



PAFFREL

FINAL REPORT

PRESIDENTIAL ELECTION 2019



DESCRIPTIVE NOTE FOR SPECIAL TERMINOLOGIES

The following explanations/notes are used in relation to the Presidential Election of 2019.

Pre-Election Period – The period which began on 18th of September 2019, the day the Election Commission announced the date of the Presidential Election of 2019 and called for nomination papers to be filed for the same, and ended at midnight of 13th November 2019 prior to cooling day start .

Cooling Period – The period which began at midnight on 13th November 2019 and ended prior to poll open (at 7am on 16th November 2019). During this period, all the election related campaign activities have to be halted.

Election Day – The period which began at 7am and ended at 5pm on 16th November 2019.

Post-Election Period – This is generally about the 2 weeks period which began at the end of voting on Election Day (i.e. at 5pm on 16th November 2019) and ended at midnight on 30th November 2019.

Postal Voting – This is a facility available for those employed in the government sector who are expected to work as poll staff and those maintain law and order on the Election Day (i.e. Election Officers, Police and Armed Forces Personnel, etc.) to cast their vote prior to the actual Election Day. Postal Voting for Presidential Election of 2019 was held on 31st October and 1st, 4th and 5th November 2019 in 7,920 certification centres covering all administrative districts of the Island. Again 7th of November was allocated for voting for those who could not cast their votes during any of the above 4 days. (Where- District Election Offices)

Incident – A single complaint/incident may lead to several violations as classified by PAFFREL in terms of electoral laws and regular laws of the country.

Confirmed incident – A violation that has been reported to PAFFREL and has been recorded with the Complaint Unit and its accuracy has been verified through available, reliable evidence.

Unconfirmed incident – A violation that has been reported to PAFFREL and has been recorded with the Complaint Unit but its accuracy could not be verified through available evidence.

“Violations Relating to Acts of Violence” Category – This is a main category in the Overall District Summary Sheet maintained and updated on a daily basis by PAFFREL. Violence includes Killings, Grievous Assault, Assaults, Intimidation and Threats, etc. as sub-categories.

“Violations Relating to Abuse of State Power, Resources & Misuse of State Sector Employees” Category – This is a main category in the Overall District Summary Sheet maintained and updated on a daily basis by PAFFREL. For the purpose of reporting on state resource abuse for the Presidential Election of 2019, this category will also include data from sub categories such as “Abuse of State Resources for Election Purposes”, “State Sponsored Livelihood Grants & Allowances Manipulated for Election Purposes”, etc.

“Other” Category – This is a main category in the Overall District Summary Sheet maintained and updated on a daily basis by PAFFREL. For the purpose of reporting on ‘Other’ violations for the Presidential Election of 2019, this category includes “*Giving Incentives with Political Objectives*”, “*Intimidating Voters*”, etc. as sub-categories.

FOREWORD

It is with great satisfaction that PAFFREL presents this final report on the Presidential Election of November 2019. This report includes the comprehensive observations and monitoring activities carried out by PAFFREL from the time of announcement of the election and up to about two weeks after the election and a few recommendations for making future elections more credible. PAFFREL has presented the information in a comprehensive way and as accurately as possible after careful verification at the time of releasing this final report.

We would like to thank the Chairman of the Election Commission of Sri Lanka Mr. Mahinda Deshapriya, and members of the Commission, the Commissioner General and other Commissioners and his senior staff for the support, cooperation, recognition and accreditation extended to PAFFREL. We are also grateful to the Election Commission's staff at district level, District Secretaries/District Returning Officers, and Deputy and Assistant Commissioners for the cooperation extended.

We thank the acting Inspector General of Police Mr. Chandana D. Wickramaratne, the Police Secretariat for Elections, particularly the senior DIG Mr. Jagath Abeysiri Gunawardana and all the Police Officers at national and district levels and at the polling stations for their valuable contribution and close cooperation. The entire election observance process would not have been possible if not for the financial support of our donors. They have been with PAFFREL right throughout and supported the entire range of activities and we sincerely thank them for it.

We take this opportunity to recall and appreciate the support extended by all our partner organizations at various levels, media organizations, political party leaders and parties, groups, individuals and volunteers, who extended their support and cooperation to PAFFREL.

We remember with a heavy heart, our dear colleague - activist Mr. K. Velayudham of Badulla District who passed away on the day of election while on mobile observation and monitoring activity. May his soul rest in peace!

Finally, we thank all our observers both stationary and mobile, long term and short term, observers who volunteered to participate in this important but risky work of election monitoring. They have been most generous with their time and effort and we greatly appreciate their commitment and dedication. Without this band of dedicated volunteers, election observation would not have been possible at all. We express our appreciation to all the civil society organisations that whole heartedly supported the election observation exercise with their volunteers.

Rohana Hettiarachchi
Executive Director
People's Action for Free & Fair Elections (PAFFREL)

EXECUTIVE SUMMARY

This was the first Presidential election in Sri Lanka where no sitting President, Prime Minister or Opposition Leader contested at the Election for the country's highest position. Although the incumbent President Maithripala Sirisena was eligible to contest, he decided not to. The incumbent Prime Minister, Ranil Wickramasinghe didn't contest and the Deputy Leader of the party Sajith Premadasa was assigned the candidacy to contest. The incumbent Opposition Leader, Mahinda Rajapaksa, was barred from contesting as per the 19th Amendment, as he has already served for two terms.

This Presidential election held on the 16th November 2019 can be considered as an Election with less incidents of violence and violations of election laws. Hence we can say the Presidential Election is fairly peaceful. Though the number of reported incidents were few compare to other elections, this election cannot be considered as totally free and fair. Some incidents of violence and violations of law prevailed right through, though at a lower scale. The biggest violator of the level playing field for all candidates was Social Media. There were organised groups misleading the public with false news, hate speech and misinformation, disinformation and manipulations throughout the election. Print and other electronic media both private and state owned were biased towards their preferred candidate.

PAFFREL mounted its tested observing and monitoring mechanism throughout the country with some vital improvements to the reporting formats of the observers; information transfer methods, and the use of a new centralised database for recording and processing data.

On the political plane, the contest was predominantly between the two main candidates of the two major parties. The highest number of violations were reported during the Pre-Election Period in the Western Province and in the Colombo District. "Carrying out Illegal Election Propaganda" was the most reported violation type during the Pre-Election period and it is well grounded for the entire country. The police acted fast against violence and violations especially with regard to illegal posters, banners and party offices in the event of such reports. The abuse of State Resources during Pre-Election period should also be highlighted. Use of State Vehicles and State Officials for election campaigns, appointments, transfers and promotions targeting elections and livelihood grants manipulating during this period were the main violations. Spread of misleading information and hate speech via social media during the period puts strains on democracy.

Though the day of Elections ended with no major incident leading to affect the end result of the Presidential Election, several illegal incidents such as illegal propaganda, intimidation of voters and transportation of voters had been reported. The biased propaganda activities and misleading information on social media continued on Election Day too.

The Post-Election period was relatively calm but more violent compare to 2015. Acts of violence between different political party members and incidents of Electoral/General Law violations were recorded all over the country and mainly in the Western Province.

PAFFREL recommends more powers to the EC in order to be able to hold media accountable, and make available user friendly facilities for the visually impaired and differently able persons to cast their votes; an advance voting system for all those unable to cast their vote on election day due to essential duties; honour the voting rights of Sri Lankan migrant workers and diplomatic personnel.

In addition PAFFREL advocates to introduce laws to regulate and limit campaign finance; a more effective Electoral Dispute Resolution and Mitigation Unit; limit the number of candidates, and new laws on registration of political parties to keep out those who are not genuinely interested on contesting the election.

PAFFREL PROFILE

PAFFREL was founded in 1987 by a group of civil society activists who were concerned about the deteriorating freedom and fairness of elections in Sri Lanka and wished to stall the decline. Observing and reporting violations of election laws and violence was deemed to be effective for pressurizing perpetrators to desist from violating election laws and for motivating the government and other stakeholders to contribute to improve the legal framework and the administrative arrangements for the next elections.

Since it mounted its first election observation exercise in 1988, PAFFREL has continued to observe each and every election in the country as one of its principal contributions for ensuring more democratic elections. It subscribes to the view that in every country without exception, there is room to make elections more democratic. It was in this spirit that PAFFREL undertook the observation of the Presidential Election of November 2019.

The Election Commission of Sri Lanka (EC) using its discretionary powers has accredited only PAFFREL and the Centre for Monitoring Election Violence (CMEV) for observing elections in the country in November 2019. This is a privilege bestowed and not a requirement of the law, that the election observers deployed by PAFFREL and CMEV were allowed to sit in the polling booths and counting centres. With regard to Election observation, there should be a legal framework ensuring the rights for Election Observation, under certain standards agreed by the observing organizations and for the Election Commission.

THE POLITICAL CONTEXT

The presidential election was due in November 2019 and hence the few months prior to that date were decisive and set the tone to the election. In late October 2018 the disagreements between President Sirisena and Prime Minister Wickremasinghe came to a head with the unconstitutional sacking of then Prime Minister Ranil Wickramasinghe by President Sirisena and installing Mr. Mahinda Rajapakse as the new Prime Minister. After seven weeks, the Supreme Court determined that the action of the President was unconstitutional and Mr. Wickremasinghe was reappointed as the Prime Minister. Indecisiveness of the Good Governance Government became all too apparent in the months that followed.

With the 21st April Easter bombings where more than 250 people lost their lives and many wounded, the political situation became very complicated as it took an ethno-religious guise in addition to national security concerns and the economic downturn that came in its wake. Anti-Islamic phobia was evidently stoked and society became polarised - majority and minorities.

Gotabaya Rajapaksa's candidacy was announced just days after the Easter bombings. Starting from there, throughout the election campaign, he made national security as the focus and promised to keep Sri Lankans safe.

Citizenship issue of Mr. Gotabaya Rajapaksa

One of the main debates and challenges throughout the political environment was the doubts raised about the legality of the candidacy of Mr. Gotabaya Rajapaksa due to his citizenship status, as 19th amendment doesn't permit dual citizens to contest Presidential or Parliamentary Elections. A case was filed in the Court of Appeal challenging Gotabaya Rajapaksa's citizenship, saying he renounced it in 2003 to become a citizen of the United States and regained it later in an irregular manner. The Appeal Court dismissed the case, clearing the way for him to register as a candidate in the Election.

PAFFREL's attempts to mould the political culture

March 12 Movement of the PAFFREL organized an event to bring the candidates of the Presidential election on to one stage where they could reveal their strategies in resolving certain issues in the country. (As the number of candidates were too many, PAFFREL had to develop some criteria to choose a number of manageable candidates) Accordingly, the candidates were called on to one platform at the Sugathadasa Indoor Stadium on the 5th of October where they were given opportunity to present their solutions for 5 common issues faced by the people.

The candidates were presented the questions forwarded by the public chosen by a committee. Every candidate was received three minutes of open time at the end of the program. Pledges from the candidates were obtained on the manner in which they would carry out their election campaign.

Except Sri Lanka Podujana Peramuna candidate Mr. Gotabaya Rajapaksa (where his party excused for his inability to attend due to various reasons) all other invited candidates attended the event. The presidential candidates have never been to the same stage ever before in the electoral history of Sri Lanka. This was organized to shape the country's political culture and make it people centred.



The March 12 Movement led by PAFFREL launched a campaign titled “Our Dream President” in March 2019 to create a platform for the citizens to speak up as to what qualities a Presidential Candidate should have. The forum was opened to youth, academics, students, trade unions, professionals and businessmen etc. The program aimed at communicating to the political parties as to what the people seek in a Presidential Candidate.





Handing over Spy Cameras and jackets to Sri Lanka Police

With the objective of preventing violence, PAFFREL provided the Sri Lanka Police with 75 high-powered spy cameras to photograph and video incidents, where election laws were flouted or cases of election related violence. PAFFREL also provided the Sri Lanka Police with 350 jackets to be worn by a special team of officers on Election Day.

Presidential Election

The 8th Presidential Election to elect an Executive President of Sri Lanka was held on Saturday the 16th November 2019. This was the first election to be held under the 19th amendment to the Constitution of 1978, passed in 2015 under which the president's term of office was curtailed to five years.

7th October 2019 was the Nominations Day. There were 35 candidates accepted by the Election Commission as presidential candidates. When the nomination period commence there were 41 persons from political parties and independent candidates deposited the sum of money as per the election law for showing their interest to become presidential candidate for election. This was significant number and 35 candidates contested was recorded number in the history of Presidential election history that never happened before. These nominations consisted of 18 popular political parties, 2 other political parties and 15 independent candidates. Dr. Ajantha Perera was the only female candidate contesting and represented the Socialist Party of Sri Lanka.

The EC was on record that several of the candidates were sponsored by the two major parties in order to gain various benefits viz. air time, security etc.

The election was widely expected to be closely contested by the candidates of the two major parties; Mr. Gotabaya Rajapakse of the Sri Lanka Podujana Peramuna and Mr. Sajith Premadasa of the United National Front. The two frontline candidates themselves were very different from each other; one was a non-politician, technocrat but from a political family and the brother of a former president while the other a seasoned politician who was waiting his time to assume leadership of the party and son of a former President.

Politically, the months just before the November election was divisive with major political parties vying to garner the votes from different ethnic groups. Deep into the campaigning, it became clear that Sri Lanka Podujana Peramuna candidate was focussing on Sinhala Buddhist voters and United National Front candidate was reaching out to Muslim Tamil and other minority votes in addition to Sinhala Buddhist votes,

which ended up with highly polarized election result.

The election campaigns were hard fought but what was refreshing was the sight of roadways and parapet walls devoid of illegal posters, banners and cut-outs and also illegal party offices. Mostly the police should be commended for this change as they acted fast and impartially.

The election was held according to the 2018 Voter Registry and accordingly there were 15,992,096 registered voters. 13,387,951 voters (83.72%) cast their ballots and 135,452 (1.01%) votes were rejected, leaving the total valid votes at 13,252,499 (82.87%). The voter turnover was recorded considerably high in this Presidential Election.

By all counts, this presidential election was generally peaceful and orderly and least violent with least violations of election laws and least environmentally polluting. This was confirmed by all Sri Lankan election observing organisations as well the international observers. However, there were other significant negative features of the election that tarnished the democratic quality of the election. For examples, lack of controls on limiting campaign finance; non declaration of assets with nominations; more than 1.5 million voters with no facility to cast their votes denying from right to vote etc.

