

## FOREWORD

The People's Action for Free and Fair Elections (PAFFREL), Sri Lanka, is pleased to present the final report on the Parliamentary Elections held on 8 April, 2010 to elect members to the Seventh Parliament of the country. This report is compiled from PAFFREL's interim reports, statements, and press releases published prior to, immediately following and within weeks of the poll. It should be noted that this report is a comprehensive report of the Parliamentary General Election process, except that as the ballot counting process was not observed as access was not given to any election observers.

This final report is a synthesis of the observations, reports and accounts of PAFFREL's 9,595 observers including mobile teams and stationery observers. In addition to the Sri Lankan observers, 16 International observers too were deployed. The report is based on the observations of the conditions that prevailed during the pre-election period, the day of the poll, the immediate post-election period and the re-poll of a few polling stations on the 20 April, 2010.

PAFFREL is publishing this report with the expectation that it would motivate all the stakeholders, viz. the government, political parties, elected members, the Commissioner of Elections, the Police, the media, the corporate sector and civil society organisations to initiate appropriate follow up measures for ensuring more democratic elections in this country and that Sri Lanka may conform more to internationally accepted standards which have been accepted and are enshrined in the United Nations Universal Declaration of Human Rights (UDHR Article 21) and the International Covenant on Civil and Political Rights (ICCPR). Genuinely democratic elections will ensure the rights of all voters to elect their own representatives free from violence and intimidation, and the government of their choice. It is regrettable that developments in this sphere over the years have been very few and at a slow pace.

We wish to thank the Commissioner of Elections, Mr. Dayananda Dissanayake for accrediting PAFFREL for observing the Parliamentary Elections of 2010, and

for the cooperation extended to it by the Department of Elections for ensuring a smooth exercise. The assistance provided to us by Mr. P.M. Siriwardene, the Additional Commissioner of Elections, Mr. W.P. Sumanasiri, Additional Commissioner of Elections, Mr. Mahinda Deshapriya, Deputy Commissioner of Elections and Assistant Commissioners of Election at district level, is gratefully acknowledged. We also thank all the District Secretaries who have facilitated in many ways the work of the PAFFREL observers. PAFFREL is happy to note that for the first time in any election, one PAFFREL observer has been permitted to observe proceedings in each of the results releasing centres, though not at the counting centres.

PAFFREL is also thankful to the Inspector General of Police, Mr. Mahinda Balasooriya and the Police Department for the cooperation extended to us. In particular we wish to thank the Senior Deputy Inspector General, Mr. Gamini Navaratne for his cooperation and the officers who manned the district and regional election desks for their cooperation.

We are thankful to the German Embassy, the National Democratic Institute for International Affairs (NDI), Ausaid, CIDA, USAID, and Diakonia which provided us with the necessary funds and other assistance to cover the observing of the parliamentary elections. We acknowledge their generosity and technical support for carrying out the election observing exercise.

We take this opportunity to thank the Asian Network for Free Elections (ANFREL) Foundation and other International Observers for making it possible for us to have the valuable services of the international observers from ten countries who brought with them a wealth of experience in election observing.

We also thank the media organisations, political parties and independent groups as well as others who recognized the importance of impartial election observation and supported PAFFREL in carrying out the country wide exercise.

Finally, we thank all our observers both stationery and mobile, 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 wholeheartedly supported this election observation exercise with their volunteers.

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Chairperson

PAFFREL

July, 2010

## EXECUTIVE SUMMARY

The **final report** on the Parliamentary General Elections 2010 is based on the observations of the conditions that prevailed during pre-election, the day of the poll, the immediate post-election periods and the re-poll of 35 polling stations made by PAFFREL's 9,595 observers including 1,256 in 314 mobile teams and 8,339 stationery observers who covered all the 11,102 polling stations of the 22 districts. The 16 International Observers covered 8 districts. Voters numbering 14,088,500 were eligible to elect 196 members (and 29 national list members in proportion to the number votes received by each party) to Parliament (constituted of 225 members) from a total of 7,620 candidates from 36 Political Parties and 301 Independent Groups. PAFFREL besides observing also contributed to voter education, and assisted IDPs in obtaining identity cards. A serious complaints unit too functioned at PAFFREL head office in Colombo.

It is hoped that this **report** will motivate the stakeholders including the Elections Commissioner and policy makers to contribute to ensuring a more democratic election process through effective conformity to the country's laws and also in line with the requirements of UDHR and ICCPR to which Sri Lanka is a signatory.

The Elections held on 8 April, 2010 with a voter turn out of 61% was preceded by the Presidential Elections on 25 January, 2010 with a turn out of 74.49% and by 8 staggered Provincial Council Elections throughout the preceding 18 months, excluding the northern. A degree of voter fatigue and frustration was discernible. This was the first post war General Election after the defeat of the LTTE on 18 May, 2009. The elections were conducted by the Elections Commissioner but the Independent Elections Commission as prescribed by the 17<sup>th</sup> Amendment of the Constitution has not been established yet. This was also the first time that intra-party rivalry escalated to such a high degree, particularly among the ruling party alliance.

Had all the **legal provisions** been fully utilized by the elections officials the PAFFREL's analysis would have been more positive. Administration of the elections was satisfactory barring a few issues including the lack of total confidentiality at the ballot booth, opaque ballot boxes, and the counting of ballots in 1,387 counting centres instead of at the polling stations themselves that could lead to serious abuse. The campaigning period was characterized by violence

and the misuse of state resources with most ruling party candidates benefiting from the use of state funds, machinery and other resources. During the pre-elections period, 312 confirmed violations were observed in 17 of the 22 districts. The most frequent violations were the illegal use of posters, banners and cutouts, assault and misuse of state resources. Ineffective police action in enforcing the laws and apprehending violators was evident. State media which alone had national coverage was biased, unfair and defied court rulings and regulatory action by the Elections Commissioner. Also, rules were not applied evenly. Thus a level playing field was not afforded to all candidates or parties during the pre-election period. The impunity of the perpetrators of violence created frustration and disrespect for the law enforcement authorities.

**Postal voting** took place in a violence free environment on 25 and 26 March, 2010 with 415,432 eligible for voting. However, it was observed that around 45% of the voting centres did not have political party representatives. In several centres confidentiality of the ballot was not ensured.

