



European Union Election Observation Mission

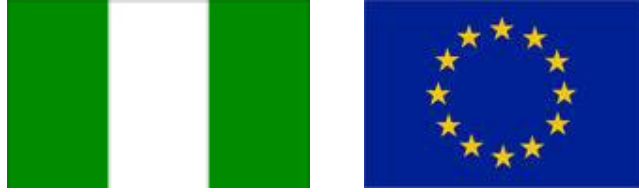
Final Report Federal Republic of Nigeria

2015



GENERAL ELECTIONS





**FEDERAL REPUBLIC
OF NIGERIA**

FINAL REPORT

**General Elections
28 March 2015, 11 April 2015**

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**EUROPEAN UNION
ELECTION OBSERVATION MISSION**

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I. EXECUTIVE SUMMARY

The 2015 elections were historic, with the opposition winning for the first time since the transition from military rule in 1999, and with the incumbent presidential candidate, Goodluck Jonathan, conceding defeat and thus paving the way for a peaceful handover of power. However these highly competitive elections were marred by incidents of violence, abuse of incumbency at state and federal levels, and attempts at manipulation. The Independent National Electoral Commission (INEC) made commendable attempts to strengthen electoral arrangements, however systemic weaknesses leave the process vulnerable to abuse by political contenders. Procedural shortcomings were evident, in particular during collation and from analysis of polling unit results, however no centralised systemic fraud was observed. Excessive deference to judicial mechanisms for enforcement and corrective action risks protracted resolution to grievances. Media outlets gave a variety of views, however government-controlled media failed to provide legally-required equal coverage, clearly advantaging incumbents.

The security situation, the large population, infrastructure challenges, and the fierce political competition, made for an extremely challenging election environment. On 7 February 2015 INEC postponed the elections scheduled for 14 and 28 February by six weeks. This followed the National Security Advisor and all the Armed Services and Intelligence Chiefs stating that they could not guarantee security for the proposed election days as six weeks was needed to conclude military operations against Boko Haram. An initiative for peaceful elections was launched on 14 January under the auspices of former UN Secretary-General, Kofi Annan, with the signing of the Abuja Accord by the presidential candidates and their parties. The Abuja Accord was later adapted in all 36 states.

Despite various legal reform initiatives since the 2011 elections, the legal framework has not changed except for the passing of the Freedom of Information Act in May 2011. Therefore, a number of fundamental shortcomings are still to be addressed, with the legislative framework not fully in line with universal and regional standards for elections committed to by Nigeria. These include, *inter alia*, the lack of provision for independent candidacy, insufficient campaign finance regulations, an absence of provisions empowering INEC to sanction campaign violations, weak transparency requirements for the publication of results, and voters and civil society organisations unable to file petitions against the results.

INEC has gained credibility since the appointment of the new Chairperson in 2010, however it is not clear to what extent the institution has been reformed. During the 2015 elections INEC appears to have performed impartially in challenging circumstances, although criticism increased following both election days. However, given the insufficient requirements for transparency and full public accountability as well as a lack of full institutional independence, the election administration remains vulnerable to partisan operations and/or weak delivery that risks exploitation by parties. The law overly-restricts INEC's powers rendering it insufficiently effective in challenging inappropriate actions of political contenders. INEC regulatory guidelines include polling safeguards, however serious procedural weaknesses persist particularly in regards to transparency and collation rigor. Shortcomings were evident, with preparations only improving after the six-week postponement.

INEC's constitutional responsibility to undertake delimitation of constituencies is unregulated. Although delimitation is required every 10 years, the current boundaries date back to 1996, despite a census in 2006. During the intervening period, INEC has conducted boundary reviews several times but reportedly has not finally submitted proposals to the National Assembly. There are

currently profound disparities in the size of constituencies, which is not consistent with equality of the vote or constitutional requirements. However precise calculation of constituency variations is not possible due to the lack of available population data broken down by constituency.

Positively INEC attempted to improve the integrity of voter registration and identification by introducing biometric measures. INEC reports registering 68.8 million voters, an estimated 78% of the total voting age population, with approximately 82% of registrants' permanent voter cards (PVCs) being collected. However in 11 states over 92% PVC collection was reported, which is implausible given that the deceased have not been removed from the list since 2010. Regrettably, up to 100,000 PVCs, which are necessary for voting, remained unproduced one day before 28 March election day. While the introduction of PVCs and card readers has been effective in increasing the reliability of the voter register and reducing opportunity for fraud, their impact has been limited by the seemingly poor quality of biometric data capture and subsequently weak finger-print recognition rate during polling. As of yet, there does not appear to be a plan for maintaining the voter register.

The constitutional preclusion of independent candidates is inconsistent with the individual right to stand for office and can be criticised for exacerbating party control, which is problematic given the extensively reported culture of corruption within parties. Thus voters are left with reduced choices available on election day, which also weakens opportunity for the accountability function of elections. There is insufficient legal regulation of party primaries, with INEC lacking powers of enforcement, as INEC is legally barred from disqualifying candidates.

Candidacy is also *de facto* overly-restricted by parties requiring aspirants to pay a non-refundable fee that for the two main parties went up to 27 million Naira (approximately €134,000), leaving the possibility to stand beyond the reach of the vast majority of citizens. "Zoning", whereby elected positions rotate between different geographical areas within a constituency, is often applied, which *de facto* excludes aspirants from other localities. Various implementation problems were widely reported and also observed by EU experts, including arbitrary rejections during "screening", corrupted election processes, and voting procedures that lack transparency and certainty. Also parallel primaries reportedly took place and parties did not always respect the results of their own primaries.

The campaign environment was extremely competitive and tense. Incidents were reported in all parts of the country resulting in more than 160 people killed in election-related violence since early January. Campaigning for the federal and state level elections took place concurrently, with large-scale rallies conducted during the first phase (before postponement) and meetings with traditional, religious and youth leaders in the second phase (after postponement). Issue-based campaigning was overshadowed by negative tactics, with increasing use of inflammatory language, hate speech and religious, ethnic and sectional sentiments and appeals. Violations of campaign regulations were reported in all parts of the country with both Peoples Democratic Party (PDP) and All Progressives Congress (APC) representatives and candidates seen to misuse incumbency at federal and state levels. Mechanisms for monitoring and sanctioning non-compliance were *de facto* non-existent and violations remained unaddressed throughout the whole campaign period.

While the broadcast media sector is still dominated by the federal and state government-controlled media, which primarily serve incumbents' interest, the steady growth of private outlets and use of social media contributes to pluralistic media environment overall. Although media freedom is improving, self-censorship is exercised, and some instances of harassment and attacks against journalists during the campaign were reported.

EU election Observation Mission (EOM) monitoring results of the government-owned Nigerian Television Authority (NTA) and Federal Radio Corporation of Nigeria (FRCN), the two leading media networks with the widest coverage, showed that both provided extensive exposure to the PDP and its officials (the President and Federal Government). On NTA news, coverage of PDP and its officials totalled 84%, which contrasted with APC's 11%. A similar pattern was identified in FRCN's news, and in NTA's editorial programmes. More extreme uneven coverage was identified in some state-controlled radio stations, with over 95% of airtime allocated to incumbent governors seeking re-election. Thus federal and state government controlled media gave incumbents clear advantage over their opponents. This, along with passiveness of the media regulator, the National Broadcasting Commission (NBC), to challenge such bias and effectively regulate the broadcast media, is not fully consistent with the regulatory framework for the elections or international standards requiring the state controlled media to ensure fair and equitable access by contesting parties. Positively, some private media provided overall balanced and fair coverage of key contesting parties.

On 28 March election day voters displayed commendable commitment. Overall in sites visited, polling passed peacefully with appropriate performance by security forces, although over 19 killings were reported. Generally the process may be characterized as disordered and prolonged. Although polling procedures were insufficiently followed, EU EOM observers saw no evidence of systematic manipulations. The use of the card readers deterred fraud by requiring use of a genuine PVC for that polling site, but biometric voter identification was problematic, resulting in a manual process being undertaken that increased opportunity for fraud. Voting and counting procedures were not always followed and results were not generally publicly displayed. Collation, particularly at the first (ward) level was problematic with weak scrutiny, results not always arriving intact, inconsistent checking, and some repeated alterations of results forms observed. Over 2.3 million of those accredited in the morning (7.3%) did not stay on to subsequently cast their ballot in the afternoon.

On 11 April election day there were increased security incidents, with at least 30 people killed, predominantly from inter-party clashes and attacks on election sites, with problems being most pronounced in Rivers and Akwa Ibom states. Again EU EOM observers saw no evidence of centralised systematic fraud. Overall the process appeared to be more efficient, however procedural shortcomings continued to be prevalent. Card reader fingerprint verification was again problematic, party agents were at times seen interfering in polling officials' work, and essential ballot checks were not consistently performed during counting.

Overall the system of results collation and announcement lacks safeguards and transparency measures, with the speed of results declaration given priority over the thoroughness and credibility of the process. There is minimal opportunity to submit complaints with resolution of grievances deferred to the courts. The lack of a fully effective results information system was evident for example in the declaration of the presidential results showing 1.4 million fewer registered voters than previously officially announced by INEC. Except for the presidential election INEC centrally did not publish results. There appears to be high tolerance amongst stakeholders to shortcomings in transparency and precision in numerical data provided.

At a later date INEC commendably set a positive precedent and published polling unit results forms on the Internet, albeit after the deadline for submission of petitions. This is a major step forward for transparency and promoting accountability. By the time of completing this report (20 July 2015), INEC reports having published 91.9% of presidential election results forms, although for the South South the rate is only 81%. EU EOM analysis of a stratified sample of 272 randomly selected

presidential results forms revealed very significant problems that raise questions about the potential for manipulations, quality of polling staff training, and management of the process. Most strikingly 35.3% of polling unit results forms analysed had altered figures (unclear by whom), 34.2% had mathematical anomalies, 33.8% had no rejected (invalid) votes, 32% had 95% or more valid votes for one party, and 20.6% had the same number of accredited and actual voters. The majority of polling unit results forms contained multiple shortcomings, as assessed against eight criteria examined by the EOM. The EU EOM ensuing analysis does not constitute evidence of fraud, rather it identifies problematic issues arising that warrant review to avoid their recurrence in future elections.

In the presidential election, the opposition APC candidate General Buhari won with 53.96% of votes, while President Jonathan of the PDP came second with 44.96%. APC also secured the majority of the seats in the National Assembly with the seemingly most updated INEC results showing APC winning 60 out of 109 seats in the Senate (55%) and 212 out of 360 seats in the House of Representatives (58.9%). The remaining National Assembly members are PDP, with only eight seats won by smaller parties, all in the House of Representatives. According to INEC and media reports on the gubernatorial elections in 29 states, APC won 20 and PDP 9.

The judiciary made serious efforts to provide timely administration of justice for the high volume of pre-election suits. Nevertheless, the lack of time limits for filing and adjudicating of pre-election suits, in combination with loopholes allowing lawyers to delay cases unnecessarily, left the majority of cases pending before the courts for after the elections, thus compromising the right to a timely remedy. No post-election petitions were filed against the presidential outcome, while there were 255 petitions against National Assembly results. In addition to challenging voting, counting and collation processes, many relate to qualifications and improper nomination during party primaries.

Despite efforts by some police departments, in many cases electoral offences appear to have not been actively investigated and therefore charges have not been brought. INEC was not proactive in prosecuting electoral offences, with an evident lack of coordination with the police on arrests and investigations, which risks further engendering boldness by electoral crimes perpetrators.

The observation conducted by various citizen observer networks enhanced the transparency of the process and contributed to electoral debate. During the 28 March presidential election there was a parallel results verification through the Transition Monitoring Group's "*quick count*" that "*confirmed official results*" but also disclosed results manipulation in four states in the South South. However citizen observation largely focused on polling and there was only very limited, if any, observation of other important parts of the election process. Furthermore, CSOs command mixed levels of confidence in their political neutrality, impartiality, and ability to give a measured response, with various groups being regarded as aligned to one of the parties and/or over-loyal to the election administration.

The 28 March National Assembly election furthered the negative 2011 trend with another decrease in the number of women elected. It appears that only 8 women won a seat in the Senate (7.3%) and 18 in the House of Representatives (5%). Thus the proportion of women elected is well below the 30% Beijing Declaration and Platform for Action and the 35% National Gender Policy targets. At state level, 11.4% of gubernatorial candidates and 14.36% of SHoA contestants were female. No woman was elected as a governor.

Nigeria has ratified the UN Convention on the Rights of Persons with Disabilities. However, the National Disability Bill, long-awaiting presidential assent, includes only general provisions on the

political participation of persons with disabilities. Positively, INEC was receptive to consultations with disability organisations and developed various innovations. Some parties included general references to disability issues in their manifestos, however reportedly only three persons with disabilities contested the 2015 general elections (none of whom won a seat).

Priority recommendations:

1. Establish a more inclusive parliamentary mechanism for cross-party involvement in the selection and approval of the INEC Chairperson and National Commissioners. INEC's independence be further developed through direct power to appoint and remove Resident Electoral Commissioners.
2. After a thorough review of the 2010/2014 registration processes, elaborate a plan for developing and maintaining the voter register, to include improving biometric functionality, removal of the deceased, and extended enrolment of new registrants. Such processes be subject to stronger INEC supervisory checks with greater scrutiny from agents, observers and the media.
3. Merge accreditation and voting processes on election day for ease of access for voters, while maintaining other safeguards, in particular mandatory biometric voter identification (through the use of voter cards and card readers).
4. The Constitution be amended to allow for independent candidacy for all elected positions.
5. NBC regulatory authority be strengthened (including through the power to grant broadcasting licenses), its monitoring capacities developed, and requirements be established for NBC public reporting on monitoring findings and sanctions applied.
6. Reasonable and appropriate time limits for the effective filing, hearing and determination of pre-election suits be established in the legal framework in order for cases to be completed well in advance of election day.
7. Political parties be required to have policies and provide regular information on the promotion of women's political participation within the party, as candidates, and more widely. Consideration be given to requiring parties to have a minimum representation of women in leadership positions and as candidates.

II. INTRODUCTION

The European Union Election Observation Mission (EU EOM) was present in Nigeria following an invitation from Independent National Electoral Commission (INEC). The mission was led by Chief Observer, Santiago Fisas, Member of the European Parliament (MEP), Spain. A team of experts observed the party primaries in November and December 2014. The EU EOM was then established from 6 January with a core team of 9 analysts and 30 long-term observers deployed across the country. For security reasons EU EOM observers were not deployed to the North East geo-political zone, could not go to all parts of all states visited, and only attended a limited number of rallies.

For the 28 March election day the mission was composed of over 90 observers from 25 EU Member States, Norway and Switzerland. A delegation of seven Members of the European Parliament, headed by Javier Nart (Spain), also joined the mission and fully endorsed the Preliminary Statement issued. On the 28 March election day, observers visited 357 polling, counting and collation sites in 76 local government areas in 19 states. For the 11 April election day the mission was composed of 58 observers from 24 EU Member States, Norway and Switzerland, who visited 315 polling, counting and collation sites in 71 local government areas in 18 states. The security conditions further limited the locations visited thus the observation sample is not fully representative.

This EU EOM Final Report, finalised on 20 July 2015, includes recommendations for consideration by Nigerian stakeholders. The EU EOM assesses the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Nigeria. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.

III. POLITICAL BACKGROUND

The 2015 general elections were the fifth and most competitive elections since the transition from military rule in 1999. For the first time the ruling Peoples Democratic Party (PDP)¹ was challenged by a new unified opposition party, the All Progressives Congress (APC), which was formed in February 2013 by the four biggest opposition parties. The emergence of the APC prompted political realignment across the country resulting in a head-to-head electoral competition between the two main parties. Apart from PDP and APC, 25 small parties participated in the elections.²

Nigeria is composed of 36 states in six geo-political zones,³ each with a governor and a State House of Assembly (SHoA), and the Federal Capital Territory (FCT) of Abuja. The size of the country, the large population, infrastructure limitations, and the fierce political competition made for an extremely challenging election environment. The conditions for the elections were further complicated by a problematic security environment, especially in the states affected by the Boko Haram insurgency in the North East. In total, there were 8,187 candidates competing for 1,489 seats at the federal level (President, Senate and House of Representatives) and state level (Governors and

¹ PDP has won all presidential races and the majority of gubernatorial seats in all four previous elections.

² All 27 parties participating in the elections are members of the Inter-Party Advisory Council (IPAC), which was created to facilitate dialogue between political parties and INEC. However, in most of the observed by the EU Long Term Observers (LTOs) cases, the IPAC was not functioning well and did not have the expected impact on the electoral process.

³ South West, South South, South East, North East, North Central and North West.

SHoA). The new president and the elected National Assembly representatives took office not later than 29 May 2015.⁴

On 7 February 2015 the Independent National Electoral Commission (INEC) postponed the elections scheduled for 14 and 28 February by six weeks. This followed the National Security Advisor and all the Armed Services and Intelligence Chiefs stating that they could not guarantee security for the proposed election days as six weeks was needed to conclude military operations against the insurgency. Reactions to the postponement were mixed. PDP welcomed the decision and praised INEC for acting “*in the best interest of deepening democracy*”. The opposition APC and various civil society groups expressed concerns that security has been used by the ruling PDP and the incumbent candidate and Commander in Chief of the Armed Forces, President Jonathan, as a pretext to interfere with and obstruct the electoral process. The APC presidential candidate, former military head of state General Muhammadu Buhari, stated that the opposition would not accept any further postponement and appealed for respect for the constitutional electoral deadline of 28 April. In response to the increased tension and uncertainty, President Jonathan reassured that 29 May, the latest possible handover date, is “*non-negotiable*”.

The military reported success with their intensified operations in the North East from early-February, liberating large areas controlled by the insurgency, with the support of neighbouring countries. However, shortly after the postponement, Boko Haram for the first time explicitly targeted the elections and also intensified its operations.⁵ This included a series of attacks in the three most-affected states of Adamawa, Borno and Yobe, and also places outside of the north-eastern geo-political zone, such as Kano and Jos, which further heightened anxiety across the country.

On 28 March, voting took place for the presidential and National Assembly elections. Corresponding with the informal *zoning* and *rotation* principle, the APC presidential candidate Buhari (a northern Muslim), chose as a running mate Professor Yemi Osinbajo (a southern Christian). President Jonathan (a southern Christian) ran with Vice-President Namadi Sambo (a northern Muslim). Apart from the two major parties, twelve other parties nominated presidential candidates. On 11 April, gubernatorial elections were conducted in 29 states across Nigeria’s six geo-political zones, and voting for the SHoAs took place in all 36 states.⁶ Twenty of the 29 gubernatorial races were “*open*” (with no incumbent), thereby further increasing the highly

⁴ The Constitution specifies that elections to the offices of President and Governor have to be held “*not earlier than 150 days and not later than 30 days before the expiration of the term of office of the last holder of that office.*” Sections 132(2) and 178(2).