2019 PRESIDENTIAL ELECTION – FINAL RESULT

Name of the Candidate	Total Votes Received	Percentage
Gotabaya Rajapaksa	6,924,255	52.25%
Sajith Premadasa	5,564,239	41.99%
Anura Kumara Dissanayaka	418,553	3.16%
Mahesh Senanayake	49,655	0.37%
M. L. A. M. Hizbullah	38,814	0.29%
Ariyawansha Dissanayake	34,537	0.26%
Ajantha Perera	27,572	0.21%
Rohan Paliewatta	25,173	0.19%
S. Amarasinghe	15,285	0.12%
Warnakulasooriya Milroy Surgeus Fernando	13,641	0.10%
M. K. Shivajilingam	12,256	0.09%
Battaramulle Seelarathana Thera	11,879	0.09%
Ajantha De Zoysa	11,705	0.09%
Anuruddha Polgampala	10,219	0.08%
Namal Rajapaksha	9,497	0.07%
Ketagoda Jayantha	9,467	0.07%
Duminda Nagamuwa	8,219	0.06%
Aparakke Pungngananda Thero	7,611	0.06%
Subbramanyam Gunarathnam	7,333	0.06%
A. S. P. Liyanage	6,447	0.05%
Piyasiri Wijenayake	4,636	0.04%
Aruna De Zoysa	4,218	0.03%

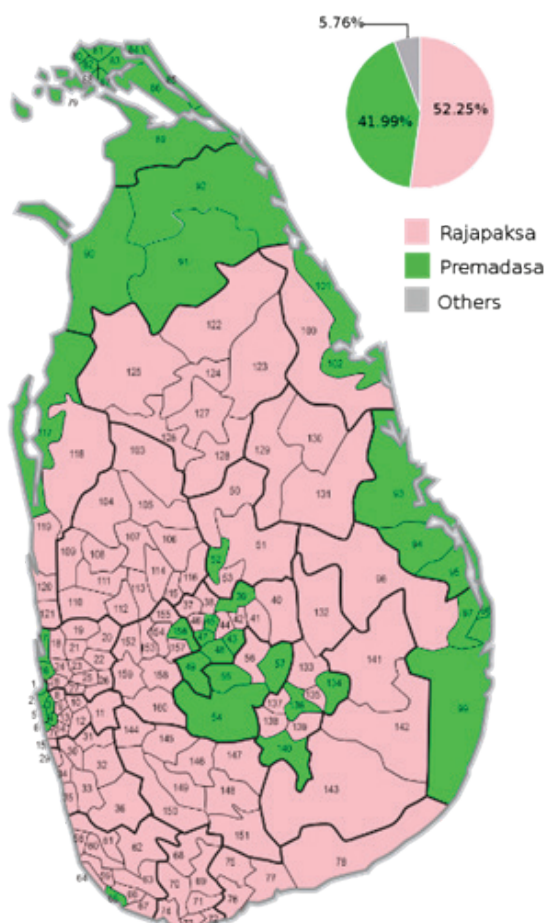
Rajiva Wijesinha	4,146	0.03%
Idroos MohamadhuIlliyas	3,987	0.03%
Sirithunga Jayasuriya	3,944	0.03%
Sarath Keerthirathne	3,599	0.03%
Sarath Manamendra	3,380	0.03%
Pani Wijesiriwardane	3,014	0.02%
Ashoka Wadigamangawa	2,924	0.02%
A. H. M. Alavi	2,903	0.02%
Saman Perera	2,368	0.02%
P. M. Edirisinghe	2,139	0.02%
Samaraweera Weerawanni	2,067	0.02%
Badde Gamage Nandimithra	1,841	0.01%
Chandrasekara Herath Hitihami Koralalage Samansiri	976	0.01%

Total Valid Votes	13,252,499	82.87%
Total Rejected Votes	135,452	1.01%
Total Polled	13,387,951	83.72%
Registered No. of Electors	15,992,096	

POLARIZING THE POLITICAL AND ETHNIC DIVIDE WITHIN THE COUNTRY

Polling divisions won by

- ▶ Gotabaya Rajapaksa
- ▶ Sajith Premadasa



(Source: <https://elections.gov.lk/web/en/presidential-elections-results-2019>)

ELECTION OBSERVING EXERCISE

The election observing exercise of PAFFREL comprised of two principal interventions - one was **voter education and awareness** and the other was **election observing**. The objective of voter education is to provide voters with information and knowledge that will help them to assess candidates in a rational manner so that their choice is informed and devoid of extraneous considerations. It included also the technical aspects of marking the ballot validly. The act of observing elections is understood to act as a deterrent to violence and violations and also allows citizens' participation in the election process. The overall objective is to contribute to a credible Presidential Election 2019.

VOTER EDUCATION



PAFFREL's electoral effort is not limited to the election period, but is a round the clock involvement throughout the year. PAFFREL focuses on the registration of voters and voter education during pre-election periods, improved public understanding of principles of good governance and the election of candidates. Information to voters regarding voters' rights and obligations, procedures relating to registration, use of polling cards, voter identification, criteria for choosing a candidate and casting the vote were made available to the public through booklets, pamphlets, posters and hand bills—both in Sinhala and Tamil. A country-wide media campaign was also mounted using the electronic media. Voter education is vital for first time young voters. PAFFREL has a dedicated program focusing on community participation in good governance efforts, a key element of which is the election of candidates who uphold these values.

About 40 000 pamphlets printed and distributed among the identified target groups. Electronic and print media campaign was also conducted on voter education to reach mass. 13 spots were conducted in the Electronic media (75 seconds each) and 74 spots on Radio (45 seconds each). In the print media, 06 number of ¼ page paper advertisements were carried out to educate voters.

ELECTION OBSERVING

The exercise of election observing has the following objectives:

- ❑ To observe and report the violation of election laws and violence of the electoral process to help carry out preventive and corrective actions.
- ❑ To observe and report on the conduct of the election to ensure that it is conducted legitimately.
- ❑ To promote greater involvement of the public to minimize the violation of election laws and violence.

A number of activities were carried out in this regard, the principal of which was the observation effort and a few specific systems and mechanisms that supported election observation task.

- Mechanism for Reducing Violations of Election Laws – Dispute Resolution and Mitigation Unit, (formerly called the All Party Operations Unit) - This unit comprises representatives of all major political parties proved to be very useful in preventing and mitigating violence and violations. At this election however, party representatives did not actively participate in the unit.
- Serious Incidents Reporting or Mitigation Unit at PAFFREL – This special unit manned by two experienced lawyers and central database operators was established at PAFFREL’s head office to record, confirm, report and share information on critical incidents that occur during pre-election to post-election periods. The complaints received from PAFFREL’s observation system are handled by the unit. Once the complaints are confirmed/verified, they are shared with civil society groups, political parties, independent groups and any other person or organisation interested in election related work on request.
- Observers - PAFFREL’s volunteer observers are drawn from the national, district and divisional levels mostly from non-partisan, civil society organisations known for their impartiality and interest in promoting democratic values. Most of them are young men and women willing to dedicate their valuable time and effort to ensure free and fair democratic election. They are trained and equipped with election observing guidelines, check lists, reporting formats, and communication and transport facilities.
 1. Number of Observers - 4524
 2. LTOs - 142
 3. STOs - 2538, Postal Voting - 879
 4. Mobile - 209 Teams with 836 Observers
 5. Counting - 129 Observers



REPORTING ON THE ELECTIONS BY PAFFREL

Reporting to the entire country about the conduct of observing the election by PAFFREL is one of the principal elements of the design of the observation exercise. In the dissemination, communication and sharing of the report lies the hope that concerned parties will take appropriate action for ensuring more democratic elections conforming to accepted democratic standards to which Sri Lanka has committed itself.



- There were 200 daily briefing, 06 press conferences, 14 Media Releases and 06 interim reports and this final report on the election.



Electronic Media flouting election laws - PAFFREL

The People's Action for Free and Fair Elections (PAFFREL), issuing a Media release, stated that it has noticed the State and private electronic Media were flouting election laws and regulations in the run-up to the 16 November Presidential Poll.

They stated that a framework had already been formulated for the electronic Media to conduct its affairs in an unbiased and impartial manner during an election period by the Election Commission (EC).

But, PAFFREL charged that

despite the presence of such a framework, certain Media groups had resorted to function in an extremely biased or partisan manner towards certain candidates contesting the Election.

They said they were also aware of the EC's Gazette No. 2141/53/2015, which underlines that electronic media should conduct their election period activities in an unbiased and impartial manner.

Hettiarachchi has said that in order to control the situation without allowing it to go overboard, legal action has to be mulled against institutions that fail to adhere to guidelines stipulated by the EC.



Rohana Hettiarachchi

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'Alert for attempts to create chaos and confusion'

PAFFREL teams monitor social media for polls violations

RUKSHANA RIZWIE
The People's Action for Free and Fair Election (PAFFREL) has set up two teams tasked with monitoring online content on social media to curb the spread of hate speech, fake news and racism during the Presidential Election period.
The teams will report to the Election Commission and social media networking sites for further action in the days leading up to the Presidential Election on November 16. **TO PAGE 06**



PAFFREL
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He said election monito were compelled to monito social media over fears th those with vested interest would use the period befo polls to propagate hate sp racism and fake news wit
"The teams will begin r ing on content that is pos and shared online as muc possible. There will be inf tion shared with the inten of creating chaos and cont and this team will report ;

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■ **ඉන්දිය කේට්ටිනාරණ**
තැපැල් ඡන්දය සලකුණු කිරීමේ ස්ථානයක ඡන්දයට බාධාවක් හෝ ඡන්දය ලබාදීමට බලපෑමක් සිදුවන ක්‍රියාවක් සිදු වුවහොත් එම ස්ථානයේ ඡන්ද විමසීම අවලංගු කිරීමට මැතිවරණ කොමිෂන් සභාව සැලසුම් කර තිබේ.
තැපැල් ඡන්දය පැවැත්වෙන දිනවල අදාළ ස්ථානවලට ආරක්ෂාව ලබාදෙන ලෙසට කේට්ටි හාර නිලධාරීන්ට හෝ සහතික කිරීමේ නිලධාරියා ඉල්ලා සිටියහොත් ඒ සඳහා සහාය ලබාදෙන ලෙසට මැතිවරණ කොමිෂන් සභාව පොලිස්පතිවරයාගෙන් ඉල්ලා සිටී.
තැපැල් ඡන්දය සලකුණු කරන ස්ථාන සඳහා එක් අපේක්ෂකයෙකු වෙනුවෙන් එක් කියෝට්ටියකට හා නිරීක්ෂණ ආයතනවලින් එක් කියෝට්ටියකට ලෙස පත්කළ හැකි වන මැතිවරණ කොමිෂන් සභාව සඳහන් කරයි.
අදාළ නිරීක්ෂණ කටයුතු සඳහා පැහැරුණු සංවිධානයට හා මැතිවරණ ප්‍රවණ්ඩ ක්‍රියා නිරීක්ෂණ මධ්‍යස්ථානයට (CMEV) ආයතනවලට අවිස්ථාව ලබා දී ඇත.
සලකුණු කොටස හෝ සලකුණ කළ ඡන්ද පත්‍රිකා ඡායාරූප ගැනීම සහ අන් අයට ප්‍රදර්ශනය කිරීම සඳහා තහනම් වන අතර, තැපැල් ඡන්ද පැවැත්වෙන ස්ථාන ඡායාරූපයක් කිරීමත්, විකියෝගත කිරීමත් තහනම් කර තිබේ. තැපැල් ඡන්ද විමසීම මේ මස 31, නොවැම්බර් 01, 04, 05 සහ 07 යන දිනවල පැවැත්වේ.

CONSTITUTIONAL AND LEGAL FRAMEWORK OF THE ELECTION

This was the first Presidential Election conducted under the mandate of the Election Commission of Sri Lanka which was established in May 2015 as an independent commission by the Nineteenth Amendment to the Constitution of Sri Lanka. Nomination dates and the election date were decided by the Election Commission in accordance with the powers vested in it through the provisions of the 1978 Constitution of the Democratic Socialist Republic Sri Lanka and the Presidential Elections Act No. 15 of 1981 and Registration of Electors Act No.44 of 1980 and Elections (Special Provisions) Act, No. 28 of 2011. Supplementing these laws were the guidelines, directives and orders issued by the EC. Elections are also guided by the Universal Declaration of Human Rights, ICCPR, CEDAW and such other democracy related international conventions subscribed to by Sri Lanka.

The election demonstrated the inadequacy of powers vested in the EC to ensure a level playing field for all candidates particularly with regard to the use/ abuse of the private media, especially social media. Also, international conventions were not in all cases included in the national laws and hence not applicable. It was inadequate for enhancing the democratic quality of the elections e.g. limits to campaign finance was non-existent and overseas voting and advance voting yet to be systematised. One other flaw is that election observance by civil society bodies is not sanctioned in law but a few CSOs merely permitted to observe elections, which was developed through continuous work by the community led efforts for several decades.

MEDIA AND SOCIAL MEDIA

The impact created by the media and particularly social media during this election was very critical. The Election Laws of Sri Lanka clearly describe the role and the responsibilities of media institutions during an election. In addition to these laws, the EC gave clear guidelines to all media institutions, government and private on their tasks and responsibilities during this election. Despite all these efforts, media institutions violated the laws, rules and regulations, and guidelines throughout the election. The state media institutions after being warned showed that they were following the guidelines issued by EC but compliance was not according to the expectations.

Partiality of most print media institutions was obvious and hence a level playing field denied to other candidates and the voters were misled. Electronic media too were guilty of bias toward their favoured candidate to the detriment of others. Air waves being public property, this action was deemed an abuse of state resources.

Social media particularly Face book was invaded by “hyper-partisan online mobs” that resorted to hate speech; inflammatory content; false news; mis/disinformation; distortions and manipulations that misled the undiscerning public.

PAFFREL for the first time mounted a special professional operation through Hashtag Generation and a group of social media monitors observed social media platforms, (in Sinhala, Tamil and English) especially Facebook round the clock from 17 October to 29 November 2019. They were looking for Hate speech, Harassment, Dis/misinformation, Dis/misinformation with potential to cause harm, Evidence of offline violations of election law posted online, Online violations of election law and Human rights violations or concerns of potential human rights violations.

Under Hate speech, a direct attack on people based on– race, ethnicity, religious affiliation, sexual orientation, caste, sex, gender, gender identity and or disability were followed up.

Under Harassment, threaten to release an individual's private phone number, residential address or email address, calling for death or serious disease or disability were monitored. Regarding Dis/misinformation and potential dis/misinformation, false news as verified by independent third-party fact-checkers and potential fake news identified by monitors, as verified by PAFFREL / Watchdog or verified through an internal investigation where possible.

1,438 cases were reported and Facebook removed 619 (43%) and 24.4% of them were removed within 12 hours. Of 871 Facebook advertisements, 589 (67.6%) were removed and 39.4% of them within 12 hours. Facebook has two third-party fact checkers for Sri Lanka but they are not effective to monitor and check so many posts in three languages.

The effort was worthwhile as those who posted unethical material realised that they were being monitored and followed up and action taken. If social media went totally unchecked, the situation would have become nasty. We now have a proto-system to counter unethical social media.

ADMINISTRATION OF THE ELECTION

The administration of the election was found to be orderly, well planned and conducted professionally by the EC in spite of few lapses. The EC generally ensured a conducive environment for the election including voting and counting. The final result was given even before 24 hours passed the close of the poll.

VOTER REGISTRY

According to the 2018 Voter Registry there were 15,992,096 registered electors who were qualified to vote in 12,644 Polling Stations Island wide. The counting of votes took place in 1,550 centres (Postal-371, Normal-1,179). There were about 289,000 government officials who were deployed for the purpose of the election.

More than 200,000 first time voters were disenfranchised according to the EC estimation despite being eligible as citizens with the right to vote. As at the time of issuing the Proclamation for the Presidential Election, the Electoral Registry for 2019 was in the process of being updated and 2018 voter registry had to be used excluding the group, who completed 18 years in 2019, before the electoral registration date for 2019.

INABILITY TO EXERCISE VOTING RIGHTS

Sri Lanka has not yet addressed the issue of enabling its diplomatic personnel; the migrant workforce; inmates of hospitals and remand prisons and those who are required to man essential services on Election Day to exercise their franchise. The total number thus deprived would be close to two million voters, a very significant number. The NEC has to prioritise remedial action urgently as the issue impacts on democratic and credible elections.

IDENTITY OF VOTERS TO CAST THEIR BALLOTS

The EC required a valid identification for voting and included the national identity card, valid driving license, identity cards issued to pensioners, elders and clergy and temporary identity cards issued by the Department of Elections- eight types of identity cards. However, there were still around 400,000 persons who did not have such identification documents. The EC sought the support of Civil Society to provide identity cards and about 200,000 persons were provided with temporary identification documents by Civil Society Organizations and interested groups. Obtaining civic documentation was a major problem for newly returned displaced persons.

FACILITIES FOR VOTERS WITH SPECIAL NEEDS

The general instruction of the EC was that necessary facilities should be provided to voters with special needs. There were some praiseworthy efforts in this regard, in that all polling stations were located on the ground floor of buildings. Voters with disabilities, especially those who are visually impaired, were provided upon request with assistance by election officials to vote, or were given permission to obtain the assistance of a carer to cast their vote. However, no special provisions were made in terms of access to voters with special needs – i.e. ramps for the mobility impaired or ballot papers in Braille for the visually impaired voters. These are issues that will require more consideration at future elections. Accessibility had been of concern in about 14% of polling stations. It has been improved compare to 2015 Elections.

LIMITED TRANSPORT PROVISION FOR VOTERS

The non-provision of buses and other public transport to displaced persons and those living in interior areas particularly in the North and East of the country was another negative issue. When this problem was pointed out to the NEC, it made provisions for transport to be made available to these voters.

LIMITED ACCESS TO COUNTING CENTRES

Official access to the Counting Centres was granted at this election though it was made at the last moment by the EC. Although permission was granted for 300 centres, PAFFREL was able to deploy observers only in 129 centres, as the permission came in the last minute.