The **polling** on 8 April, 2010 was relatively calm, and free of major incidents and violations of laws. Security measures taken to maintain peace in the aftermath of the elections had been generally effective. However, 108 confirmed violations were observed in 21 districts, 56 of them regarding illegal propaganda, 6 cases of assault, 6 cases of voter intimidation etc. At 37 polling stations in the Nawalapitiya electorate and at 1 polling station in the Trincomalee electorate, the results were annulled due to serious irregularities – mostly involving the expulsion of opposition polling agents from the stations. Though seven types of identity cards were permitted in some polling stations, particularly in the north, some were not accepted. A number of IDPs in the Northern Province missed voting opportunities due to confusion about the locations of their polling stations. Incidents of violence and violations of election laws made this election fall short of re standard expected of a free and fair election.

The **counting** of the ballots took place in 1,387 centres. Domestic observers were not permitted to observe the count due allegedly to inadequate space to

accommodate them. The manual counting of the ballots, in particular the preferential votes created a lot of confusion and controversy especially in more densely populated districts. PAFFREL observers were permitted in the 22 results releasing centres but the exercise did not add value to the observing process as the count itself was not observed.

In the **post-elections** period, 22 confirmed incidents of violence were reported including a homicide—a marked increase in the number of incidents since the 2004 elections. The re-poll on 20 April in Nawalapitiya and Trincomalee took place without incident. The findings of the committee appointed to inquire into the incident at Nawalapitiya were not made public and apparently no one was penalized. The public had to bear the cost of the re-poll.

The **conclusions** are that rules were not applied evenly for all candidates and a fair competition was not assured. The media, particularly the state media, did not provide opportunities for a fair exchange of diverse views and opinions. Their reports were one sided and defied regulatory action of the Elections Commissioner. The police were under pressure to ignore the violations by ruling party candidates and their supporters. The serious and large-scale violations of election laws with impunity and the level of violence that was observed during the pre-election period have served to vitiate the genuine democratic aspects of the election.

The **overall conclusion** is that the Parliamentary Elections of 2010 failed to measure up to the Sri Lankan elections laws themselves and to the standards enshrined in the UDHR and ICCPR to which the country is a signatory.

The principal **recommendations** pertain to the establishment of an independent elections commission; conducting elections under an interim/caretaker administration; regulation of the media, particularly the state media; limiting campaign expenditure and accounting for campaign funds; and the use of more credible procedures for counting ballots in future election – all for the purpose of ensuring that the election process is genuinely democratic and truly reflective of the will of the people.

## **BACKGROUND**

### **PAFFREL, ELECTION OBSERVING AND THE REPORT**

#### **PAFFREL**

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 were deemed to be effective for pressurizing perpetrators to desist from violating election laws and for motivating the government and other stakeholders to contribute to improving 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 and in Sri Lanka in particular, there is room to make elections more democratic. It was in this spirit that PAFFREL undertook the observation of the Parliamentary General Elections of 8 April, 2010.

#### **Vulnerability**

The special status of PAFFREL in relation to elections monitoring must be noted here. The Commissioner of Elections using his discretionary powers has accredited only PAFFREL and the Centre for Monitoring Election Violence for observing elections in the country. This is a privilege bestowed and not a requirement of the law. This very fact, as is evident, negatively affects the autonomy, independence and accountability of PAFFREL. Another noteworthy feature is that PAFFREL is dependent to a great extent on donor funds for all its observation

operations. Thus from PAFFREL's institutional and financial perspectives, elections monitoring becomes an exercise that is not mandated by the laws of the land but dependent on the goodwill of the Commissioner of Elections and of donors.

### **Elections Observation**

The observation period commenced from the day that the official announcement of the poll was made, on 9<sup>th</sup> February and ended with the re-polls in Nawalapitiya and Trincomalee on 20 April 2010. The observing exercise includes the generally violation-prone pre-poll period, the polling day itself and the often tumultuous post-poll period. The monitoring exercise covered all the 10,774 polling divisions and 11,102 polling stations distributed among 22 electoral districts of the country and for this purpose a total of 9,595 observers were deployed; 8,339 in stationery positions and 1,256 in 314 mobile teams on the day of the poll. 14,088,500 voters were expected to cast their votes for a total of 7,620 candidates to elect 196 members to Parliament from a total of 225 members.



Sixteen international observers from 10 countries observed the Parliamentary Elections from the 1 -10 April, 2010 and were sponsored by the Asian Network for Free Elections (ANFREL) Foundation, headquartered in Thailand. Their regional and international knowledge on elections and election monitoring is very useful to Sri Lanka.

## **The Report**

This final report has been compiled from the numerous observations, accounts and reports of the many observers. Reference is also made to the statements and reports of the Commissioner of Elections, the police and to the recommendations made by observers of previous elections.

This report commences with three introductory sections that provide the background to the Parliamentary Elections of April 2010, the design and plan of the election observation exercise, the methodology adopted, and an explanation of how the entire exercise was mounted.

The findings of the observers are presented in three parts. Part One is devoted to the pre-poll period; Part Two is focused on the day of the poll itself including the postal voting and the re-poll, and Part Three takes into account the immediate post-elections period, followed by an overall conclusion, some general conclusions and recommendations.

There are also five appendices where detailed information on diverse related matters are provided mostly in the form of tables, graphs, and charts.

In this report the words '**Free and Fair**' are not used as they may not be specific enough and could be understood in a limited, subjective manner.

**Free and Fair** means the following:

1. Environment free from violence and intimidation for candidates, their supporters and voters before, during and after elections
2. Level playing field for all candidates regardless of race, religion, caste, gender or political affiliation, where voters can make informed choices
3. Independent election administration with sufficient space for maximum participation of all stake holders including civil society organisations

4. Meets international standards through implementation of election laws which incorporates the objectives of the international covenants and rules to which the state has become a party
5. Open, transparent, accessible and competitive
6. Media (state and private) provide opportunities for exchange of diverse ideas and objectives
7. Rules that assure justice, opportunities to seek legal redress easily and efficiently are applied evenly
8. Parties respect rules, demonstrate leadership on peaceful campaigning.

## **INTRODUCTION TO THE PARLIAMENTARY GENERAL ELECTIONS 2010**

The Gazette notification announcing Parliamentary General Elections that would be held on 8 April, 2010 was issued by the Elections Commissioner on 9 February, 2010. Subsequently, Parliament was dissolved on 9 February, 2010 instead of the due date of 22 April, 2010, and arrangements were made for holding elections. The nomination period was from the 19<sup>th</sup> to the 26<sup>th</sup> February, 2010. The elections were to return 196 elected members to Parliament under the proportionate representation system, and 29 more members to be nominated by the successful political parties distributed by the percentage of votes they received.