⁵ On 14 February, the scheduled election day, Boko Haram invaded the city of Gombe. Leaflets were distributed threatening there would be “*multiple attacks on the polling booths*”. Subsequently, 18 February Boko Haram video clip stated “*the elections you are planning to do will not happen in peace, even if that costs us our lives.*” In the following days, the insurgency reportedly killed more than 100 people. On the eve of the presidential election, Boko Haram militants burned down the north-eastern town of Buratai, killing 25 people and injuring 30. On polling day, terrorists killed at least 15 voters including the APC candidate for the SHoA in Gombe.

⁶ The seven states with no gubernatorial elections at the current time are Anambra, Bayelsa, Edo, Ekiti, Kogi, Ondo and Osun. This is due to their gubernatorial elections taking place off-cycle hence the sitting governors have not currently completed their terms. Following various defections, 17 of the 29 states with gubernatorial elections were controlled by PDP and 12 by APC governors at the time of the election. No elections took place in the FCT on 11 April as there is no SHoA or governor for the FCT.

competitive nature of the elections.⁷ Small parties were more visible at state level, particularly in the South East and South West.⁸

Prior to the elections there was widespread anxiety about the elections holding and the risk of violence and the consequent threat to the stability of the state. The largely peaceful outcome of the elections⁹ was partly attributed to the sustained efforts of the National Peace Committee (NPC) composed of eminent Nigerians and led by former head of state General Abdulsalami Abubakar.¹⁰ The NPC was formed to monitor compliance with the Abuja Accord, which was signed on 14 January by President Jonathan, General Buhari and 10 other presidential candidates and their parties to encourage peaceful elections and find mediated solutions to electoral disputes. Comparable peace agreements were later adapted in all 36 states. On 26 March, two days before election day, the NPC initiated a renewed signing of the Abuja Accord by General Buhari and President Jonathan. The international community closely followed the process.

IV. LEGAL FRAMEWORK

The Federal Republic of Nigeria is State Party to the key universal and regional treaties relevant to democratic participation.¹¹ The right to vote and to be elected in periodic elections through universal suffrage are established in the 1999 Constitution, as amended,¹² and the Electoral Act 2010.¹³ The fundamental freedoms of assembly, association, expression and movement, are also provided for as well as access to justice and legal remedy.

The conduct of the Presidential, National Assembly, Governorship and SHoA elections is regulated primarily by the Constitution and the Electoral Act. Other legal instruments also supplement, for example the Criminal and Penal Code, the Criminal Procedure Act and the Civil Procedure Code, the Police Act and Guidelines for the Conduct of Police Officers on Electoral Duty, the Nigerian Code of Advertising Practice & Sales Promotion (APCON), the Nigeria Broadcasting Code, and various INEC Guidelines and Regulations.

⁷ Governors can serve a maximum of two terms, each of four years, after which they typically go on to be senatorial candidates.

⁸ Among the small parties most active have been the All Peoples Grand Alliance (APGA), Labour party (LP), Social Democratic Party (SDP) and Accord party.

⁹ Throughout the campaign period, there was a strong anticipation that the electoral process, especially the announcement of results, will escalate into mass violence.

¹⁰ The Committee includes the most senior Muslim and Christian leaders as well as traditional leaders, and also distinguished professionals from government, business, academia and the media. Also included are the INEC and political party chairs.

¹¹ Including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the African Charter on Human and Peoples' Rights, and also the Convention Against Corruption (CAC).

¹² The Constitution of the Federal Republic of Nigeria 1999 (As Amended) hereafter referred to as the Constitution, was amended by the First Alteration Act in July 2010 and by the Second Alteration Act in December 2010, coming into force on 10 January 2011.

¹³ Following the first Constitutional amendment in June 2010, the Electoral Act 2006 was subsequently amended in August 2010, primarily to reflect the relevant revisions of the Constitution and to provide the legal background for the 2011 general elections. The Electoral Act 2010 as Amended, hereafter referred to as the Electoral Act, was further amended on 29 December 2010 and on 24 January 2011, in order to provide adequate time to INEC following the extension of the timeline for the conduct of the registration and polling.

Despite various legal reform initiatives since the 2011 elections, including a package of proposals by INEC, the three amendment bills¹⁴ to the Electoral Act, which were under consideration by the outgoing National Assembly since summer 2013, were not adopted. Similarly, the Constitution Amendment Bill, which included some election-related provisions,¹⁵ was submitted in February 2015 to the outgoing President for assent but was not finally passed. Positively the Freedom of Information Act was passed in May 2011. Therefore, a number of key shortcomings are still to be addressed, with the legislative framework not fully in line with universal and regional standards for elections committed to by Nigeria.

In particular, the lack of provision for independent candidacy fundamentally undermines the right to stand,¹⁶ voters and civil society organisations (CSOs) are unable to file petitions against the results, and there are weak transparency requirements for the publication of results (thereby limiting *de facto* access to information).¹⁷

Other shortcomings in the legislation profoundly weaken the effectiveness of the electoral process. For instance, the lack of an effective monitoring mechanism for internal party democratic processes for candidate nomination, INEC's inability to reject nominated aspirants who do not fulfil legal requirements, and the absence of provisions empowering INEC to sanction campaign violations. Such problems result in enforcement of the law instead being deferred to litigation, which can be protracted and complex. Furthermore, the legislation does not include provisions for polling for security personnel working away from home on election day or fully provide for secrecy of the vote.¹⁸ The Constitution and the Electoral Act do not foresee deprivation of the right to vote for persons sentenced to imprisonment, however no explicit legal provisions are made for persons detained in prison and INEC did not make any such special arrangements.¹⁹

Electoral system

Nigeria is a federal constitutional republic with a presidential system. The bi-cameral National Assembly is composed of the House of Representatives (HoR) with 360 members and the Senate

¹⁴ The three Electoral Act (Amendment) Bills are the SB.266/2013, the SB.379/2013 and the SB.455/2014.

¹⁵ These include provision for the right of independent candidates to stand for office, extension to 21 days of the time limit for the INEC to conduct a presidential or governorship run-off, and establishment of time limits for pre-election suits.

¹⁶ The authoritative interpretation of ICCPR article 25, General Comment 25 of the UN Human Rights Committee (HRC), states "*The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties*". Also the African Charter On Human And Peoples' Rights states: "*Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law*" (article 13).

¹⁷ The Electoral Act does not include any time limits or requirements for publication of results, nor does it provide a sufficient guarantee for exclusion of suspicious results. General Comment 34 of the UN HRC specifies "*To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.*" Also CAC article 7.4 "*Each State Party shall... endeavor to adopt, maintain and strengthen systems that promote transparency*". CAC article 10 "*Taking into account the need to combat corruption, each State Party shall... take such measures as may be necessary to enhance transparency in its public administration*".

¹⁸ The Electoral Act requires ballot papers to be serially numbered and thus any ballot paper is potentially traceable back to the voter.

¹⁹ The Federal High Court in Benin Judicial Division held, in its judgment of 16 December 2014 on suit no. FHC/B/CS/12/2014, stated that INEC and the Controller General of Nigeria Prisons Service "*have the duty to ensure the exercise*" by the prisoners/plaintiffs of the right to register and vote and "*any failure to enforce these rights amount to illegal violation of the plaintiffs' voting rights*". However the court also that INEC "*is not bound to specifically set up registration centers and voting units within the prison yards.*"

with 109 members. Nigeria is composed of 36 states, each with a Governor and a State House of Assembly, and the FCT. For the HoR, Senate and the SHoA elections, the first past the post (FPTP) system is in place. For the presidential and governorship elections, the Constitution establishes a majority run-off system. If the highest-scoring candidate does not obtain at least 25% of the votes cast in at least two-thirds of all the states of the Federation and the FCT - or Local Government Areas (LGAs) for the governorship elections - in the first round, a run-off takes place between the candidate who scored the highest number of votes and the candidate who has the majority of votes cast in the highest number of states (or LGAs).²⁰ Mandates are for four years, with presidential and governor candidates being disqualified if they have “*been elected to such office at any two previous elections*”²¹.

V. ELECTION ADMINISTRATION

INEC is a constitutionally independent body with extensive responsibilities including organising all elections down to state level, registering and monitoring political parties, registering voters, and delimiting constituencies. It has over 13,000 permanent staff with a national headquarters in Abuja, 37 state offices (including in the FCT), and 774 LGA offices. Following a problematic performance during the 2007 elections, INEC has gained credibility with the appointment of Chairperson Professor Jega in 2010, whose integrity is widely respected. Despite the improvements the Chairperson is regarded as having made to the election process, the extent of institutional reform is not evident. There is a clear need to develop INEC’s competence as well as its powers and independence, however any such development has to be accompanied by strengthened accountability through increased transparency.

INEC has overly-restricted powers under the law rendering it weak in challenging inappropriate actions of political contenders, with the curtailing of its powers in part a response to its earlier apparently biased actions.²² The lack of requirements for checks in the process (for example in results collation) and also for institutional transparency, increase the risk of weak and possibly biased service delivery, thereby risking electoral dispute and disruption.

Under the current INEC leadership, the institution has appeared to perform its duties in an impartial way in difficult circumstances. However the presidential mechanism for appointment of the INEC Chairperson and the 12 National Commissioners does not provide for cross-party consensus, thereby leaving the institution vulnerable to actual and/or perceived executive influence. Similarly for the 37 state-level Resident Electoral Commissioners (RECs),²³ which potentially also weakens the authority and effectiveness of the INEC leadership’s command. The term of office of the incumbent INEC Chairperson as well as six National Commissioners expires on 29 June 2015, followed by another five National Commissioners shortly afterwards. Although INEC has not

²⁰ In case none of the two candidates obtains at least a quarter of the votes cast in at least two thirds of the states at the run-off (or LGAs), a second run-off between the same contenders takes place. At the second run-off, the highest-scoring candidate is elected.

²¹ Constitution, sections 137(1)(b) and 182(1)(b).

²² Following the problematic 2007 elections, the Uwais Election Reform Committee made comprehensive recommendations for electoral reform, including in regard to the “*unbundling*” of INEC actual and potential responsibilities to other institutions.

²³ The RECs are heading the 37 state and FCT INEC offices and according to the law they are answerable to INEC. However they are appointed by the President (subject to approval by the absolute majority of the Senate) and can be removed only by the President acting on an address supported by two thirds of the Senate. The same appointment and removal procedure applies to INEC Chairperson and National Commissioners.

spoken out publicly about funding shortages, it admitted that reduced budget has limited its ability to operate, including in regard to voter registration services and the prosecutions of electoral offences.²⁴

The lack of organisational systems in place leaves a lot of room for discretionary decision making at the state level. INEC also currently lacks an effective internal communication system for timely and reliable two-way information flow between the national, state and LGA offices. The internal communication is still largely letter and telephone-based with only very limited use of e-mail or Intranet communication means. The INEC official website has not been used effectively to provide information to stakeholders. There is a lack of information that would build confidence in the process and institution, such as minutes of INEC's meetings and decisions and procurement documentation. Similarly voter registration and polling data are either not available or not published in a timely manner. Positively INEC has engaged regularly with political parties and civil society at central and state levels, although the degree of substantial bi-lateral engagement with the two main parties was not clear.

EU EOM long-term observers (LTOs) reported that generally electoral stakeholders at a local level appeared to have confidence in the work of INEC although following the 28 March and 11 April elections there was increasing criticism and some street protest notably from supporters of losing contenders.²⁵ There were also an increasing number of attacks against INEC assets, which resulted in some states facing challenges in securing a sufficient number of polling and collation staff²⁶ for later elections (on 11 April and supplementary elections on 25 April).²⁷

Commendably INEC attempted to introduce various innovations and additional safeguards into the electoral process, most notably with the biometric card readers and the publication on the Internet of polling unit (PU) results forms, albeit after the petitions deadline. However electoral preparations were overall often lacking. Despite INEC's strong pronouncements on its readiness to conduct elections as originally scheduled in February, shortcomings were evident. These included: extensive under-collection of permanent voter cards (PVCs), incomplete distribution of card readers, no publication of the final PU list,²⁸ apparently incomplete recruitment of temporary staff, late approval and printing of training manuals,²⁹ inadequate training of polling staff, and observer accreditations not being distributed. Following the postponement INEC preparations improved. Training of temporary polling and collation staff provided by INEC was generally assessed by EU EOM LTOs as weak and insufficient. Key problems identified include a lack of training manuals and card readers programmed for training purposes, too theoretical an approach with a lack of practical sessions, overly-large training groups, and inadequate and overcrowded training facilities.

²⁴ Out of the 120 billion Naira budgeted for the conduct the 2015 general elections, only 45 billion were allocated to INEC in 2014 with the remaining 75 billion being reportedly approved and disbursed by the Federal Government less than six weeks before the originally scheduled first election day of 14 February.

²⁵ Alleged irregularities in the gubernatorial elections triggered a series of opposition protests in the South South states of Rivers, Akwa Ibom, Abia and Imo demanding cancellation of the elections and removal of some RECs.

²⁶ Overall INEC recruited for the 2015 general elections more than 700,000 polling and collation staff primarily from among the former, current and future (students of tertiary education institutions) members of the NYSC. All aspirants had to apply online, pass through screening and participate in training before being eventually contracted.

²⁷ INEC reported at least 26 violent incidents involving its staff, property and premises on 28 March and 96 on 11 April. Furthermore the REC for Benue state and Returning Officer for Abia North senatorial district reportedly received threats related to their work as electoral officials.

²⁸ Section 46(1)(c) of the Electoral Act requires publication of PU locations not later than 14 days before election day.

²⁹ The final version was approved on 30 January, more than a week after the cascade training of staff started.

The reported number of identified internally displaced persons (IDPs) in northern Nigeria is over 1.2 million³⁰ although some unofficial estimates are higher. In the run-up to elections there was considerable political interest in the issue of IDP voting but this was not translated into legislative provisions. Nevertheless, based on a consultative process, INEC eventually established special arrangements whereby IDPs in the three north-eastern states most affected by Boko Haram insurgency could vote in alternative locations within their state of origin. However all remaining IDPs who left their state of origin and were unable to travel back to collect the PVCs and vote on election days were disenfranchised³¹ unless they had managed to apply for a transfer by 26 February.³² As for all voters, PVCs for IDPs were mandatory for voting, which maintained integrity in the process but was problematic for those who fled without their documentation. Stakeholders appeared to endorse this attempt at inclusion and maintenance of the safeguards in the process. INEC did not provide full data on the number of IDP registrants or voters.

VI. DELIMITATION OF CONSTITUENCIES

INEC is constitutionally required to review and, if necessary, alter the boundaries of federal districts and constituencies, as well as those for SHoAs “*at intervals of not less than ten years*”.³³ However this delimitation of constituencies is regulated only in the Constitution with the Electoral Act containing no further specifications and INEC not issuing any administrative regulation. Any change in the delimitation of constituencies requires approval of the Senate and HoR, without requirements for multi-party involvement or protections from derailing through non-response by the legislature. Given the context, there is risk of approvals or non-approvals being politically motivated to the benefit of the ruling party.³⁴

The Constitution mandates that INEC review the delimitation of constituencies whenever a population census has been completed. However, despite a census in 2006, the current delimitation of constituencies dates back to 1996, and is thus overdue by some nine years.³⁵ During the intervening period, INEC has conducted boundary reviews several times but reportedly has not finally submitted proposals to the National Assembly.³⁶

There are currently profound inequalities in the size of constituencies, which is not consistent with equality of the vote or constitutional requirements.³⁷ The three senatorial districts in a state are due

³⁰ The IOM Displacement Tracking Matrix Round II Report - February 2015 puts the total number of identified IDPs in northern Nigeria to 1,235,294, with 1,028,683 of them identified in Borno, Yobe and Adamawa. The total number of registered voters in these three states is 4,593,061.

³¹ This is not consistent with the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa – the “*Kampala Convention*” - which binds States Parties to take necessary measures to ensure that IDPs can enjoy their civic and political rights including the right to vote.

³² Transfer application has to be accompanied by the applicant’s temporary or permanent voters card.

³³ Constitution, sections 73 and 114.

³⁴ Although there is no consistent state practice on the agencies responsible for preparing and approving delimitation, one recognised good practice is that the responsible body be independent and impartial, and “*should not be subject to modification or veto by the government or by the legislature.... Failing this.. if political concerns are permitted to play a role in the process, then all political parties must be given access to the process.*” <http://aceproject.org/ace-en/topics/bd/bd20>

³⁵ INEC, “*Report of the Technical Committee on Review of Electoral Districts and Constituencies*” (May 2012), Executive Summary.

³⁶ With sub-committees sitting and/or reports being published in 2002, 2008 and 2011 as well as for the 2015 elections.

³⁷ This is consistent with ICCPR article 25 requirements for “*equal suffrage*”. ICCPR GC 25 paragraph 21 also states “*The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or*

to have as nearly equal populations as is reasonably practicable. Similarly each of the 360 HoR constituencies should have as nearly equal populations across the federation as possible, so that each HoR member represents approximately the same number of people.³⁸

Precise calculation of constituency variations is not possible due to the lack of available population (or even registration) data broken down by constituency. One indication is the average number of people per HoR constituency (calculated from the total population in the state),³⁹ which varies from some 337,000 (Sokoto) to 468,000 (Zamfara).⁴⁰ Another indication is the average number of registered voters per HoR constituency, which varies from some 122,000 (Ekiti and Bayelsa states) to about 250,000 (Nasarawa and Plateau states).⁴¹ Thus a vote cast by an elector in one part of the country appears to have considerably more weight than a vote cast in a different constituency to the same chamber.

A national population census is due to be undertaken every ten years by the National Population Commission, with the next one scheduled for 2016. However, there are speculations that there could be delay, which would likely result in INEC needing to use 2006 census data as the basis for any new delimitation exercises.

VII. VOTER REGISTRATION

Voter registration is extremely challenging in Nigeria, due to the lack of reliable identification documents, very limited population registration, and an absence of systematised recording of births and deaths. Legal requirements for registration include Nigerian citizenship, to be 18 years of age at the time of registration, to reside in Nigeria and to register in person.

On 13 January INEC announced the final number of registered voters for the general elections to be 68,833,476. This is a 6.4% reduction from 2011, and represents an estimated 78% of the total voting age population of some 88.5 million.⁴² However given that this figure is based largely on a 2010 registration exercise and the lack of a system for removal of the deceased, the actual number of living registrants is lower, raising further issues about enfranchisement. The shortfall in those registered is in part due to the limited opportunity provided during the so-called “*continuous voter registration*” (CVR) exercise undertaken in 2014, which only lasted for up to seven days in each location.⁴³ EU experts observed the process to be cumbersome, crowded, and marred by technical and staffing issues, with very few registrants presenting any documentation proving identity and age.

discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.”