ELECTION LAW VIOLENCE AND VIOLATIONS

VIOLENCE AND ELECTION LAWS VIOLATIONS

During the pre-election period (viz. from the day of nominations to 13 November 2019), there were total of 714 election related violence/violations (444 confirmed, 270 unconfirmed) were recorded. During the Presidential Election of 2015 and 2010, this number stood as 1,042 and 757 respectively.

ABUSE OF STATE RESOURCES

In the 2019 election, the “Abuse of State Power, Resources and Misusing State Sector Employees” category recorded 204 violations (110 confirmed, 94 unconfirmed) for the entirety of the election campaign. This figure stood as 452 and 77 for the Presidential Elections of 2015 and 2010 respectively.

OTHER ISSUES

The significant change noted during the Presidential Election of 2019 was the abuse of private electronic media and in particular social media to a high degree.

The printed and electronic media too were biased towards their favoured candidates. There was no proper control on social media during the entire campaign of the election. It was observed that the social media was very much active even during the cooling period and on the day of election.

When compared to the previous elections there were significant decline in posters, hoardings, banners, etc. The violence and violations took place didn't affect the mostly peaceful and orderly conduct of the election and counting.

ANALYSIS OF INCIDENTS REPORTED AT THE 2019 PRESIDENTIAL ELECTION

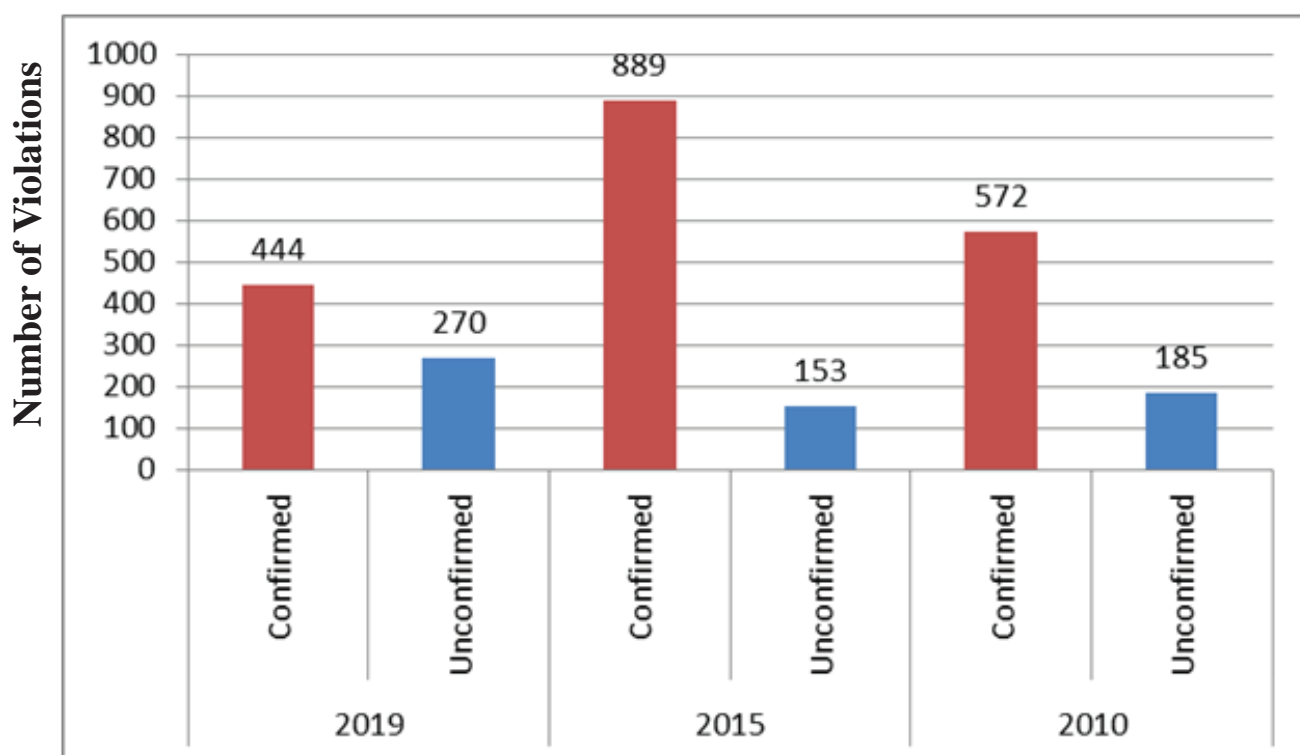
PRE-ELECTION PERIOD

(An analysis of violations recorded during the Pre-Election Period. It is to be noted that a single incident can reflect a number of violations as classified by PAFFREL in terms of electoral laws and the regular law of the country.)

The Pre-Election Period covered in this section contains data generated up to 12 mid-night of 13th November 2019. The collection of data commenced on the 18th of September 2019, the day the EC announced the date and called for nomination papers to be filed for the Presidential Election of 2019.

PRE-ELECTION PERIOD: COMPARISON OF TOTAL VIOLATIONS

Presidential Elections – Violence and Violations of Election Laws



(Source: PAFFREL Complaint Unit)

In 2019 violence and violations were 714 in total (444 confirmed, 270 unconfirmed), compared to 1042 (889 confirmed, 153 unconfirmed) in 2015 and 757 (572 confirmed, 185 unconfirmed) in 2010.

In 2019, 668 complaints/incidents were reported in 714 violations. There were 68 Acts of Violence, 76 incidents of Electoral/General Law violations, and 31 hospitalizations among them.

During the period under consideration, the following categories of violence/violations were recorded.

Violence -Acts of Violence - 76 (60 confirmed, 16 unconfirmed)

- Grievous Assault - 15 (12 confirmed, 3 unconfirmed)
- Assaults - 20 (16 confirmed, 4 unconfirmed)
- Threats & Intimidation using Firearms -1(confirmed)
- Intimidation & Threats -14 (10 confirmed, 4 unconfirmed)
- Damage to Immovable Property - 3 (2 confirmed, 1 unconfirmed)
- Damage to Movable Property -01 (confirmed)
- Attacks on Political Party/Candidate Offices (Arson & Damage) - 22 (18 confirmed, 4 unconfirmed).

Abuse of State Resource and Misuse of Public Employees - 204 (110 confirmed, 94 unconfirmed)

- ◆ Abuse of State Resources for Election Purposes - 31 (22 confirmed, 9 unconfirmed)
- ◆ Use of State Vehicles for Election Campaign Purposes -32 (13 confirmed, 19 unconfirmed)
- ◆ Attempts/Influencing State Officials - 03 (2 confirmed, 1 unconfirmed)
- ◆ Appointments, Transfers & Promotions for State Officials targeting the Election - 57 (26 confirmed, 31 unconfirmed)
- ◆ Use of State Officials & Security Sources for Election Campaign Purposes - 29 (16 confirmed, 13 unconfirmed)
- ◆ State Sponsored Livelihood Grants & Allowances Manipulated for Election Purposes - 52 (31 confirmed, 21 unconfirmed).

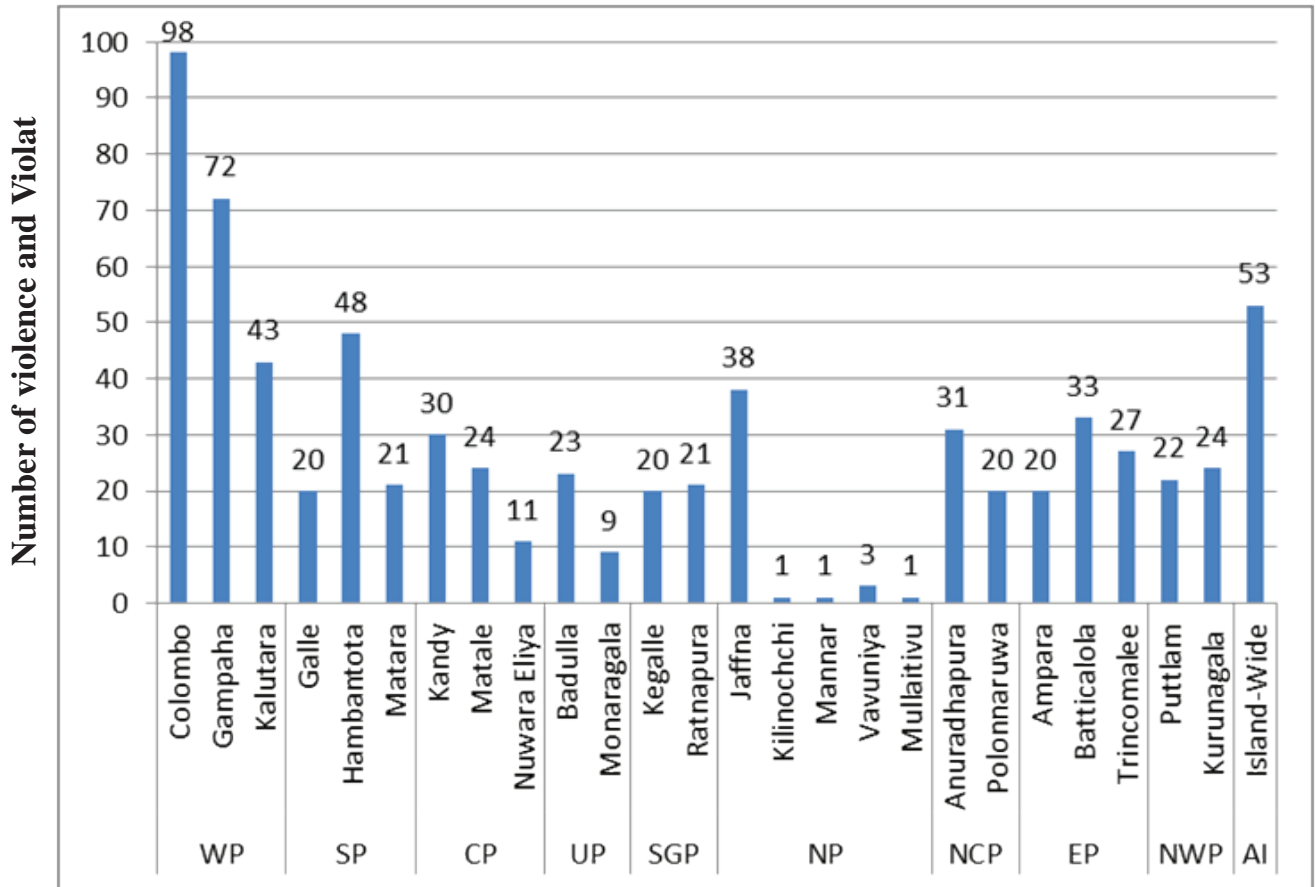
Other Violations of Law - 434 (274 confirmed, 160 unconfirmed)

- Destruction of Decorations, Posters & Cut-Outs of Political Parties - 01 (confirmed)
- Disrupting Campaign Activities of Opponents - 01 (confirmed)
- Carrying Out Illegal Election Propaganda - 252 (184 confirmed, 68 unconfirmed)
- State Officers Acting in Favour of Political Parties & in breach of Official Duties - 23 (10 confirmed, 13 unconfirmed)
- Carrying out Unlawful Meetings & Processions - 07 (6 confirmed, 1 unconfirmed)
- Maintaining Illegal Party Offices - 09 (6 confirmed, 3 unconfirmed)
- Giving Incentives with Political Objectives - 55 (33 confirmed, 22 unconfirmed)
- Using Vehicles without Number Plates - 01 (confirmed)
- Favouritism & Misuse of State & Other Media -16 (3 confirmed, 13 unconfirmed)
- Attempts to Influence/Influencing by Security Sources & State Officials - 03 (1 confirmed, 2 unconfirmed)
- Carrying out Election Campaign Activities Harassing & Inconveniencing the General Public - 09 (3 confirmed, 6 unconfirmed)
- Intimidating Voters -15 (8 confirmed, 7 unconfirmed)
- Irregularities relating to Ballot Papers - 07 (2confirmed, 5 unconfirmed)
- Transportation of Voters - 02 (confirmed)
- Giving Incentives to Voters - 01 (confirmed)
- Obstructing Election Officials and Activities - 01 (not confirmed)
- Other Incidents - 31 (12 confirmed, 19 unconfirmed)

In general, it was observed that violations and violence were at a lower level compare to 2015 and 2010.

PRE - ELECTION PERIOD

Violence and violations by provinces & district



(Source: PAFFREL Complaint Unit)

- ◆ Western Province recorded the highest number of violations which was 213 (102 confirmed, 111 unconfirmed),
- ◆ Southern Province the second highest with 89 (48 confirmed, 41 unconfirmed)
- ◆ Eastern Province the third highest with 80 (69 confirmed, 11 unconfirmed).
- ◆ Central Province with 65 (44 confirmed, 21 unconfirmed),
- ◆ North Central Province recorded 51 (33 confirmed, 18 unconfirmed),
- ◆ North Western Province recorded 46 (35 confirmed, 11 unconfirmed)
- ◆ Northern Province recorded 44 (42 confirmed, 2 unconfirmed),
- ◆ Sabaragamuwa Province recorded 41 (27 confirmed, 14 unconfirmed),
- ◆ Uva Province recorded 32 (25 confirmed, 7 unconfirmed)

Colombo District recorded the highest number of violations - 98 (39 confirmed, 59 unconfirmed), while Gampaha District recorded 72 (37 confirmed, 35 unconfirmed), and Hambantota District recorded 48 (25 confirmed, 23 unconfirmed).

OBSERVATIONS OF POSTAL VOTING

The Postal Voting of Presidential Election of 2019 took place throughout the Island on 31st October and 1st November for state sector employees and again on 4th and 5th November for the officers at Election, District Secretariats, and security personnel in 7,920 centres. Thursday 7th of November was allocated for voting for those who could not cast their votes during any of earlier 4 days. Postal Voting was conducted without major incidents throughout the Island.

There were 717,871 applications for Postal Voting and of it 58,640 applications had been rejected due to incompleteness and other reasons. The Kurunegala District with a total of 74,856 Postal votes, polled the highest number of votes for a single district.

Postal Voting observation was carried out in 879 centres, covering all 25 administrative districts. PAFFREL deployed around 879 Postal Voting Observers throughout the Island in selected centres and particularly in politically sensitive centres.

Although there were no major incident reported throughout the island that affected the validity of the vote, few violations of election law were reported such as transportation of voters, scattering of small printed images of candidates around the polling station, illegal influence and sharing a marked ballot paper via Facebook etc.

The EC should pay an attention on 58,601 postal voting applications which were rejected. It is noted that some of them were rejected due to the incompleteness and some were due the late delivery. It was observed that the negligence of the Heads of the Organizations was the main reason for some rejections.

COOLING PERIOD

The 'Cooling-Off' period of the Presidential Election 2019 began at 00.01am on 14th November 2019 and ended at 7am on 16th November 2019. During this period, when all election related campaign activities had to cease. During this period a total of 100 incidents relating to 103 election/general law violations (53 confirmed, 50 unconfirmed) were recorded.

VIOLENCE

- ◆ There were 5 Acts of Violence. 3 incidents of Electoral/General Law violations, and 1 Personal Hospitalization among them. This is a 33.77% and 33.55% reduction in similar incidents and election/general law violations respectively when compared with the Presidential election of 2015.
- ◆ Violence - A total of 5 violence reported (2 confirmed, 3 unconfirmed)
- ◆ Grievous Assault - 01 from Habaraduwa, Galle in which one person was hospitalized.
- ◆ "Intimidation & Threats - 3 violations (unconfirmed)
- ◆ Attacks on Political Party/Candidate Offices (Arson & Damage) - 01 (confirmed).