The Parliamentary General Election was the last of a series of elections that was initiated by the government in the wake of the successful completion of the military campaign mounted to destroy the war machine of the Liberation Tigers of Tamil Eelam (LTTE). On 18 May, 2009 President Mahinda Rajapakse declared that the country is free from terrorism with the demise of the LTTE's top leadership. Making use of the war victory, the government, in an unusual move dissolved the Provincial Councils one by one before the expiry of their terms, and held staggered elections in eight of the nine provinces. The Northern

Provincial Council elections were not held as the environment was not found to be conducive, with more than half the population internally displaced and largely confined to welfare centres. These staggered Provincial Council Elections were high in costs in terms of money and effort, and created a degree of 'fatigue' among voters leading to lower voter turn out than usual and perhaps to increased levels of violence and violations of election laws.

In another strategic move, the President on completion of four years of his six year term of office, called for a Presidential Election to be held on 25 January, 2010. This move intended to capitalize the war victory and the President's high ratings in popularity and, convert it to an election victory.

Thus, the Parliamentary General Election of 8 April 2010 was preceded by almost a whole year of elections and immediately followed the Presidential Election through which President Rajapakse was reelected. Voter apathy and a degree of frustration were indicated in the Parliamentary Election where the number of votes cast declined from 74.49% in the Presidential Election to 61%. Also, the percentage of spoilt votes increased steeply to 6.92% from the usual 3-4%. This is attributable to inadequate voter education and also to possible deliberate spoiling of the ballot due to a sense of frustration of the voter.

The Parliamentary General Election of 2010 is special as it is the first such election to be held in more than 20 years without the threat of LTTE terrorism, after its military defeat.

It must also be noted that the Parliamentary General Elections were held under the authority of the Commissioner of Elections but without the Independent Elections Commission mandated in the 17<sup>th</sup> Amendment of the Constitution, which has not been implemented. However, some of the powers of the Elections Commission were vested in the Commissioner of Elections.

Another aspect of the Parliamentary General Elections of 2010 that should be highlighted is the dynamics at play related to the preference voting system with 7,620 candidates vying for 196 places. This system has engendered bitter and often deadly intra-party violence, which in this election surpassed inter-party rivalry.

TABLE 1 – PARLIAMENTARY GENERAL ELECTIONS 2010 – GENERAL STATISTICS

Electoral District	Number of Members per Electoral District	No. of Registered Voters	No. of Polling Divisions	Increase in the Polling Centres due to Gender Considerations	No. of Polling Stations	No. of Political Parties	No. of Independent Groups	No. of Contesting Parties	No. of Candidates
1-Colombo	19	1,521,854	835	182	1,017	22	16	38	836
2-Gampaha	18	1,474,464	942		942	12	15	27	567
3-Kalutara	10	813,233	523	58	581	15	22	37	481
4-Mahanuwara	12	970,456	667	16	683	14	17	21	465
5-Matale	5	342,684	295	1	296	16	11	27	216
6-Nuwara-Eliya	7	457,137	389	4	393	16	14	30	300
7-Galle	10	761,815	670		670	13	7	20	260
8-Matara	8	578,858	436	6	442	16	5	21	231
9-Hambantota	7	421,186	373		373	15	4	19	190
10-Jaffna	9	721,359	621	3	624	15	12	27	324
11-Vanni	6	266,975	209		209	16	12	28	253
12-Batticaloa	5	333,644	314	48	362	17	28	45	360
13-Digamadulla	7	420,835	430		430	18	48	66	660
14-Trincomalee	4	241,133	278		278	17	14	31	217
15-Kurunegala	15	1,183,649	822		822	15	16	31	558
16-Puttalam	8	495,575	387		387	15	12	27	297
17-Anuradhapura	9	579,261	527		527	13	7	20	240
18-Polonnaruwa	5	280,337	231		231	16	13	29	232
19-Baddulla	8	574,814	507		507	12	5	17	187
20-Moneragala	5	300,642	307		307	14	4	18	144
21-Ratnapura	10	734,651	541		541	15	11	26	338
22-Kegalle	9	613,938	470	6	476	14	8	22	264
<b>TOTAL</b>		<b>14,088,500</b>	<b>10,774</b>	<b>324</b>	<b>11,098</b>	<b>336</b>	<b>301</b>	<b>627</b>	<b>7620</b>

Source - Department of Elections, Elections Secretariat, Sarana Mawatha, Rajagiriya, 2010

# PAFFREL'S ELECTION OBSERVATION EXERCISE

## DESIGN, PLAN AND METHODOLOGY

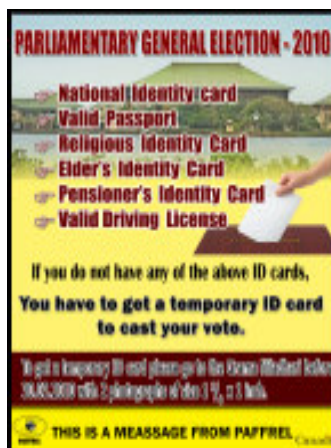
The design and plan of the observation exercise has evolved since PAFFREL's first such effort in 1988 and attempts have been made to make it more effective based on the experience gained and technical assistance received. In the design, the importance of the pre-poll, the poll itself and the post-poll periods has been recognized. Also the importance of obtaining the widest possible observation coverage of the election is taken into consideration.

PAFFREL's contribution to more democratic elections is not confined to observing but also includes voter education and awareness campaigns. Through many years of experience PAFFREL has also worked with the authorities to set in place mechanisms and procedures for arresting perpetrators and / or addressing violations of election laws, and all these constitute important elements of the design.

### *Voter Education*

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. Voter education

has become an important issue particularly for the internally displaced people (IDPs) of the Northern Province many of whom have been deprived of their franchise for years.



A country-wide media campaign was also mounted using the electronic media. Radio spots about ballot cards and voter identity were broadcast between 6-8 April 2010 through 5 Sinhala and one Tamil radio stations and an estimated 83 million listeners<sup>1</sup> were reached. Television spots on the same issues were broadcast on 7 and 8 April 2010 in one Sinhala and one Tamil channel each. Street dramas were also

staged during the period between 26 March and 2 April 2010 in 24 locations of 7

districts in the Eastern and Southern Provinces promoting peaceful elections. An estimated audience of 8,000-11,000 was reached.