³⁸ Each state is divided into SHoA constituencies and according to the Constitution the number of constituencies should be three or four times the number of HoR constituencies within the same state. However, this is currently only the case in nine of the states 36 states. Each SHoR constituency is also required to have nearly equal populations.

³⁹ This has been calculated by taking the number of inhabitants in the state, based on the 2006 census, divided by the number of HoR constituencies in that state. This does not take into account differences in population density within each state.

⁴⁰ The FCT had some 703,000 inhabitants in the 2006 census for each of its two HoR constituencies.

⁴¹ The FCT has some 440,000 registered voters per HoR constituency.

⁴² The World Factbook as of March 2015.

⁴³ CVR was undertaken in three phases across the country between May and December 2014. INEC reported registering a total of 11,464,690 new voters in the CVR, from which 1,551,292 duplicate registrations and registrations that did not meet biometric quality requirements were later removed.

Positively INEC attempted to improve the integrity of the voter register and voter identification process for the 2015 elections by introducing biometric measures to stop multiple voting prevalent in earlier elections.⁴⁴ During registration each person's biometric data was captured with the registrant later being required to collect a permanent voter card (PVC), which includes a chip containing his/her biometric data. A card reader in each PU was introduced to check the biometric data stored on each person's PVC against a scan then undertaken of his/her fingerprints, with each PVC being only valid in the PU where the voter is registered. Mandatory use of PVCs meant that distribution and collection of PVCs was critical.

There was support across the political spectrum in principle for the use of PVCs and card readers. However PDP strongly objected to how such new technology was introduced without proper testing, given that they had not been used in any mid-cycle elections, and emphasised the risk to enfranchisement if PVCs were not sufficiently collected.⁴⁵ INEC's preparations for the use of this new technology were minimal with a small scale pilot test of card readers conducted only late in the process on 7 March in 12 selected wards across the country, and insufficient training provided.

By the originally scheduled 14 February election day only 75.56% of PVCs had been collected, with 16.8 million cards remaining uncollected. However the postponement allowed for extended opportunity for registrants to obtain their PVCs, resulting in approximately 82% collected by 21 March.⁴⁶ Overall EU LTOs found that the opportunities given to registrants and the effectiveness of INEC PVC distribution varied, with some collection centres working every day while others were centralised⁴⁷ and not always open during advertised hours. The late arrival of a large number of PVCs (those from later CVR phases, transferees and lost cards) caused frustration and increased tension in the run up to the elections. Regrettably up to 100,000 PVCs remained unproduced one day before the 28 March election day. Although collection rates varied considerably amongst the states, the EU EOM found no evidence of political bias in voter registration or PVC distribution. Positively INEC took some disciplinary action in at least one case of staff malpractice regarding PVC distribution.⁴⁸

Further concerning was the reliability of INEC's PVC collection data. States sometimes reported zero progress since the last update, implausibly high increases between two updates, and in four states collection rates went down between two updates without any explanation provided. Eleven states reported implausibly high collection rates of between 92.65 and 95.98%. Such rates are highly questionable given that the deceased have not been removed from the list since 2010 and migration rates are often high. There are strong indications of proxy PVC collection in these states as well as persistent allegations of organised PVC buying across the country.

⁴⁴ For the 2011 elections there had been biometric voter registration but no biometric safeguards were used for voter identification in polling units.

⁴⁵ For example a PDP press release issued late on 28 March noted "*that as good as the idea of card readers is, it was too virgin to be successfully used in a general election without proper testing especially in an environment as ours that is not entirely digitally proficient*".

⁴⁶ PVC collection was due to cease on 22 March but RECs were given discretion to extend collection until the eve of the election. In Ogun state, that had particular delays with PVCs arriving to the state, EU LTOs also noted distribution between the two election days.

⁴⁷ PVC distribution was at PU level only for a short period, and then at LGA or ward levels.

⁴⁸ In Lagos two temporary INEC staff who allegedly refused to hand out PVCs to non-indigenes were investigated and relieved of their duties by INEC.

While the introduction of PVCs and card readers has been effective in increasing the reliability of the voter register and reducing opportunity for fraud, their impact has been limited by the seemingly weak quality of biometric data captured during registration in 2010 and 2014. This appears to have contributed to card readers being largely unable to authenticate registrants' fingerprints in PUs. As of yet, there does not appear to be a plan for maintaining the voter register. This is particularly challenging given that in the coming years there will be an accumulation in the number of the deceased in the register. A further challenge is the alleged proxy collection of PVCs which, if unaddressed, risks cards being misused, especially if there is no improvement in biometric authentication of voters in PUs.

VIII. PARTY PRIMARIES AND THE REGISTRATION OF CANDIDATES

The Constitution includes qualifications for election such as citizenship, age, minimal educational requirements,⁴⁹ and nomination by a political party.⁵⁰ Such a preclusion of independent candidates is inconsistent with the individual right to stand for office.⁵¹ Furthermore, in the Nigerian context it can be criticised for exacerbating excessive party control, which is problematic given the extensively reported culture of corruption within parties. For example Transparency International's 2013 Global Corruption Monitor found that 94% of respondents in Nigeria felt that "*political parties were corrupt/extremely corrupt*" (with a worse rating than any state institution). The right to stand and freedom of association are further compromised by onerous requirements for establishing a political party.⁵² Thus voters are left with reduced choices available on election day, which also weakens opportunity for the accountability function of elections, thereby undermining effectiveness of the democratic process.

There is insufficient legal regulation of party primaries, with INEC lacking powers of enforcement.⁵³ As INEC is legally barred from disqualifying candidates, the candidate nomination procedure is essentially a clerical exercise. Therefore political parties enjoy a wide margin of discretion with challenge only possible through judicial processes.

Candidacy is also *de facto* overly-restricted by parties requiring aspirants to pay a non-refundable nomination fee that for the two main parties ranged from 550,000 to 27 million Naira (approximately €2,700 to €134,000). This leaves the possibility to stand beyond the reach of the

⁴⁹ The UN Human Rights Committee have noted that educational qualifications for candidacy are inconsistent with the right to stand: "*It is unreasonable to restrict the right to vote on the ground of physical disability or to impose literacy, educational or property requirements.*" ICCPR General Comment 25, paragraph 10.

⁵⁰ The Constitution, sections 65, 66, 106, 107, 131, 137, 142(2), 177, 182, 187(2).

⁵¹ The authoritative interpretation of ICCPR article 25, General Comment 25 of the UN Human Rights Committee (HRC), states "*The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties*". Also the African Charter On Human And Peoples' Rights states: "*Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law*" (article 13).

⁵² The members of the governing body of the party must "*reflect the federal character of Nigeria*", which requires them to "*belong*" to two-thirds of all the states of the federation and the FCT. This qualification while promoting national unity may also be seen as burdensome and so *de facto* inhibiting freedom of association.

⁵³ This may be seen as inconsistent with General Comment 25 "*States should ensure that, in their internal management, political parties respect the applicable provisions of article 25 in order to enable citizens to exercise their rights thereunder*". ICCPR General Comment 25, paragraph 26.

vast majority of citizens (nearly 80% of whom reportedly live below \$2 a day).⁵⁴ The dominant role of money in electoral politics exacerbates exclusion and risks corruption in office.

“Zoning”, whereby elected positions rotate between different geographical areas within a constituency, is often applied, which *de facto* excludes aspirants from other localities.⁵⁵ Similarly, ethnic affiliation is also reportedly a common criteria for selection by party leaderships. Aspirants are “screened” by parties using often-vague conditions that are open to selective application.

The primaries, which can have between a few hundred and 8,000 delegates and can last over 24 hours, may be characterised as having the form of an election without the safeguards. Various problems with primaries were widely reported and observed by EU experts. For example changes in announced “zones” (after the payment of nomination fees), arbitrary rejections during “screening”, corrupted election processes, and voting procedures that lack transparency and certainty. Also parallel primaries reportedly took place and parties did not always respect the results of their own primaries (see section XIII: Electoral Disputes).

INEC published all candidate lists within the prescribed timeframe. In total there were 14 candidates for the presidency, 745 for the 109 senatorial seats, and 1,772 for the 360 House of Representatives seats, with both APC and PDP fielding candidates in virtually all constituencies. There were 380 candidates for the 29 gubernatorial seats with both APC and PDP fielding contenders in all 29 states. For the SHoA, there were 5,279 candidates, with APC and PDP fielding 989 and 990 contenders respectively for the 990 seats.

IX. ELECTION CAMPAIGN

The overall competitive 2015 elections took place in a tense campaign environment, with incidents of election related violence and misuse of campaign regulations reported in all parts of the country. Campaigning for the federal and state level elections took place concurrently, with overlapping financial resources and joint strategies focused on large-scale rallies during the first phase (before postponement) and town hall meetings with socio-political groups and religious, traditional and youth leaders in the second phase (after postponement). The Electoral Act specifies a 90-day campaign period, however with the six weeks postponement it amounted to 132 days. Reportedly, presidential campaigning was on-going for some time with billboards, meetings, and media advertisements before the specified by INEC campaign start on 16 November.⁵⁶ This was justified on the basis that campaigning was not being undertaken by the parties, but rather by other organisations, for example the Transformation Ambassadors for Nigeria (TAN) endorsing President

⁵⁴ The UN 2014 Human Development Report shows that 67.98% of the Nigerian population are living below purchasing power parity (PPP) of \$1.25 a day, and 79.2% below PPP \$2 a day.

⁵⁵ Furthermore, a principle of belonging is also often applied, as is established in the Constitution, section 318(1), which defines “belong to” as applying to “a person either of whose parents or any of whose grandparents was a member of a community indigenous to that state.” Thus, this requirement may be seen as contradictory to the constitutional provisions on citizenship rights and the authoritative interpretation of the ICCPR which states that “No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of... national or social origin... birth or other status.” ICCPR General Comment 25, paragraph 3.

⁵⁶ According to section (99)1 of the Electoral Act, the INEC have specified that for the presidential and National Assembly elections campaigning can start on 16 November and the gubernatorial and SHoR elections on 29 November.

Jonathan.⁵⁷

Both the main parties carried out large-scale rallies in all 36 states and the FCT, attended in some instances by tens of thousands of supporters, albeit with allegations of payments made. EU LTOs reported some cases of restriction of freedom to campaign, with opposition parties denied access to prime public places in both PDP and APC controlled states.⁵⁸ Some processional campaigning was also banned by the police for security reasons, e.g. in Kano and Ogun states. Terrorist attacks and counter-terrorist military operations impeded campaign activities in the North East, although public campaigning did continue in all states.⁵⁹ At least three presidential campaign events were cancelled for security reasons.

The campaign environment was extremely tense, with increasing violent incidents occurring across all parts of the country, especially in the South South and South West. Since the official launch of the presidential campaigns in early January the EU EOM noted reports of 114 election-related violent events with more than 157 persons killed, although the actual number of incidents and casualties is likely higher.⁶⁰ Both PDP and APC were accused of deploying thugs to intimidate opponents and attack party rallies, convoys, members and offices.⁶¹ Armed attacks increased, especially in Rivers, Lagos and Kaduna states. Anxieties related to the resurgence of militant groups in the Niger Delta were amplified by intensified bomb attacks and shootings, especially in Rivers state.⁶²

The INEC lacks sanctioning powers for enforcement of campaign regulations and mechanisms for monitoring and sanctioning non-compliance were *de facto* non-existent. Violations remained unaddressed throughout the whole campaign period, though all 27 parties participating in the elections have signed the Code of Conduct (2013).⁶³ This amplified the widespread sense of electoral impunity. Some state representatives and candidates of both PDP and APC were seen to misuse incumbency. EU LTOs reported cases of abuse of federal and state government resources, biased policing as well as breaches of campaign regulations such as inducement of voters.⁶⁴ Allegations were made of civil service salaries, sometimes unpaid for several months, being syphoned off for party campaign activities. Following the election, misappropriation of large sums

⁵⁷ For the role of the TAN in the campaign see the report of the Centre for Social Justice (CSJ). <http://csj-ng.org/blog/second-campaign-finance-and-use-of-state-administrative-resources-report-in-the-2015-presidential-election/>.

⁵⁸ For example, the PDP presidential campaign was permitted to use the stadium in Calabar, Cross River, while the APC presidential candidate was not. Also on 28 January the APC governor of Rivers state denied PDP access to the stadium in Port Harcourt.

⁵⁹ This was most pronounced in Adamawa, Borno and Yobe, but also occurred in Bauchi and Gombe states.

⁶⁰ NB. The National Human Rights Commission report on pre-election violence identified 60 incidents and 58 persons killed over a 50 day period from December 2014.

⁶¹ There have been reports of at least 56 cases of shootings at rallies and convoys, polling units and voters; 19 cases of stoning/mob attacks on campaign convoys; 7 cases of bomb explosions at party offices; and 16 cases of destruction of vehicles, bill boards and other properties of parties.

⁶² For example the shooting at vehicles conveying APC supporters to the inaugural presidential rally in Port Harcourt on 6 January and the multiple bomb explosions and shootings at the APC campaign rally in Okirika on 18 February.

⁶³ The Code of Conduct requires respect for the legal campaign regulations and INEC's Guidelines for Campaigning, which include commitment to the rule of law, respect of the rights of all electoral participants, non-misuse of state resources, non-violence, avoiding defamatory and inflammatory language, non-interference with the rallies and activities of other parties, prohibition on weapons etc.

⁶⁴ EU EOM LTOs have observed misuse of governmental vehicles and offices for campaign activities in Abia, Enugu, Kebbi, Kwara, Niger, Ogun, Oyo, Plateau and Sokoto states. Biased policing was observed in Abia, Niger, Kaduna, Katsina and Plateau states, while inducements of voters (money payments, distribution of food and goods) was observed in Ogun, Oyo and Kwara states.

of campaign money by party supporters caused further controversy.⁶⁵

Issue-based campaigning was overshadowed by prevailing negative tactics, with escalating mutual accusations and fierce personal attacks.⁶⁶ Inflammatory language and hate speech were increasingly used in the campaign. Most dramatically the First Lady, Patience Jonathan, stated that anyone who says “*change*”, the campaign slogan of the opposition APC, should be stoned.⁶⁷ Ex-militant leaders from the Niger Delta threatened war and the breakup of the nation should PDP not win the elections.⁶⁸ On 5 April, the Oba of Lagos (the highest traditional ruler) threatened Igbo state residents that they would “*die in the Lagoon*” if they again voted for PDP. Party leaderships may be seen as negligent in its lack of reaction to such inflammatory speech. There was also an increase in the use of religious, ethnic and sectional sentiments and appeals in the campaign with both parties accusing the other of dividing the nation on religious grounds. Ethnic militant groups⁶⁹ also became increasingly involved in the campaign. Allegations and counter-allegations of financial inducement of religious and traditional leaders and ethnic minority groups were made in the media and at rallies. The growth in hate speech and violence took place despite the signing of the Abuja Accord and comparable peace accords in all 36 states and the FCT.⁷⁰

Campaign finance

Several legal provisions aim to enhance campaign finance transparency and accountability; however these are insufficient, thereby rendering requirements essentially ineffective. Campaign expenditure limits for candidates can be circumvented, as there is a lack of corresponding limits for parties. Conversely while there are requirements for party financial reporting there is a lack of commensurate requirements for candidates.

Positively the Constitution grants INEC the powers and responsibilities to submit to the National Assembly a report on the accounts of all political parties, to give direction to parties regarding the recording of financial transactions, to examine all such records, and to monitor political campaigns and adopt rules and regulations. However the last external audit of party funds, in 2011, shows that out of the then 23 parties, all except two had no audited statement, improperly maintained accounts, no internal control procedures, and no register of membership.

Political parties are not permitted, under the Electoral Act, to accept anonymous monetary or in-kind contributions exceeding Naira 100,000 (approximately €460). However no ceiling is established for donations to parties, and although the Electoral Act foresees a fine for the violation of election expenditures by a political party “*beyond the limit stipulated in this Act*”, it fails to specify any such limit, neither did INEC adopt such a regulation; in addition, the political parties

⁶⁵ Also fund raising events of President Jonathan triggered public and civil society critique for donations being excessive, raising questions about the sources of such financing, and for breaching legal provisions. For example reportedly at one fund raising dinner on 20 December PDP raised Naira 21.21 billion (approximately 98 million euro).

⁶⁶ For example there were several so-called “*death threat*” advertisements by the PDP Ekiti state Governor against the APC presidential candidate Buhari, insinuating he would die while in office if elected.

⁶⁷ Rally in Calabar, 4 March, captured in a video (available on YouTube). APC filed a complaint against Patience Jonathan with INEC, the police and the International Criminal Court.

⁶⁸ The threats were made at a meeting hosted by the PDP Governor of Bayelsa on 23 January. On 1 April, former Niger Delta militant leader, Asari-Dokubo, threatened to return to militancy as the South South had lost the presidency.

⁶⁹ In particular the O’dua Peoples Congress (OPC) and the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) in the South West and South East respectively.

⁷⁰ The Abuja Accord commits candidates and parties to refrain from inflammatory language, hate speech, religious incitement, and ethnic or tribal profiling.

are not bound by any ceiling for their campaign expenditure for the upcoming elections, even though the Electoral Act mandates INEC to so do.

Conversely the Electoral Act lays out the limits for campaign expenditure allowed by candidates and the ceiling of funding by individuals to candidates, but such regulations can *de facto* be circumvented by using party accounts. Also the limits for candidates are absolute amount rather than linked to an indexation (such as the number of voters in a constituency) and are disproportional between different offices.⁷¹ Moreover, the financial sanctions prescribed are unreasonably low⁷² thereby negating the effectiveness of the regulation. To date these sanctions have not been applied, as the lack of corresponding legal reporting requirements for candidates precludes opportunity for enforcement.

Political parties are required to submit their audited election expenses report to INEC within six months after the elections; INEC is obliged to make their audit returns available for public inspection at its premises and also publish them in three national newspapers.⁷³ Positively, INEC also introduced some reporting obligations for candidates in its 2013 Guidelines and Regulations for Political Parties, but these are not legally binding. INEC also established a campaign tracking finance unit in March 2014, and has conducted trainings for parties. It remains to be seen if any reports are submitted within the six-month post-election deadline and if they are then duly published.

