

**Narrative report on observation of
Human Rights Infractions in the Ekiti Governorship elections,
14th July, 2018**

Introduction

By and large, allegations of unprofessional conduct by security personnel during the electoral processes have become a regular feature of electoral malpractices during every election held since 1999. Even though some of these allegations have not stood the test of time when election tribunals arbitrated in electoral disputes, the recurrence of such allegations and in some cases, glaring evidence of such unprofessional conducts by security personnel have become too often and regular that they could not be treated with a dismissive wave of the hand.

However, there was a need to look at possible ways to hold the process and its actors accountable for or against the smooth conduct of the Ekiti elections. This will entail an effective monitoring and documentation of the electoral process vis a vis the roles of electoral officials and the security agencies particularly the police that is the lead agency responsible for internal securities during elections. Partners West Africa Nigeria (PWAN) with the support of the National Policing Program (NPP) will train election observers to monitor Human Rights infractions in the Ekiti elections with the hope of improving the security architecture of policing elections.

Methodology

PWAN adopted four strategies in carrying out this observation namely;

1. Collaborated with Justice Development and Peace Initiative (JDPI Ekiti) to designate CSO observers to monitor human rights infractions in the Ekiti elections;
2. Trained 400 CSO members to monitor human rights infractions during the elections;
3. Using an Android Application known as “*Kobo Collect*” observed human rights infractions at 213 polling units (making 10% of total polling units) across Ekiti state;
4. Deployed 300 “visible observers” and “100 invisible observers” to ensure data verification.

Background and observation process

PWAN together with implementing partners JDPI, PWAN Consultant, and Ekiti focal person, engaged to carry out a training of observers on how to track Human Rights Infractions in the Ekiti Elections. PWAN decided to work with JDPI Ekiti, as it is accredited organization with INEC.

In the first instance, a template of the observation was developed by PWAN in collaboration with both international and national consultants, after which template was reviewed and validated by a team from the National Human Rights Commission, Nigerian Bar Association, Federal Ministry of Justice, JDPI Ekiti and PWAN. The template was further reduced into an online and offline application known as “*Kobo Collect*” for ease of use by observers on the day of election.

A total of 400 observers were trained on how to use the App and upload election observation real time. It is both an online and offline application. It works offline when collecting data and online when it is time to upload.

On 14th July, all trained observers were deployed to the 213 polling units in 16 LGCs of Ekiti state. A total of 300 observers served as visible observers and while 100 were invisible observers.

Human Rights Infraction Observations.

Rights of voters

The rights of voters to participate in the voting process was not hampered by non-accessibility to polling Units as 98.3% of observers reported that Polling Units were accessible.

Rights of voters with disability

It was observed that 45.3% of voters in all polling Units had one form of disability or another and they were assisted in one way or another by polling official and those that came with them. This is in line with S.56(1) of the Electoral Act, 2010 (as amended).

Rights of Parties

In accordance with S.43(4) of the Electoral Act 2010 (as amended), 99.7% of the observers reported that Polling Agents were allowed to stay throughout the electoral process.