PAFFREL also produced and distributed a booklet on the procedures that should be followed at the counting centres according to legal stipulations, so that political parties and observers could observe proceedings more systematically.

### *Special Measures*

It was estimated that more than a 100,000 IDPs of the north housed in welfare camps did not possess any of the valid identity papers required for voting. PAFFREL could only assist about 600



citizens to obtain their identity papers for casting their vote.

### *Mechanism for reducing violations of election laws - All Party Operations Unit*

PAFFREL observed that violations of election laws particularly inter-party violations, when reported to the Commissioner of Elections and the police took a long time for confirmation and **(Footnotes)** action. This time lag often leads to counter attacks and more violence. In 2008, PAFFREL recommended a more effective mechanism called the 'All Party Operations Unit' (APOU) based at the Election Secretariat and comprising the Secretaries General of all contesting political parties. The APOU is convened by the Commissioner of Elections during the elections period with the participation of PAFFREL and issues including inter-party violence are discussed and immediate action taken as confirmation is provided by PAFFREL observers in a timely fashion.

When the effectiveness of the APOU became clear, the Commissioner of Elections on his own initiative established peripheral APOUs at the 331 Divisional Secretariats and these have been found to be useful in many places.

### ***Serious Incidents Reporting or Mitigation Unit at PAFFREL -***

This special unit manned by two experienced lawyers and two 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, 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 mobilisation of volunteer observers is 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 more democratic elections.



They are trained and equipped with guidelines, check lists, reporting formats, and communication and transport facilities.

### ***Reporting on the Elections by PAFFREL***

Reporting to the entire country (and to the world) about the conduct observed by PAFFREL during the elections 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 international standards to which Sri Lanka has committed itself.

## IMPLEMENTATION OF ELECTION OBSERVATION

With the announcement of the 2010 Parliamentary General Elections, PAFFREL commenced preparations. Two main tasks were required to be addressed in a systematic manner: One was the activation of the volunteer observers, and the second was liaison with the Commissioner of Elections and others who were interested in the monitoring exercise. PAFFREL observers were to cover 11,102 polling stations where 14,088,500 voters were scheduled to cast their votes.

The first task was to activate the corps of volunteer observers at the national, district and divisional levels, train them and provide them with the necessary means for effective observation. This was accomplished through the appointment of 30 district and 160 divisional coordinators and specially trained trainers with wide experience in elections observation.

Training differed from the pre-poll period to the actual polling day and the post-poll period. Training was also tailored to the specific needs of those who would be acting as stationery observers, mobile observers or result-releasing centre category.

- ❖ Pre-poll: is very crucial for observing (more than the polling day itself) as selected and targeted violations are carried out during this period, and also for minimizing election related violence to an extent, by the reporting of same. Pre-poll observing also creates confidence in the observers; among political activists who are the usual victims of violence, and voters, and heightens their sense of mission when observation efforts result in controlling violence. The focus during this period is the propaganda campaigns launched by the candidates and the political parties.
- ❖ Polling day: observation is carried out using two approaches viz. stationery and mobile observers. A total of 9,595 observers were deployed, 8,339 in stationery positions and 1,256 in 314 mobile teams. 16 international observers were also deployed.
- ❖ Observers allocated to the 22 results releasing centres had to be given special training for carrying out systematic observations though the activity did not add much value to impartial observation as such as the actual counting itself was not observed.

- ❖ Post-poll period is very important as violence could erupt within the political parties and between them. During this Parliamentary Election, the poll at the Nawalapitiya and Trincomalee electorates was annulled and a re-poll conducted on the 20 April 2010 so a special deployment of monitors had to be organized for the re-poll.

All trainings were planned and carried out by the Training Unit set up at PAFFREL head office. A total of 9595 volunteers from 25 districts were trained intensively by trained trainers through a

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The second task of liaising was conducted through communications, participation in meetings, conferences etc. with the Commissioner of Elections, political parties, independent groups, the media and with others interested and involved in ensuring more democratic elections in the country.

## **PART I - PRE-ELECTIONS PERIOD OBSERVATIONS**

All the observations made during the pre-elections period viz. 19 February -7 April 2010 by the numerous observers of PAFFREL were examined under the following themes:

- ◆ Legal Framework
- ◆ Election Administration
- ◆ Campaign
- ◆ Media
- ◆ Complaints and Appeals

### **Legal Framework**

The Parliamentary Elections were carried out by the Elections Commissioner with the authority vested in him. Though the Independent Elections Commission as specified in the 17<sup>th</sup> Amendment to the Constitution had not been established, the Supreme Court had earlier ruled that some of the powers vested in this body could be used by the incumbent Elections Commissioner. Accordingly, the Commissioner was authorized to annul the poll at any station where the poll could not be conducted in accordance with the election laws and also to call for fresh elections in any polling station where there were serious violations of the election laws.

The existing election laws are adequate, in spite of some limitations, to ensure democratic elections if enforced and respected by all concerned parties.

### **Observations**

- ❖ Legal provisions were adequate for ensuring a democratic election process though those relating to legal redress in case of violations are inadequate. However, it was observed that the Elections Commissioner showed reluctance to use the powers vested in him to curb violations of election laws and violence.
- ❖ Using his powers, the Elections Commissioner appointed a Competent Authority to oversee the activities of the state media as they were blatantly

violating prescribed norms. Regrettably, some days later this Authority was withdrawn due to complete non-cooperation by the state media institutions.

- ❖ In a few instances, through PAFFREL's interventions, the Elections Commissioner acted firmly to great effect e.g. when some senior police officers were ordered to be transferred on charges of violating election laws, although in reality they had carried out their duties impartially, the Elections Commissioner was able to get the Inspector General of Police to reverse these decisions and put a stay on those transfers.

### **Election Administration**

Nominations for the Parliamentary elections were received at the District Secretariats in 22 Districts commencing from the 19 to 26 February 2010. In total 7,620 candidates representing 336 political parties and 301 independent groups from the 22 districts handed in their nominations. The number of eligible voters was 14,088,500 and 10,774 polling divisions and 11,102 polling stations were established. The Commissioner of Elections is supported by the Elections Secretariat under the Department of Elections. District and Divisional Secretaries function as the Returning Officers of their respective areas for conducting the elections.