X. MEDIA AND ELECTIONS

Media landscape

The vibrant Nigerian media scene includes some 200 radio stations and 150 television channels as well as approximately 400 mostly private print media outlets.⁷⁴ Radio is still the dominant news platform in the country, closely followed by word of mouth and TV.⁷⁵ The Internet is accessed by over a third of the population.⁷⁶

Federal government-controlled Nigerian Television Authority (NTA) and Federal Radio Corporation of Nigeria (FRCN) are the two dominant media houses with the widest coverage. Combined they are composed of 150 stations networked throughout the country. In addition, each state has its own state government-controlled radio and in most cases also TV services.⁷⁷ The broadcast media sector is thus still dominated by the federal and state government-controlled outlets, which lack editorial and financial independence from respective governments and primarily

⁷¹ For example a presidential candidate, who campaigns in 36 States and the FCT, has a spending limit of one billion Naira (approximately €4,659,150), while a governorship candidate campaigning in only one state has a limit of one fifth of the presidential candidate's spending limit.

⁷² For instance, a presidential candidate may be convicted of a maximum fine of one million Naira (approximately €4,659) or 12 months imprisonment or both.

⁷³ Additionally, the political parties that sponsored the election of a candidate should submit to INEC, within three months after the announcement of results, a report of the contributions made by individuals and entities. The Electoral Act does not explicitly stipulate the publication of this report.

⁷⁴ Figures provided by the National Broadcasting Commission (NBC), the regulatory body for broadcast media, and the Nigerian Press Council (NPC).

⁷⁵ Gallup media survey of 4,000 Nigerian adults (aged 15 and older) conducted January - April 2014: <http://www.bbg.gov/wp-content/media/2014/05/Nigeria-research-brief.pdf>

⁷⁶ <http://www.internetlivestats.com/internet-users/nigeria/>

⁷⁷ State-controlled TV stations do not operate in Ebonyi and Benue states, and no such TV or radio exists in the FCT.

serve their interests notwithstanding their political affiliation. Private media, currently consisting of some 135 broadcasters, is steadily growing. This, along with the increasingly substantial role of the social media as an open platform to exchange views, contributes to overall pluralistic media environment. However, there are still no community radios, although some campus-based university radios are in operation.⁷⁸

Media practitioners refer to freedom of the media steadily improving. However self-censorship continues to be regularly reported, especially in the state controlled media, and also in regards to journalists' reporting of sensitive political, ethnic, or security related issues. This shows a lack of safeguards and the financial instability of journalists. Instances of harassment and attacks against journalists were reported, mainly in connection with journalists' coverage of campaign events.⁷⁹

Legal and Regulatory Framework for the Media

Freedom of expression is constitutionally guaranteed, although criminalization and consequent risk of imprisonment in case of "defamation" or "sedition" could impede this right.⁸⁰ The legal framework was strengthened by the passing of the 2011 Freedom of Information Act, which provides for easier access to information in accordance with international standards.⁸¹

The Electoral Act regulates some key aspects of the media coverage of elections, highlighting in particular the role of the state broadcast and print media in providing equal airtime/coverage of contestants, and stipulating that they shall not be used to the advantage or disadvantage of any political party or candidate.⁸² More detailed regulations for coverage of political actors in various types of broadcast programmes, including paid for programmes, is stipulated in the Nigeria Broadcasting Code (NBCo). Also the Nigerian Media Code of Election Coverage, adopted by the key media stakeholders' organizations in October 2014, offers self-regulatory guidelines for Nigerian journalists emphasising fair, accurate and balanced coverage. Despite detailed regulation of political advertising in NBCo and broadcasters' obligation to give equal access to all contestants, the media are not obliged to publish their prices and condition of paid campaign. This risks inequality of access for contestants' political advertising and limits possibility to scrutinize the campaign expenditures. Use of documentaries and live-broadcasts in campaigns is *de-facto* unregulated, and therefore risks further inequalities of access.

The National Broadcasting Commission (NBC), the state regulatory body for broadcast media,

⁷⁸ The lack of community radios could be partially attributed to the fact that the NBC does not have the authority to grant the broadcasting licenses (while facilitating the licensing process, the authority to grant broadcasting licenses is vested with the President), despite government's pledges from 2010 to delegate this right to the NBC in the case of community radios.

⁷⁹ For example the local Thomson Reuters correspondent's home in Bayelsa State was raided on 14 February by Department of State Security (DSS) and equipment confiscated. The correspondent reported that DSS claimed that it had gathered information about a "negative report" the correspondent sent or was planning to send to the outside world. Also two Al Jazeera journalists were detained in Borno on 24 March for over a week by Military. Cases of journalists being attacked included an NTA journalist injured when covering an election-related clash between PDP and APC supporters on 10 February in Imo, five other journalists' sustained injuries on 2 February in Gombe (after being attacked by a crowd when leaving a PDP campaign rally) and on 17 February, a crew member of Channels TV was stabbed during an APC Rally in Okrika, Rivers State.

⁸⁰ Criminal Code, Chapter 7 "Sedition and the Importation of Seditious or Undesirable Publications".

⁸¹ ICCPR, article 19.

⁸² Although requirement for allocation of equal airtime/space by the state media to all parties should result in media access provided also to smaller parties, the law does not specify the particular portion of airtime/space contestants are entitled to, which could result in negligence of parties lacking financial means to afford to pay for their promotion.

supervises outlets' activities, including during elections. It has powers to sanction broadcasters, including the revocation of licenses in case of severe violations of the NBCo. However, during the campaign period the NBC remained passive and overall failed to challenge obvious bias in particular in the state media.⁸³ This could be partially attributed to NBC's lacks of capacity and methodology to monitor broadcast media in a systematic manner. Similarly, the regulator's passiveness in response to the frequent airing of anonymously sponsored materials damning APC representatives, aired on federal-government controlled NTA and private TV AIT for more than two months before the 28 March election day, indicates incumbent bias.⁸⁴ The current legislation does not provide NBC independence, with the government appointing its board and Director General, and being responsible for funding its activities.

*EOM Monitoring of Media Coverage*⁸⁵

The elections, in particular the presidential and to some extent also the gubernatorial races, clearly dominated the news and editorial coverage of the national media. The PDP and APC were by far the most visible political parties presented in the news and current affairs programmes, both mainly in a positive or neutral light. Positively, presidential candidates, and in most states also gubernatorial candidates, were given access to television programming to present their views, although voters could have benefited from more discussion of substantive issues which was overall rare. In the six weeks after the election postponement, media provided extensive coverage of the election process, including giving INEC representatives substantial exposure in editorial programmes.

Both major campaigns, in particular PDP's, dominated paid broadcasts of the media monitored by the EOM. Some EOM interlocutors reported that media outlets are open to the illegal practice of providing news programmes in exchange of payments. One problem arising was the frequent occurrence of materials in the media of a campaign nature, with documentaries and live broadcasts that lacked proper sponsor identification.

EU EOM quantitative analyses of the federal government-controlled broadcast media showed that these national media clearly favored the incumbent government, with extensive exposure given to the PDP and only limited coverage of other contestants. Thus there was a lack of compliance with the legal requirements for equal coverage. In the period before the 28 March elections (starting from 16 January), in prime-time news, PDP received 57% of NTA's political coverage, and 43% of FRCN's. Additionally the incumbent gained extra airtime through coverage of presidential and Federal Government activities, which amounted to another 27% of NTA airtime and 35% of FRCN's. In contrast to PDP's total 84% coverage, APC received 11% on NTA. On FRCN, PDP's 78% contrasts with ACP's 13%. Of the overall prime-time news coverage dedicated to presidential

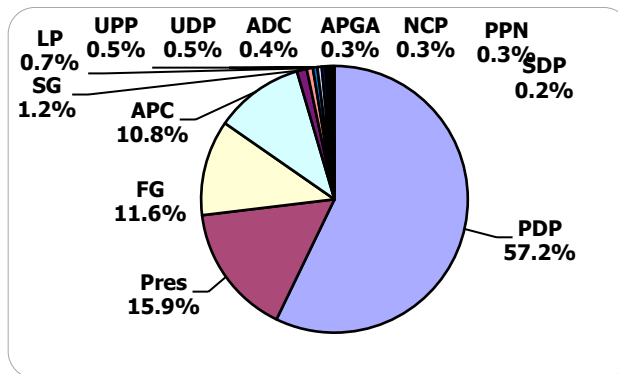
⁸³ NBC was active in responding to violations of the 24-hour campaign silence period by 16 media outlets.

⁸⁴ Only on 30 March the NBC announced that NTA and AIT violated rules concerning sponsored campaign broadcasts, which must "*conform to the standards of truth, decency and good taste, and requiring the sponsor to be clearly identified*".

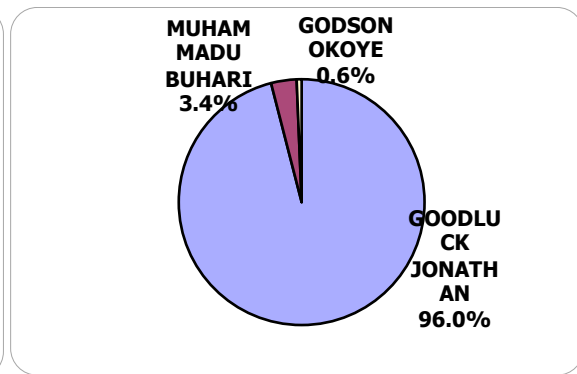
⁸⁵ On 16 January the EU EOM commenced monitoring of three TV channels, two national radio stations and three daily newspapers. In addition, since 26 January the EU EOM has been monitoring six state-controlled radio stations representing all geopolitical zones. The monitored TV stations are: federal-government controlled TV - NTA, privately owned TV AIT and TV Channels (all monitored during the evening prime time - 5pm till 11pm). The radio stations are: federal-government controlled radio Capital FM (part of FRCN) and privately owned radio Ray Power (both radio stations are monitored daily from 6am till 8am and from 4pm till 6:30pm). The daily newspapers monitored are *The Guardian*, *This Day* and *Daily Trust*. The EU EOM is also monitoring morning and evening programmes (two hours) of state-controlled radio stations in Borno, Enugu, Kaduna, Lagos, Plateau and Rivers. For a full report of findings see the EU EOM website – http://eeas.europa.eu/eueom/missions/2015/nigeria/index_en.htm

candidates, NTA and FRCN allocated to President Jonathan 85% and 77%, respectively. Inequalities were even more apparent in other NTA prime-time programmes that almost exclusively covered only the ruling party, incumbent president and government, merging formal official functions with campaigning.⁸⁶ In contrast, during the two-week period following the 28 March elections, NTA and FRCN provided notably larger shares of airtime to the APC, resulting in rather balanced coverage of the two leading political parties.

NTA news programmes (by political party)



NTA editorial programmes (by candidate)



Similarly private broadcasters, DAAR Communications owned broadcast media with nearly national coverage TV AIT and to some extent radio Ray Power, gave PDP increased coverage. AIT allocated 62% of its primetime news coverage to PDP (and an additional 13% to PDP officials in government⁸⁷), compared to 23 % given to APC. Similarly for other primetime editorial programs with PDP having 55% of the coverage (with an additional 24% for PDP officials), compared to 17% allocated to APC. TV AIT (and to lesser extent also NTA's,) airing of anonymously sponsored programmes damning APC's key political figures inflamed a tense volatile campaign environment prior to the Presidential elections. Ray Powers allocated 42% to PDP, and 23% to PDP's officials, while APC received 26% of morning and evening news coverage of contestants and relevant political actors. Ray Powers' coverage of political actors and contestants was more balanced in its other editorial programmes, featuring a wider range of actors with PDP receiving 28% of coverage, the largest single share.

In contrast, Channels TV demonstrated generally balanced reporting of key political contestants, allocating in its main news programme 40% to APC, while PDP was given 33% and PDP officials 16%. Similarly, other prime time programmes offered 45% share of coverage to APC, compared to 37% allocated to PDP and an additional 12% given to PDP officials. Three monitored newspapers, *The Guardian*, *This Day* and in particular *Daily Trust*, offered relatively balanced and diverse coverage.⁸⁸

Like the two federal government-controlled media, also all six state government-controlled FM radio stations monitored (between 26 January – 9 April) favoured the party in power (at the state level), be it PDP or APC. These stations allocated notably larger shares of their coverage to

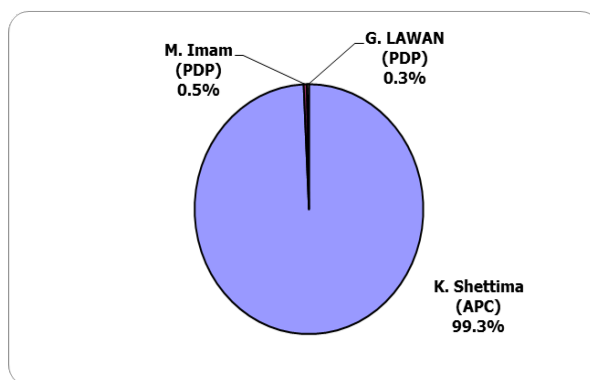
⁸⁶ For instance there was a 150 minute live coverage of President Jonathan's meeting with Nigerian young professionals in Lagos on 22 March, or a couple of hours coverage of an event "*The other side of Goodluck Jonathan's administration - GEJ wins it*" on 15 March outlining successes of Jonathan administration.

⁸⁷ The President and federal government officials.

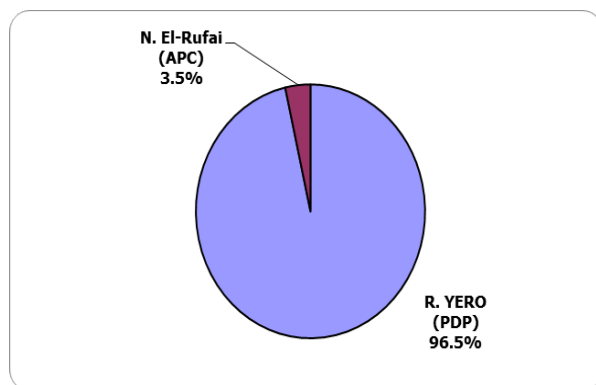
⁸⁸ Extensive media monitoring of daily newspapers and some on-line portals was also conducted by NPC and a Lagos-based NGOs within the UNDP DGD II funded project.

incumbent governors seeking re-election or incumbent parties' candidates. This tendency was particularly visible in the stations providing more airtime to gubernatorial contests and local news, with the most extreme case being the Borno-based FM radio, where the current governor/candidate of APC dominated with 99% of coverage.⁸⁹ Similarly, the Kaduna-based FM station gave a total of almost 97% of coverage of gubernatorial candidates to the incumbent PDP governor/candidate.⁹⁰ Plateau-based Peace also showed clear preference towards the ruling party (PDP), focusing however on the activities of the incumbent governor contesting for a senatorial seat (he received 4 hours 25 minutes of news coverage) rather than gubernatorial candidates (who all together received 2 hours 27 minutes).

Borno FM radio news programmes
(by candidate)



Kaduna FM radio news programmes
(by candidate)



Enugu, Lagos and Rivers based FM stations were also allocating significantly larger shares of coverage to the gubernatorial candidates of the governing party (APC in Lagos and Rivers, and PDP in Enugu). However this tendency was less visible given the focus of these media (in particular Enugu and Rivers) to zonal developments. This increased variety could be attributable to them operating in more diverse media environments compared to the north which has a lower level of media concentration.

XI.28 MARCH ELECTION DAY AND RESULTS

Polling and counting

Nigerian voters showed a commendable commitment to fulfilling their democratic right in a generally peaceful manner. However there were at least 41 incidents of violence reported on 28 March election day, resulting in 19 deaths, including 4 apparent terrorist attacks. In the 377 sites visited by over 90 EU EOM observers, polling passed peacefully with appropriate performance by security forces and there was no evidence of systematic manipulations. However overall election day may be characterized as disordered and prolonged, despite the generally very positive efforts and often innovative actions of polling staff. Polling procedures were insufficiently followed, and INEC gave little information and explanation on challenges encountered. Increased problems and weaknesses in the system were observed in the collation process, particularly at the ward level. Evident procedural shortcomings, which increase the risk of dispute and electoral abuse, show the

⁸⁹ Total time in news dedicated to all candidates was 4 hours, 20 minutes

⁹⁰ Total time in news dedicated to all candidates was 6 hours, 33 minutes

need for future practice developments. Positively party agents were mostly present, with PDP seen in 80% and APC in 81% of sites visited.

A lack of ballot papers resulted in postponed elections in 13 House of Representative constituencies in three states. Polling started late in virtually all sites visited, largely due to material distribution failure, which persisted into the accreditation phase (during “*accreditation*” registrants are verified and marked on the voter register, and are then required to return at 1.30pm to queue for voting).⁹¹ In 12% of observed locations essential material was missing, typically ballot papers. Obviously underage voters were seen accredited in 9% of sites visited. Use of the card readers was evidently problematic, with 18% malfunctioning and 91% not being able to consistently verify fingerprints,⁹² and consequently manual voter identification being undertaken which increased enfranchisement but weakened the integrity of the process as there was increased risk of collusion and intimidation of staff. Even with such manual voter identification, the system of card readers and PVCs was a strong preventative measure against fraud as a genuine PVC was required that was coded for that particular PU. Approximately two hours after the scheduled end of accreditation, INEC announced that in case of card reader failure, their use would no longer be required and registrants would be manually accredited. In so doing, INEC expedited accreditation, but removed the safeguard of electronically checking for authentic PVCs allocated to that PU.⁹³ At 9pm INEC announced that re-polling would take place in approximately 300 sites due to malfunctioning card readers.

For voting, in 13% of visits unauthorized persons, mostly party agents, were interfering in the polling work. Ballot boxes were not sealed in 37% of sites visited. Basic integrity checks were commonly missing, for example in 60% of locations the staff did not record the number of ballots received, ink was not consistently checked in 58%, and PVCs were not always checked in 25%. In 59% of sites voting was not always in secret, with for example group voting seen in 10% of cases.

Counting procedures were not always followed in the 30 sites observed⁹⁴, with basic ballot reconciliation not undertaken in 11 counts, and in 9 cases the results form figures contained anomalies. Mostly PU results were not publicly displayed as required, although positively in nearly all cases agents received a copy.

Collation and results announcement

The collation was assessed by EU EOM observers as the weakest part of the polling process.⁹⁵ This was in part due to regulatory guidelines not providing sufficient checks, and partly due to implementation problems. While the INEC guidelines and manual for election officials include some positive safeguards for polling,⁹⁶ structural procedural weaknesses persist for collation, particularly in regards to checks in the process and transparency. These include: no requirement for distribution and display of copies of voting point results forms,⁹⁷ no double-blind data entry during collation, an insufficient system for dealing with anomalies or suspicious results, and no requirement for display of PU results at the first-level of collation (thereby breaking the chain of

⁹¹ This system was introduced with the aim to minimise an opportunity for multiple voting.

⁹² In six percent of sites voters were accredited without the card reader being used.

⁹³ No information is available on how many registrants were accredited manually without the check of a card reader.

⁹⁴ For example in 9 out of 30 counts observed unused ballots were not cancelled.

⁹⁵ After the opening of polling units, which was very negatively assessed given the predominantly delayed starts.

