



“An inclusive election in a generally peaceful atmosphere”

This statement from the joint International Election Observation Mission (IEOM) of the Electoral Institute for Sustainable Democracy in Africa (EISA) and The Carter Center is preliminary in recognition of the ongoing electoral process; it covers all aspects of the process relating to the National Assembly election through March 8, 2021. Essential phases remain to be completed, including the announcement of provisional results by the Ivorian Independent Electoral Commission (Commission électorale indépendante, CEI in French), the handling of any complaints and appeals by the Constitutional Council (CC) and the CEI's proclamation of final results. The IEOM is therefore only presenting its findings of the process to date. It will publish a final report including a comprehensive analysis of the electoral processes regarding the Oct. 31 presidential election and the March 6 National Assembly election, as well as its recommendations for future electoral processes, following the conclusion of the elections. The IEOM may issue further statements or announcements on the ongoing process, as necessary.

The March 6 legislative elections in the Republic of Côte d'Ivoire were held in a calm and largely peaceful socio-political context. The Dec. 29 political agreement, which followed the electoral violence linked to the Oct. 31 presidential election, significantly contributed to easing political tensions and the organization of inclusive elections with the renewed participation and collaboration of opposition parties.

Although formally prohibited by the Electoral Code, many pre-campaign activities were carried out by both ruling party and opposition candidates as well as independents. The campaign took place in a generally calm atmosphere and without any major violent incidents. However, it generated little voter enthusiasm

The electoral system is clearly defined and offers a sound basis for holding open and competitive elections. However, the use of the simple majority system in multi-member constituencies tends to reduce the level of popular representation and fosters the over-representation of larger parties. The current boundary delimitations distort the representativity of the electoral system and require harmonization with international obligations and the Constitution, which enshrine the principle of equality of suffrage.

The reorganization of the composition of the Independent Electoral Commission (Commission électorale indépendante, CEI in French) as part of the December 2020 political agreement increased the inclusiveness and political representativity within the CEI. Despite these positive changes, the CEI did not communicate relevant

In contrast to the October 2020 presidential polls, the March 6 legislative elections were held in a relatively calm and peaceful political context. Political dialogue between President Alassane Ouattara and former President Henri Konan Bédié following the presidential polls signaled a softening of political tensions. These talks culminated in the signing of a political agreement on Dec. 29, 2020. Importantly, the agreement provided for increased representation of opposition political forces within the electoral commission at the national and local levels. Other key points were the withdrawal of the opposition's call for civil disobedience launched in October 2020 and the adoption of various measures aimed at easing the political climate as well as ensuring more inclusive and peaceful elections, which included releasing prisoners detained for acts of civil disobedience.

The abating of social and political tension following the

2021-2026 legislature by April 1. This date was endorsed by the government and, on Dec. 30, the President of the Republic issued a decree convening the electoral colleges for the National Assembly elections.⁷

Article 182 of the 2016 Constitution provides that "the mandate of the Parliament elected following the coming into force of the present Constitution shall end in December 2020. Notwithstanding, if it is not possible at that time to hold elections for Assembly Members and Senators, Parliament shall remain in session until those elections are held." Considering that the inauguration of the ordinary session of the Assembly is scheduled for the first working day in April, in accordance with Article 94 of the Constitution, the new Assembly for the 2021-2026 legislature should commence

order, Law 2019-870 of Oct. 14, 2019¹⁰, Article 78¹¹ of the Electoral Code amended by Order 2020-356 of April 8, 2020,¹² and Decree 2020-941 of Nov. 25, 2020 on the implementation of Law 2019-870.¹³

To fulfil these legal requirements, in a statement dated Dec. 31, 2020, the CEI established that: "In accordance with the texts in force, political parties or groups are required to present a minimum of 30% of women candidates in relation to the total number of constituencies comprising at least one seat. In addition, for constituencies with more than two seats, all lists must include at least 30% of women candidates."¹⁴

On Jan. 14, the CEI invited political parties and groups as well as civil society organizations (CSOs) that had participated in political dialogue sessions between Dec. 21-29 to a workshop to discuss the implementation of the recommendations that derived from the political dialogue. Based on the difficulties mentioned by political parties and groups in their application

enable those affected by the challenge to submit any potential observations, in accordance with Article 99 of the Electoral Code. According to the CC, the challenge was undefined and therefore lacked merit.¹⁶

The IEOM notes that Organic Law 2001-303 pertaining to the organization and the functioning of the CC establishes that it can “take all investigative measures; namely, to hear any expert or knowledgeable person, and request any potentially useful document.” The CC, as judge of the conformity of the law with constitutional provisions and in its capacity in supervising the legislative elections, could have consulted the publicly available provisional candidate lists to help guarantee that the constitutional rights of Ivorian women were upheld.