### **Observations**

- ❖ A valid identity card was required for all voters to cast their ballot and seven different types of identity papers were accepted. However, some groups, particularly in the Vanni and plantation areas, were hampered in obtaining their identity cards in time. Approximately 10,000 IDPs in the north did not receive adequate voter education and assistance for registering and obtaining valid identity cards. This may be due to their being rendered displaced after the end of the war in May 2009.
- ❖ IDPs from the north and some from the east numbering 45,967 were registered and transport arrangements promised and voter education attended to by PAFFREL and as well as other organisations.

- ❖ Also due to the annual updating of the election registers some voters missed out on registering themselves.
- ❖ More than a million Sri Lankan migrant workers, mostly in the Middle East have been denied their voting rights by the absence of a voting system for them.
- ❖ Voter education can be further improved by the Department of Elections and other actors. This may be a contributing factor for the high percentage of unregistered voters and spoilt votes cast.
- ❖ The legal requirement for the declaration of assets by the contestants in elections was not adhered to by the majority of candidates. Ambiguities in the relevant laws are used to evade this requirement.
- ❖ Though Parliament was dissolved from the 9 February 2010, it was reconvened once in March to extend the Emergency Laws with some of the stringent laws mitigated, and the ex-ministers in particular, continued to wield power over state resources.
- ❖ PAFFREL and CMEV were accredited by the Commissioner of Elections to observe the elections along with their teams of international observers. Observing Results Declaration Centres was also permitted for the two organisations.

The administration of the election process during the pre-election period was generally satisfactory; however, there is room for improvement as indicated above. The election process would have been more democratic, impartial and transparent had it been conducted under a caretaker government or an interim governing body.

### **Election Campaign**

336 political parties and 301 independent groups submitted nominations for their candidates and the campaigning commenced in earnest. The most intense campaigns were conducted by the three major party alliances – the United People’s Freedom Alliance (UPFA), United National Front (UNF) and Democratic National Alliance (DNA) and particularly in the districts of Colombo, Gampaha, Kalutara, Kandy, Polonnaruwa, Anuradhapura, Ratnapura, Badulla, Nuwara Eliya, Kurunegala and Galle.

The campaign in the north was relatively subdued except for that of the governing party candidates or their proxies. The main campaign slogan of the government was to ask the voters to give a two-thirds majority in the legislature to consolidate the war victory. The opposition parties focused on democracy, anti-corruption and national unity. However inter-party rivalry became very negative and progressively became vituperative. Bitter intra-party rivalry too surfaced during the campaign and became a serious issue for the ruling party with the President himself intervening twice.

### **Observations**

- ❖ Party campaigning has been markedly vituperative, resorting to mutual accusations and rarely issue based. This negative campaigning itself has led to more violence.
- ❖ Generally government candidates, especially the 110 sitting ministers had the unfair advantage of using government vehicles, personnel, security, official functions, the use of special official functions and such other state resources. Giving government appointments, interdicting and transferring public servants also happened to some degree. 22 complaints of this nature were received from 12 districts. The improper use of state resources has been documented by Transparency International Sri Lanka.
- ❖ The police were assigned to help the Commissioner of Elections to ensure that election laws were observed. However, the police were ineffective in most districts to fully enforce the election laws, particularly with regard to the illegal use of posters, banners, cutouts and party offices, particularly in the districts of Colombo, Kandy and Galle. 114 confirmed cases of illegal propaganda usage were observed in all the 22 districts except Hambantota, Trincomalee, Batticaloa, Vanni and Jaffna districts. PAFFREL carried out two surveys on the illegal use of posters, banners and cutouts and forwarded the reports to the Elections Commissioner

who instructed the police to act. However, police action was insignificant. With regard to incidents of violence (assault, burning party offices, damaging vehicles and property, shooting etc.) the police have generally been partial towards government candidates with rules not being evenly applied to all.

- ❖ The All Party Operations Unit at the Elections Secretariat was found to be effective in taking quick action on violations that prevented the escalation of violence.
- ❖ The Executive President regrettably became highly involved in campaigning for the government parties deviating from the notion that he is president of the whole country and all of its people.
- ❖ The intensive and the illegal use of cut outs and banners is a new phenomenon that started with the Presidential Elections of January 2010.

**It can be concluded that a level playing field for all candidates to campaign freely was not ensured.**

Mostly candidates of the opposition parties were disadvantaged, due to the difference in funds allocated to their campaigns, to laws not being applied evenly, and also because of state media bias that favored the parties of the ruling alliance.

**Police partiality, inaction and subservience to the political parties of the government created tremendous frustration among voters. This constituted a major constraint to a more democratic election process and generated misgivings about its credibility.**

## **Media and Elections**

The media, both print and electronic in the country is dominated by the state sector with regard to coverage reach and extension (i.e. only the state-run television channels reach all the hinterland; private channels have limited reach) and a dominant market segment. The media, particularly television and radio were used very much by all parties for campaigning.

## **Observations**

- ❖ Access to state controlled media was dominated by the government. Opposition parties were not given the opportunity to purchase slots for advertising.
- ❖ State media was extremely partial and unfair. Serious allegations and charges were made against opposition candidates but they were not given the opportunity to respond to them.
- ❖ The opposition went to court and obtained a court order demanding equal access to state media time. The Elections Commissioner accordingly appointed a Competent Authority to oversee the media. However, due to absolute non-cooperation of the state media institutions, the Elections Commissioner withdrew the Competent Authority and left the state media to its own devices.
- ❖ Access to private sector media and the coverage they conducted were generally fair to all major parties. However, a few private media were not fully impartial.

**It can be concluded that state media violated rules of fair play, decency and balance. The Elections Commissioner should have used his powers more effectively in this regard rather than bowing to the media institutions that chose to ignore court orders. This is a very serious violation of the rule of law and election laws and damaged the democratic nature of the election process.**

## Complaints and Appeals

There were 348 complaints of violence and violations of election laws. A Special Complaints Unit functioned at PAFFREL's head office from the commencement of nominations on 19 February 2010.



PAFFREL updated the count on its website in conjunction with the interim reports and press statements.

The All Party Operations Unit (APOU) functioned at the Elections Secretariat.