⁹⁶ For example voting only in the PU where a voter is registered (as required by law), mandatory use of biometric PVCs, card reader verification, separate accreditation and voting on election day, and the use of indelible ink.

⁹⁷ Voting points are established in PUs with more than 750 registered voters.

results data compromising stakeholders' ability to check the veracity of announced totals). By law, there is no provision for an administrative complaints mechanism and once the election results for a particular constituency are declared by a Returning Officer they can only be changed through judicial procedure.⁹⁸ Thus the speed of results declaration was given priority over the thoroughness and credibility of the process. There also appears to be high tolerance amongst stakeholders to shortcomings in transparency and precision in numerical data provided.

EU EOM observers did not find any evidence of systematic manipulation of results. However out of 43 collation centres visited, on election night and in the following days, 14 were assessed negatively. The first level of collation (at wards) appeared to be particularly problematic, with 8 out of 17 rated negatively. Significant procedural problems included: results not always arriving in sealed tamper-proof envelopes (in 12 centres not one of the results arrived sealed), results not always being displayed at the centres, mathematical errors, inconsistent checking of results, and some repeated alterations to results forms. Scrutiny appeared to be weak especially at the lower levels, with APC and PDP agents present only in 34 and 33 centres respectively and citizen observers only in 14 centres (out of 43). In five centres visited there were no agents or citizen observers present at all.

The presidential collation process was completed within four days, with the declaration of results and certificate of return given to the winning candidate on 1 April.⁹⁹ During the final level of collation, which was somewhat ceremonial rather than a meaningful data check, the INEC Chairperson remained impressively composed despite various challenges, including rumours of possible threats to his personal safety and strong protests from one PDP agent.

No breakdown of results was provided, precluding the checking of announced results and thereby risking diminished confidence. Only some two weeks after election day, on 14 April, did INEC centrally announce the list of elected National Assembly members, so although individual results were available at constituency level, there was a lack of availability of data on the new parliament as a whole. Thus for more than two weeks after elections stakeholders had to rely on party and media unofficial compilations of results (that sometimes lacked consistency).

The results of just under 1% of PUs (1,145) with approximately 690,000 registered voters were cancelled due to violent incidents, ballot box snatching, over-voting etc.¹⁰⁰ It is not possible to assess the comprehensiveness and consistency of such cancellations without further information. What is clear however from the available data is that there were increased incidents of problems in some states. In particular in Edo state in the South South, 10.47% of PU results were cancelled. Should the number of registered voters in PUs where elections were not held or were cancelled be greater than the margin of victory, then re-polling was due. According to INEC elections in "no more than 15" senate and House of Representatives constituencies were held on 11 April.¹⁰¹

⁹⁸ Each gubernatorial, senatorial, HoR and SHoA constituency had its own Returning Officer with the INEC Chairperson being the Returning Officer for presidential election.

⁹⁹ The presidential results were then published on INEC website on 3 April.

¹⁰⁰ "Over-voting" is when the total number of votes cast at a PU exceeds the number of registered or accredited voters.

¹⁰¹ Of these, 11 are constituencies for the House of Representatives in Jigawa where no elections were held on 28 March due to a lack of ballot papers. However, the published lists of newly elected Senators and HoR members indicated that inconclusive elections requiring some re-polling were declared in 1 senatorial district and 21 federal HoR constituencies out of which 7 were in the south and 3 were in the north (plus 11 constituencies in Jigawa where re-polling was due to a lack of ballot papers).

Some highly implausible results data can be seen in the available presidential results from Rivers state. This includes zero rejected (invalid) ballots out of 25,174 ballots cast in Omuma LGA, no difference between the number of accredited registrants and the number who actually voted in Emohua and Ogu/Bolo LGAs, and a 98% turnout in the Emohua LGA. Such questionable data warrants further investigation, however following INEC's dispatch of three National Commissioners to Rivers for some hours,¹⁰² the results were accepted by INEC and announced.

Other indicators of attempts at manipulation are apparent from the findings of the citizen observer Transition Monitoring Group (TMG), which undertook a parallel vote tabulation ("quick count"). While this confirmed the overall accuracy of the official presidential election results, the data strongly suggests that turnout was inflated, by at least 10%, with results adjusted in favour of PDP during the collation in the South South states of Akwa Ibom, Bayelsa, Delta and Rivers.

The lack of fully effective results information system was evident in the total number of registered voters in the declaration of the presidential election being lower by 1.4 million than the total number of registered voters previously officially announced by INEC.¹⁰³ This also impacted on the official presidential turnout figure provided which was calculated from this reduced number and also referred to turnout for accreditation rather than for voting. This is a significant difference given that over 2.3 million of those that were accredited (7.3%) did not finally cast their ballot.¹⁰⁴ Thus the two-stage system of accreditation and then voting, while providing a safeguard against multiple voting, also appears to have resulted in significant disenfranchisement. The announced official turnout is thus 47.09%, while the actual voter turnout (as opposed to accreditation turnout), calculated from the total number of registered voters officially announced by INEC on 13 January, is 42.76%. The total 29,432,083 votes cast is a reduction from the 39,469,484 votes reportedly cast in 2011.

Results and stakeholder reactions

In the 28 March poll, the opposition APC won the majority of presidential votes in 4 out of the 6 geopolitical zones, with General Buhari receiving 15,424,921 votes (53.96%), while President Jonathan of the PDP received 12,853,162 (44.96%).¹⁰⁵ Thus there was a clear margin of victory of 2,571,759 votes. The seemingly most updated publicly available results data (dated 10 April 2015), shows APC securing the majority of the seats in the National Assembly by winning 60 out of 109

¹⁰² Acting upon an APC complaint, INEC sent on 30 March three National Commissioners to Rivers state to investigate allegations of malpractice. The investigation concluded that the allegations were not substantial enough to require the cancellation or re-scheduling of the elections. PDP also submitted a complaint to INEC requesting cancellation of presidential election results in seven northern states of Bauchi, Gombe, Jigawa, Kaduna, Kano, Katsina and Kogi due to alleged electoral malpractices such as under-age and night voting, however results from all these states were accepted and announced.

¹⁰³ The official number of registered voters announced by INEC on 13 January, in accordance with the law, was 68,833,476. The number of registered voters in the declaration of presidential election results is 67,422,005. INEC gave no public explanation but privately explained the difference as being due to "computational errors" by presiding and collation officers. This difference appears to also be partly attributable to the non-inclusion of the registered voters from PUs where results were cancelled or could not be declared. However this explanation does not account for the increase in the number of registered voters that was reported in seven states and the FCT.

¹⁰⁴ The margin of victory between the APC and PDP presidential candidate is 2,571,759 and the number of voters who were accredited but did not finally cast their ballot is 2,314,407.

¹⁰⁵ Official INEC results. The other 12 presidential candidates received in total 2.37% of the total votes cast. The APC won the majority of votes in the North East, North West, North Central and South West.

seats in the Senate (55%) and 212 out of 360 seats in the House of Representatives (58.9%).¹⁰⁶ The remaining National Assembly members were PDP, with only 8 seats won by smaller parties, all in the House of Representatives. These are the All Progressives Grand Alliance (APGA) with 5 seats and the Labour Party (LP), Social Democratic Party (SDP) and Accord party each with 1 seat.¹⁰⁷

The outcome of the elections was historic, with an opposition party winning for the first time and an incumbent President conceding defeat. President Jonathan received applause for congratulating General Buhari even before the official announcement of the results and thereby paving the way for a peaceful handover of power. In turn, President-Elect Buhari called on all Nigerians to appreciate President Jonathan for “*his statesmanship*” and extended a “*hand of fellowship to him*”. The personal decision of President Jonathan to congratulate General Buhari and address the nation with a concession speech appeared to mitigate initially aggrieved reactions of both PDP and APC calling for cancellation of results in northern and southern states respectively. This positive example was followed later by a number of national representatives of the PDP,¹⁰⁸ which further decreased the potential for post-election violence. However the party refused to sign the official INEC results, stating it would judicially challenge the outcome of the presidential election.

XII. 11 APRIL ELECTION DAY AND RESULTS

Polling and counting

As compared to 28 March, there was more violence and higher levels of undue interference during polling and counting on 11 April. The process appeared to be more controversial with weaker scrutiny and because of the state character of elections responsibility was deferred to local level. While there were also some improvements in performance of polling staff largely due to increased experience and reduced workload, systemic problems persisted. There was an evident reduction in turnout from the 28 March election day.

Security incidents and interference were reported from across the country; although predominantly in the south. Unlike 28 March, there were no reported attacks by Boko Haram. However there was an increase in casualties, with at least 30 people reported killed in 121 incidents. On 12 April, INEC referred to “66 reports of violent incidents targeting polling units, INEC officials, voters and election materials” in 19 states in all geo-political zones except for the North East.¹⁰⁹ Predominantly these were inter-party clashes and attacks on election sites by hoodlums, often involving ballot box and essential material snatching. Both the main parties made many accusations of rigging, intimidation and violence by opponents. Problems were most pronounced in Rivers and Akwa Ibom states where there are multiple credible reports of violence and interference, which again warrant

¹⁰⁶ As of 20 June, INEC has on its website at least two lists of House of Representatives elected members and also two lists of elected Senators, dated 10 and 12 April. It is not clear which are most updated, with for example, one 10 April list including representatives for the Jigawa federal constituencies, even though polling was held on 11 April. See http://www.inecnigeria.org/?page_id=155.

¹⁰⁷ In the last National Assembly small parties were more strongly represented, with 4 seats in the Senate and 21 seats in the House of Representatives.

¹⁰⁸ For example the National Chairman, Adamu Mu’azu; the President of the Senate, David Mark; and the Director of Publicity of the PDP Campaign Organisation, Femi Fani Kayode.

¹⁰⁹ Rivers State (16 incidents), Ondo (8), Cross River (6), Ebonyi (6), Akwa Ibom (5), Bayelsa (4), Lagos (3), Kaduna (3), Jigawa (2), Enugu (2), Ekiti (2), Osun (2), Katsina (1), Plateau (1), Kogi (1), Abia (1), Imo (1), Kano(1), and Ogun (1). The Commission reported that it is investigating these incidents and will do everything within its powers to bring culprits to justice.

further investigation in order to develop specific strategies for such states to prevent problems recurring.

The INEC leadership, both at national and state levels, provided little information on election day on the evident problems arising and responses taken, however it became evident that in most observed states some PU results were cancelled or could not be declared due to over-voting, vandalism, the snatching of materials or the non-use of card readers. The lack of consistent independent observation makes it difficult to ascertain the extent and veracity of party accusations made.¹¹⁰ Although not always accurate, the media, including on-line sources, provided up-to-date information about election day developments, thereby improving scrutiny, particularly in the south where media concentration is higher.

On the 11 April election day the EU EOM deployed 58 observers who visited 315 polling and collation sites. Overall the polling process appeared to be more efficient following the experience gained in the earlier presidential and National Assembly elections, however there was increased pressure from the activities of some party supporters. EU EOM observers saw no evidence of centralised systematic fraud although a few attempts at manipulation were observed.¹¹¹ Positively both PDP and APC agents were nearly always present in PUs.

There was a marked improvement from 28 March in the efficiency of opening, with materials and staff arriving on time or with only minimal delay.¹¹² In 9% of accreditation sites observed some essential material was missing, including ballot papers and card readers. In more than 12% of sites visited no attempt was made to verify fingerprints. In 13% of sites, card readers were not always able to read PVCs, and in 94% could not always verify fingerprints.¹¹³ Obviously underage persons were accredited in 6% of sites observed.

Voting continued to be characterised by weak following of procedures. Out of 80 observations, there were 12 sites where polling officials' work was interfered with, mainly by party agents. In 23 sites ballot boxes were not sealed. Ink was not checked for at all in 37 sites visited, and in 25 locations ink was not applied. In 20 sites voters never marked their ballot in secret and in 16 locations group voting was observed.

During closing essential checks were not consistently performed. In nearly half the locations observed, unused ballots were not cancelled, counted or recorded as required. Similarly counterfoils of used ballot papers were not generally counted, and basic ballot reconciliation was not undertaken. In five sites visited, observers and agents were not able to observe counting without undue restrictions. In seven sites, PU results were not posted and in four copies were not given to agents.

Collation and results announcement

¹¹⁰ Citizen observers were only present in 16% of polling locations visited.

¹¹¹ For example EU observers saw evidence of polling staff losing control of the process in Plateau when thugs entered the PU and stuffed the ballot box.

¹¹² All 26 observed openings of polling sites occurred on time (17 cases) or within an hour (9 cases).

¹¹³ In 11% of sites visited, the card reader was never able to verify fingerprints. In the majority of the 14 observations made of the closing of accreditation, no reconciliation was undertaken of voters accredited by the card reader with registrants marked on the voter register.

The collation process for the 11 April elections was characterised by even weaker scrutiny, increased tension at collation centres, and a higher number of constituencies with inconclusive elections. Again there was a lack of centrally provided information about the election results and re-polling required in inconclusive constituencies.

Citizen observers were only present in two out of 23 ward collation centres observed by the EU EOM.¹¹⁴ Similarly there was incomplete collation coverage by parties, with APC agents only present in 43 out of the total 53 collations observed, while PDP in 49. Results generally did not arrive intact in tamper evident envelopes at collation centres; in 15 cases not a single results form arrived sealed. Results were not displayed in more than half of the 19 observations of the end of collation.

The collation process for gubernatorial elections was generally completed within two days, except for Abia, Imo and Taraba states where elections were declared by INEC inconclusive and some re-polling took place on 25 April. Similarly some SHoA constituencies were also declared inconclusive and required re-polling, however INEC centrally did not publish any information as to which constituencies were affected and when the re-polling was due. Overall INEC centrally appeared to take a somewhat minimal role in the results process, given that results are announced by Returning Officers in the constituencies.

INEC did not centrally publish overall results of the gubernatorial or SHoA elections. Some citizen observers reported highly implausible results in Rivers state, including 93-95% turnout in three LGAs (Akuku-Toru, Gokana and Khana), 96-97% turnout in three wards of Obio/Akpor LGA, zero rejected votes in four wards of Asari-Toru LGA (out of more than 14,000 votes cast), and some votes recorded for the parties which were not contesting gubernatorial elections in six LGAs (Akuku-Toru, Asari-Toru, Ogu/Bolo, Omumma, Opobo/Nkoro and Port Harcourt).¹¹⁵

Results and stakeholder reactions

According to INEC and media reports on the gubernatorial elections, APC won 20 states,¹¹⁶ PDP won 9 states.¹¹⁷ Seven of the nine states where PDP won were in the South South or South East.¹¹⁸ Positively several gubernatorial candidates swiftly congratulated winning opponents on their victories.¹¹⁹ Overall gubernatorial results were largely accepted in the 16 northern states won by APC, with some of the defeated PDP candidates congratulating the winning opponent, for example in Adamawa, Kaduna, Kwara and Niger States. In contrast, the outcome of the election in the south triggered a series of protests. For example opposition candidates went on to reject results in all three South West states with gubernatorial elections (Lagos, Ogun and Oyo) alleging rigging and manipulation of the electoral process by the APC.¹²⁰ The elections in the Niger Delta states of Rivers and Akwa Ibom resulted in protests by APC and some small parties, demanding cancellation

¹¹⁴ Citizen observers were also only present in two out of 11 LGA collation centres visited, but at the state level, they were seen in nearly all collation centres.

¹¹⁵ Stakeholder Democracy Network (SDN), “*Governorship Elections Report, Rivers state*”.

¹¹⁶ Adamawa, Bauchi, Benue, Borno, Imo, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kwara, Lagos, Nasarawa, Niger, Ogun, Oyo, Plateau, Sokoto, Yobe and Zamfara.

¹¹⁷ Abia, Akwa Ibom, Cross River, Delta, Ebonyi, Enugu, Gombe, Rivers and Taraba.

¹¹⁸ In total PDP now has 14 governors and APC has 22.

¹¹⁹ For example in Adamawa, Kaduna, Katsina, and Lagos states, which were some of the first to announce gubernatorial results.

¹²⁰ In Lagos state, the PDP candidate first congratulated the APC winner and later stated his party would legally challenge the results.

of the elections on the grounds of violence inflicted on political opponents, intimidation of voters and polling officials by security forces and thugs, and snatching of ballot boxes and electoral materials, partly in collaboration with the police. In response to the continued protests, INEC declared that elections in Rivers and Akwa Ibom cannot be cancelled and advised aggrieved parties to seek redress in the court.

XIII. POLLING UNIT RESULTS PUBLICATION

INEC established a positive precedent in publishing PU results forms, albeit after the deadline for submission of petitions. In mid-June INEC made available on the Internet scans of results forms completed in PUs.¹²¹ This enables stakeholders to check local results for their polling sites,¹²² to see if any problems have arisen, and if there are complete results for all PUs in a constituency, then to examine the veracity of announced totals. Results scans are easily searchable by location and election. Publication of results is therefore a major step forward for transparency and promoting accountability.

By the time of completing this report (20 July 2015), INEC reports having published 91.9% of presidential election results forms. Also 94.74% of gubernatorial results forms, 91.37% of senatorial results forms, 90.32% of HoR results forms, and 93.28% of SHoA results forms. For the presidential race, while it appears that five geo-political zones have publication rates of over 90%, the rate for the South South is however only 81%.¹²³ Furthermore there are eight LGAs¹²⁴ with no results forms published at all, all of which are in the South South, indicating intensified problems in these states.

Following the publication of PU results forms by INEC, the EU EOM analysed a sample of the presidential election results using eight criteria (see below). The limited time and resources available resulted in a stratified¹²⁵ sample of 272 randomly selected PUs.¹²⁶ Of these 43 PUs (15.8%) had to be replaced due to missing, incorrect or faulty forms/scans.¹²⁷

Each PU results form analysed by the EU EOM was assessed according to eight criteria. Firstly to see if there was a turnout of 82% or more, as this was the nationwide PVC distribution rate¹²⁸ (although there was variation between states). A second criterion was if all those registrants accredited in the morning were reported as having voted in the afternoon. Thirdly if there were, no rejected (invalid) ballots. Fourthly if 95% or more valid votes were for one party. Fifthly if the

¹²¹ To date INEC has not centrally published any collation centre results forms.

¹²² Polling unit result forms are required to be displayed at polling sites after the count on election day. However as described elsewhere in the report, this did not always take place.

¹²³ For the South West 97.81% of PU presidential results were published by INEC. For the North East 93.68%, the North West 93.40%, the North Central 91.70%, the South East 90.16%, and the South South 81.22%.

¹²⁴ Four LGAs in Delta, two in Akwa Ibom, one in Edo and one in Rivers.

¹²⁵ Each of the 36 states and FCT is represented in the sample proportionally to its share of the total number of PUs nationwide.