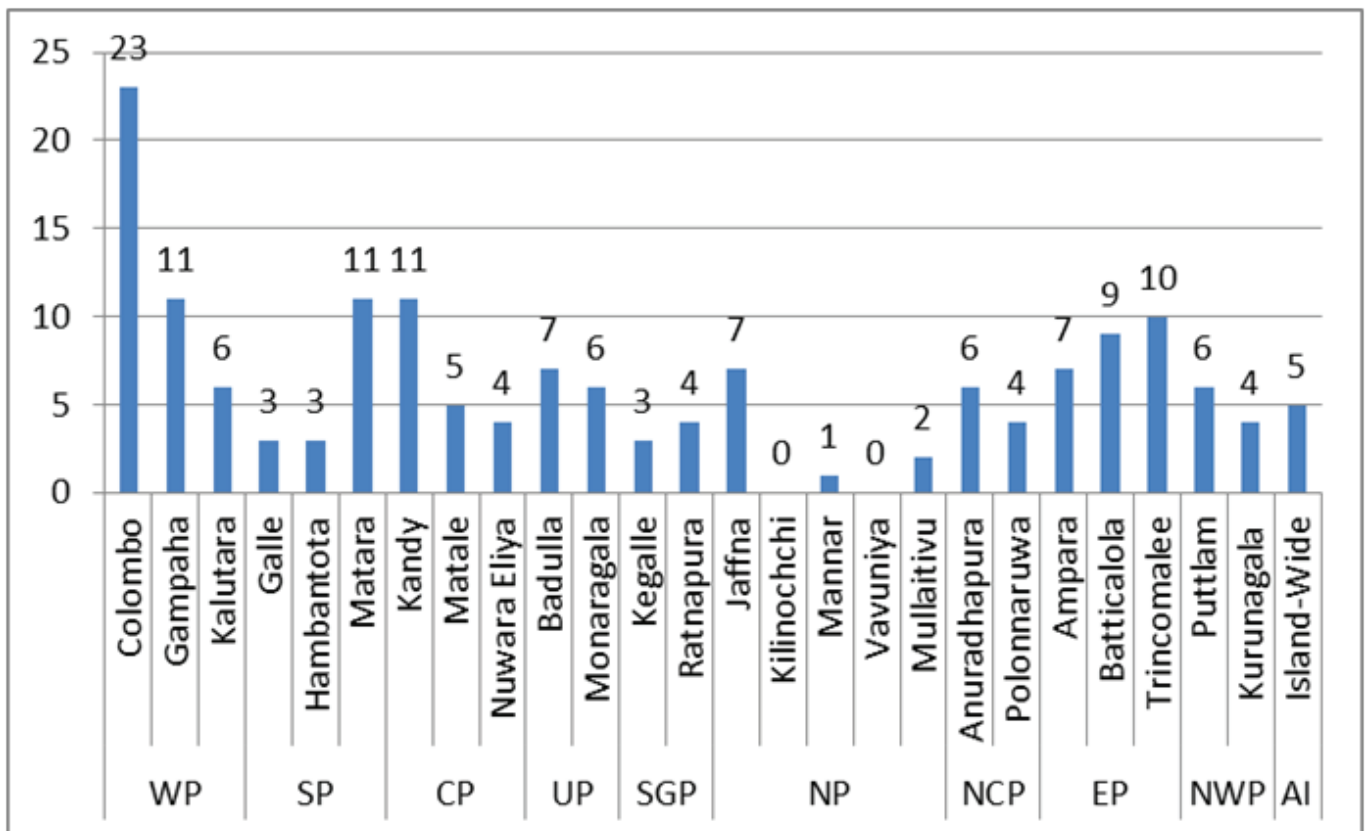
Abuse of State Power, Resources & Misuse of State Sector Employees - A total of 3 violations (1 confirmed, 2 unconfirmed) were reported.

- ◆ Abuse of State Resources for Election Purposes - 01 (unconfirmed)
- ◆ State Sponsored Livelihood Grants & Allowances Manipulated for Election Purposes - 02 (1 confirmed, 1 unconfirmed).

Other Violations - 95 violations in total (50 confirmed, 45 unconfirmed) were recorded.

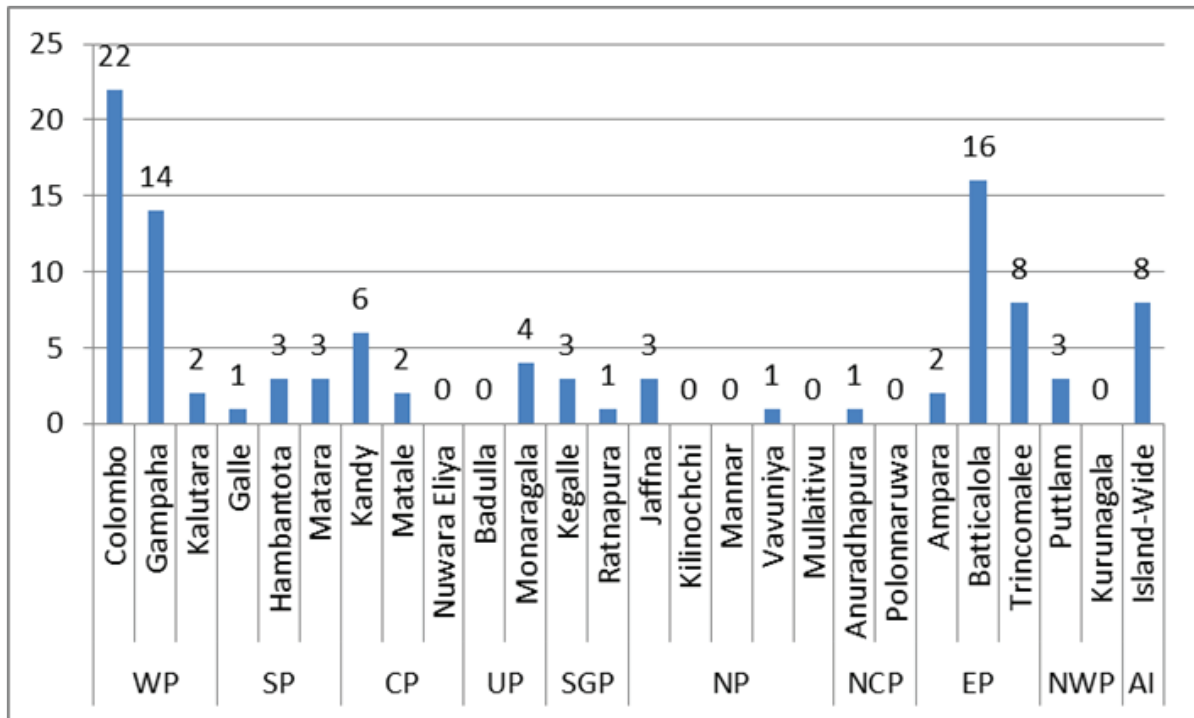
- ◆ Carrying out Illegal Propaganda - 63 violations (36 confirmed, 27 unconfirmed)
- ◆ State Officers Acting in Favour of Political Parties & in breach of Official Duties - 01 (unconfirmed)
- ◆ Carrying out Unlawful Meeting & Processions - 05 (3 confirmed, 2 unconfirmed)
- ◆ Maintaining Illegal Party Officers - 04 (confirmed)
- ◆ Giving Incentives with Political Objectives - 02 (unconfirmed)
- ◆ Favouritism & Misuse of State & Other Media - 03 (unconfirmed)
- ◆ Intimidating Voters -11 (5 confirmed, 6unconfirmed),
- ◆ Irregularities relating to Ballot Papers - 02 (1 confirmed, 1 unconfirmed),
- ◆ Giving Incentives to Voters - 01 (unconfirmed)
- ◆ Obstructing Election Officials and Activities - 01 (unconfirmed)
- ◆ Other Incidents - 02 (1 confirmed, 1 unconfirmed) were recorded.

One of the serious violations during this period was the continuous biased propaganda activities on social media. “Carrying out of Illegal Propaganda” which stood above the rest was another significant observation during this period.



(Source: PAFFREL Complaint Unit)

Violence And Violations Recorded By provinces And Districts During The Cooling Off Period



(Source: PAFFREL Complaint Unit)

- Western Province recorded the highest number of violations with 38 (13 confirmed, 25 unconfirmed),
 - Eastern Province recorded the second highest with 26 (20 confirmed, 6 unconfirmed),
 - Central Province became the third highest with 8 (4 confirmed, 4 unconfirmed)
 - Southern Province recorded 7 (3 confirmed, 4 unconfirmed),
 - Uva Province recorded 4 (2 confirmed, 2 unconfirmed),
 - Sabaragamuwa Province recorded 4 (2 confirmed, 2 unconfirmed),
 - Northern Province recorded 4 (2 confirmed, 2 unconfirmed),
 - North Central Province recorded just 1 (confirmed)
 - North Western Province recorded 3, which were confirmed.
- ➔ Colombo District highest number of violations with 22 (8 confirmed, 14 unconfirmed)
 - ➔ Batticaloa District recorded 16 (13 confirmed, 3 unconfirmed)
 - ➔ Gampaha District recorded 14 (5 confirmed, 9 unconfirmed).

ELECTION DAY

(An analysis of Violations and Violence from 7am to 5pm on 16th November 2019)

Voting on the Presidential Election day ended at 5pm on 16th November 2019 with a 83.72% voter turnout according to the EC. Though the original schedule was to end the voting at 4pm, due to various compelling reasons, the duration was extended by 1 hr. This was done with adequate advance notice given to the general public.

VIOLENCE AND VIOLATIONS ON ELECTION DAY

A total of 158 violence incidents and Violations of electoral/general law were reported to PAFFREL on the Election Day.

VIOLENCE ON ELECTION DAY

A total of 07 (4 confirmed, 3 unconfirmed) violence incidents were reported on Election Day.

- ▣ Grievous Assault - 01 (confirmed) - from Badulla
- ▣ Assaults - 03 (1 confirmed, 2 unconfirmed) from Kegalle,
- ▣ Shooting - 01 which was (confirmed) from Anuradhapura,
- ▣ Intimidation & Threats - 02 (1 confirmed, 1 unconfirmed) from Kandy
- ▣ Other violations - 00

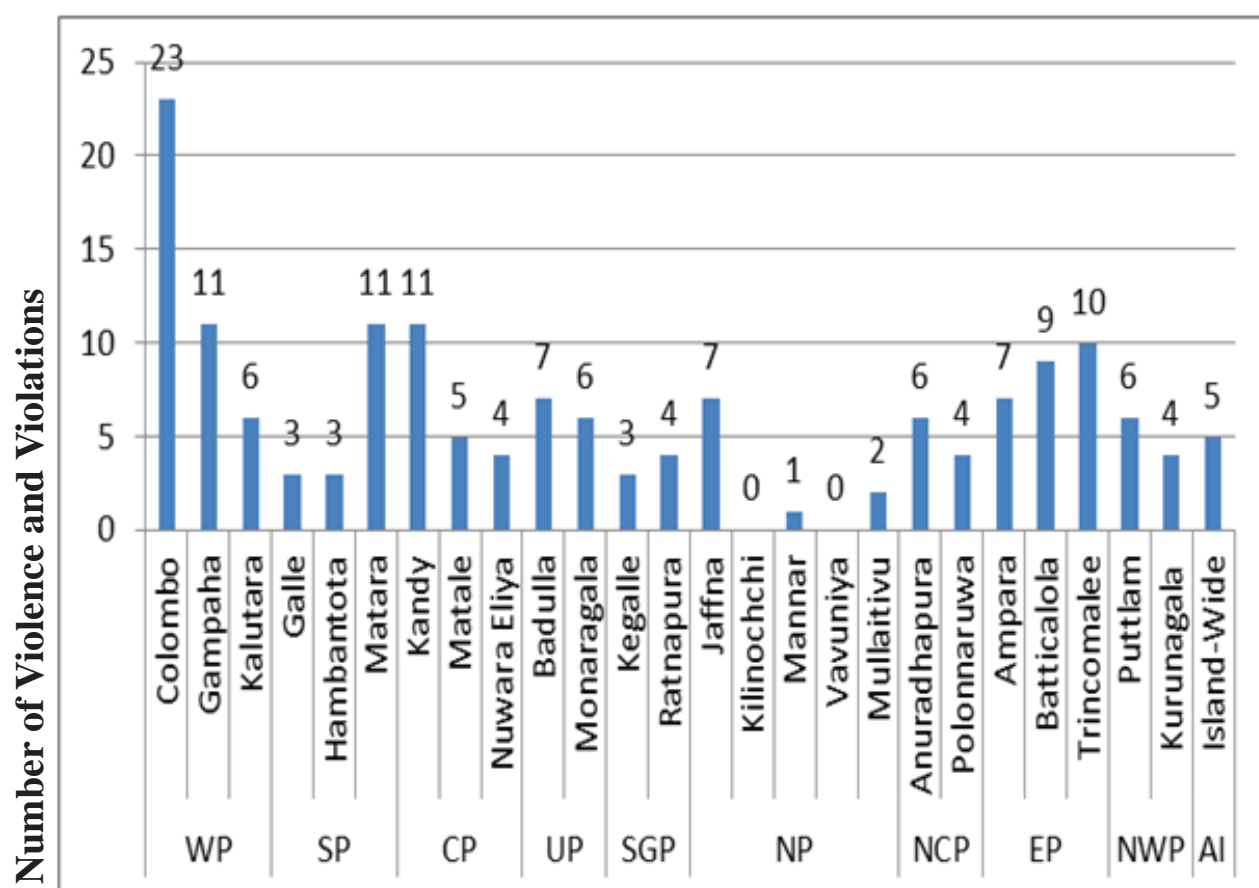
VIOLATIONS ON ELECTION DAY

A total of 151 (58 confirmed, 93 unconfirmed) violations were reported on Election Day

- ▣ Carrying out Illegal Propaganda - 42 (26 confirmed, 16 unconfirmed)
- ▣ State Officers Acting in Favour of Political Parties - 03 (unconfirmed),
- ▣ Carrying out Unlawful Meeting & Processions - 02 (unconfirmed)
- ▣ Intimidating Voters - 31 (8 confirmed, 23 unconfirmed)
- ▣ Irregularities relating to Ballot Papers - 09 (5 confirmed, 4 unconfirmed)
- ▣ Transportation of Voters - 20 (8 confirmed, 12 unconfirmed)
- ▣ Giving Incentives to Voters - 01 (unconfirmed)
- ▣ Obstructing Election Officials and Activities - 06 (2 confirmed, 4 unconfirmed)
- ▣ Casting Votes Illegally/Attempts to impersonate - 08 (4 confirmed, 4 unconfirmed)
- ▣ Other Incidents - 29 (5 confirmed, 24 unconfirmed)

The continuous biased propaganda activities on social media continued on Election Day too.