## Observations

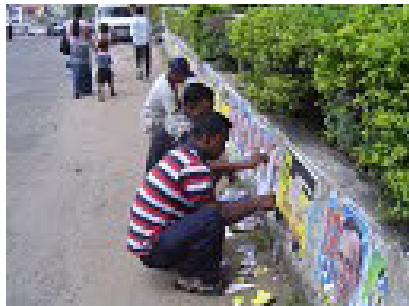
PAFFREL observers reported on 23 types of violence and election law violations. The total was 348 with 312 confirmed violations. The major violations are listed below.

1. Homicide - 1
2. Assaults - 72
3. Shootings - 3
4. Intimidation - 12
5. Damaging and burning party offices - 28
6. Disruption of election campaigns - 6
7. Damage to fixed and movable assets - 22
8. Abuse of state resources - 22
9. Illegal propaganda - 84
10. Propaganda after 5 April 2010 - 30

The above violations arose both from inter-party and intra-party rivalry. It can be concluded from the records that the rate of incidents increased as the election day approached. It is observed that the number of incidents has markedly increased compared to 2004.

There were fewer recorded incidents of homicide and assault in 2010, but instances related to illegal propaganda and the misuse of state resources increased. Election laws were so brazenly violated with impunity that people had contempt for the law enforcement and even questioned the effectiveness of the laws itself.

Partiality of the police has contributed to creating a sense of helplessness and disrespect for law and order among the population of eligible voters. The authorities have misused the police so much so that their integrity is wholly suspect. The level of violence and the impunity enjoyed by perpetrators has discredited the election process, particularly its independence, transparency, competitiveness and fairness.



**TABLE 2 - PRE-POLL VIOLATIONS DURING GENERAL ELECTIONS 2004;  
PRESIDENTIAL ELECTIONS 2010 AND GENERAL ELECTIONS 2010**

No.	Nature of the Violation of the Election Laws	Parliamentary General Election 2004	Presidential Election 2010		Parliamentary General Election 2010	
			Confirmed	Not Confirmed	Confirmed	Not Confirmed
1	Murder	5	4		1	
2	Attempted Murder	2				
3	Assaults	89	127	41	72	9
4	Bomb Attack		2		2	1
5	Shootings		18	5	3	1
6	Abduction	2	1		1	
7	Injured				1	
8	Robbery	5				
9	Arson	12				
10	Attempt to abduct		1			
11	Threatening and Intimidations	74	39	16	12	1
12	Damage and Burning of party offices		185	21	28	1
13	Damage to fixed assets	51	21	4	13	1
14	Damage to movable property		17	1	9	1
15	Damage to Decorations & cutouts		37	7	8	1
16	Disruption of Election Campaigns		5	1	6	
17	Partiality of Public Servants		5	5	4	3
18	Obstruction on the Polling agents					1
19	Abuse of State Power and Resources		46	18	22	2
20	Election Malpractices	44				
21	Illegal Propaganda work <sup>1</sup>		32	3	84	2
22	Illegal Propaganda work (after the 05.04.2010)		25	19	30	
23	Irregular Transfer of Government Officials		2	1		2
24	Interdiction					2
25	Threatening and Intimidations by security forces		5	4		
26	Undue Influence for the Security Forces				1	
27	Entreating with political objectives		2	2	2	2
28	Undue Influence for the Security Forces.		2			
29	Impersonation		1			
30	Police Complicity	9				
31	Removal of Poll Cards			2		
32	Others*		1	29	13	6
	<b>Total</b>	<b>293</b>	<b>578</b>	<b>179</b>	<b>313</b>	<b>36</b>

Source: PAFFREL Reports, General Elections, 2010

TABLE 3- COMPARATIVE ANALYSIS OF THE HIGHEST INCIDENCE OF VIOLATIONS IN 2004 AND 2010 GENERAL ELECTIONS AT ELECTORATE LEVEL

Parliamentary Election - 2004			Parliamentary Election – 2010		
No.	Electorate	No. of Incidents	Electorate	No. of Incidents	
				Confirmed	Not Confirmed
1	Hiniduma	43	Udunuwara	14	
2	Kalawewa	12	Haliela	10	1
3	Kolonna	11	Passara	10	1
4	Kakirawa	10	Madirigiriya	9	
5	Nivithigala	8	Kalaniya	8	
6	Tissamaharama	8	Kalawewa	7	1
7	Galle	7	Anuradhapura	7	
8	Mathugama	7	Kurunegala	6	
9	Ampare	6	Galigamuwa	6	
10	Baddegama	6	Galle	5	
11	Habaraduwa	6	Maskeliya	5	

Source: PAFFREL Reports, 2004 and 2010 General Elections

**TABLE 4 - DISPLAYING OF ILLEGAL BANNERS AND CUT-OUTS - PRE POLL PERIOD  
OBSERVATION PERIOD - 5 MARCH 2010 (6.00 A.M. - 11.00 A.M.)**

S/N	No. of Cut-outs							No. of Banners		
	Political Party		UPFA			UNP		Other	UPFA	UNP
	District	Small*	Medium*	Large*	Small*	Medium*	Large*			
1	Kegalle	23	8	1	2					
2	Rathnapura	22	16	7		2		36		
3	Anuradhapura	29	9	11				8		
4	Polonnaruwa		1					4		
5	Badulla	52	54	16		1		3		
6	Moneragala	6	5					1		
7	Matale	27	28	15				9		
8	Kandy	90	82	15				9	17	
9	Nuwara Eliya		1	6				3		
10	Colombo	70	18	10	12	16	7	10	56	5
11	Gampaha	95	47	46	3			30	12	
12	Kaluthara	38	27	37	3	2				
13	Trincomalee		1					1		
14	Galle	97	29	3	22	2			16	3
15	Matara	16	16	15	2	2	10		65	7
16	Hambantota	22	14	32						
17	Puttalama	2	4	6					21	
18	Kurunegala	18	5	5						
19	Batticaloa	6	2	2				7	11	
20	Jaffna									
21	Vanni	5	3	2					1	
22	Digamadulla	12	4	2	6	3				1
<b>Grand Total</b>		<b>630</b>	<b>374</b>	<b>231</b>	<b>50</b>	<b>28</b>	<b>17</b>	<b>57</b>	<b>263</b>	<b>16</b>

