



**ETHIOPIA**

**FINAL REPORT**

**HOUSE OF PEOPLE'S REPRESENTATIVES  
AND STATE COUNCIL ELECTIONS  
MAY 2010**

**EUROPEAN UNION  
ELECTION OBSERVATION MISSION**

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*This report was produced by the European Union Election Observation Mission to Ethiopia 2010 and presents the mission's findings on the 23 May 2010 elections to the House of People's Representatives and State Councils. These views have not been adopted or in any way approved by the European Commission and should not be relied upon as a statement of the European Commission. The European Commission does not guarantee the accuracy of the data included in this report, nor does it accept responsibility for any use made thereof.*

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*This report is available in English and Amharic, only the English version is official*

## I. EXECUTIVE SUMMARY

Ethiopia held its fourth elections to the House of People's Representatives (HPR) and State Councils on 23 May 2010. The European Union Election Observation Mission (EU EOM) was present in Ethiopia from 14 April to 21 June 2010, following invitations from the Ethiopian Ministry of Foreign Affairs and the National Electoral Board of Ethiopia (NEBE). The EU EOM was led by Mr. Thijs Berman, Member of the European Parliament. The Mission deployed 170 observers from 25 European Union Member States, as well as, Norway, Switzerland and Canada to all the country's regions, to assess the electoral process against international and regional commitments for elections as well as the laws of Ethiopia. The EU EOM is independent in its findings and conclusions and adheres to the *Declaration of Principles for International Election Observation* commemorated at the United Nations in October 2005. On Election Day, EU EOM observers visited 815 polling stations in every region of Ethiopia to observe voting and counting.

The 23 May 2010 elections were held in a generally peaceful environment, as unanimously called for by all stakeholders. The relatively quiet election campaign by both the opposition and the incumbent, the Ethiopian People's Revolutionary Democratic Front (EPRDF), grew in intensity in the very last stages of the campaign. Although, the National Electoral Board of Ethiopia (NEBE) largely managed the electoral process in an efficient and competent manner, its handling of the consolidation process was less praiseworthy. The electoral authorities failed to dispel the opposition parties' lack of trust in their independence. While several positive improvements were introduced since the 2005 elections, there were negative developments in the practical application of the legal and electoral framework. As a result, the electoral process fell short of international commitments for elections, notably regarding the transparency of the process and the lack of a level playing field for all contesting parties. Insufficient efforts were taken to ensure a more equitable and representative electoral process.

The Ethiopian Constitution and legal framework provided an adequate basis for the conduct of genuine elections in line with international and regional commitments subscribed to by Ethiopia. The Constitution, Electoral Law and other election-related regulations protect political and civil rights and allow for genuine elections, as well as the freedoms of association, assembly, movement and expression. However, the practical implementation of some laws and regulations regarding elections deviated in certain cases from the principles underlying these commitments. The electoral process was therefore constrained, as was the full, non-discriminatory, enjoyment of fundamental rights.

The changes in the legal framework together with the fragmentation of the main opposition forces in the aftermath of the 2005 elections, as well as the imprisonment of leading opposition figures and the departure in exile of one opposition leader, resulted in a cumulative narrowing of the political space within the country. The ruling party's presence throughout the country was unrivalled by opposition parties, especially in rural areas which house up to 80% of the Ethiopian population.

The NEBE administered the elections in a competent and professional manner given its limited resources, overcoming significant technical challenges. However, some shortcomings were noted in the training of polling station staff and in the consistency and coherence of technical information received and aggregated by the electoral authority, such as complete polling station lists, which affected the overall transparency of the process. Insufficient measures were taken to increase the level of trust of some opposition parties in the impartiality and independence of the NEBE.

The NEBE registered 31,926,520 voters for the 2010 elections, out of approximately 37 million eligible citizens according to its own projections. This reflected a relatively inclusive register that included around 5 million more voters than in 2005. Voter registration was carried out in just six weeks, which is a relatively short period. Voter registration took place before the deployment of the EU EOM and was therefore not directly observed by the Mission. The lack of a centralised and computerised national voter register did not allow for any checks for multiple registrations or any audits.