VIOLENCE AND VIOLATIONS ON ELECTION DAY RECORDED IN THE PROVINCES



(Source: PAFFREL Complaint Unit)

VIOLENCE AND VIOLATIONS BY PROVINCE

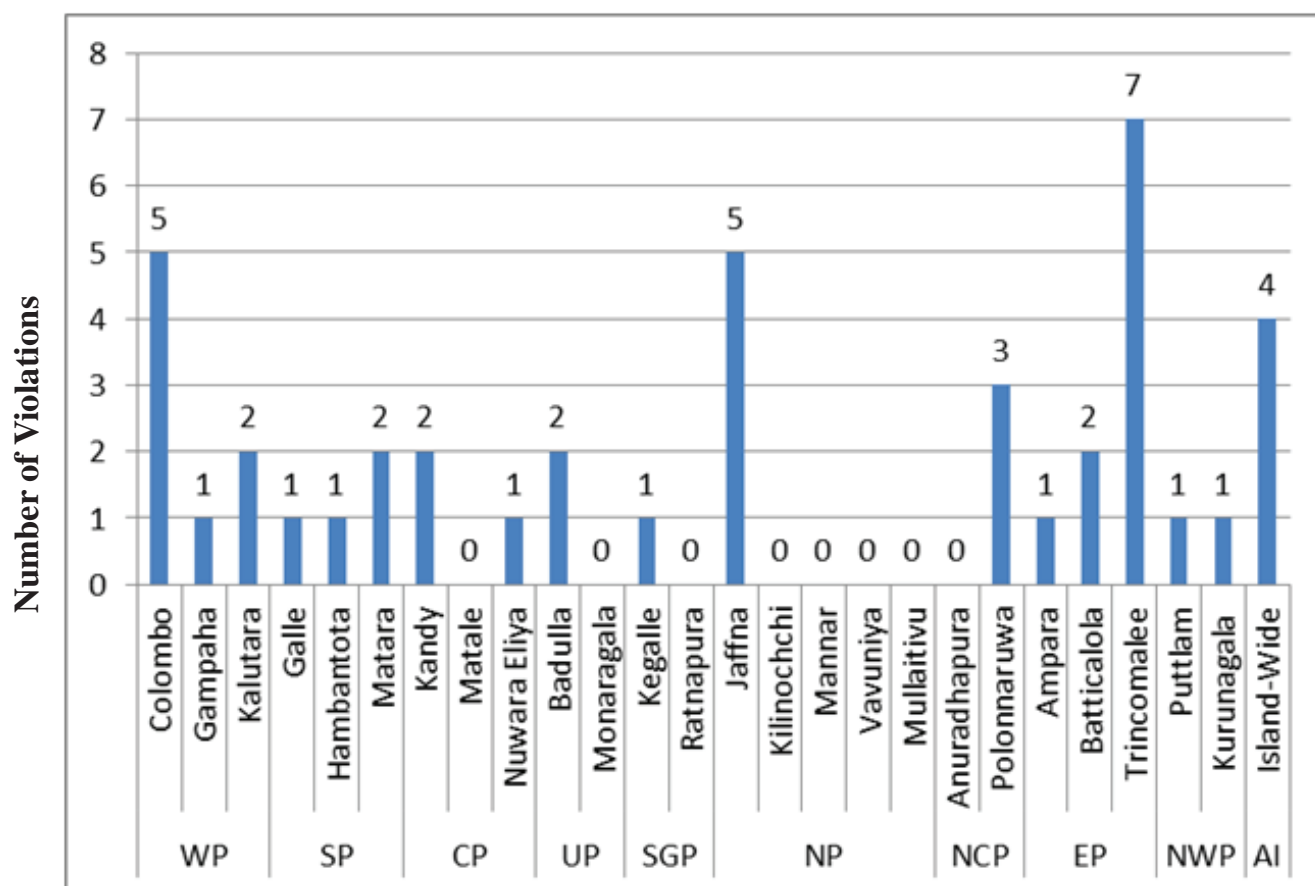
- ◆ Western Province highest with 40 (12 confirmed, 28 unconfirmed)
- ◆ Eastern Province second highest with 26 (11 confirmed, 15 unconfirmed)
- ◆ Central Province third highest with 20 (4 confirmed, 16 unconfirmed)
- ◆ Southern Province recorded 17 (5 confirmed, 12 unconfirmed)
- ◆ Uva Province recorded 13 (5 confirmed, 8 unconfirmed)
- ◆ Sabaragamuwa Province recorded 7 (4 confirmed, 3 unconfirmed)
- ◆ Northern Province recorded 10 (6 confirmed, 4 unconfirmed)
- ◆ North Central Province recorded 10 (6 confirmed, 4 unconfirmed)
- ◆ North Western Province recorded 10 (3 confirmed, 7 unconfirmed)

VIOLENCE AND VIOLATIONS BY DISTRICT

- Colombo District recorded the highest number of violations with 23 (6 confirmed, 17 unconfirmed),
- Gampaha recorded 11 (3 confirmed, 8 unconfirmed)
- Matara recorded 11 (4 confirmed, 7 unconfirmed)
- Kandy recorded 11 (1 confirmed, 10 unconfirmed)
- Trincomalee District recorded 10 (6 confirmed, 4 unconfirmed)

VIOLATIONS ON ELECTION DAY RECORDED IN THE PROVINCES

Carrying out illegal election propaganda by District



(Source: PAFFREL Complaint Unit)

CARRYING OUT ILLEGAL ELECTION PROPAGANDA BY PROVINCE

There were 42 significant violations reported during this period in all Provinces. (26 confirmed, 16 unconfirmed)

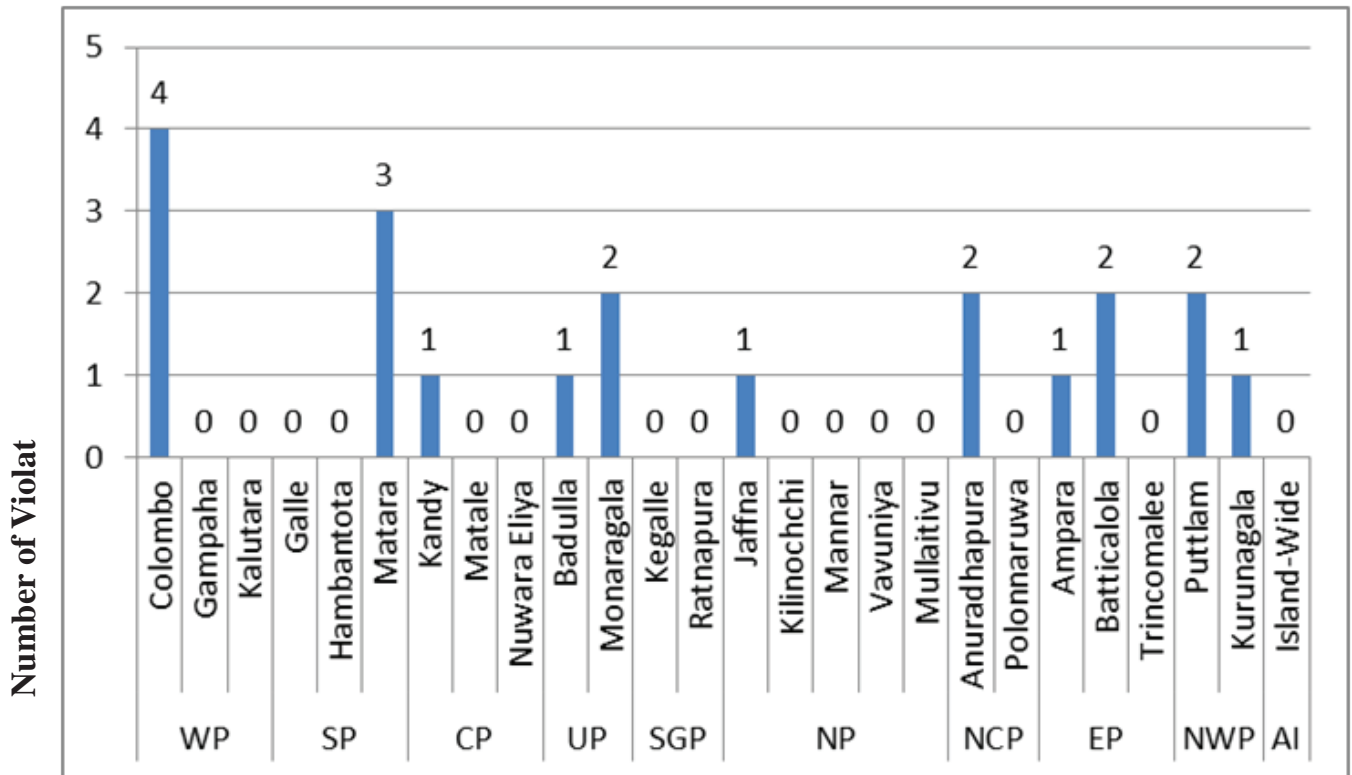
- ◆ Eastern Province - highest with 10 (6 confirmed, 4 unconfirmed)
- ◆ Western Province - second highest with 8 (5 confirmed, 3 unconfirmed)
- ◆ Northern Province - third highest with 5 (3 confirmed, 2 unconfirmed)
- ◆ Southern Province recorded 4 (2 confirmed, 2 unconfirmed)
- ◆ Central Province recorded 3 (unconfirmed)
- ◆ Uva Province recorded 2 (confirmed)
- ◆ Sabaragamuwa Province recorded 1 (confirmed)
- ◆ North Central Province recorded 3 (2 confirmed, 1 unconfirmed)
- ◆ North Western Province recorded 2 (1 confirmed, 1 unconfirmed)

Carrying out Illegal Election Propaganda By District

- ▣ Trincomalee District has the highest with 07 (5 confirmed, 2 unconfirmed),
- ▣ Colombo recorded 05 (3 confirmed, 2 unconfirmed)
- ▣ Jaffna recorded 05 (3 confirmed, 2 unconfirmed)
- ▣ Polonnaruwa District recorded 03 (2 confirmed, 1 unconfirmed).

VIOLATIONS RECORDED IN THE PROVINCES ON ELECTION DAY

Intimidating Voters by Province and District



(Source: PAFFREL Complaint Unit)

INTIMIDATING VOTERS

This was the second highest of violations reported during this period with 31 (8 confirmed, 23 unconfirmed).

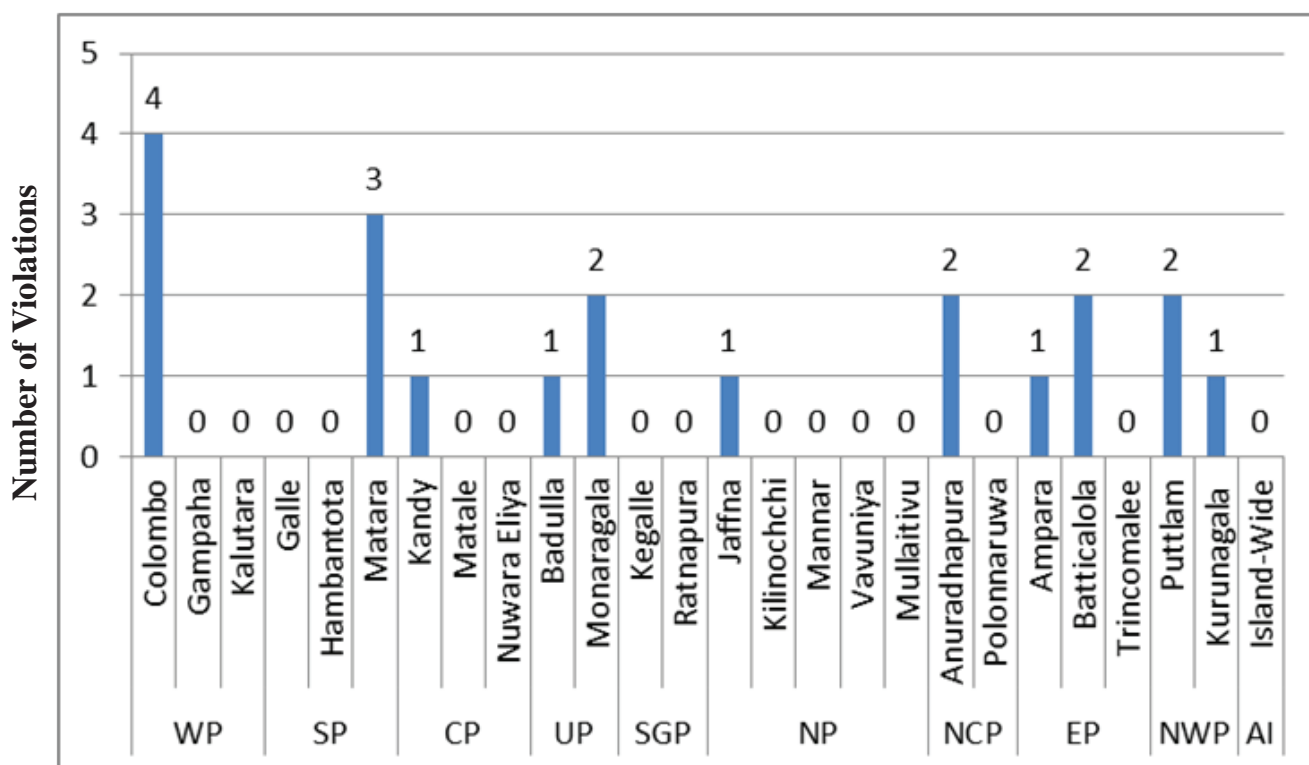
- ▣ Western - 06 (1 confirmed, 5 unconfirmed)
- ▣ Southern - 06 (all confirmed)
- ▣ Central - 06 (1 confirmed, 5 unconfirmed)
- ▣ Eastern Province recorded - 05 (2 confirmed, 3 unconfirmed)
- ▣ Uva Province recorded - 03 (1 confirmed, 2 unconfirmed)
- ▣ Sabaragamuwa recorded - 01 (confirmed)
- ▣ Northern Province recorded - 01 (confirmed)
- ▣ North Central Province recorded - 02 (1 confirmed, 1 unconfirmed)
- ▣ North Western Province recorded - 01 (unconfirmed)

BY DISTRICT

- ▣ Matara District recorded the highest - 04 (all unconfirmed)
- ▣ Colombo recored - 03 (all unconfirmed)
- ▣ Gampaha recorded - 03 (1 confirmed, 2 unconfirmed)
- ▣ Nuwara Eliya recorded - 03 (all unconfirmed),
- ▣ Batticaloa recorded - 03 (2 confirmed, 1unconfirmed)
- ▣ Hambantota recorded - 02 (all unconfirmed)
- ▣ Kandy recorded - 02 (all unconfirmed)
- ▣ Badulla recorded - 02 (1 confirmed, 1 unconfirmed)

VIOLATIONS RECORDED BY PROVINCE AND DISTRICT ON ELECTION DAY

Transportation Of Voters



(Source: PAFFREL Complaint Unit)

TRANSPORTATION OF VOTERS - BY PROVINCE

This was the third highest violation category reported during this period with 20 incidents (8 confirmed, 12 unconfirmed).

- ◆ Western Province - highest with - 04 (2 confirmed, 2 unconfirmed)
- ◆ Southern with - 03 (2 confirmed, 1 unconfirmed)
- ◆ Uva with - 03 (all were unconfirmed)

- ◆ Eastern with - 03 (2 confirmed, 1 unconfirmed)
- ◆ North Western with - 03 (all unconfirmed)
- ◆ Central Province recorded - 01 (unconfirmed)
- ◆ Northern Province recorded - 01 (unconfirmed)
- ◆ North Central Province recorded - 02 (confirmed)

BY DISTRICT

- ◆ Colombo District - highest violations with - 04 (2 confirmed, 2 unconfirmed)
- ◆ Matara District recorded the second highest with - 03 (2 confirmed, 1 unconfirmed)
- ◆ Monaragala recorded - 02 (unconfirmed)
- ◆ Anuradhapura recorded - 02 (confirmed)
- ◆ Batticaloa recorded - 02 (confirmed)
- ◆ Puttalam recorded - 02 (unconfirmed)

VOTE COUNTING CENTER OBSERVATIONS BY PAFFREL

Counting Centre Observer Identification And Selection

A set of standards were prepared to identify and select appropriate individuals to deploy as counting centre observers. The District coordinators provided the selection criteria. Due to short time availability, applicants were contacted over the phone and selected the persons on their responses. According to the guidelines given by the EC, appointment letters were issued. The Assistant/Deputy Commissioner of the particular district issued the necessary identity cards permitting them to access the counting halls.

Training - Sessions were held in Colombo and Mannar and conducted by a set of experienced consultants on counting laws and rules. The instruction booklet prepared for the counting agents/observers, were distributed to the trainees.

Counting centre observers - Trained 133 and deployed 129. Six observers were allocated per district but in actuality the deployed number varied from 4- 8 average per district.

Observations - No serious issues were reported by the observers. The process had been smooth and orderly and the rules and regulations had been followed.

All observers had reported for duty and followed the rules and ethics at the optimal level to keep the counting process clean and fair.

The members of the counting staff were required to be attentive during the ballot paper counting process and they had to work without interruption until the counting was completed. All stages in the vote counting process, there was an Officer (CCO) in each counting hall who was responsible for conducting an accurate and fair counting process.

OVERALL SECURITY ARRANGEMENTS

Required security measures had been taken by the EC to ensure a valid count. Only authorised persons were allowed in. Except for very few incidents the above security arrangements were strictly followed by the parties who contributed in the counting process.

Observers - Each and every candidate was allowed to appoint 5 persons as counting center agents.