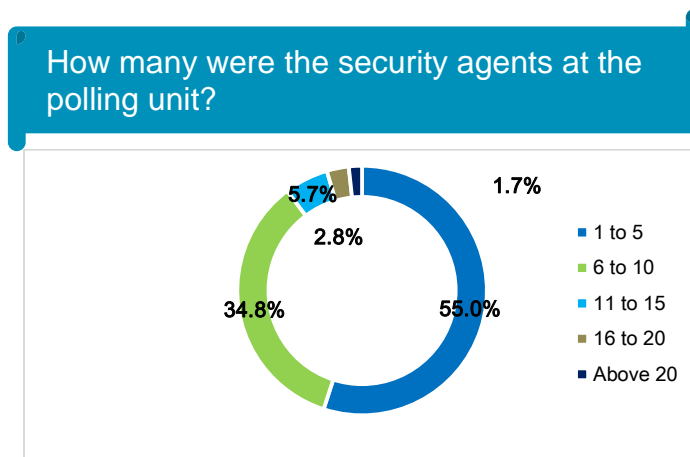
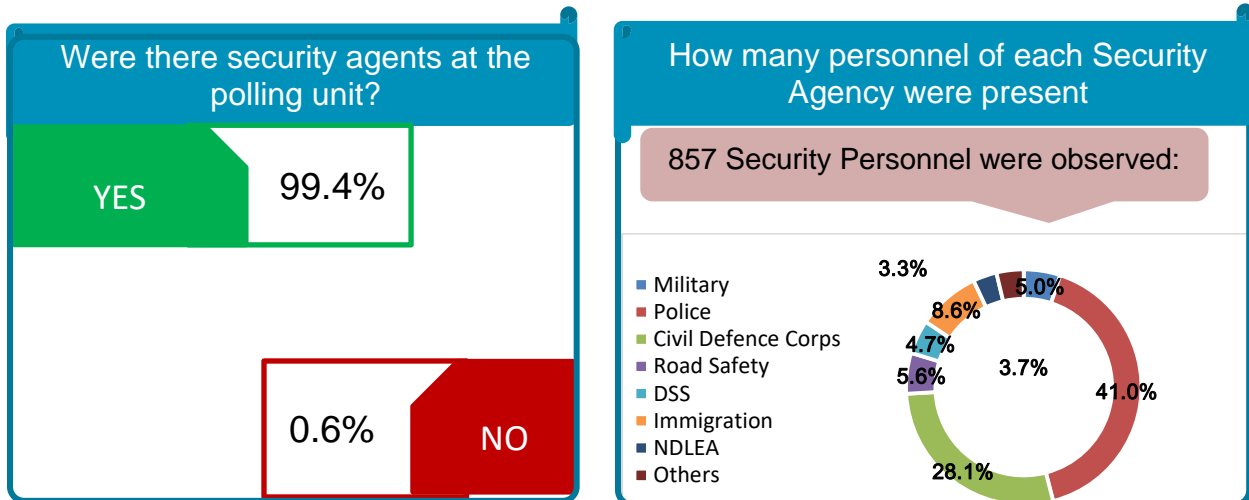
99.4% of the observers reported that polling agents and observers were permitted to freely witness the counting and tabulation of results as stipulated by Section B art. 1.3.3 of the Manual for Election Official 2015.

93.8% of the observers reported that the official tabulated result forms were signed and dated and was given to the available police officers and party agents at the collation centers in line with S. 74 of the Electoral Act 2010.

Right to enjoy a violence free election and duty of security officials

At the Ekiti 2018 Gubernatorial elections, 83.3% observers did not witness any unlawful activity going on at the polling units observed, which is in line with the provisions of S.129(1) of the Electoral Act 2010. However, 17.2% of the observers saw different forms of inducement by parties contrary to S.125(3) and S. 130(a) of the Electoral Act 2010. Most (making 84.7%) observers reported “cash for vote” as the main form of inducement. Although inducements were rampant 81.20% observers reported that no action was taken by security personnel present at polling units.

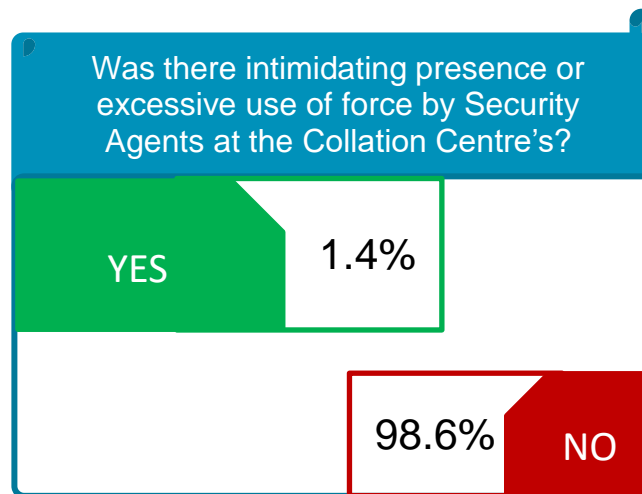
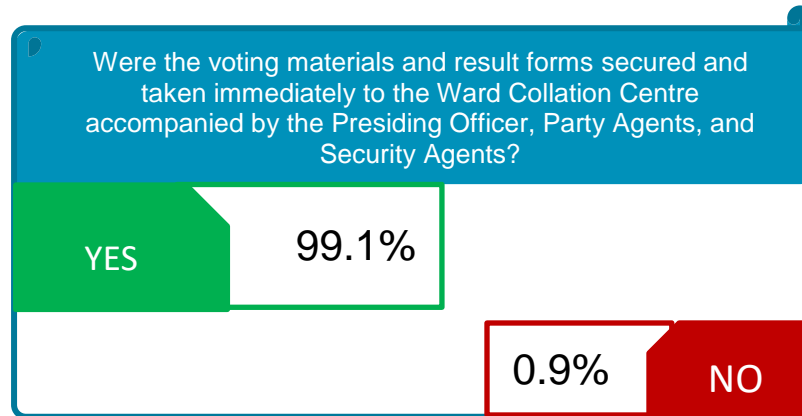
In terms of presence of security of security officials at polling units during elections, 99.4% observers recorded the presence of 867 security personnel out of which 41% were police, 21.8% NSCDC, 8.6% Road Safety Corp, 5.6% Immigration, 5.0% Military, 4.7% Department of State Security (DSS), 3.3% NDLEA and 3.7% as others.