¹²⁶ The 272 PUs sample has 90% confidence level and $\pm 5\%$ confidence interval. Due to the limited time and sample size no breakdown and comparison by geo-political zone has been undertaken by the EU EOM.

¹²⁷ In the course of data analysis 43 PUs (15.8%) originally included in the sample had to be replaced due to: the PU results forms not being published (27 PUs), incorrect publication of PU results forms that belong to another PU or another race (Senate and HoR) (11 PUs), unreadable scans of PU results forms (2 PUs), blank or almost blank results forms (2 PUs), and inability to open the published results form (1 PU). These PUs were replaced by the nearest serially-numbered PU within a given geographical unit with an available results form.

¹²⁸ Nationwide PVC distribution rate as of 21 March 2015 was 81.98%.

results form had the signatures of both APC and PDP party agents. Sixthly if there were any altered figures. Seventhly if there were any mathematical anomalies and eighthly if any key data was missing. The ensuing analysis is not a results verification and does not provide evidence of fraud; however it clearly flags problematic issues arising that warrant review to avoid recurrence in future elections.

From the evidence contained on PU results forms, the EU EOM results analysis revealed very significant problems. Such findings raise questions about the potential for manipulations, quality of polling staff training, and management of the process. Most strikingly 35.3% of PU results forms analysed had altered figures (unclear by whom), 34.2% had mathematical anomalies, 33.8% had no rejected (invalid) votes, 32% had 95% or more valid votes for one party, and 20.6% had the same number of accredited and actual voters.¹²⁹

Only 18.8% of PU results forms analysed did not have any of the eight problems listed above (criteria used for EOM assessment). Twenty-nine percent contained one of the problems assessed and 52.2% had multiple shortcomings. Full results of the analysis are presented in the tables below. Evident clusters of difficulties further indicate the severity of problems encountered and point to the vulnerability within the current arrangements.

Table 1: Results of the PU results forms analysis

No.	Criterion	PU results forms (in %)
1.	PU results forms with turnout \geq 82%	5.9
2.	PU results forms with the same number of accredited voters and voters who voted	20.6
3.	PU results forms with no rejected (invalid) votes	33.8
4.	PU results forms with 95% or more valid votes for one party	32.0
5.	PU results forms not signed by both APC and PDP party agents	14.3
6.	PU results forms with altered figures (unclear by whom)	35.3
7.	PU results forms with mathematical anomalies	34.2
8.	PU results forms with missing key data	2.6

Table 2: PU results forms per number of negative assessments (problems detected)

Number of problematic issues detected on PU results form (based on the above-listed 8 criteria)	PU results forms (in %)
0	18.8
1	29.0
2	24.6
3	16.5
4	4.8
5	5.9
6	0.4
7	0
8	0

¹²⁹ As noted above, nationwide over 2.3 million of those accredited for the presidential election (7.3%) did not finally cast their ballots.

XIV. ELECTORAL DISPUTES

Pre-election suits

As INEC does not have the right to reject candidates nominated by political parties, filing suits at the courts is the only channel for corrective actions to uphold the candidate nomination requirements contained within the Electoral Act and the Constitution.¹³⁰ The Electoral Act foresees that aggrieved aspirants may seek redress at the Federal High Courts (FHCs) or the State High Courts (SHCs) against the selection or nomination of a candidate by a political party. Specific jurisdiction is constitutionally stipulated, with the FHCs having exclusive jurisdiction in civil matters relating, *inter alia*, “the administration or the management and control of the Federal Government or any of its agencies” (including INEC), and the SHCs having jurisdiction on “any civil proceedings in which the existence or extent of a legal right, power, duty, liability [...] is in issue... ”.

The law does not foresee any administrative complaint mechanisms.¹³¹ Thus election-related disputes are resolved only by the judiciary, risking protracted processes that are costly and adversarial. Moreover the lack of constitutional independence in the appointment of the judiciary¹³² and instances of past misconduct, result in varying confidence in the judicial system as was reported by a number of EU EOM interlocutors.

The judiciary made serious efforts to provide timely administration of justice of the high volume of pre-election suits, which have to be dealt with in addition to their ordinary workload. Nevertheless, the lack of time limits for filing and adjudicating of pre-election suits, in combination with loopholes allowing lawyers to delay cases unnecessarily,¹³³ left the majority of cases pending before the courts for after the elections, thus compromising the right to a timely remedy.

The majority of pre-election suits were lodged at the FHCs and particularly at the FHC headquarters in Abuja, rather than the SHCs. This was due in part to the strike action by the Judicial Staff Union of Nigeria (JUSUN) from 5 January in all courts of the country that was partially suspended on 25 January for only the FHCs, but not the SHCs.¹³⁴ Also reportedly the SHCs were less used because of high levels of distrust amongst political parties and candidates in the local state judiciary in general, which are considered prone to undue influence by state governments. Consequently the overlapping jurisdiction of the FHCs and the SHCs on pre-election matters did not substantially affect the adjudication during this electoral period; however, it still opens up the possibility of

¹³⁰ Section 31 of the Electoral Act prevents INEC from rejecting candidates for any reason. Thus section 87 of the Act (which regulates the system of primaries) is *de facto* defeated.

¹³¹ ICCPR General Comment 31 requires states “to ensure that individuals have accessible and effective remedies... Administrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies.”

¹³² The judges of all courts are appointed by the President on the recommendation of the National Judicial Council (composed of 23 members who are presidentially appointed subject to a confirmation by the Senate); for the Presidents of the courts, approval by the Senate is also required.

¹³³ These include: unnecessary adjournments, delays in filing replies to opposite lawyers, needless applications by parties to be joined in the case, and notices of discontinuance of the process.

¹³⁴ The JUSUN demands financial autonomy for the judiciary, in particular the implementation of a 13 January 2014 judgment of the FHC of Abuja on judiciary funding, which declared the “piecemeal payment/allocations of funds accruing to the judiciary from the Consolidated Revenue Fund contrary to sections 81(3), 121(3) and 162(9) of the 1999 Constitution of Nigeria through the state ministries of finance to the states’ judiciary as unconstitutional, nonprocedural, cumbersome, null and void”.

“forum-shopping” as well as contradictory judgments by the different courts. Positively the FHCs and a few SHCs have established review mechanisms to avoid duplication.

Pre-election suits were based on various grounds: the complainant won the primaries but the party submitted another aspirant’s name to INEC, the party did not conduct primaries at all, the primaries were inconclusive (as the party executive wished to submit another aspirant’s name), the list of delegates was not authentic, and parallel primaries were conducted by the same party in the same constituency.¹³⁵ Other suits filed with the FHCs include challenges to the eligibility of the PDP and APC presidential candidates¹³⁶ and on the use of card readers and PVCs.¹³⁷ The controversial issue of deployment of the military was also challenged in the courts.¹³⁸

One contentious legal issue during the 2015 elections was the conduct of parallel primaries in four states and whether INEC is bound to accept the list of delegates and candidates submitted by the congress of the national executive or the state executive committee of a party.¹³⁹ The Court of Appeal Abuja Division overturned the judgments of the Abuja FHC,¹⁴⁰ related to the PDP dissolving the state executive in Anambra and setting up a caretaker committee to conduct primaries, and ruled that the power to conduct primaries and submit candidate lists rests with the national executive committee.¹⁴¹ This case also highlights the problems arising from overlapping jurisdictions for pre-election cases.¹⁴² Up to mid-April 2015, INEC had received 16 court judgments granting the reliefs sought by the plaintiffs regarding the primaries and ordering INEC to change the name of the candidate that was submitted to it by its political party with the name of the plaintiff.

From September 2014 to end of April 2015, some 480 election-related cases were filed at the FHCs visited by the EU observers across the country. So far, the courts demonstrated respect for due

¹³⁵ The EU EOM examined 168 pre-election cases from almost all FHCs of the Federation. Pre-election suits concerned different political parties; the vast majority were filed against the PDP, with fewer against the APC, and even fewer against smaller parties, such as CAP, APGA, NDP, LP, MPPP, DPP and PPP.

¹³⁶ Overall there were 5 cases filed against President Jonathan’s candidacy and 16 against General Buhari’s, relating to their eligibility or competence to contest the presidential election.

¹³⁷ For example plaintiffs filed at the FHC in Abuja were asking the courts to, *inter alia*, issue an order restraining INEC from using the card readers on the grounds that they amount to electronic voting, and may “*have the effect of interfering with the constitutional right of any registered voter to vote*”.

¹³⁸ The Constitution and the Electoral Act provide no specific role for the military in the conduct of elections. The FHC in Sokoto, the Court of Appeal Ekiti Judicial Division and the FHC in Lagos pronounced on the unconstitutionality of involving the armed forces in the elections without a law of the National Assembly, or without insurrection that cannot be suppressed by the police. This follows a Supreme Court ruling on a similar matter, MD Yusuf Vs Obasanjo, 2005.

¹³⁹ Delegates are representatives of political parties at ward level, elected to participate in party congresses and conventions to elect the candidates of the party. All these parallel primaries (in Enugu, Anambra, Ondo and Ogun states) involved the PDP and related to the leadership of the party at state level. In particular, there were three or four primaries in each of these states, organised by the PDP national office and by the PDP state executive committee, and by different aspirants, with various lists of delegates emanating from the PDP national and state committees. As a result, different candidates for the same offices running for the same party were submitted to INEC.

¹⁴⁰ The Abuja FHC ruled that the *ad hoc* committee set by the PDP national office and any delegate list or nominated candidates emanating from this committee is illegal, unconstitutional and void. This was followed by an FCT High Court ruling which issued an *ex parte* order restraining INEC from accepting or recognizing any list of candidates submitted by the Anambra PDP state executive committee pending the determination of the case.

¹⁴¹ Ejike Oguebego & 2 Others vs. PDP. INEC, filed this suit to challenge the set-up of a caretaker committee in Anambra by the PDP national office, while the state executive tenure was still in existence. The case began in Port Harcourt FHC, River state, but was later transferred to Awka FHC, Anambra State. The same parties in this case, however, filed another petition in the FHC in Abuja as well as in the Abuja High Court, and also at the FHC in Awka and the Court of Appeal in Port Harcourt and finally at the Court of Appeal in Abuja.

¹⁴² The Court of Appeal held that this case is an abuse of judicial process as it had been previously litigated by the same plaintiff and ruled on by various other courts in the country.

process, and all cases analysed appeared sufficiently documented. The courts also demonstrated a positive tendency of not granting interim or *ex-parte* orders, and instead offered defendants the opportunity to participate in hearings. The lack of consolidated information makes it difficult to ascertain the number of cases that were adjudicated before the two election days.¹⁴³

Post-election petitions

Contrary to international standards, there is no provision for individual voters or CSOs to file post-election petitions challenging the results,¹⁴⁴ with this right only foreseen for candidates and political parties that participated in the elections. Petitions are required to be submitted within 21 days of the declaration of results to the Election Petition Tribunals (EPTs), with two established in each State (the National and State House of Assembly Election Tribunal and the Governorship Election Tribunal).¹⁴⁵

An election petition may be filed on four grounds: a) that the candidate who won and whose election is questioned by the petitioner was not qualified to contest the elections; b) that the election was invalid due to corrupt practices or non-compliance with the provisions of the Electoral Act; c) that the respondent was not duly elected by majority of lawful votes cast; d) that the petitioner or its candidate was validly nominated but was unlawfully excluded from the election.

The Electoral Act establishes a time limit of 180 days for EPTs to render their judgments, while appeals should be heard and disposed of within 60 days from the date of delivery of the EPT judgment. Although these time limits are lengthy according to international best practices, as disputes relating to election results are extremely time-sensitive, they are still considered by legal practitioners and the judiciary as necessary for the dispensation of justice. This is due to the large number of documents to be examined during the process, witnesses to testify, and the forensic evidence to be used.

In an increase from 2011, a total of 255 petitions were filed against the National Assembly election results, out of which 180 were contesting the results of the HoR results and 75 were challenging the Senatorial election results.¹⁴⁶ No petitions were filed against the presidential election results. The majority of the petitions examined by the EU EOM were filed by PDP, while a smaller number was filed by APC; and also some by APGA, Accord Party, LP and SDP. The EU EOM finalised its activities before the expiration of the time limit for filing petitions contesting the governorship and SHoA results.

The examined petitions refer to various multiple allegations. Problems with voting referred to include late PU opening, no voting taking place in PUs or wards, voting without PVCs, a lack of proper accreditation before voting, card reader failure, harassment of INEC officials and voters by armed party thugs or security officers, multiple thumb printing of ballot papers, ballot stuffing, and bribery of voters. Reference was also made to petitioners' agents being beaten and abducted by

¹⁴³ To date some 40 pre-election cases from 2011 are still pending at the Supreme Court.

¹⁴⁴ ICCPR article 2(3)(a) "*To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.*"

¹⁴⁵ Each EPT is consisted of a Chairman - who is a judge of the SHC - and two other members, who are appointed from among judges of the SHC or the Customary Court of Appeal, or from among Kadis of a Sharia Court of Appeal.

¹⁴⁶ The EU EOM collected and studied 87 post-election petitions against National Assembly election results from 19 states of the Federation and the FCT. In 2011 approximately 140 petitions were filed against National Assembly results.

thugs and security officers, and chased away from the PUs to allow respondents to manipulate the process. There were also allegations challenging the counting of ballots and claiming falsification of results. These referred to counting discrepancies, fraudulent addition or removal of votes, presentation of fake agents representing the petitioner who signed the result sheets, non-compliance with the counting/collation procedures, and deliberate entering of wrong figures on the INEC results forms. Further allegations referred to respondents not being qualified to contest due to not possessing the minimum educational qualification required, not being presented by a political party through a duly completed and signed INEC form, not having participated in the party primaries, or certificates being forged.

Most petitioners stated that they would provide evidence to prove multiple thumb-printing of ballot papers, by calling forensic fingerprint experts. They also stated that they would rely on tape recordings, video clips and photographs obtained. Plaintiffs requested courts to declare that the respondent did not score the majority of votes, invalidating the election, nullify the INEC Certificate of Return and directing INEC to issue such a certificate to the petitioner, and directing INEC to conduct a bye-election or a fresh election. Pleas were also made for an order compelling the respondent to refund all allowances, honorarium, salaries, or entitlements accrued to the petitioner as a result of his being in the office during the pendency of this case.

XV. ELECTORAL OFFENCES

The Electoral Act specifies a wide range of electoral offences with correlated sanctions, and mandates INEC to initiate the prosecution of offenders through its own legal officers or any legal practitioners it appoints. Concurrently some of these misconducts may be criminal offences that are also subject to prosecution under criminal laws. Furthermore, the Electoral Act stipulates that Election Petition Tribunals (EPTs) may make recommendations to INEC for prosecution of an offence disclosed in an election petition. However, it appears from the limited information available that this has not been used during the earlier elections. Following the 2011 elections, INEC official figures show low levels of arrests and prosecutions.¹⁴⁷

Responsible for the trial of electoral offences are the Magistrates' Courts, the SHCs of the state in which the offence was committed or the FCT High Court in Abuja depending on the gravity of the offence. According to all EU EOM interlocutors, the key factor responsible for the low number of prosecutions is the lack of arrests and investigations. Reportedly only a limited number of arrests were made by the police, and achieving conviction is difficult due to a lack of credible evidence or offenders being released following the intervention of political sponsors. A further problem is the absence of centralized information by the Magistrates' Courts, which lack a state-wide register. A further challenge during the 2015 elections was the strike of the judicial workers of the SHCs and Magistrates' Courts throughout the election period, which prevented possibility for prosecution.

For the 2015 elections, INEC has not so far pursued the prosecution of offenders. Reportedly offences were not brought to INEC's attention by the police until after the elections, with the police instead generally filing charges under criminal laws rather than referring cases to INEC to initiate prosecutions under the Electoral Act. EU EOM LTOs report that most electoral offences perpetrated have either been treated as criminal offences or not actively investigated and therefore not

¹⁴⁷ According to INEC's Status of Prosecution of Electoral Offenders as of 30 May 2012, out of 482 cases filed, 167 were determined or struck out, 315 were pending, and there were 24 convictions.

sanctioned at all. This results in a lack of information on election-related offences, and demonstrates a disconnect in the relationship between INEC and the police, with an absence of procedures to regulate their cooperation in regards to electoral offences.

Positively, the police reported more arrests and investigations and more charges brought under the criminal laws than in previous elections.¹⁴⁸ A small number of these appeared to result in convictions based on the Electoral Act.¹⁴⁹ The police reported that most typically these were for burning campaign materials, assault, and obstructing people at rallies. However as most EU EOM LTOs reported, the police were systematically de-politicizing the cases and downplaying their severity.

Various interlocutors commented that at a local level the police are vulnerable to interference by the state government/incumbents who exercise influence to stop investigations or get charges dropped, with criminal charges dependent on the Director of Public Prosecution's (DPP) office.¹⁵⁰ There were also different views on police effectiveness and commitment over the prosecution of electoral offenders, depending on the state. The risk of the state judiciary being influenced by state governments is also given as a reason for low numbers of prosecutions.

During both the 2011 and current electoral period, INEC was criticized for not being sufficiently active with addressing electoral offences. This is attributed to its lack of human resources, financial capacity and time, as well as the political challenge of confronting political contenders and their supporters. There is an evident need for INEC to liaise with the police on arrests and investigations as a preliminary step to tracking and prosecuting offenders. However instead, this legal mandate was again left unattended by INEC with serious electoral offenders not being apprehended, thus further engendering the boldness with which electoral crimes were perpetrated.

XVI. CIVIL SOCIETY AND CITIZEN OBSERVATION

The observation conducted by citizen observers enhanced the transparency of the electoral process and contributed to electoral discussion. The scrutiny was particularly strong during the 28 March presidential election with results verification undertaken in a parallel vote tabulation. However citizen observation largely focused on polling and there was only very limited, if any, observation of other important parts of the election process, such as voter registration (including PVC distribution), the campaign, the performance of media, the collation of results and the petition process. Furthermore, CSOs command mixed levels of confidence in their political neutrality, impartiality and ability to give a measured response to some electoral developments, with various groups being regarded as aligned to one of the parties and/or over-loyal to the election administration.

¹⁴⁸ The police reportedly also established dedicated teams to gather data on investigation of electoral offences from each state for onward reporting to INEC. Closer to the election there was reportedly an "*Electoral Offence Investigation Team*" in each zone consisting of six police investigators.

¹⁴⁹ For instance, a man was sentenced on 19 April to six-month imprisonment or a fine of Naira 100,000 (approximately €500) by a Magistrate's Court in Bauchi state over the possession of three PVCs, contrary to section 120 (c) and (d) of the Electoral Act. In Kano, the Chief Registrar of the SHC confirmed in mid-April that out of the 76 suspects arrested, around 40 defendants have been brought to the Magistrates' Court in Kano. All remaining cases were still under investigation of the police in conjunction with INEC investigators and lawyers. In Lagos, the CP reported in mid-April that nine people were arrested during the presidential election and investigation was still on-going.

