contending parties. Police has performed their duty to clean up campaign displays. However, isolated incidents were reported by the observers whereas, there were activities that could be consider as irregularities. A group of people in blue shirts were campaigning and advertising for ruling party in Thabuttegama town on 06th January 2015. This was a clear violation of code of conduct but Police is reluctant to take action even observer team reported.

7. VOTING AND COUNTING PROCESS

The polling were conducted in a relatively smooth and peaceful manner with a good turnout of around 70%. However, incidents of ballot snatching and road blocking occurred in some areas like in Puttalam district. There was also reported hand grenades detonated in Jaffna polling station and near the polling station in Vavuniya during the polling process.

Election day observation shows that polling staff were knowledgeable and efficient in carrying out their duties. However, few glitches were observed such as the long queueing in some districts, that may be attributable to issues of identity verification. Also some minor problems were the set-up of voting booths that could compromise the secrecy of vote. There were also no arrangements for voters with disability in most of the districts. There were also isolated cases where ballot boxes were not sealed properly.

The presence of national and international observers also added confidence to the voters for them to come out and express their will through the ballots. Department of election did a commendable job to the counting of votes which was conducted immediately on the evening of the 8 January 2015. Counting immediately commenced soon after the ballot boxes and other essential documents reached the counting center. There were the presence of party agents and observers in most

⁶ IDPs in Vavuniya are afraid to discuss anything about the elections. this is true in the North Province and Kilivetty Eastern province. IDPs fear that the police and military will harass them after the observers leave based on their past experience.

counting centers, however, there was no clear directives whether independent international observers can observe the process.

8. Observation Coverages and stakeholders visited

Since its deployment ANFREL has visited 25 districts, (219) areas/division, (250) villages and visited and/or interviewed more than 500 electoral stakeholder from different background e.g., Electoral official, candidates campaigners including Five Presidential candidates Elections Monitor groups, Government officials varies Civil Society Organization, religious leaders, academe, community leader, youth, and women group. The mission maintain balance of composition for component in select the interviewees.

During the polling day, the mission observed (213) Polling Center and (316) polling station (booth) as well as monitor (24) counting center during the 8th and 9th January 2015.

9. Immediate Recommendation

ANFREL recommends that the Department of Elections and other relevant authorities to immediately verify complaints regarding irregularities in order to enhance the credibility of the elections. This should also be done in a fair and transparent manner. ANFREL is still monitoring the post-election period and will publish a more comprehensive recommendations.

More importantly, there is the need to enact and enforce adequate electoral laws including measures to level the playing field, empower the Department of Elections, institute campaign finance regulations, ensure freedom of the media, and strengthen regulations over the misuse of state resources.

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