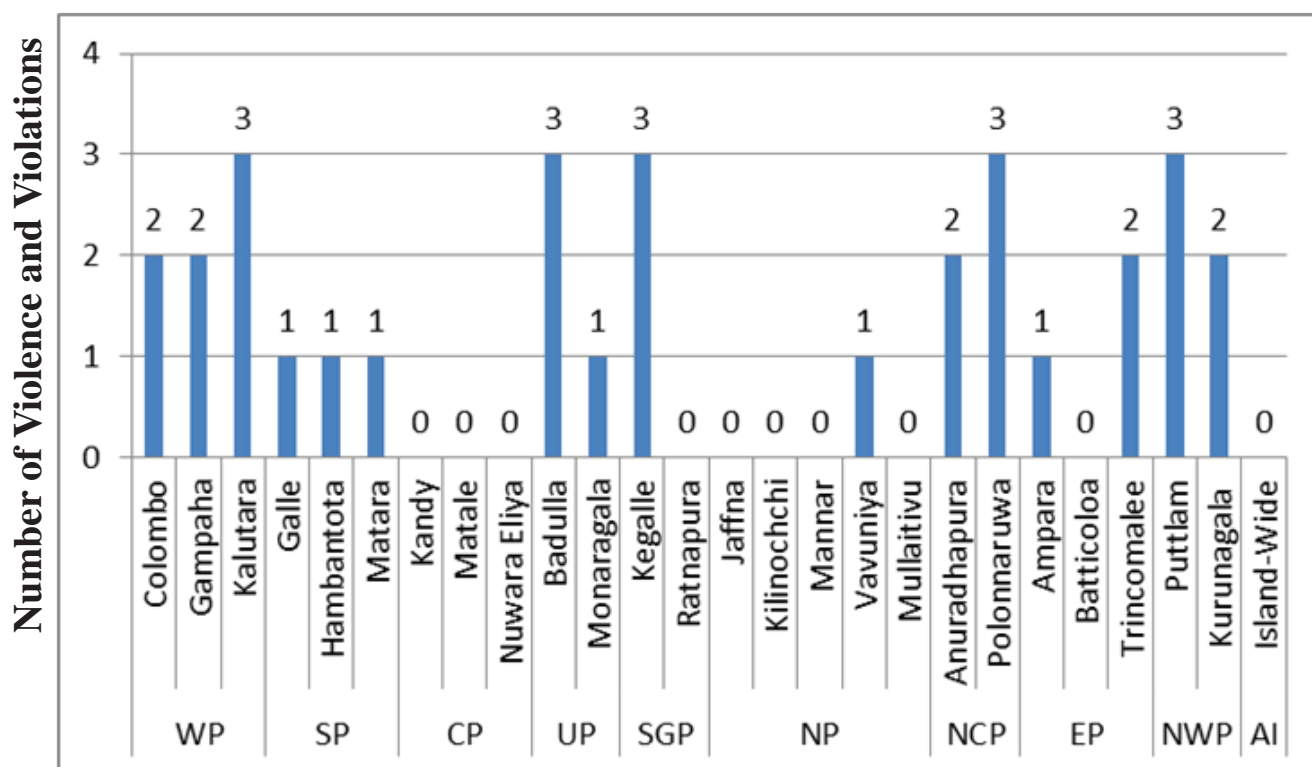
The laws enacted under the Parliamentary Acts, specially the Act no 15 of 1981 are sufficient for ensuring the democratic base of the counting process. The laid down procedures are adequate for ensuring a transparent counting process if unnecessary mediation or violations do not interfere. However, the situation prevailing on the day of election proved that the mere legal framework and the laid down procedures were not adequate. Pressure from the civil society and the monitoring agencies is very vital to ensure the laws and procedures are strictly followed. Voter awareness on the correct marking of ballot papers is adequate. That has been proved by the high percentage of valid votes counted.

POST - ELECTION PERIOD

The Post-Election Period commenced at 5pm on 16th November and continued until 5pm on 30th November 2019. During this period PAFFREL received and recorded 31 violations (25 confirmed, 6 unconfirmed) relating to 28 complaints/incidents. This is a 48% reduction when compared with Presidential election of 2015. Out of reported complaints/incidents, 23 were related to Acts of Violence, and 26 incidents of Electoral/General Law violations. The incidents are listed below.

- ◆ Acts of Violence with 26 (23 confirmed, 3 unconfirmed)
- ◆ Grievous Assaults - with 13 violations (10 confirmed, 3 unconfirmed).
- ◆ Assaults - with 3 (confirmed)
- ◆ Damage to Immovable Property (Homes, Business Premises, Buildings, etc.) - total 3 (confirmed)
- ◆ Damage to Movable Property (Vehicle, Movable Assets, Household Goods, etc.) - total 2 (confirmed)
- ◆ Intimidation & Threats -total 5 (confirmed)
- ◆ Violations - 05
- ◆ Violations Related to Abuse of State Power, Resources & Misuse of State Sector Employees - 01 (unconfirmed)
- ◆ Carrying out Unlawful Meeting & Processions - 04 (2 confirmed and 2 unconfirmed).

VIOLENCE AND VIOLATIONS RECORDED BY PROVINCES AND DISTRICT DURING POST - ELECTION PERIOD



(Source: PAFFREL Complaint Unit)

VIOLENCE AND VIOLATIONS BY PROVINCE

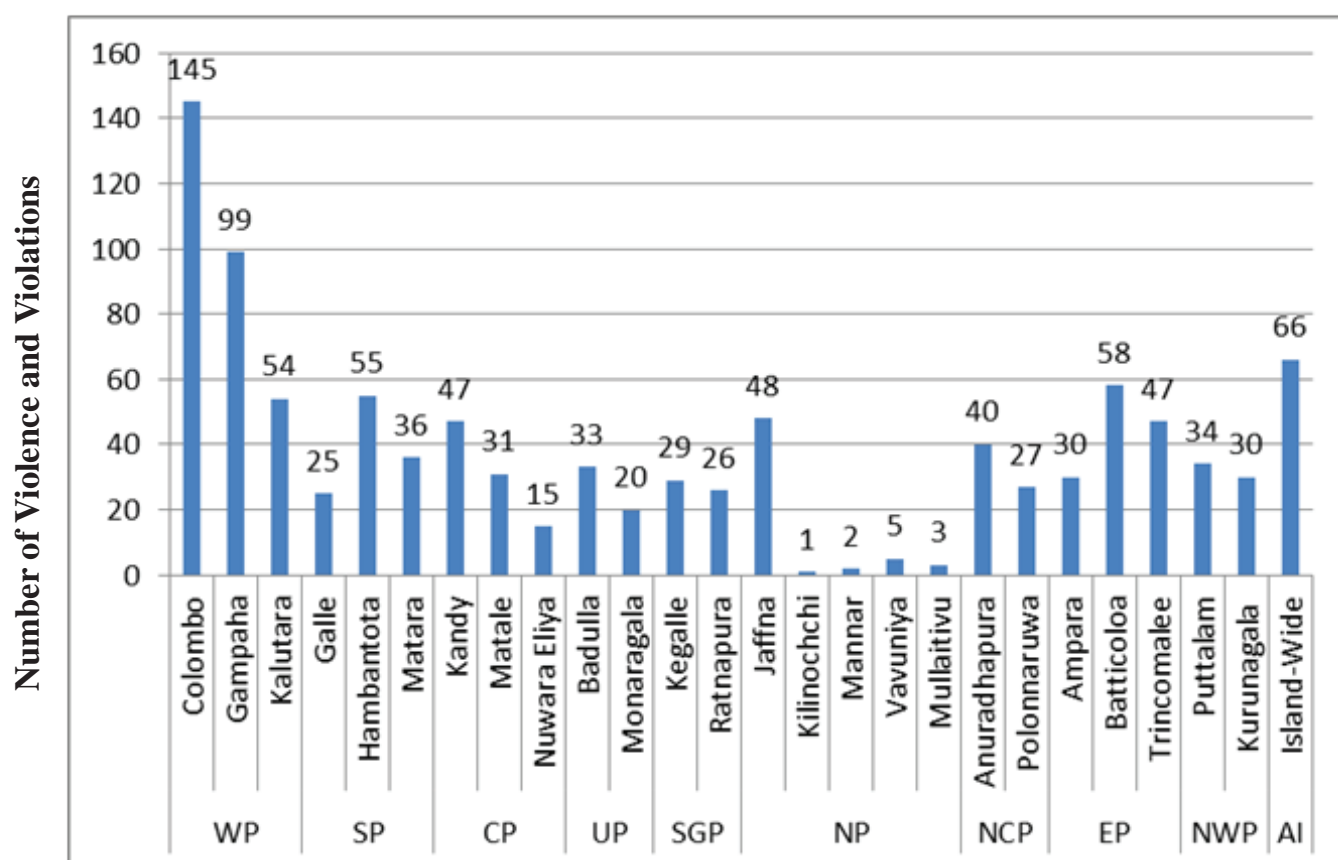
- Western Province with the highest violations - 07 (5 confirmed, 2 unconfirmed)
- North Central Province - 05 (4 confirmed, 1 unconfirmed)
- North Western Province - 05 (4 confirmed, 1 unconfirmed)
- Uva Province - 04 (confirmed)
- Southern Province - 03 (1 confirmed, 2 unconfirmed)
- Sabaragamuwa Province - 03 (confirmed)
- Northern Province - 01 (confirmed)
- Eastern Province - 03 (confirmed)

VIOLENCE AND VIOLATIONS BY DISTRICT

- Kalutara - 03 (confirmed)
- Badulla - 03 (confirmed)
- Kegalle - 03 (confirmed)
- Polonnaruwa - 03 (2 confirmed, 1 unconfirmed)
- Puttalam - 03 (confirmed)
- Colombo - 02 (1 confirmed, 1 unconfirmed)
- Gampaha - 02 (1 confirmed, 1 unconfirmed)
- Anuradhapura - 02 (confirmed)
- Trincomalee - 02 (confirmed)
- Kurunagala - 02 (1 confirmed, 1 unconfirmed)

THE WHOLE OBSERVATION PERIOD (CUMULATIVE DATA)

ALL VIOLENCE AND VIOLATIONS RECORDED BY DISTRICTS DURING THE OBSERVATION PERIOD

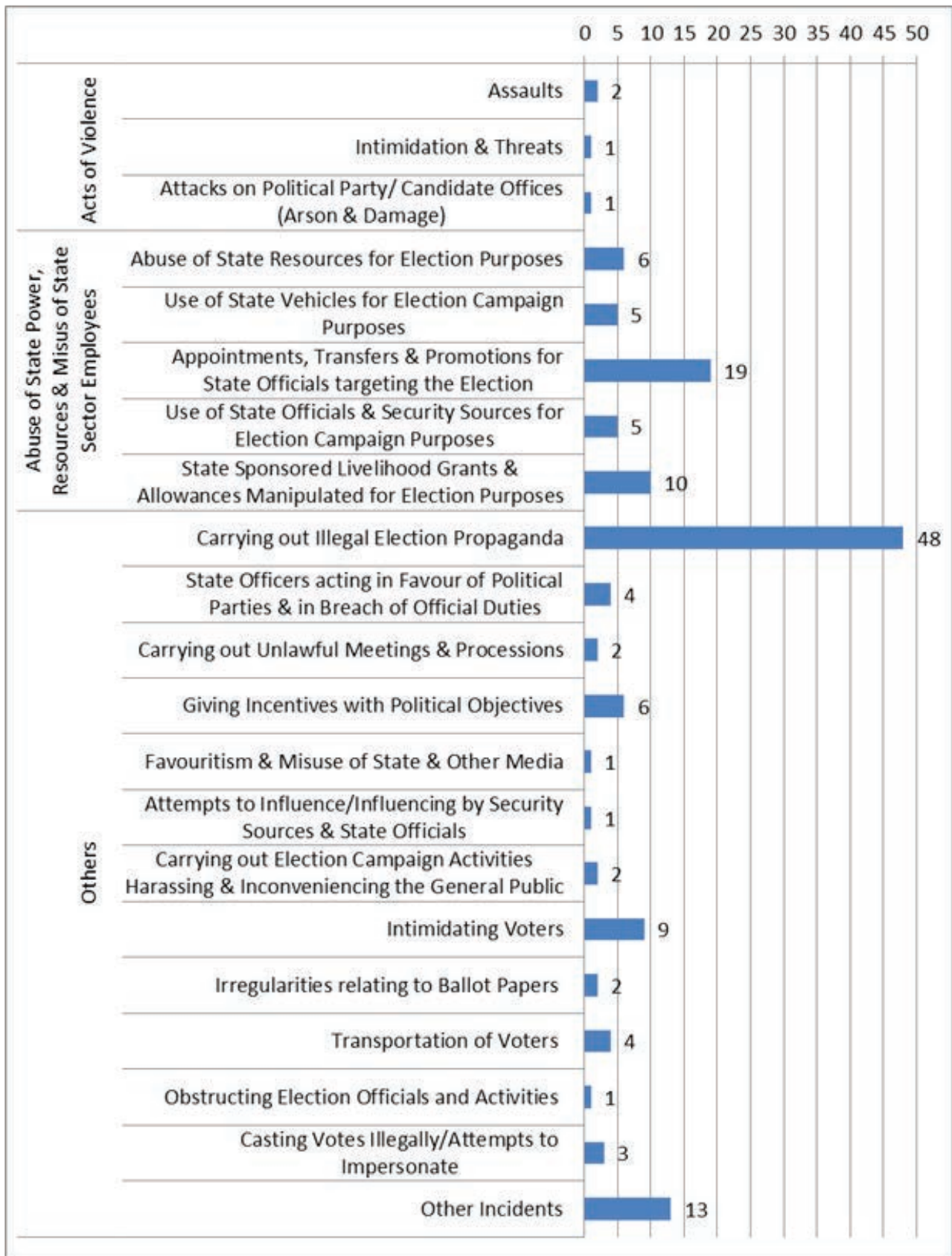


(Source: PAFFREL Complaint Unit)

THREE DISTRICTS WITH THE HIGHEST NUMBER OF VIOLATIONS

- ◆ Colombo - 145 (54 confirmed, 91 unconfirmed)
- ◆ The Gampaha - 99 (46 confirmed, 53 unconfirmed)
- ◆ Batticaloa - 58 (49 confirmed, 9 unconfirmed)

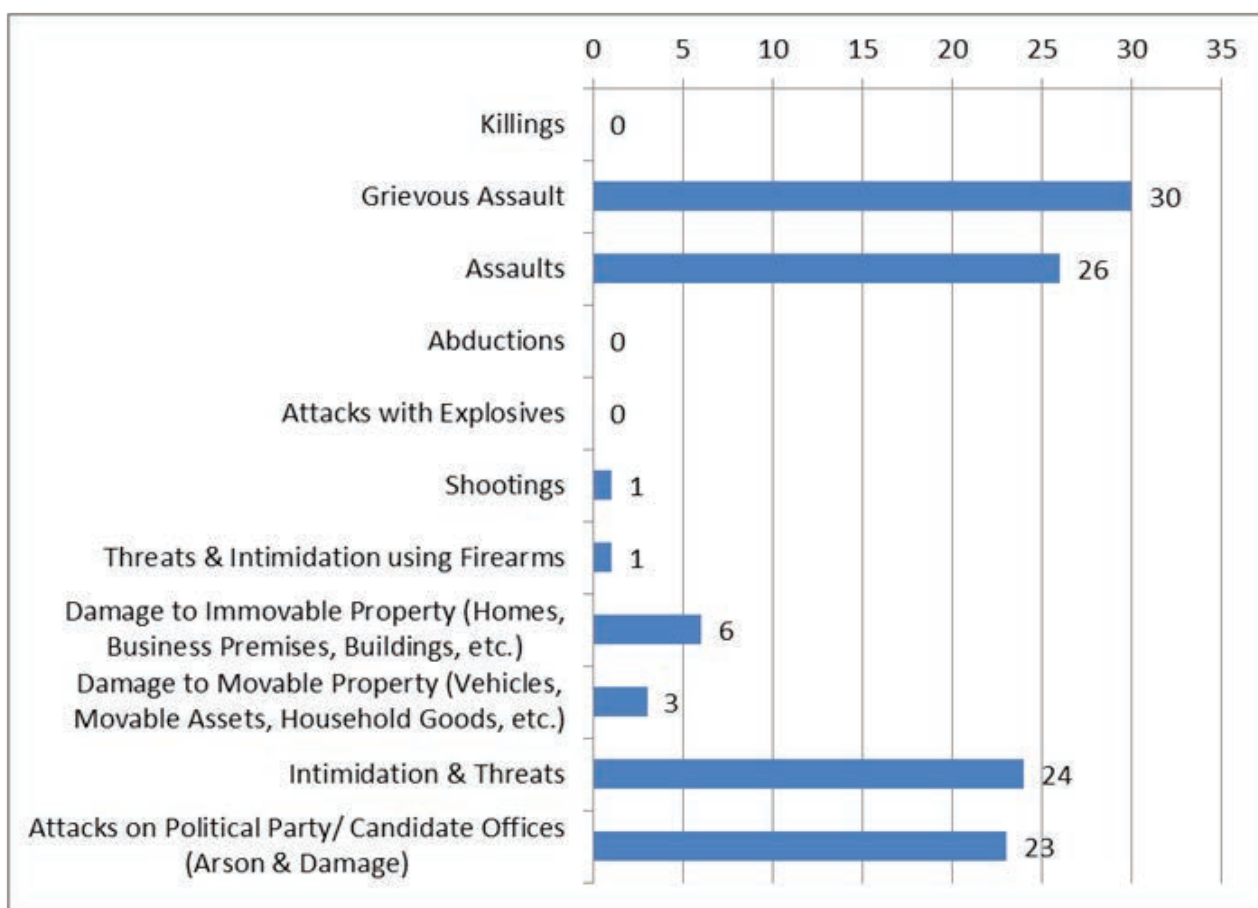
VIOLENCE AND VIOLATIONS RECORDED IN COLOMBO DISTRICT



(Source: PAFFREL Complaint Unit)

- ◆ Carrying out Illegal Election Propaganda - 48 (15 confirmed, 33 unconfirmed)
- ◆ Appointments, Transfers & Promotions for State Officials targeting the Election- 19 (10 confirmed, 9 unconfirmed)
- ◆ ‘Other Incidents’ sub-category -13 (2 confirmed, 11 unconfirmed).