¹⁵⁰ For instance in Enugu and Benue, RECs referred to INEC's efforts to raise public awareness on electoral offences, but also referred to the lack of investigations by security forces on such cases.

Two umbrella CSOs, the Transition Monitoring Group (TMG) and the Situation Room, undertook large-scale election observation, voter education and violence prevention, through their networks of grass-roots organisations. TMG conducted pre-election observation since mid-November 2014 in all 774 LGAs. On 28 March it deployed over 3,000 observers who scrutinised polling and conducted a parallel vote tabulation (or “*quick count*”) of presidential election results. Due to a lack of financial resources TMG did not observe the 11 April elections. It also did not observe collation process.

The Situation Room was active throughout both federal and state elections, providing live commentary on the process. However it is not clear exactly how many observers they deployed. Also the Youth Initiative for Advocacy Growth and Advancement (YIAGA) observed on 28 March and 11 April deploying 1,600 and 560 observers respectively. The Nigerian Bar association also reported having 840 accredited observers. Overall, compared to the 28 March elections, the presence of citizen observers was significantly reduced during the 11 April elections.

Altogether INEC accredited 82 domestic organisations to observe the 2015 general elections. The whole accreditation process was somewhat cumbersome with significant delays in the processing of applications and issuing of observer accreditation badges. Citizen observers reported often receiving individual accreditation badges at the very last moment before their deployment on election day. There were also some unaccredited groups of self-proclaimed “*observers*” providing politically controversial commentary without any apparent methodological basis.¹⁵¹

XVII. PARTICIPATION OF WOMEN

Nigeria ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1985, which establishes international legal obligations to take all appropriate measures to eliminate discrimination against women, including in regards to political participation. Nigeria has also ratified the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women which requires States Parties to take “*specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures*”. The 35% affirmative action for female representation provided by the 2006 National Gender Policy (NGP) has not been achieved in elected positions, with for example only 7% of the outgoing National Assembly members being female.¹⁵²

There are currently no specific legislative provisions for the promotion of women in political life. For example there are no legal requirements for parties to have policies on the promotion of women’s political participation, or to have minimal proportion of women in their leadership or as candidates. Both PDP and APC waived nomination fees for female aspirants, but this did not increase the number of female candidates.¹⁵³ With both main parties largely dominated by men, female aspirants are reportedly typically marginalised during the primaries or nominated where the party has little chance to win. State media outlets also reported no special measures on promotion of

¹⁵¹ For instance, two unaccredited groups reportedly from the south were through the media accusing the EU EOM of calling for cancellation of results in Rivers state (no such assertion had been made by the EU EOM).

¹⁵² The 2006 NGP provides for 35% affirmative action on female representation at all governmental and administrative levels. This is reportedly almost achieved in federal level appointed positions, but not at lower governmental levels.

¹⁵³ Small parties impose much lower or no nomination fees at all.

women's political participation and overall there was limited media coverage of female political actors. Positively INEC has developed a comprehensive gender policy; however it was introduced only after the official start of the campaign.¹⁵⁴

Most of the female candidates in the 2015 elections ran for small parties. Only one woman ran for the presidency (out of 14 candidates in total) and only four vice-presidential candidates were female (out of 14). For the gubernatorial elections there were 87 women out of 760 candidates (11.4%); 23 of whom were running for governor positions (6% of the total governor candidates) and 64 for deputy-governorships (16.8%). PDP presented no female governor candidate, and APC only one (in Taraba state), with the other 22 being nominated by smaller parties. In four states there was no female governor or deputy governor candidate at all (Bauchi, Katsina, Plateau and Yobe). There were 127 female candidates running (17% of the total number of candidates) for a Senatorial and 264 women for a HoR seat (15% of the total number of candidates). Similarly, 14.36% women ran for the SHoA seats. This was the only election with female candidates competing in all 36 states.

The 2015 elections furthered the negative 2011 trend, with another decrease in the number of women elected.¹⁵⁵ Although INEC gender disaggregated data on those elected does not appear to be fully accurate, it appears that 8 women won a seat in the Senate (7.3%) and 18 were successful in the House of Representatives (5%).¹⁵⁶ Data is not centrally available on those elected, but of the SHoA candidates, 758 were female (14.3% of the total number of candidates). No woman was elected as a governor. Thus, the proportion of women elected is well below the 30% Beijing Declaration and Platform for Action target and the 35% National Gender Policy target.

XVIII. PARTICIPATION OF PEOPLE WITH DISABILITIES

Nigeria ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol¹⁵⁷ in September 2010, thereby committing to the inclusion and accommodation of individual differences. State parties of the CRPD are obliged to “*guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis.*”

The Constitution does not specifically mention disability, although there are general references to equality and discrimination. The National Disability Bill,¹⁵⁸ which has been long-awaiting presidential assent, makes only very general reference to political participation, stating that “*Government shall actively promote an environment in which persons with disability can effectively and fully participate in the conduct of public affairs without discrimination... and activities and*

¹⁵⁴ INEC's gender policy includes ensuring a gender perspective in INEC's policies and operations; encouraging gender equity and balance within political parties; increasing funding for gender sensitive actions ; supporting an enabling legislative environment to achieve gender equality etc. <http://www.inecnigeria.org/wp-content/uploads/2015/04/web-site-collation.pdf>.

¹⁵⁵ After a gradual increase in female elected representatives since 1999, there was a drop in the 2011 elections, with approximately 7% female representation in the National Assembly with 8 out of 109 Senators (7.3%) and 24 out of the 360 Members of the House of the Representatives (6.6 %) being women.

¹⁵⁶ INEC published slightly different figures: 6 instead of 8 women elected in the Senate and 14 instead of 18 in the HoR. However, the names of elected candidates and various media reports indicate that some women may have been wrongly indicated as male candidates. Latest available INEC results information, dated 10 April 2015.

¹⁵⁷ The CRPD and its Optional Protocol on the competence of the Convention's Committee came into force in May 2008. To date the Convention has been ratified by 152 countries. Nigeria's first report to the committee was due on 24 October 2012, but as yet has not been submitted.

¹⁵⁸ At a state-level, in Lagos a law covering voters with disability was adopted in 2011.

administration of political parties.” The bill also establishes a national commission for persons with disabilities.

In accordance with the CRPD,¹⁵⁹ the Electoral Act foresees that a disabled voter may be assisted by a person of his/her choice to mark their ballot. However the Act specifies that persons “*subject to any legal incapacity to vote*” are not qualified to register as voters, thereby excluding, among others, people legally assessed to have mental incapacity, in contradiction to pronouncements made by the CRPD committee.¹⁶⁰ The Electoral Act also lacks requirements for accommodation, as it just states that INEC “*may*” take reasonable steps to provide for “*suitable means of communication such as Braille, large embossed print or electronic devices or sign language interpretation, or off-site voting in appropriate cases.*”

The federal-government controlled media report providing free media coverage of key events organized by persons with disabilities, in line with the Nigerian Media Code of Election Coverage. However there is an absence of programmes produced for or by people with disabilities in nationwide broadcasts.¹⁶¹ The federal government controlled NTA reports no special policies on the promotion of political participation of people with disabilities,¹⁶² and its news programmes are not accompanied by the sign language. Positively, sign language was provided during the 1 February televised debate of vice-presidential candidates.

INEC was reportedly receptive to disability consultations and consequently developed various innovations. INEC’s information spot on voting procedures includes sign language and INEC’s polling procedures stipulate that “*physically challenged persons*” will be given priority. INEC also attempted to record the number of people with disabilities who voted.¹⁶³ Furthermore, during the presidential results collation and announcement, sign language was provided.

There is no requirement for political parties to have policies or to publicly report on the participation of people with disabilities. Currently some parties have included general references to disability issues in their manifestos. Civil society organisations report that only three candidates with disabilities ran in the federal and state-level elections, but none of the three won the seat contested.¹⁶⁴ Only approximately 50 persons with disabilities were registered as observers.

¹⁵⁹ Article 29(a.iii) of the CRPD requires State Parties to allow persons with disabilities “*assistance in voting by a person of their own choice.*”

¹⁶⁰ See, for example CRPD Committee: Concluding Observation on Spain (23 Sept 2011).

¹⁶¹ Weekly programmes for physically challenged are produced by Highland FM (Federal Radio Corporation of Nigeria radio station in Plateau state) and Kada radio (Kaduna State Media Corporation AM radio station). These broadcasts are only available locally.

¹⁶² Only one NTA channel, the Plateau-based Channel 7, provides sign language during its daily news programme.

¹⁶³ Although the polling procedures provide for the visually impaired to use, where available, assistive tactile facilities, for these elections no such tactile ballots were provided.

¹⁶⁴ Reportedly only three persons with disabilities contested the 2015 elections: one in the Jigawa SHoA with PDP, another in the Plateau SHoA with PDP, and a third in a Delta Senatorial district with the National Conscience Party (NCP).

ANNEX 1 – EU EOM RECOMMENDATIONS

Of the 30 recommendations made, 8 are assessed to require a change in the Constitution, and 11 are considered to require changes in the primary legislation. For a further 6 recommendations it would be desirable to have the suggested changes secured in law. Priority recommendations crucial for reform are identified in the executive summary. The vast majority of recommendations have been made by previous EU EOMs, however issues have remained unresolved. The recommendations are stated once in a list format and repeated in a table format with some related information.

ELECTION ADMINISTRATION

- 1 Establish a more inclusive parliamentary mechanism for cross-party involvement in the selection and approval of the INEC Chairperson and National Commissioners. INEC's independence be further developed through direct power to appoint and remove Resident Electoral Commissioners.
- 2 Organisational and operational planning within INEC be considerably strengthened, including training delivery, as well as its internal communication for two-way information flow between INEC headquarters, state and LGA offices.
- 3 INEC work with full transparency, making all information of public interest immediately and easily accessible, including decisions, procurement documentation, notifications, voter registration and polling data.

VOTER REGISTRATION

- 4 Continue biometric identification checks during polling through voter card and fingerprint recognition, with equipment used being subject to advance feasibility testing with practice developed through use in off-cycle elections. Collection of voter cards be combined with on-the-spot biometric testing of the registrant's card and fingerprint.
- 5 After a thorough review of the 2010/2014 registration processes, elaborate a plan for developing and maintaining the voter register, to include improving biometric functionality, removal of the deceased, and extended enrolment of new registrants. Such processes be subject to stronger INEC supervisory checks with greater scrutiny from agents, observers and the media.

DELIMITATION

- 6 The legal framework for boundary delimitation be developed to include provision for consultation and a complaints and appeals mechanism. Also to include increased requirements for multi-party involvement and transparency in the parliamentary approval process should it be maintained in order to avoid perceived or actual abuse by a ruling party. Ideally delimitation be undertaken immediately after the publication of the 2016 census results.

PARTY PRIMARIES AND THE REGISTRATION OF CANDIDATES

- 7 The Constitution be amended to allow for independent candidacy for all elected positions.

- 8 INEC be granted powers to reject nominations for candidacy when the applicant does not meet the stipulated objective legal requirements, and be required to provide timely information on rejections and reasons given.
- 9 INEC enforce its regulation requiring parties not to exclude candidate aspirants on the basis of wealth (through excessive non-refundable fees), in order to promote inclusive politics and reduce the role of money in elections.

POLITICAL PARTIES AND THE CAMPAIGN

- 10 INEC be legally empowered to sanction non-compliance with campaign regulations, as stipulated in the Electoral Act and INEC's Code of Conduct for Political Parties. To establish a monitoring system with information on breaches and sanctions of violations made public in real time, including in regards to misuse of state resources.
- 11 In order to implement the constitutional requirement for "*internal democracy within parties*", legislative provisions be adopted to promote transparency and accountability in the internal functioning of parties. INEC be strengthened in its monitoring role, including in regards to party primaries and leadership selection as well as the inclusion of disadvantaged groups.

CAMPAIGN FINANCE

- 12 The Electoral Act to regulate for INEC to establish reasonable and proportionate limits for donations to and expenditures of political parties and candidates, and for these to be established well in advance of the commencement of the election campaign with calculations for candidates starting from the time of purchase of expression of interest forms by aspirants during primaries.
- 13 The Electoral Act to require political parties and candidates to open dedicated bank accounts for campaign financing and to submit financial reports. Also to provide for effective, proportionate and dissuasive sanctions for violation of campaign finance provisions.

THE MEDIA

- 14 Federal government-controlled broadcasters be transformed into genuine public service broadcasters enjoying editorial and financial independence from government. Similarly, state government-controlled broadcast and print media also to gain greater independence from governments.
- 15 The independence of the National Broadcasting Commission (NBC) be strengthened including through legislative requirements for an open and transparent mechanism for appointment of NBC's board and director, free from control by any particular political party, involving the participation of civil society and organizations of media professionals.
- 16 NBC regulatory authority be strengthened through the power to grant broadcasting licenses (also to expedient issuing of licenses including for community radios), its monitoring capacities developed, and requirements be established for NBC public reporting on monitoring findings and sanctions applied.
- 17 Media organizations wishing to air/publish paid for campaign materials be required to publicize their conditions and charges prior to the start of the campaign period, and

maintain equal conditions and prices for all contenders during the entire period of campaign.

POLLING, COUNTING AND COLLATION

- 18 Merge accreditation and voting processes on election day for promoting access for voters, while maintaining other safeguards, in particular mandatory biometric voter identification (through the use of voter cards and card readers).
- 19 Increase the number of polling units, so no subdivision into voting points is required, to improve operational delivery and voter access as well as providing greater transparency.
- 20 All results, including composite results from lower levels, be immediately publicly displayed at collation centres. Results forms from all polling sites and collation centres be published on the INEC website before the deadline for submission of petitions against declared results.
- 21 The results collation process be strengthened by double-blind data entry, computerized checks, and procedures for dealing with irregularities in the results forms as well as the rules for cancellation of results.

ELECTORAL DISPUTES

- 22 Administrative complaint mechanisms be established for grievances against decisions and actions of the election administration, at federal and state levels, related to voter registration, the nomination of candidates, the campaign, and the polling and collation process. Clear information to be provided to the public about the process and on how to file a complaint.
- 23 Reasonable and appropriate time limits for the effective filing, hearing and determination of pre-election suits be established in the legal framework in order for cases to be completed well in advance of election day.
- 24 The legal framework be amended so there is no overlapping jurisdiction of the Federal and State High Courts on pre-election suits on party primaries, with the Federal High Courts being exclusively mandated.
- 25 Voters and civil society organisations be able to file post-election petitions.

ELECTORAL OFFENCES

- 26 INEC be reinforced with an Electoral Offences Unit, to work on the prosecution of electoral offenders and with police officers seconded to this unit during the electoral period. Also, to receive sufficient funding so as to work in close cooperation with legal practitioners to follow-up prosecutions at the courts.
- 27 Magistrates' Courts be solely responsible for the trial of electoral offences, supervised by the Court of Appeal, through the establishment of Electoral Offences Tribunals. The appointment of the magistrates for the Electoral Offences Tribunals, to be rotated in the same way as the judges of the Election Petition Tribunals, to be conducted by the Court of Appeal in conjunction with the Chief Justice of each State. To be operational on an ad hoc basis and for a limited time frame, from the beginning of the electoral campaign until three

months after polling.

CIVIL SOCIETY AND CITIZEN OBSERVATION

- 28 Citizen observers, with adequate donor support, undertake more comprehensive and long-term observation of different parts of the process including voter registration, the primaries, the campaign, polling, collation and the post-elections petitions process. Also to again undertake a parallel vote tabulation for the presidential election, and also for selected gubernatorial races.

THE PARTICIPATION OF WOMEN

- 29 Political parties be required to have policies and provide regular information on the promotion of women's political participation within the party, as candidates, and more widely. Consideration be given to requiring parties to have a minimum representation of women in leadership positions and as candidates.

THE PARTICIPATION OF PEOPLE WITH DISABILITIES

- 30 The National Disability Bill be reviewed for compliance with the UN Convention on the Rights of Persons with Disabilities with specific provisions for political participation. Also the section of the Electoral Act depriving persons "*subject to any legal incapacity*" of their suffrage rights be reviewed.