The Independent Electoral Commission (Commission électorale indépendante, CEI in French) is a permanent administrative legal entity. It is financially independent and has regulatory powers enabling it to clarify the application of relevant laws and associated operational procedures regarding electoral processes.

and invalid ballots, and the roles and responsibilities of polling station staff.¹⁹ While these decisions were shared on an ad hoc and informal basis with some stakeholders within 48 hours of election day, the exact number of decisions relevant to the electoral process remains unknown as they have not been published. A printed version of the Operational Procedure for the March 6 election, which was not officially published, was shared with candidates on Feb. 23 and with election observers on March 4. This document which does not contain detailed information on the process of recovery of electoral materials or the tabulation of results, and refers to a 2016 deliberation when a new decision on result tabulation

Côte d'Ivoire has signed and ratified the main international and regional treaties relating to civil and political rights and public freedoms. The Ivorian Constitution recognizes the fundamental freedoms that are the foundation of all democratic electoral processes; namely in Articles 19, 20, and 21, which establish and guarantee the freedoms of expression, opinion, association, assembly, peaceful demonstration, and movement. In addition, Côte d'Ivoire

Three opposition party leaders detained on Nov. 3, 2020, and released³⁸ in January and February 2021, had their candidacy accepted and were able to

Côte d'Ivoire has ratified the relevant regional and international instruments on the rights of women and their participation in political life, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Maputo Protocol. The Constitution calls upon the State to enhance the opportunities for women to access representation in elected assemblies.

Despite these commitments, only 11.37% members of the 2016 National Assembly were women (29 of 255), placing Côte d'Ivoire's parliamentary representation of women lower than the average for countries on the African continent (24.1%), and in 160th position in the Inter-Parliamentary Union's global ranking. The 2021 legislative elections are the first in which a 30% quota of women on candidate lists is to be applied, to enhance their representation in the Assembly. As mentioned previously, the application of the law by political parties and groups has nevertheless been extremely disappointing. Out of 1,511 principal candidates only 206 (13.63%) are women, below the percentage for the 2016 elections,⁴¹ in which there were no legal provisions to enhance their participation and potential election, and they represented 15.76% of total candidates. Of the 53 parties and political groups running in these elections, only eight parties and one coalition - none of which is represented in the Assembly - presented lists that respected or went beyond the 30% quota of women candidates, including principals and substitutes.⁴² The law on quotas has not been applied by political parties and groups according to the CNDH and civil society organizations, particularly those promoting the rights of women and human rights. In addition to the socio-cultural constraints and the difficulties to fund their electoral campaign, these CSOs consider that the lack of commitment of political parties to include women on their lists (see candidate registration) represent1.04 Tf1 0 0

Despite numerous revisions, the Electoral Code remains silent on national and international election observation. The CEI nevertheless allows for the accreditation of organizations wishing to observe the electoral process. The Operational Procedure for the Election of Members of the National Assembly (EDAN-2021) outlines the rights and responsibilities of organizations that can be accredited to follow the entire electoral process, including the transmission and tabulation of results.

A Charter for the Observation of Elections

The layout of polling stations visited by IEOM observers allowed for orderly and fluid polling operations. Ballot boxes were properly sealed and placed in a visible position for the public to see. However, a decision to place the polling booths so that the back of voters was exposed to others in the polling station was meant to prevent voters from taking photographs of their ballots and therefore prevent potential vote buying. Observers noted that it did not always guarantee the secrecy of the vote.⁴³

Around 40% of the visited polling stations were assessed as not being easily accessible for persons with reduced mobility, mainly due to an irregular floor or the presence of steps. In 12% of these cases, the polling station was not

including at the level of the second tabulation phase, the behavior of law enforcement agents was assessed as calm, discreet and professional. The presence of candidate representatives was observed in 84% of the observed LECs. At this stage of the process, the IEOM has been able to access all results entry rooms visited except in the commune of Daloa, where the observers were denied access. Tabulation operations in this case were taking place behind