Of the polling units observed, 55.0% had at least 1 to 5 security personnel; 34.8% 6 to 10 personnel while 10.2% polling units had more than 10 security personnel.



99.1% of the observers reported that the voting materials and result forms were duly secured and taken to the ward collation centers by the Presiding officers, the security personnel and the party agents in line with S.65 of the Electoral Act 2010.



In determining threat to violence or use of force 87.2% of the observers reported that they did not witness the presence of unauthorized persons at the collation centers. In the same vein, 98.6% of the observers reported that there was no intimidating presence or use of force by security personnel at the collation centers. Furthermore, 96.4% of the observers reported no incidence of violence between party supporters and any other group on election day.

Freedom of expression and information (S.39 1999 Constitution; FOI Act 2011)

The right of journalists to cover the elections was guaranteed, as 81.5% of observers said the media could cover the electoral process. This is in line with the INEC Guidelines Elections 2015.

In accordance with the provisions of the Manual for Election Officials 2015, 98.8% of the observers reported that election observers were permitted into the collation centers. With respect to obtaining information from the results tabulated at the collation center, 89.2% of the observers reported that it was possible.

Observation

1. It was observed that the rate of human rights infractions in the elections was on the low, both for security officials and the electorate.
2. There was an increase in vote buying which induced the voters into voting for one party or another.
3. It was observed that the electoral process started on time in many polling units and INEC official were very diligent in carrying out their duties.
4. The electoral process was orderly with relative peace in all polling units due to the civil nature of the Nigeria Police Force.

Recommendation

1. *INEC, CSOs and Parties* should conduct adequate voter education including information on electoral offences particularly in relation to vote buying and different forms of inducements and the relative penalties for such offences.
2. PWAN commends the *Nigerian electorates* in Ekiti for shunning violence and ensuring the election was peaceful. We also call on all *electorates* to ensure credibility and integrity in their participation in the electoral process, as a process filled with influence is unlikely to produce a credible result.
3. Further education on electoral offences should be conducted for the *Nigeria Police Force and all security officials* on the need to be proactive and carryout arrests on those committing electoral offences.
4. The office of the *Attorney General of the Federation* should also be proactive by prosecuting electoral offenders to forestall future offences and impunity by politicians, electorates and all involved in the electoral process.
5. *INEC* is duly commended for ensuring timely arrival of electoral materials, personal and assistance to persons with disabilities such as the blind, deaf and cripple. However, there

is still need for improvement in terms of provision of access for wheel chairs, brails and visible signs for the deaf. etc.

6. PWAN calls on *federal, state and local governments* to deliver the proceeds of democracy, i.e adequate and good governance to ensure social services are available to electorates and therein avoid “cash for votes.”
7. Based on the above, PWAN calls on the *National Assembly* to pass of the Disability Bill before the National Assembly and the assent by *President Muhammadu Buhari* to ensure no one is left behind in carrying out their fundamental responsibilities.

Conclusion

The Ekiti governorship elections have come and gone, but the mark it has stamped is “Cash for Votes”. Lessons have been learnt and put into practice by INEC which is evident in the transparency of the electoral process from the beginning of the elections to the end.

Although more needs to be done to improve on access to polling units for persons with disabilities, arrest of electoral offenders by security officials and prosecution thereafter, some level of progress has been made by INEC and the security agencies due to their civil conduct during the elections and payment of allowances to officials ahead of the elections. PWAN calls on all electoral actors to collectively and collaboratively improve on the process to avoid Human Rights infractions in the Nigerian electoral process that is transparent and accountable to the people.

PWAN calls CSOs and observers to continue to serve as the watchdogs in monitoring the process and which would in turn improve the credibility of the Nigerian Election system.