ACTS OF VIOLENCE - ALL ISLAND



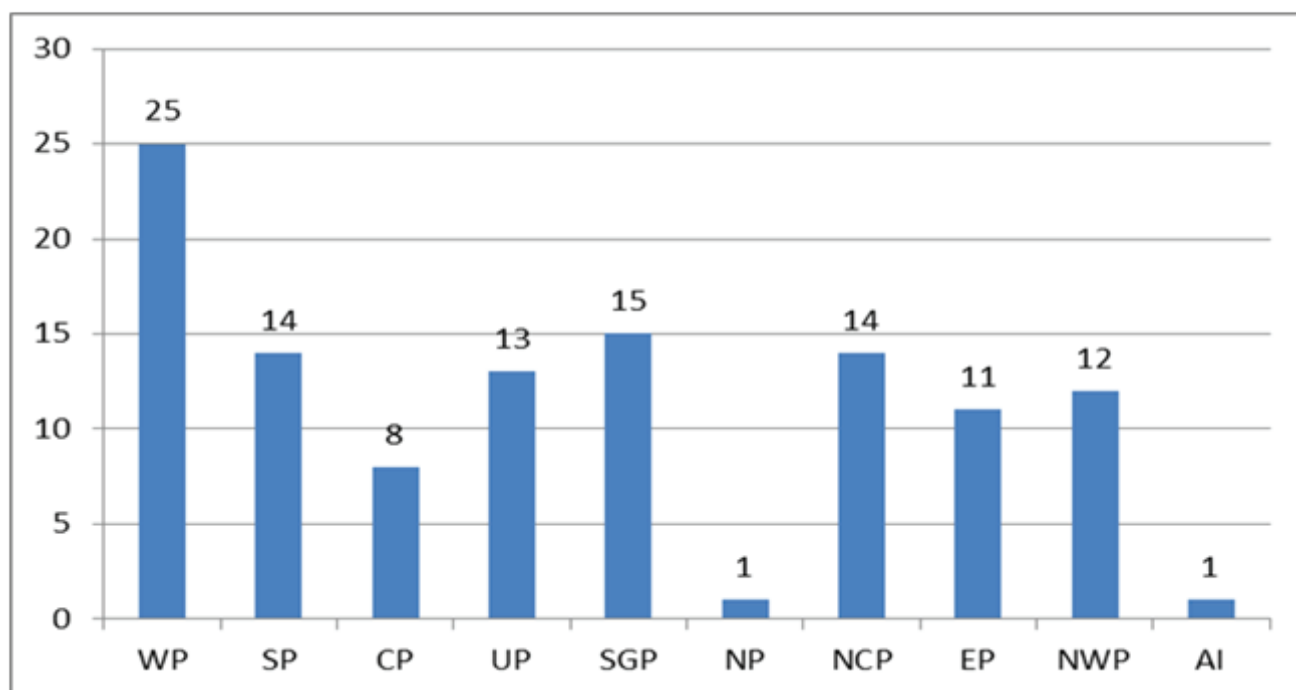
(Source: PAFFREL Complaint Unit)

The total no of Acts of Violence category was 114.

ACTS OF VIOLENCE BY SUB - CATEGORIES

- ◆ Grievous Assault - 30 (24 confirmed, 6 unconfirmed)
- ◆ Assaults” - 26 (20 confirmed, 6 unconfirmed)
- ◆ Shootings - 01 (confirmed)
- ◆ Threats & Intimidation using Firearms - 06 (confirmed)
- ◆ Damage to Immovable Property (Homes, Business Premises, Buildings, etc.) - 06 (5 confirmed, 1 unconfirmed)
- ◆ Damage to Movable Property (Vehicles, Movable Assets, Household Goods, etc.) - 03 (confirmed)
- ◆ Intimidation & Threats - 24 (16 confirmed, 8 unconfirmed)
- ◆ Attacks on Political Party/ Candidate Offices (Arson & Damage) -23 (19 confirmed, 4 unconfirmed).

ACTS OF VIOLENCE CATEGORY BY PROVINCE

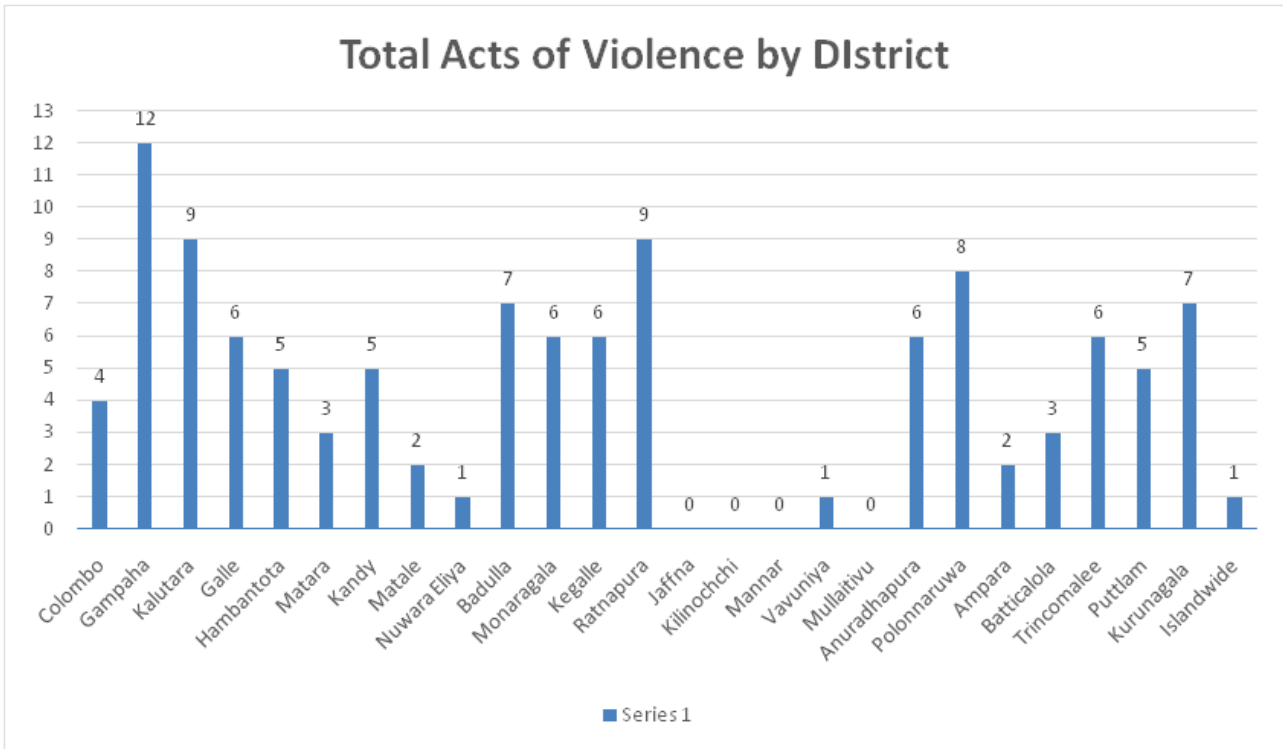


(Source: PAFFREL Complaint Unit)

A total number of 114 incidents of violence (89 confirmed, 25 unconfirmed) were reported. The Killings, Grievous Assault, Assaults, Abductions Attacks with Explosives, Shootings, Threats & Intimidation using Firearms, Damage to Immovable Property (Homes, Business Premises, Buildings, etc.), Damage to Movable Property (Vehicles, Movable Assets, Household Goods, etc.), Intimidation & Threats, and Attacks on Political Party/Candidate Offices (Arson & Damage) are the sub-categories.

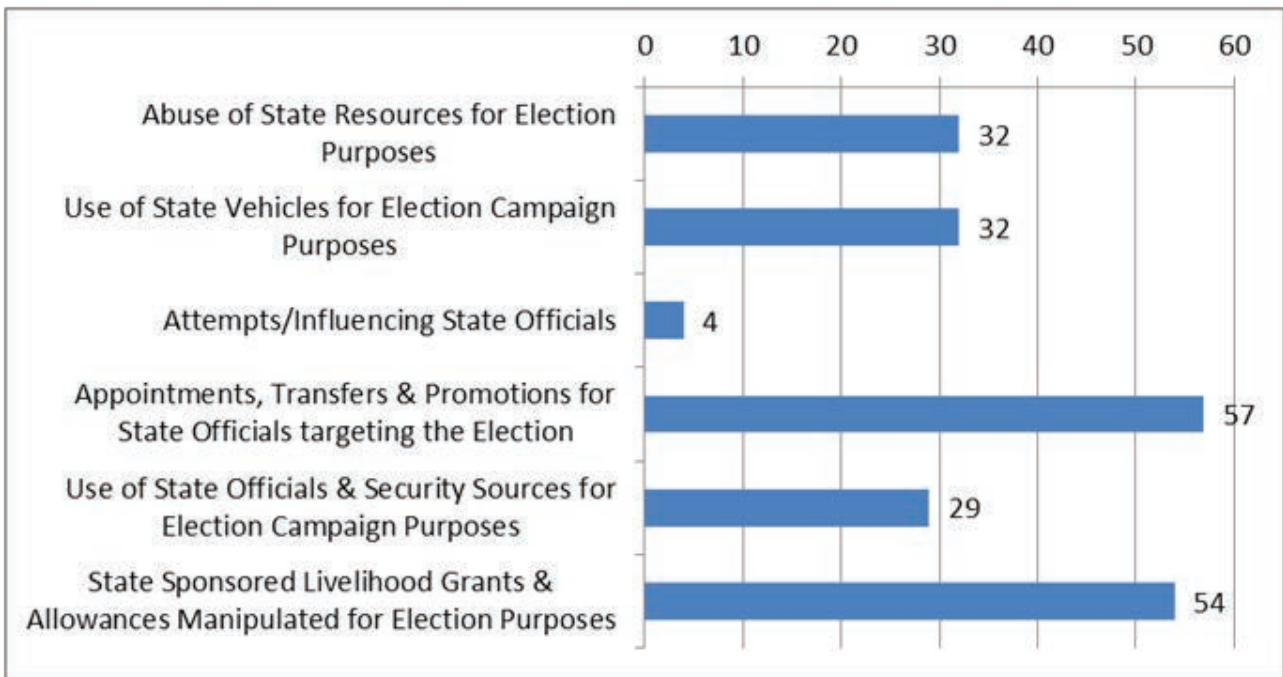
- ◆ Western Province recorded the highest incidents of violence with 25 (20 confirmed, 5 unconfirmed)
- ◆ Southern Province had 14 (10 confirmed, 4 unconfirmed)
- ◆ Central Province had 8 (7 confirmed, 1 unconfirmed)
- ◆ Uva Province had 13 (10 confirmed, 3 unconfirmed)
- ◆ Sabaragamuwa Province had 15 (11 confirmed, 4 unconfirmed)
- ◆ Northern Province had 01 (confirmed)
- ◆ North Central Province had 14 (13 confirmed, 1 unconfirmed)
- ◆ Eastern Province had 11 (8 confirmed, 3 unconfirmed)
- ◆ North Western Province had 12 (9 confirmed, 3 unconfirmed). The violations effected the whole Island was one which was unconfirmed.

ACTS OF VIOLENCE CATEGORY BY DISTRICTS



(Source: PAFFREL Complaint Unit)

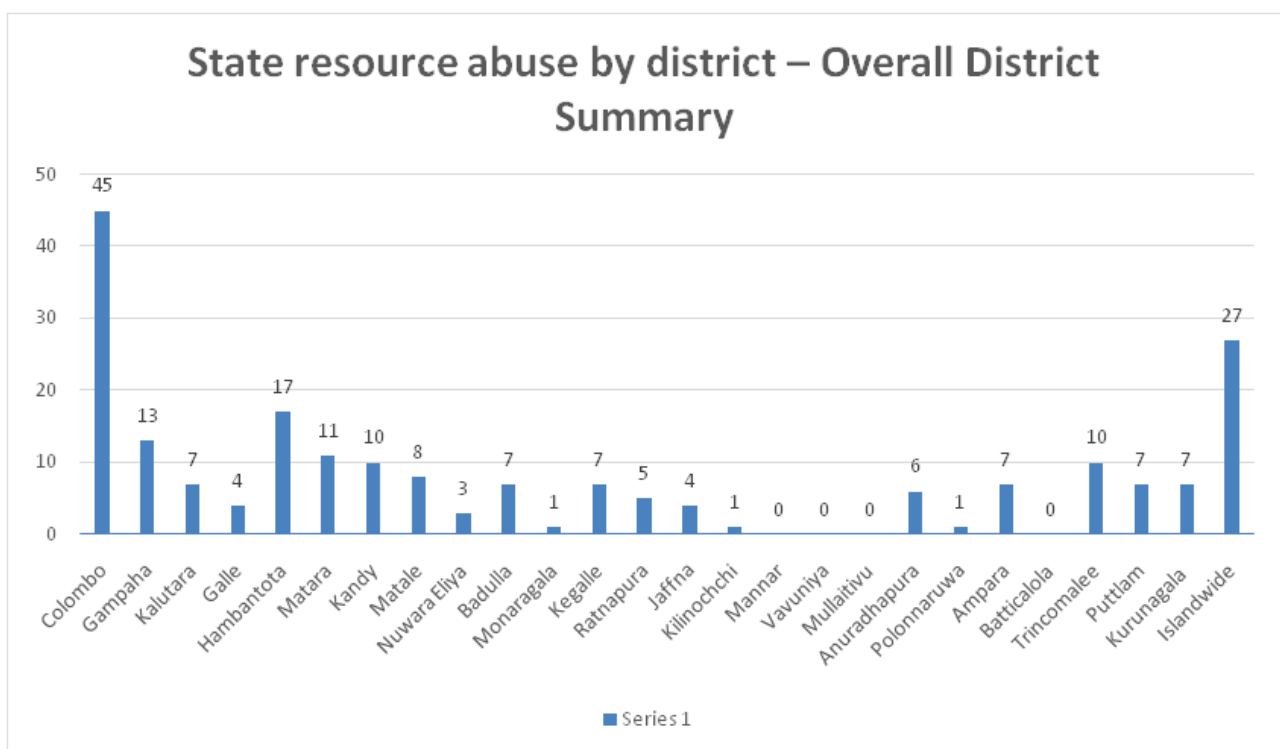
VIOLATIONS RELATED TO ABUSE OF STATE POWER, RESOURCES & MISUSE OF STATE SECTOR EMPLOYEES