Candidate registration was carried out in an adequate manner. The requirements for candidates were not discriminatory. The NEBE displayed commendable flexibility in agreeing to extend the deadline for candidate registration following a request by the National Joint Council for Political Parties. Unfortunately, it did not do the same for the Somali Region. The introduction of public financing for political party candidates was a positive measure, however, the amount was generally considered insufficient to conduct an effective campaign.

The number of complaints of campaign violations, harassment and intimidation -including cases of violence- voiced primarily by opposition parties and, to a much lesser extent, by the ruling party, increased in the last weeks of the campaign. The volume and consistency of complaints against the ruling party, local administrations and in some cases the police was a matter of concern that must be taken into account in the overall assessment of the electoral process. Beyond the repeated calls for peaceful elections, greater measures to limit possible harassment and intimidation could have been taken by the government and all political parties.

The freedoms of assembly, of expression and of movement were not consistently respected throughout the country during the campaign period, generally to the detriment of opposition parties. All parties favoured door-to-door canvassing, although some rallies were held -mainly by the EPRDF. Campaign activities were generally focused on the last week of the campaign, given most parties' lack of funds.

The media covered the main campaign events in a relatively neutral tone. However, state-owned media failed to ensure a balanced coverage, giving the ruling party more than 50% of its total coverage in both print and broadcast media. The airtime specifically allocated to the electoral campaign for parties and candidates was distributed proportionately to the different candidates. It was observed that the media were often very cautious in their reporting. The jamming of the Voice of America Amharic Service throughout the campaign period, and of Deutsche Welle a couple of days before the elections, reduced the possibility for voters to receive information from a wider range of sources. This was not compensated by other media, as the limited outreach of print and broadcast media reduced their role in providing voters with information to make an informed choice.

The separation between the ruling party and the public administration was blurred at the local level in many parts of the country. The EU EOM directly observed cases of misuse of state resources in the ruling party's campaign activities. The role of the *kebele*'s (administrative unit that comprises rural communities or urban neighbourhoods) which are used to good avail in the development of local communities should be gradually reduced in the electoral process to prevent these situations from occurring. This could also help to increase the level of trust of opposition parties in the process. Even taking into account the inherent advantages of the incumbency, the Mission considers that the playing field for the 2010 elections was not sufficiently balanced, leaning heavily in favour of the ruling party in many areas.

Women are under-represented in the Ethiopian political scene and within the electoral administration. According to data from the NEBE, women constituted 47.8% of registered

voters, slightly beneath their actual demographic weight. Among the candidates for the 2010 elections, women represented around 12% and 15% of candidates respectively for the HPR and the State Councils, which was less than in the 2005 elections. The EPRDF's 30% quota was a positive step to ensure a greater representation of women. The provision of greater public financial assistance to women candidates was a welcome initiative to promote the representation of women.

The NEBE decided to retain exclusive competence in the field of voter education. The EU EOM considers that the voter information provided by the NEBE was generally insufficient and that too often, political parties and local administrations were the main exponents of voter education in rural parts of the country. The exclusion of civil society organisations from voter education, together with the new and more restrictive Ethiopian Charities and Societies Law, limited the potential role of local organisations in the electoral process.

The provisions for complaints related to voting, counting and consolidation were significantly strengthened in the last five years. Nonetheless, the EU EOM considers that further measures must be implemented to ensure that they provide the opportunity for effective legal remedy on election-related complaints, in light of opposition parties' lack of confidence in the independence and neutrality of the judiciary and the police. Additionally, the channels for complaint adjudication should be rationalised to avoid that offences go unpunished.

Election Day unfolded in a generally peaceful and orderly manner, with a high voter turnout. Secrecy of the vote was respected despite minor irregularities. The EU EOM observed an inconsistent application of procedures especially at the opening and closing of polling stations. Party agents, mainly from the EPRDF, and domestic observers were present in the majority of observed polling stations. Polling procedures were assessed positively by EU EOM observers in 87% of visited polling stations, while closing and counting were assessed positively in 66% of cases. In 25% of observed polling stations copies of results forms were not given to party agents and in nearly half, results were not posted outside the polling station, thereby compromising the transparency and credibility of the counting process.