**Small\***  
Height and Wide  
Less than 6 Feet

**Medium\*\***  
Height and Wide  
7 - 12 Feet

**Large\*\*\***  
Height and Wide  
More than 12  
Feet

Source: PAFFREL Reports, General Elections, 2010

TABLE 5 - DISPLAY OF ILLEGAL BANNERS AND CUT-OUTS

Observation Period - 5 March 2010 (7.00 a.m. - 12.00 noon)

S/N	No. of Cut-outs							No. of Banners		Total No. of Cut-outs	Total No. of Banners	
	Political Party	UPFA			UNP			Other	UPFA			UNP
	District	Small*	Medium*	Large*	Small*	Medium*	Large*					
1	Kegalle	214	39	4	48	3			32	12	308	44
2	Rathnapura	32	16	3			1	3	18		55	18
3	Anuradhapura	16	3						2		19	2
4	Polonnaruwa	2	4	4	1					1	11	1
5	Badulla	147	22	23	1	3			4		196	4
6	Moneragala	4	4	6					1		14	1
7	Matale	2	32	3					5		37	5
8	Kandy	21	29	14	2	1			6		67	6
9	Nuwara Eliya			6				1	2		7	2
10	Colombo	11	10	24	14	7	5		5		71	5
11	Gampaha	111	11	32	48	3	3		114	66	208	180
12	Kaluthara	90	27	19	49	10	6	6	1	4	207	5
13	Galle	96	24	25	7				4		152	4
14	Matara	37	39	24	7	3	1	4	78	11	115	89
15	Hambantota	19	33	13					5		65	5
16	Puttalam	9	13	12			1		49	3	35	52
17	Kurunegala	25	43	15	9	5	1	2	21	3	100	24
18	Batticaloa	2	2			1	1	4			10	
19	Jaffna			1				2	15		3	15
20	Vanni			1								1
Grand Total		838	351	229	186	36	19	22	362	100	1681	462

**Small\***  
Height and Wide  
Less than 6 Feet

**Medium\*\***  
Height and Wide  
7 - 12 Feet

**Large\*\*\***  
Height and Wide  
More than 12  
Feet

## **Part II – POLLING DAY OBSERVATIONS - 8 APRIL, 2010**

This section includes postal voting; the 8 April general poll and the counting of the ballots. The section also includes the re-poll at Nawalapitiya and Trincomalee electorates that was held on 20 April 2010. This re-poll occurred as the poll in 37 polling stations in Nawalapitiya and one in Trincomalee were annulled.

### **POSTAL VOTING**

The first stage of the parliamentary elections was held on 25 and 26 March 2010. A total of 499,971 people applied for postal votes but 61,678 had been rejected and 22,861 were received late. Thus 415,432 became eligible for postal voting; the highest number of valid applications viz. 43,281 was from Kurunegala district while the lowest number of 4,714 was from Vavuniya district. PAFFREL deployed 1,000 observers to the postal polling centres and concentrated on centres that had a large voting base e.g. army camps, regional educational offices; regional police headquarters, and government bus depots and such others.

### **Observations**

- PAFFREL observers found that 45% of the centres did not have any representatives of political parties as observers.
- In 14 polling centres, the official list of candidates was not displayed as required by law.
- In several centres confidentiality of the voting was not ensured particularly at the Bus Depot of Wellawaya (Monaragala District).
- Illegal propaganda work had been carried out in several places especially near two Divisional Secretariats of Kalutara and Pallepola (Matara District).
- On the first day, polling was very low but picked up in the second day.

It can be concluded that no serious incidents were reported during the two days of postal voting. However, the lack of confidentiality or secrecy of the vote was violated in some voting centres, casting doubts on the independence of the poll and damaging the integrity of the electoral process.



### GENERAL ELECTION DAY POLL - 8 APRIL, 2010



Polling was scheduled to commence at 7 am and close at 4 pm in all of the 11,102 polling stations in the 22 districts of the country. PAFFREL deployed a total of 9,595 observers - 8,339 in stationery positions and 1,256 in 314 mobile teams and 16 International observers - and covered all the polling stations.

Each Polling Station was managed by a Senior Presiding Officer (SPO) supported by a team of officials for verifying the identity, registration and issuing the ballot. Generally two police constables were assigned to each polling station to maintain security. There were also security patrols in most districts.

Transport was arranged to bring the personnel and equipment including the ballot box and to take back the sealed ballot box to the counting centres.

There were 1,387 district based counting centres and 22 results releasing centres, one in each district.



A valid identity card was compulsory for casting the ballot and seven different types of identity papers had been authorized.

## Observations

- Almost all polling stations opened and closed on time.
- In many polling stations, the placing of the booth for marking the ballot did not ensure confidentiality because it was situated in close proximity to the officers.
- All the ballot boxes were opaque and not translucent, thus lowering transparency.
- Seven types of identify cards were approved as valid proofs of identification for voting. However, in some polling stations not all permitted identity cards were accepted.
- Officers at some polling stations were not fully conversant with the rules and procedures to ensure proper identity, confidentiality and freedom. In one example, officers at a polling station rejected the identity card of a woman but accepted the same type of card from her husband. Thus the rules were haphazardly applied.
- In some stations the identity card numbers of voters were noted on the counterfoil of the ballot card, a practice not generally followed.
- At 37 polling stations in the Nawalapitiya Electorate the polling agents of the opposition parties were threatened and driven away by a group of supporters of a government candidate, prompting complaints of violations from candidates from the same party. Serious irregularities also took place at one polling station in the Trincomalee District. Even opposing candidates of the same party complained of these violations in the Nawalpitiya electorate.
- Among the IDPs from Vavuniya there was confusion about the location of their polling stations as the stations where they voted during the presidential election had been relocated for the general election. Some people travelled from Vavuniya by bus to Kilinochchi to be told that they had to vote in Vavuniya, but it was too late for them to return in time.
- Voter turn out was 61.26% (compared to the 74.49% for the presidential election) and of that 6.92% of the votes were rejected.
- In the Jaffna District the voter turn out was just 23.33% and in the Vanni it was 43.89% – the two lowest turn out rates in the entire

country. This was also due to the outdated voter registration figures which overstated the number of voters.