No	Context	Recommendation	Change in legal framework required ¹⁶⁵ + primary implementation responsibility	Key international principle, International obligations and commitments
ELECTION ADMINISTRATION				
1	Currently the INEC Chairperson and National Commissioners are appointed by the President, subject to confirmation by the Senate (absolute majority). Also for 37 Resident Electoral Commissioners, who are technically subordinate to INEC but can only be removed by the President after a two-thirds majority decision of the Senate.	Establish a more inclusive parliamentary mechanism for cross-party involvement in the selection and approval of the INEC Chairperson and National Commissioners. INEC's independence be further developed through direct power to appoint and remove Resident Electoral Commissioners.	C National Assembly	Independent electoral authority <i>"An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant."</i> - ICCPR GC 25, paragraph 20.
2	Lack of INEC operational planning during the preparations resulted in numerous challenges related to timely procurement and distribution of election materials, staff recruitment and training, issuing of observer accreditations, election day logistics etc. Currently the communication within INEC is largely based on letter and telephone communication with only limited use of Internet/e-mail communication.	Organisational and operational planning within INEC be considerably strengthened, including training delivery, as well as its internal communication for two-way information flow between INEC headquarters, state and LGA offices.	INEC	Guaranteeing the free expression of the will of the electors <i>"An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant."</i> - ICCPR GC 25, paragraph 20.
3	Currently there are transparency gaps including in regards to INEC decisions, procurement, voter registration and polling data.	INEC work with full transparency, making all information of public interest immediately and easily accessible, including decisions, procurement documentation, notifications, voter registration and polling data.	D INEC	Transparency <i>"Each State Party shall... endeavor to adopt, maintain and strengthen systems that promote transparency"</i> - CAC article 7.4. <i>"Taking into account the need to combat corruption, each State Party shall ... take such measures as may be necessary to enhance transparency in its public administration"</i> - CAC article 10 <i>"To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest."</i> -

¹⁶⁵ C = constitution, PL = primary legislation, D = desirable to be secured in law

				ICCPR GC 34 paragraph 19
VOTER REGISTRATION				
4	The biometric registration and identification prevents multiple voting, thereby increasing confidence in the system. However during these elections, card readers generally failed to verify fingerprints.	Continue biometric identification checks during polling through voter card and fingerprint recognition, with equipment used being subject to advance feasibility testing with practice developed through use in off-cycle elections. Collection of voter cards be combined with on-the-spot biometric testing of the registrant's card and fingerprint.	INEC	Security of the ballot and the counting of the votes <i>"The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another."</i> - ICCPR GC 25 paragraph 21.
5	Maintenance of the voter register has not yet been addressed. Challenges include no system for removal of the deceased who have accumulated since 2010, the poor quality of current biometric data capture and the alleged proxy PVC collection. One reason for the biometric failure on the election days is thought to be the poor quality of biometric data capture during the 2010 and 2014 voter registration exercises.	After a thorough review of the 2010/2014 registration processes, elaborate a plan for developing and maintaining the voter register, to include improving biometric functionality, removal of the deceased, and extended enrolment of new registrants. Such processes be subject to stronger INEC supervisory checks with greater scrutiny from agents, observers and the media.	INEC	Universal suffrage <i>"elections which shall be by universal and equal suffrage"</i> - ICCPR article 25. <i>"States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed"</i> - ICCPR GC 25 paragraph 11.
DELIMITATION				
6	The only legal provision regulating delimitation is in the Constitution. Attempts by INEC to undertake delimitation have not materialized into a proposal for parliament. The latest delimitation exercise was carried out in 1996, despite a census being completed in 2006. The number of people in constituencies to the same chamber varies extensively. Currently only National Assembly approval is required, without any specification about involvement of the opposition or time limits for decision-making.	The legal framework for boundary delimitation be developed to include provision for consultation and a complaints and appeals mechanism. Also to include increased requirements for multi-party involvement and transparency in the parliamentary approval process should it be maintained in order to avoid perceived or actual abuse by a ruling party. Ideally delimitation be undertaken immediately after the publication of the 2016 census results.	C National Assembly	Equal suffrage <i>"elections which shall be by universal and equal suffrage"</i> - ICCPR article 25. <i>"...The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely."</i> - ICCPR GC 25 paragraph 21.
PARTY PRIMARIES AND THE REGISTRATION OF CANDIDATES				
7	The Constitution specifies qualification criteria for elected office holders, which include being <i>"a member of a political party"</i> and being <i>"sponsored by that party"</i> .	The Constitution be amended to allow for independent candidacy for all elected positions.	C National Assembly	Right to stand <i>"Every citizen shall have the right and the opportunity... without unreasonable restriction... to be elected"</i> - ICCPR article 25. <i>"The right of persons</i>

	Establishing political parties is onerous			<i>to stand for election should not be limited unreasonably by requiring candidates to be members of parties” – ICCPR CG 25 paragraph 17.</i>
8	Section 31 of the Electoral Act stipulates that parties submit <i>“the list of the candidates the party proposes to sponsor at the elections, provided that the commission shall not reject or disqualify candidates for any reason whatsoever.”</i>	INEC be granted powers to reject nominations for candidacy when the applicant does not meet the stipulated objective legal requirements, and be required to provide timely information on rejections and reasons given.	PL National Assembly	Rule of law <i>“An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.” - ICCPR GC 25, paragraph 20.</i>
9	Aspirants are required to pay a non-refundable nomination fee that for the two main parties ranges from €2,690 to €134,505	INEC enforce its regulation requiring parties not to exclude candidate aspirants on the basis of wealth (through excessive non-refundable fees), in order to promote inclusive politics and reduce the role of money in elections.	D INEC	Right to stand <i>“Every citizen shall have the right and the opportunity... without unreasonable restriction... to be elected” - ICCPR article 25.</i>
POLITICAL PARTIES AND THE CAMPAIGN				
10	Although the INEC has established Guidelines and a Code of Conduct (2013) for Political Parties, campaign violations remained unaddressed, in part due to its lack of sanctioning powers under the law.	INEC be legally empowered to sanction non-compliance with campaign regulations, as stipulated in the Electoral Act and INEC’s Code of Conduct for Political Parties. To establish a monitoring system with information on breaches and sanctions of violations made public in real time, including in regards to misuse of state resources.	PL National Assembly	Rule of law <i>“Persons entitled to vote must be free to vote for any candidate for election... and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.” – ICCPR GC 25, paragraph 19.</i> <i>“Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.” – UN CAC article17.</i>
11	The Constitution refers to the National Assembly providing <i>“by law... guidelines and rules to ensure internal democracy within parties”</i> . However, political parties lack	In order to implement the constitutional requirement for <i>“internal democracy within parties”</i> , legislative provisions be adopted to promote transparency and accountability in the internal functioning of parties.	PL National Assembly	Internal party democracy <i>“States should ensure that, in their internal management, political parties respect the applicable provisions of article 25 in order to enable citizens to</i>

	internal democracy, including insufficiently transparent decision-making procedures, candidate selection mechanisms and accountability of party leadership.	INEC be strengthened in its monitoring role, including in regards to party primaries and leadership selection as well as the inclusion of disadvantaged groups.		<i>exercise their rights thereunder</i> ". - ICCPR GC 25, paragraph 26.
CAMPAIGN FINANCE				
12	Under the Electoral Act a ceiling for donations exists only for candidates, but not for parties. Likewise, a ceiling for candidate election expenditures is foreseen, but not for parties. Currently, the limits for candidate campaign expenditures and donations for different offices are based on absolute amounts (rather than indexed), are disproportionate and appear arbitrary. The Electoral Act is silent on the starting time for expenses of candidates to be taken into consideration.	The Electoral Act to regulate for INEC to establish reasonable and proportionate limits for donations to and expenditures of political parties and candidates, and for these to be established well in advance of the commencement of the election campaign with calculations for candidates starting from the time of purchase of expression of interest forms by aspirants during primaries.	PL National Assembly	Equality of campaign opportunities <i>"Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party."</i> - ICCPR General Comment 25 paragraph 19.
13	Currently, reporting requirements of campaign expenditure are in place only for political parties. The financial sanctions prescribed in the Electoral Act for campaign expenditure violations are unreasonably low, thereby negating the effectiveness of the law.	The Electoral Act to require political parties and candidates to open dedicated bank accounts for campaign financing and to submit financial reports. Also to provide for effective, proportionate and dissuasive sanctions for violation of campaign finance provisions.	PL National Assembly	Equality of campaign opportunities, transparency <i>"Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."</i> - CAC article 7.3.
THE MEDIA				
14	Federal as well as state government-controlled media lack editorial and generally also financial independence from the governments. During the campaign, they were demonstrating clear bias in favor of incumbent parties on federal or state levels; instead of serving interests of general public, they rather served as a mouthpiece of government.	Federal government-controlled broadcasters be transformed into genuine public service broadcasters enjoying editorial and financial independence from government. Similarly, state government-controlled broadcast and print media also to gain greater independence from governments.	PL National Assembly and state assemblies	Equality of campaign opportunities <i>"State and government controlled broadcasters should be transformed into public service broadcasters... be governed by a board which is protected against interference.. public broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets... the public service ambit of public broadcasters should be clearly defined and include an obligation to ensure that the public receive adequate, politically balanced</i>

				<p><i>information, particularly during election periods.” - Declaration of the Principles on Freedom of Expression in Africa: Public Broadcasting, article VI.</i></p> <p><i>“States parties should ensure that public broadcasting services operate in an independent manner. In this regard, States parties should guarantee their independence and editorial freedom. They should provide funding in a manner that does not undermine their independence” - ICCPR GC 34, paragraph 16.</i></p>
15	The NBC lacks independence from the government that is appointing its board and Director General.	The independence of the National Broadcasting Commission (NBC) be strengthened including through legislative requirements for an open and transparent mechanism for appointment of NBC’s board and director, free from control by any particular political party, involving the participation of civil society and organizations of media professionals.	PL National Assembly	<p>Equality of campaign opportunities</p> <p><i>“Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature... The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party.” Declaration of the Principles on Freedom of Expression in Africa: Public Broadcasting article VII.</i></p>
16	NBC lacks adequate capacity and methodology to monitor media, and while it facilitates the licensing process, its powers are limited as the authority to grant licenses for broadcasting is vested with President.	NBC regulatory authority be strengthened through the power to grant broadcasting licenses (also to expedient issuing of licenses including for community radios), its monitoring capacities developed, and requirements be established for NBC public reporting on monitoring findings and sanctions applied.	PL National Assembly	<p>Equality of campaign opportunities, transparency</p> <p><i>“It is recommended that States... should establish an independent and public broadcasting licensing authority, with the power to examine broadcasting applications and to grant licenses.” - ICCPR GC 34:</i></p>
17	Lack of consistency in the terms and conditions of paid for campaign materials in the media risks inequality of access for contestants’ political advertising and limited possibility to scrutinize campaign expenditures.	Media organizations wishing to air/publish paid for campaign materials be required to publicize their conditions and charges prior to the start of the campaign period, and maintain equal conditions and prices for all contenders during the entire period of campaign.	NBC	<p>Equality of campaign opportunities, transparency</p> <p><i>“In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential.” - - ICCPR GC 34, paragraph 25.</i></p>
POLLING, COUNTING AND COLLATION				

18	<p>Polling in the 2011 and 2015 elections was divided into two phases: accreditation of voters from 8 am till 1 pm, and voting from 1.30 pm onwards. Approximately 2.3 million accredited voters (7.3%) did not finally cast their ballot during the 2015 presidential election.</p>	<p>Merge accreditation and voting processes on election day for promoting access for voters, while maintaining other safeguards, in particular mandatory biometric voter identification (through the use of voter cards and card readers).</p>	<p>D INEC</p>	<p>Right to vote <i>"The right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions..."</i> - ICCPR GC 25, paragraph 10.</p>
19	<p>Currently about 20% of polling sites are voting points (subdivisions of polling units with more than 750 registered voters). This is operationally problematic, with for example card readers currently being programmed for the "mother" polling unit rather than specific voting points. There are currently no requirements for display and distribution of voting points results.</p>	<p>Increase the number of polling units, so no subdivision into voting points is required, to improve operational delivery and voter access as well as providing greater transparency.</p>	<p>D INEC</p>	<p>Guaranteeing the free expression of the will of the electors <i>"An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant."</i> - ICCPR GC 25, paragraph 20:</p>
20	<p>Currently INEC is not obliged to publish election results broken down to collation centres and polling units/voting points.</p>	<p>All results, including composite results from lower levels, be immediately publicly displayed at collation centres. Results forms from all polling sites and collation centres be published on the INEC website before the deadline for submission of petitions against declared results.</p>	<p>D INEC</p>	<p>Transparency <i>"Each State Party shall... endeavor to adopt, maintain and strengthen systems that promote transparency"</i>- CAC article 7.4. <i>"Taking into account the need to combat corruption, each State Party shall ... take such measures as may be necessary to enhance transparency in its public administration"</i> - CAC article 10 <i>"To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest."</i> - ICCPR GC 34 paragraph 19.</p>
21	<p>Current INEC collation procedures do not include sufficient data entry safeguards nor clear instructions on how collation officers should deal with the submitted results forms containing mathematical errors, incorrect or incomplete information, anomalies etc. Similarly the rules for cancellation of results lack explicit reference to the powers of higher-level collation officers and the returning officers.</p>	<p>The results collation process be strengthened by double-blind data entry, computerized checks, and procedures for dealing with irregularities in the results forms as well as the rules for cancellation of results.</p>	<p>D INEC</p>	<p>Security of the ballot and the counting of the votes <i>"An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant."</i> - ICCPR GC 25, paragraph 20.</p>

ELECTORAL DISPUTES

22	The law does not foresee any administrative complaint mechanisms.	Administrative complaint mechanisms be established for grievances against decisions and actions of the election administration, at federal and state levels, related to voter registration, the nomination of candidates, the campaign, and the polling and collation process. Clear information to be provided to the public about the process and on how to file a complaint.	PL National Assembly	Right to an effective remedy <i>“to ensure that individuals have accessible and effective remedies... Administrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies.” – ICCPR GC 31, paragraph 15.</i>
23	As there are no time limits for pre-election matters, legal redress is delayed with suits being determined just before or in many cases after the elections and return of candidates.	Reasonable and appropriate time limits for the effective filing, hearing and determination of pre-election suits be established in the legal framework in order for cases to be completed well in advance of election day.	C National Assembly	Right to an effective remedy <i>“To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.” - ICCPR article 2(3)(a).</i> <i>“Establish and strengthen national mechanisms that redress election related disputes in a timely manner.” - African Charter on Democracy, Elections and Governance, article 17, 2.</i>
24	The overlapping jurisdiction of the Federal and State High Courts on pre-election suits opens up the possibility of abuse of the system by plaintiffs as well as contradictory rulings.	The legal framework be amended so there is no overlapping jurisdiction of the Federal and State High Courts on pre-election suits on party primaries, with the Federal High Courts being exclusively mandated.	C National Assembly	Right to an effective remedy <i>“Establish and strengthen national mechanisms that redress election related disputes in a timely manner.” - African Charter on Democracy, Elections and Governance, article 17, 2.</i>
25	There is no provision for individual voters or civil society organisations to file post-election petitions challenging the results.	Voters and civil society organisations be able to file post-election petitions.	C National Assembly	Right to an effective remedy <i>“To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.” - ICCPR article 2(3)(a).</i> <i>“Individual or political parties shall have the right to appeal and to obtain timely hearing against all proven electoral malpractices to the competent judicial authorities...” - African Union Declaration on the Principles Governing Democratic Elections in Africa, IV, 6.</i>

ELECTORAL OFFENCES				
26	Currently INEC is mandated by the Electoral Act to prosecute electoral offences. In order to combat impunity, both INEC and the police should be responsible for the prosecution of electoral offenders; the involvement of INEC as an independent body is important, as the police might be subject to pressure by state executives.	INEC be reinforced with an Electoral Offences Unit, to work on the prosecution of electoral offenders and with police officers seconded to this unit during the electoral period. Also, to receive sufficient funding so as to work in close cooperation with legal practitioners to follow-up prosecutions at the courts.	C National Assembly	Prohibition of abusive interference “Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced.” - ICCPR CG 25 paragraph 11.
27	Currently electoral offences may be prosecuted to Magistrates’ Courts, State High Courts or the FCT High Court, depending on their jurisdiction. However, this results in a lack of supervision as well as aggregated data on prosecutions and convictions.	Magistrates’ Courts be solely responsible for the trial of electoral offences, supervised by the Court of Appeal, through the establishment of Electoral Offences Tribunals. The appointment of the magistrates for the Electoral Offences Tribunals, to be rotated in the same way as the judges of the Election Petition Tribunals, to be conducted by the Court of Appeal in conjunction with the Chief Justice of each State. To be operational on an ad hoc basis and for a limited time frame, from the beginning of the electoral campaign until three months after polling.	C National Assembly	Prohibition of abusive interference “Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced.” – ICCPR CG 25 paragraph 11. “Establish and strengthen national mechanisms that redress election related disputes in a timely manner.” - African Charter on Democracy, Elections and Governance, article 17.2.
CIVIL SOCIETY AND CITIZEN OBSERVATION				
28	Citizen observation included a very effective parallel vote tabulation. However it focused mainly on election day, in particular on polling and there was a lack of consistent scrutiny of lower-level collation centres.	Citizen observers, with adequate donor support, undertake more comprehensive and long-term observation of different parts of the process including voter registration, the primaries, the campaign, polling, collation and the post-elections petitions process. Also to again undertake a parallel vote tabulation for the presidential election, and also for selected gubernatorial races.	Citizen observer organisations, donors	Independent scrutiny "There should be independent scrutiny of the voting and counting process..." ICCPR GC 25, paragraph 20.
THE PARTICIPATION OF WOMEN				
29	The 2015 elections furthered the negative 2011 trend with another decrease in the number of women elected. Women report being disadvantaged during the primaries, with parties largely dominated by men and large financial resources being required.	Political parties be required to have policies and provide regular information on the promotion of women’s political participation within the party, as candidates, and more widely. Consideration be given to requiring parties to have a minimum representation of women in leadership positions and as candidates.	PL National Assembly	Women’s participation in political life Beijing Declaration and Platform for Action. "Political parties have an obligation to demonstrate their commitment to the principle of gender equality in their constitutions, in the application of those rules on their executive boards so that these bodies may

				<p><i>benefit from the full and equal participation... by both sexes." - CEDAW GR 23, paragraph 34.</i></p> <p><i>"Political parties must endeavour to balance the number of male and female candidates". - CEDAW GR 23, Paragraph 22</i></p> <p><i>"Political parties have a responsibility to ensure that women are... nominated in areas where they have a likelihood of electoral success." - CEDAW GR 23, Paragraph 28</i></p>
THE PARTICIPATION OF PEOPLE WITH DISABILITIES				
30	<p>The National Disability Bill is very general in regards to political participation. The Electoral Act specifies that persons “<i>subject to any legal incapacity to vote</i>” are not qualified to register as voters, thereby excluding, among others, people legally assessed to have mental incapacity, in contradiction to pronouncements made by the CRPD Committee.</p>	<p>The National Disability Bill be reviewed for compliance with the UN Convention on the Rights of Persons with Disabilities with specific provisions for political participation. Also the section of the Electoral Act depriving persons “<i>subject to any legal incapacity</i>” of their suffrage rights be reviewed.</p>	<p>PL National Assembly</p>	<p>Universal suffrage</p> <p><i>“States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake: (a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected...”</i></p> <p>- CRPD, article 29.</p>

ANNEX 2 – LIST OF ABBREVIATIONS

ACHPR	African Charter on Human and Peoples’ Rights
ADR	Alternative Dispute Resolution
AFIS	Automated fingerprint identification system
APC	All Progressives Congress
APCON	Nigerian Code of Advertising Practice and Sales Promotion
APGA	All Progressives Grand Alliance
AU	African Union
BON	Broadcasting Organizations of Nigeria
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil society organisation
CVR	Continuous voter registration
DPP	Director of Public Prosecutions
ECOWAS	Economic Community of West African States
EMS	Election Management System
EOM	Election observation mission
EPT	Election Petition Tribunal
EU	European Union
FCT	Federal Capital Territory
FHC	Federal High Court
FPTP	First past the post
GC	General Comment
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
IDP	Internally displaced person
INEC	Independent National Electoral Commission
IPAC	Inter Party Advisory Council
JUSUN	Judicial Staff Union of Nigeria
LGA	Local government area
LTO	Long-term observer
MEP	Member of the European Parliament
NA	National Assembly
NBC	National Broadcasting Commission

NBCo	Nigeria Broadcasting Code
NEMA	National Emergency Management Agency
NEPAD	New Partnership for Africa Development
NGP	National Gender Policy
NHRC	National Human Rights Commission
NTA	Nigerian Television Authority
PDP	Peoples Democratic Party
PU	Polling unit
PVC	Permanent voter card
REC	Resident Electoral Commissioner
RO	Returning officer
SHoA	State House of Assembly
SHC	State High Court
SIEC	State Independent Electoral Commission
TMG	Transition Monitoring Group
TVC	Temporary voter card
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	UN High Commissioner for Refugees
VP	Voting point
VR	Voter registration