The NEBE announced provisional results less than 48 hours after polling stations closed, thanks to a parallel system of communication allowing for the aggregation of polling station results at the national level. The consolidation process at constituency level was considered very problematic according to EU EOM observers. In 27% of cases observed, polling station results were different to those previously recorded by observers at polling stations. In several cases, incomplete or incorrect forms from polling stations were corrected or completed at constituency electoral offices. The transparency of the process was considered unsatisfactory in 40% of observed cases. Certain essential forms for the correct transmission of results to the national level were not filled in numerous constituencies.

A number of rallies against a very critical Human Rights Watch report followed the announcement of provisional results on the elections, which also served as victory celebrations for the EPRDF. At these rallies, banners were also visible carrying slogans against the EU EOM, suggesting that the Mission had "a political agenda" against the ruling party. Official results were released on 21 June and were accepted by most parties. *Medrek* and the AEUP rejected the results and unsuccessfully presented requests to the NEBE calling for nation-wide re-elections. Both parties appealed the NEBE decision at the Federal Supreme Court (FSC). The FSC confirmed the NEBE's decision.

The ruling party and its partner parties won 544 of the 547 seats to the HPR and all but four of the 1,904 seats in the State Councils. The participation rate was of 93.4%. An independent

candidate and a candidate from one of the main opposition coalitions, the Ethiopian Federal Democratic Unity Forum (*Medrek*) won seats to the HPR. A candidate from a relatively smaller party, the Argoba People's Democratic Organisation (APDO), won the third seat. The APDO won three State Council seats. The All Ethiopian Unity Party (AEUP) won one State Council seat. The results indicate that the EPRDF has a practically absolute control over both the lower legislative chamber and the State Councils.

A comprehensive list of suggestions and recommendations is included at the end of this Final Report for consideration by the relevant authorities in order to promote further improvements in certain areas of the election process. Key recommendations include:

- Measures are necessary to increase the participation and capacity of opposition parties, as well as the broadening of political space in Ethiopia. The return of exiled opposition leaders as well as the release of imprisoned opposition leaders would be important steps in this direction, restoring confidence in the democratic process. The financing of political parties and of election campaigns could be reviewed together with the implementation of capacity-building programmes for political parties, their members and their candidates.
- Steps should be taken to ensure a clear separation between the ruling party and the state and to avoid the misuse of state resources during the campaign. The NEBE should be provided with sufficient resources to reduce the need to resort to local administrative structures in electoral activities gradually, with a view to create an independent and trustworthy election management body. This would help to prevent the occurrence of abuses of power and use of state resources at the local level. Furthermore, this measure could improve the level of confidence of many opposition parties in the electoral process.
- The voter register should be computerised for future electoral processes to allow for the implementation of essential safeguards to ensure its accuracy, as well as greater transparency by providing copies of the voter register to all political parties. The NEBE could consider the creation of a permanent and national voter register.
- The NEBE should take measures to increase the transparency of the electoral process and improve the perception that some opposition parties have of its impartiality. These measures should include publishing and communicating all electoral information to the contesting parties. The NEBE should also review some Election Day procedures, notably the design of forms and the training provided to polling station staff and constituency electoral officers to improve the consolidation process.

## **XVI. RECOMMENDATIONS**

In line with its mandate, and its desire to help promote further improvements in the Ethiopian electoral process, in its broadest sense, the European Union Election Observation Mission (EU EOM) offers the following suggestions and recommendations for consideration by the Government of Ethiopia, the National Electoral Board of Ethiopia (NEBE), political parties and Ethiopian civil society organisations.

### **Legal Framework**

*In order to prevent the practical implementation of the legal framework from deviating from the international commitments for elections subscribed to by Ethiopia, notably in terms of the respect for fundamental freedoms:*

1. Electoral offences and the competent jurisdictions for their adjudication should be reviewed in order to provide clear and comprehensive guidelines in the Electoral Law, including explicit reference to the use of state resources, to ensure that all offenders are held accountable for their actions before the courts. The penalties for some electoral offences should also be reviewed to ensure greater proportionality. Recent proclamations that affect human rights and fundamental freedoms could be discussed and reviewed by all stakeholders to reduce potential repercussions on the electoral process and the overall human rights situation.