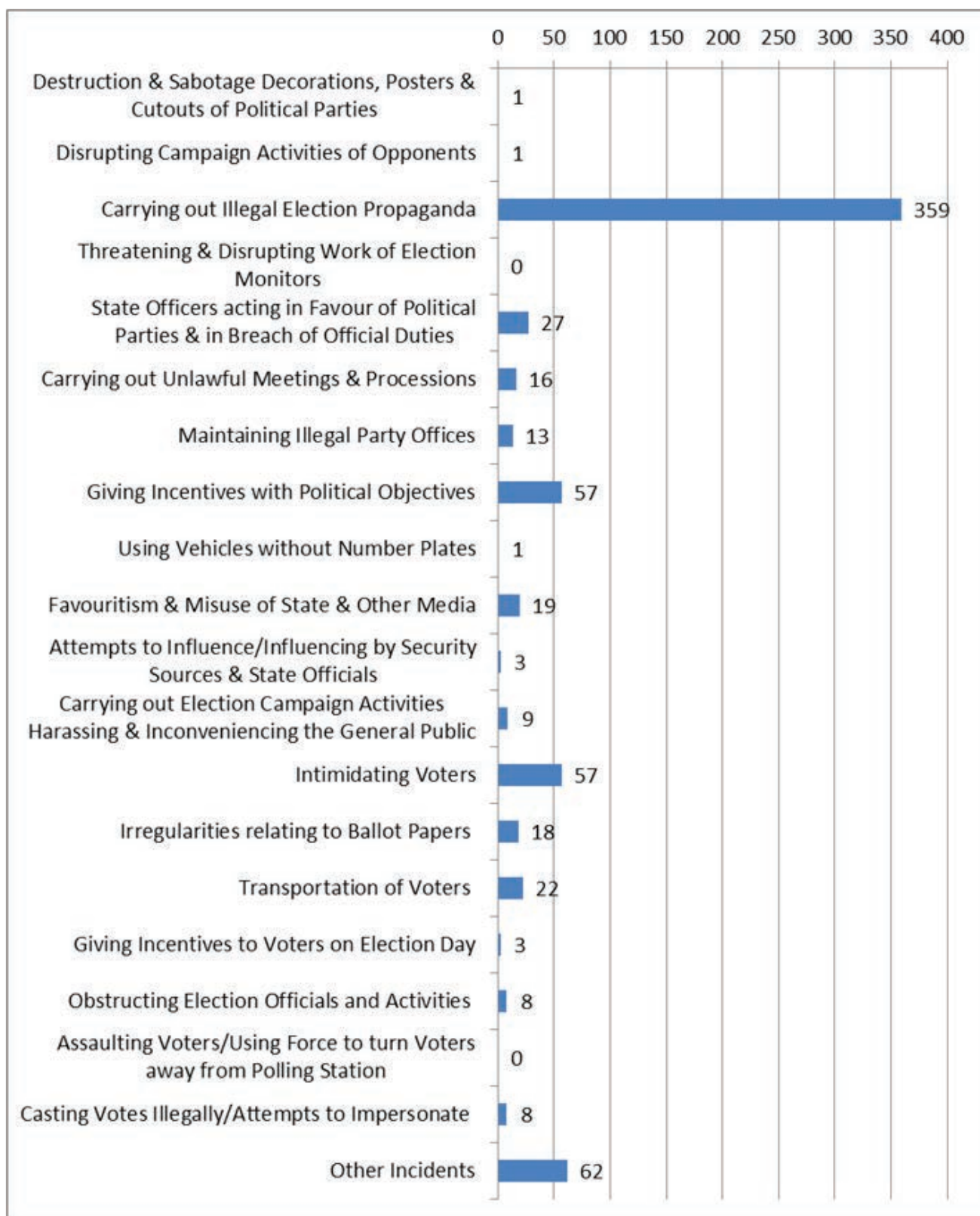
(Source: PAFFREL Complaint Unit)

The total no of violations reported under the “Abuse of State Power, Resources & Misus of State Sector Employees” category were 208. The sub - categories are listed below.

- ◆ Abuse of State Resources for Election Purposes - 32 (22 confirmed, 10 unconfirmed)
- ◆ Use of State Vehicles for Election Campaign Purposes - 32 (13 confirmed, 19 unconfirmed)
- ◆ Attempts/Influencing State Officials - 04 (2 confirmed, 2 unconfirmed)
- ◆ Appointments, Transfers & Promotions for State Officials targeting the Election - 57 (26 confirmed, 31 unconfirmed)
- ◆ Use of State Officials & Security Sources for Election Campaign Purposes - 29 (16 confirmed, 13 unconfirmed)
- ◆ State Sponsored Livelihood Grants & Allowances Manipulated for Election Purposes - 54 (32 confirmed, 22 unconfirmed).



VIOLATIONS CATEGORISED AS “OTHERS”

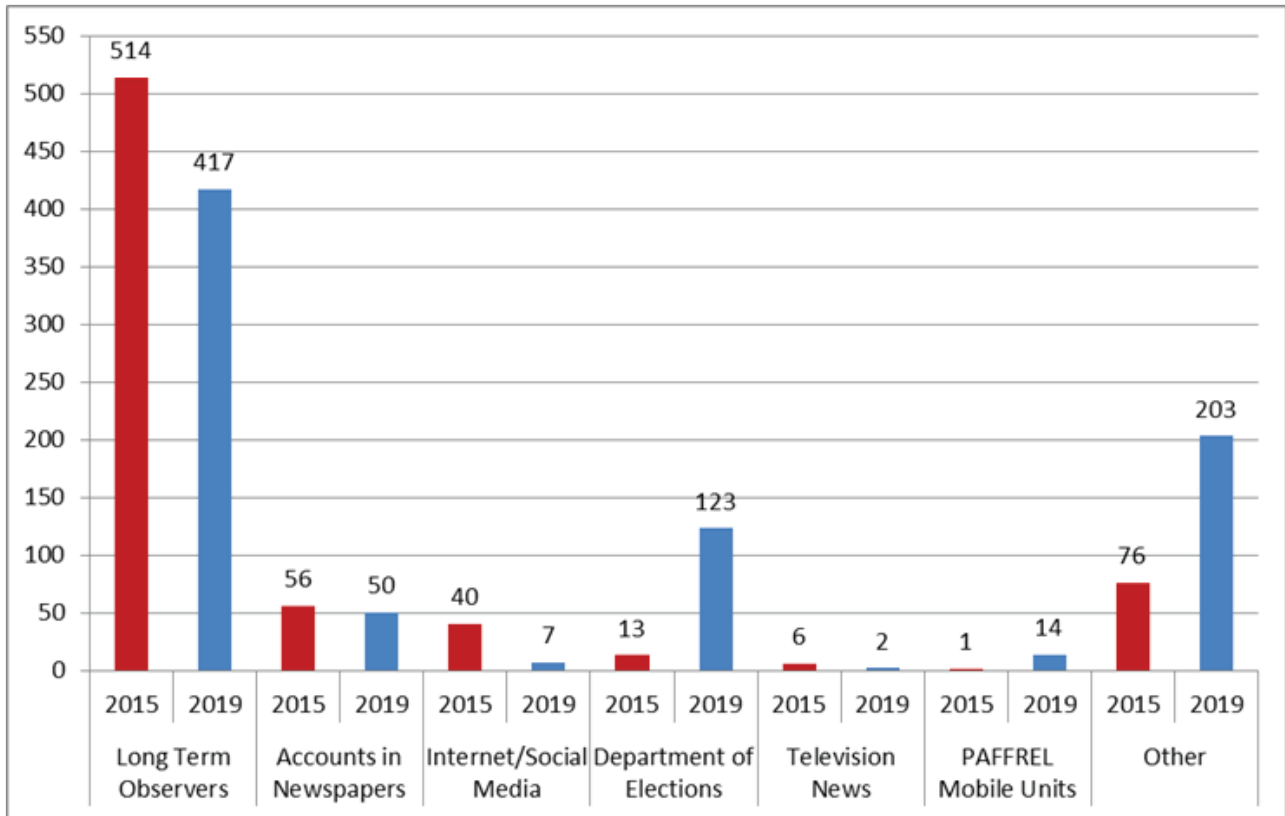


(Source: PAFFREL Complaint Unit)

The total no of violations reported under the “Others” category were 684. Violations by sub-categories is listed below.

- ◆ Destruction & Sabotage Decorations, Posters & Cutouts of Political Parties - 01 (confirmed)
- ◆ Disrupting Campaign Activities of Opponents - 01 (confirmed)
- ◆ Carrying out Illegal Election Propaganda - 359 (246 confirmed, 113 unconfirmed)
- ◆ State Officers acting in Favour of Political Parties & in Breach of Official Duties - 27(10 confirmed, 17 unconfirmed)
- ◆ Carrying out Unlawful Meetings & Processions -16 (11 confirmed, 1 unconfirmed)
- ◆ Maintaining Illegal Party Offices -13 (10 confirmed, 3 unconfirmed)
- ◆ Giving Incentives with Political Objectives - 57 (33 confirmed, 24 unconfirmed)
- ◆ Using Vehicles without Number Plates 01 (confirmed)
- ◆ Favouritism & Misuse of State & Other Media -19 (3 confirmed, 16 unconfirmed)
- ◆ Attempts to Influence/Influencing by Security Sources & State Officials - 03 (1 confirmed, 2 unconfirmed)
- ◆ Carrying out Election Campaign Activities Harassing & Inconveniencing the General Public - 09 (3 confirmed, 6 unconfirmed)
- ◆ Intimidating Voters - 57 (21 confirmed, 36 unconfirmed)
- ◆ Irregularities relating to Ballot Papers -18 (8 confirmed, 10 unconfirmed)
- ◆ Transportation of Voters - 22 (10 confirmed, 12 unconfirmed)
- ◆ Giving Incentives to Voters on Election Day - 03 (1 confirmed, 2 unconfirmed)
- ◆ Obstructing Election Officials and Activities - 08 (2 confirmed, 6 unconfirmed)
- ◆ Casting Votes Illegally/Attempts to Impersonate - 08 (4 confirmed, 4 unconfirmed)
- ◆ Other Incidents - 62 (18 confirmed, 44 unconfirmed)

COMPARISON OF COMPLAINTS BY YEAR AND SOURCE



(Source: PAFFREL Complaint Unit)

The above graph indicates most common modes of complaints which have been received by PAFFREL. During the Presidential Election of 2019, PAFFREL has received 951 complaints in total compared to Presidential Election 2015 which was 1,364 in total. This is a 30.35% reduction in 2019 compared to 2015.

Pre-Election Period accounts for the most number of complaints received (668 in total) which had been the trend in Sri Lankan politics over the years. PAFFREL's LTOs contributed immensely by reporting incidents in their own localities. The other source of reporting complainants were APOU, Professional/Trade Associations, and Political Parties.

RECOMMENDATIONS

The results of the Presidential Election of 2019 was barely affected by violations of election laws and by violence. However, the quality of the election in particular the level playing field for all candidates could have been improved if authorities acted more proactively and in a preventive mode rather than a mitigation mode. Though some of the following recommendations were highlighted earlier, they are presented again to draw the attention of the Election Commission and the Legislature for corrective action.

1. THE ELECTION COMMISSION TO ENSURE MEDIA COMPLIED WITH REQUIREMENTS FOR A LEVEL PLAYING FIELD FOR ALL CANDIDATES

Most of the private electronic and print media institutions blatantly promoted their chosen candidate at the presidential election while the time and publicity given to other candidates remained largely limited. Social media acts totally irresponsible.

Election Commissioner should exercise its powers under the Article 104 B of the constitution and the Parliamentary Election Act No. 1 of 1981 (as amended in 2009) to issue guidelines for media institutions to question the behaviour of the media institutions both State and Private and take action against the violators. The Media Ministry and the Telecommunication Regulatory Commission should be held responsible for monitoring electronic/ print media and social media respectfully and take legal action against the violators.

2. SELECTION OF POLLING/VOTING CENTRES:

- a. Accessibility to persons with physical disabilities.
- b. Avoid as much as possible the places of religious worship as polling centres.
- c. Selection of venues which are easily accessible to the voter, as polling centres. (either on foot or by public transport without hardship)

3. EXTEND THE VALIDITY OF THE ELECTORAL REGISTRY FOR 10 YEARS

Annual registration is a costly exercise and also those who are unable to re-register for a valid reason are unable to obtain a ballot.

4. IDENTIFICATION DOCUMENT

Issue a permanent voter identification document for those who cannot obtain National ID due to some reason.

5. FACILITY FOR THE VISUALLY IMPAIRED

Since nearly 400,000 voters of Sri Lanka are visually impaired, it is proposed that the Elections Commission explore the use of simplified user friendly mechanism to exercise their franchise.

6. INTRODUCTION OF AN ADVANCE VOTING SYSTEM

Around 500,000 voters are unable to cast their vote on Election Day due to official duties (essential work e.g. healthcare, election monitors, ports, private security personnel, staff of the power generation stations, airport staff, crew members etc.).

7. ENABLE OVERSEAS VOTING FOR SRI LANKANS

Nearly 1.5 million Sri Lankan migrant workers and diplomatic personnel are unable to vote and it is a significant number to sway the vote.

8. LIMIT THE CANDIDATE/PARTY ELECTION EXPENSES

Advocate for the “Candidate Expenditure Limit Bill” which has already been drafted and with the Legal Draughtsman. This will contribute immensely for creating a level playing field for all including women.

9. REGULATE THE COMPLAINT UNIT

PEFFREL proposes that representatives of all parties should be re-appointed to the Election Dispute Resolution Unit to ensure efficient and transparent functioning of it. The confidence in the EC will be further strengthened, if a mechanism can be put in place to investigate the complaints received and make the public aware of their progress. As there are instances where election complaints relate to serious allegations against top government officials, attention should be paid to appointing personnel from various fields to the Complaints Investigation Committee.

10. PROTECT THE PUBLIC CONFIDENCE ON THE ELECTIONS COMMISSION

The collective responsibility of the members of the EC should be always ensured for greater credibility in the Commission.

11. LIMIT THE NUMBER OF CANDIDATES IN AN ELECTION

At this Presidential Election, 41 candidates paid the required deposit of which 35 submitted nominations. Only genuine candidates should be given nominations.

12. AMEND THE LAWS ON REGISTRATION OF POLITICAL PARTIES

There are 70 registered political parties in Sri Lanka, and many more are likely to seek registration. However, at least 50% of them do not contest elections and some are just one person parties.

**STATEMENT OF ACCOUNTS (UNAUDITED) FOR OBSERVING AND MONITORING THE
CONDUCT OF PRESIDENTIAL ELECTION, HELD ON 16TH NOVEMBER 2019**

EXPENCES - ELECTION MONITORING		AMOUNTS SPENT (LKR)
01	Training of Stationary Postal, & Mobile Observers	4,194,512.65
02	Training of Vote Counting Observers	662,454.00
03	Salaries & allowances of the Project staff	3,432,105.00
04	Mobile observation vehicle charges	2,149,710.00
05	Tools for observers	2,727,429.14
06	Voter Education campaign	2,435,855.26
07	Office Equipment Hiring Charges	395,450.00
08	Honorarium for vote counting observers	645,000.00
09	Honorarium for stationary, mobile & postal observers	6,065,000.00
10	Review meetings	334,155.25
11	Function of complaints receiving & Intervention unit	1,037,747.10
12	Preliminary meeting with District level organisation	284,388.98
13	Travel, Refreshment & other expenses of the project staff	1,431,131.79
14	Auditing & Bank Charges	36,200.00
15	Administration Expenses	6,828,463.89
16	Training of Long Term observers and District APOU Coordinators	481,450.25
17	TOT workshop for observer trainers & Field Coordinators who works as observer trainers	214,804.25
18	Deployment of LTOs and District APOU Coordinators	5,260,000.00
19	Printing of Election Law Observer's Manual booklets	541,404.00
20	Deployment of District Coordinators(30), Field Coordinators(26	3,052,840.00
21	Printing of Information book	118,500.00
22	Conducting Press Conferences	23,770.00
23	Devoloping a centerlized database in PAFFREL	1,044,774.63
24	Election relative events databases and heatmaps with GIS mapping	1,033,826.32
25	Social media monitoring and weekly reports on violations and disinformation	1,947,527.00
26	Voter awareness raising initiative/s	360,000.00
Total Expenses		46,738,499.51

DONORS' CONTRIBUTION

Name of the Donor	Funds Received only for the Expenses of Observing & Monitoring the Presidential Election 2019 (LKR)	Total Expenses (LKR)
European Union (OCEAN)	383,698.75	383,698.75
Foundation to Promote open society 2018/2020	566,922.10	566,922.10
Embassy of the Kingdom of the Netherlands	2,326,259.00	2,326,259.00
United Nations Development Programme (UNDP)	3,341,353.32	3,341,353.32
The Norwegian Ministry of Foreign Affairs (NMFA)	11,413,688.68	11,413,688.68
Canadian Funds for Local Initiatives (CFLI)	5,408,206.95	5,408,206.95
National Democratic Institute (NDI)	22,998,370.71	22,998,370.71
Diakonia - SPC	300,000.00	300,000.00
TOTAL	46,738,499.51	46,738,499.51

E. & O. E



PAFFREL

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