### **Electoral System**

*To increase the representative nature of the country's legislative body, provide greater transparency to the process and ensure equality of the vote:*

2. The possibility of introducing some measure of proportional representation in the Ethiopian electoral system should be considered by all political forces to promote a greater level of representation in the House of People's Representatives (HPR). The creation of specific constituencies for Ethiopian citizens living abroad, together with out-of-country registration and voting in embassies and consulates could be considered. Given that the Constitution allows for an additional three seats in the HPR, these could be used to represent Ethiopians living abroad.
3. A review of constituency boundaries should be undertaken to ensure that constituencies better reflect actual population trends, thus contributing to greater equality of the vote. Any such revision should be overseen by an independent panel. The allocation of "Special Constituencies" for the representation of minority groups should also be revised.
4. The system for higher education and military voting could be modified to ensure greater transparency. Furthermore, polling should not be carried out in locations that cannot be freely accessed by observers and party agents, as is currently the case for the voting in military barracks. The possibility for these two groups to vote earlier than the rest of the population could also be assessed in order to accelerate the consolidation process.

### **Election Administration**

*To increase the transparency and credibility of the election administration as well as improving the level of confidence that some opposition parties have in its neutrality and independence:*

5. Serious efforts should be taken to limit the involvement of governmental administrative structures, down to *kebele* level, in the organisation and implementation of the electoral process. The development of an independent structure for the NEBE throughout the country, gradually diminishing its dependence on local administrative structures should be envisaged. These measures could prevent and curtail suspicions of governmental control of the electoral process as well as the blurred separation between the state and the ruling party in electoral activities and the undue use of state resources at regional and local levels.
6. The NEBE should take measures to enhance transparency at all levels of the electoral administration to guarantee its accountability. The NEBE should publish and disseminate all of the technical tools of the electoral process: polling station lists, constituency lists, lists of registered voters, information on public financing of election campaigns, as well as the exact procedures and arrangements for minority constituencies.
7. The appointment procedure for NEBE Board members should be revised to generate greater confidence in the NEBE's independence among all stakeholders. An independent, multi-party appointment panel could be considered. Members of the NEBE Board should not be allowed to hold positions simultaneously that may result in a conflict of interests.
8. The EU EOM considers that public observers did not contribute to the transparency or confidence of the process and that their presence should be reconsidered, especially in the Grievance Hearing Committees (GHC).

#### **Voter Registration**

*A transparent, credible and accurate voter register is an essential component for genuine elections, to this end:*

9. A centralised and computerised national voter register should be created, with sufficient safeguards and crosschecking procedures to prevent multiple registrations. The possibility of introducing a permanent register could be assessed. An audit of the electoral register could also be considered. All political parties should be provided with copies of the register, including higher education and military registration, well in advance of Election Day. To enable greater inclusiveness and accuracy, the period for voter registration and the public display of the register could be extended by at least four weeks.

#### **Candidate Registration**

*In order to promote greater respect for the principle of equal rights for all citizens to stand for elections:*

10. The limit on the number of candidates per constituency, and the priority given in case there are more than 12 candidates to those submitted by political parties should be lifted. Similarly, independent candidates should not be excluded from the allocation of public funding for campaigning or the distribution of free airtime in the media.

#### **Political Parties and Candidates**

*To increase confidence in the democratic process, broaden the political space in the country and help level the currently unbalanced political playing field:*

11. The absence of one opposition leader in exile, as well as the imprisonment of one political leader, qualified as arbitrary detention by the United Nations, should be addressed. The review of these leaders' legal cases would constitute an important and necessary step in order to broaden the political space.
12. The national capacity of political parties needs to be strengthened, possibly through the implementation of capacity-building programmes. The Political Parties Registration Proclamation should be modified allowing for greater public financing of political parties, on a yearly basis and not limited to the campaign period. Clear and transparent rules for the distribution and accountability of such funding should be established.

### **Election Campaign**

*Providing the conditions for a level playing field during the election campaign is essential in a democratic process, to this end:*

13. The ratios used to allocate campaign financing should be re-considered to limit the degree of proportionality in terms of presence in the HPR. Auditing of campaign finance and a ceiling on campaign spending could be considered to help level the playing field between parties as well as increasing the transparency and accountability of election campaigns.
14. The length of the election campaign could be reduced to a period of four to six weeks to better optimise the resources available for political parties to engage in campaign activities.

### **Voter Education**

*To ensure that all voters have the possibility of making an informed choice:*

15. The NEBE should re-consider its preference for retaining exclusive competence over voter information programmes. Greater efforts could be made to ensure that voter education is available in more minority languages.

### **The Media**

*In order to avoid confusion as to the role of the media during the election process and to enable the media to carry out its duties freely in providing the public with balanced information:*

16. The requirement for journalists to be specifically accredited by the NEBE to cover the election process, established in Article 91 of the Electoral Law, should be revised allowing journalists to fulfil their duties freely when reporting on the electoral process.
17. The provisions of Article 59 of the Electoral Law, requiring state-owned media to provide free airtime to parties during the campaign, should be amended in line with the Broadcast Service Law, which requires all media to provide free airtime during the electoral period..
18. Clear provisions regarding the role of the media during the 48-hour campaign silence period should be established to provide voters with a period of time free from campaign messages in which to reflect on their political choices.
19. A permanent monitoring mechanism could be considered to verify the Ethiopian Radio and Television Agency's (ERTA) compliance with its obligations as a public broadcaster. State-owned media impartiality and balanced coverage beyond the campaign period could



also be monitored by the Ethiopian Broadcasting Authority and reported to the HPR.

20. A permanent code of conduct of the media's coverage of elections could be considered. Such a code of conduct should be discussed and agreed upon among all stakeholders. Greater emphasis should be made on the obligation for all media to provide a balanced coverage of all aspects of the electoral process.

### **Women's Participation**

*To improve the representation and the level of women's participation in the electoral process:*

21. Women's participation in the HPR, State Councils, political parties and the electoral administration must be further promoted. Greater funds could be provided for women candidates in the public funding of election campaigns. The NEBE could also consider introducing a gender quota throughout its structure.

### **Civil Society and Domestic Observation**

*To increase the involvement of civil society organisations in the electoral process:*

22. Measures should be taken to promote the involvement of civil society organisations (CSOs) in both voter education and domestic election observation. To this end, consideration could be given to relaxing the restrictions on foreign funding of local CSOs to allow foreign funds to be channelled into capacity-building, training of domestic observation groups and voter information programmes.

### **Complaints and Appeals**

*In order to ensure the implementation of the right to an effective remedy, to increase the accountability for electoral offences and the level of confidence in the process:*

23. Steps should be taken to ensure that all election-related offences are investigated and that all offenders are prosecuted and held accountable in a timely manner. A more proactive role for judicial authorities and prosecutors in handling electoral matters could also be promoted.
24. The composition of Grievance Hearing Committees (GHC) should be restricted to persons with a sufficient legal background or capacity, and possibly recruited through a competitive selection process. The accountability of GHC members and their responsibilities in referring electoral offences to the courts should be considered. Resources should be made available for the different committees to carry out their investigations.
25. The jurisdiction of Joint Councils for Political Parties (JCPPs) should be limited to minor electoral offences, such as the removal of campaign posters and civil matters regarding the electoral process and the campaign. Other electoral offences should be immediately referred to the judiciary. JCPPs could consider including members of the police and civil society organisations to ensure greater participation and transparency in the process when addressing electoral offences.
26. The NEBE should establish a national database containing consolidated records of all complaints received at every level of the electoral administration. This database should

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also include the responses and decisions taken in order to ensure greater transparency and public accountability in its handling of election-related complaints.

### **Polling, Counting and Consolidation**

*To increase the transparency and consistent application of procedures as well as improving the efficiency of the consolidation process, thereby increasing the confidence in the democratic process:*

27. The Electoral Law should be amended to give precedence to the voters' clear intention, regardless of the actual sign used to express it in the determination of valid votes.
28. Polling station staff should be provided with more and better training, especially regarding the opening, closing and counting process. Greater attention should be given to the filling in of forms at the different stages of the process, notably the consolidation process as a whole.
29. A comprehensive review of the different forms required from polling station committees and constituency electoral offices should be carried out to make them simpler and easier to complete as well as reducing the number of different forms. The forms for polling station and constituency offices should be on carbonless copy paper to reduce the workload of election officials and speed up the counting and consolidation processes. The use of trained personnel sent from the NEBE headquarters to assist and possibly digitalise certain elements of the consolidation process could be considered.