- A total of 164 complaints of violations of the election laws were made about the polling day 8 April 2010 and 108 of these complaints were confirmed. Violations took place in 21 of the 22 districts, the exception being Matara District. Violation complaints pertained to illegal propaganda in 19 districts totalled 56. The districts where illegal propaganda complaints were not registered were Matara, Ampara and Jaffna. Ten complaints were about undue influence on voters, occurring mostly in the Ratnapura, Badulla and Monaragala districts. Eight complaints were about elections law violations by polling officers, mainly in Puttalam, Ampara, Batticaloa, Colombo and Gampaha. Six cases of assault were recorded and 6 cases of illegal transport of voters and 5 cases of obstruction of voter's rights have been confirmed.
- The All Party Operations Unit (APOU) was found to be effective in taking quick action for preventing the escalation of violence and also functioned as an appeal body. Not all of the APOUs at the divisional levels functioned effectively as the involved officers did not fully understand their objectives or the process.

It can be concluded that the day of the poll was fairly calm and free of major incidents and legal violations. Security measures taken to ensure peace after the elections were generally effective. However, the election results in 37 polling stations of the Nawalapitiya Electorate and one in the Trincomalee Electorate were annulled due to serious irregularities following a call by election observers. The re-poll was fixed for 20 April 2010. This action was timely and was expected to have a deterrent effect.



TABLE 6 - LIST OF POLLING STATIONS ANNULLED

**Electoral District - No. 4 - Mahanuwara**

**Polling Division - "M" Nawalapitiya**

**Names of the Polling Station**

1	1	Dolosbage Junior School, Lewdeniya
2	2	Alugolla Junior School, Alugolla
3	3	Patithalawa Junior School, Patithalawa
4	5	Senadikari National School, Udahentenna.
5	6	Gemmunupura Junior School, Gemmunupura
6	7	Yatapana Junior School, Graceland Colony
7	9	Iwalgolla Tamil Junior School, Iwalgollawatta
8	11	Pellpitiya Junior School, Pellapitiya , Hall No. 1
9	12	Pellpitiya Junior School, Pellapitiya , Hall No. 2
10	13	Haldola Rural Development Society Hall, Haldola
11	14	Giraulla Maha Vidyalaya, Meethalawa, Hall No. 1
12	15	Theliunna Colony, Junior School, Theliunna Colony
13	16	Giraulla Maha Vidyalaya, Meethalawa, Hall No. 2
14	17	M.S Aluthgamage Maha Vidyalaya, Galpaya
15	18	Thelihunnagama Junior School, Thelihunnagama
16	20	Weaving Centre, Halagama
17	30	K/ Galatha Junior School, Galatha, Hall No. 1(Male), Hall No. 2 (Female)
18	34	Pattunupitiya Maha Vidyalaya, Pattunupitiya
19	36	Warakawa Junior School, Gonawala Pathana
20	37	Nawalapitiya Central College, Bawwagama Hall 1 (Male) Hall No. 2 (Female)
21	39	Kadiyanlena Junior School, Kadiyanlena
22	40	Barkepal Watta Government School, Westhall
23	41	Westhal Tamil School, Westhal
24	42	Hidree Junior School, Rosella
25	43	Tempalstoach Tamil School, Templatstoach Watta
26	44	Meepitiya Vocational Training Centre, Meepitiya
27	46	Rambukpitiya Maha Vidyalaya, Pahala Rambukpitiya

28	47	Preaching Hall of Aluthgama Colony Sri Dharmaraja Viharaya, Aluthgama Colony
29	48	Sri Dhammarathana Vidyalaya, Dekinda
30	49	Galaboda Tamil Maha Vidyalaya, Galaboda
31	50	Inguru Oya Junior School, Inguru Oya Colony
32	54	Kadireshan Kumara Maha Vidyalaya, Kothmale Road
33	56	Anurudha Kumara Maha Vidyalaya, Ambagamuwa Road
34	57	Nawalapitiya Junior Girls' School, Zoyzakele Hall No. 1 (Male), Hall No. 2 (Female)

**Electoral District - No. 14 - Trincomalee**

**Polling Division - "B" Trincomalee**

**Name of the Polling Station**

78 Pre-School Building, Barka Junction, Kumburupitiya

Source: Elections Secretariat, General Elections, 2010

**COUNTING OF THE BALLOTS**

The ballots were transported in sealed boxes from the polling stations to the 1,387 counting centres soon after 4 p.m. on the day of the poll. No non politically affiliated observers were permitted to observe the count, the reason given being that the centres could not accommodate all those who had a claim to be present in the centres.

**Observations**

For the first time PAFFREL observers were permitted to observe proceedings at the 22 result releasing centres at the district level. PAFFREL is of the view that this exercise did not add value to the observing effort because the releasing centres were not considered locations in need of increased levels of independent observation.

The counting of the ballots, in particular the counting of preferential votes, created a lot of confusion and controversy. In some centres, preference votes were counted as many as four times and the results were recorded as being different each time, creating suspicion, fear, anger and frustration among the concerned persons.

This situation is indicative of the challenges involved in limiting the count to centres where thousands of ballots have to be accounted for and the count not being sufficiently decentralized for also increasing transparency.



**TABLE 7: COMPARISON OF ELECTION LAW VIOLATIONS ON ELECTION DAY OF THE PRESIDENTIAL AND PARLIAMENTARY ELECTIONS**

No.	Nature of the Violation of the Election Laws	Parliamentary General Election 2004	Presidential Election 2005	Presidential Election 2010		Grand Total	Parliamentary General Election 2010		Grand Total
				Confirmed	Not Confirmed		Confirmed	Not Confirmed	
1	Murder		3						
2	Attempt to murder	1							
3	Assaults		3	4	2		3	6	
4	Arresting		1						
5	Bomb attack		9	2	1				
6	Shootings		1	1					
7	Obstruction of candidates' political representatives			1					
8	Robbery	10							
9	Attempt to abduct								
10	Threatening and intimidations	15	20	4	7			3	
11	Damage to fixed assets	2							
12	Damage to movable property			1			2		
13	Chasing away voters			4	8		2	2	
14	Chasing away polling agents						2	10	
15	Election malpractices	72	6						
16	Illegal propaganda work <sup>1</sup>			8	1		56	2	
17	Assaults on the polling agents						1	1	
18	Illegal arsons	1							
19	Producing fraudulent identity card				1				
20	Transport of illegal ballot boxes				1				
21	Obstruction of polling agents							3	
22	Obstruction to the voters						2	1	
23	Obstruction of election duty							1	
24	Obstruction of prevention of civil society election observers		1	2					
25	Forcible collection of national identity card			1					
26	Lack of impartiality among election officers		1	1					
27	Entreating with political objectives			1					
28	Violating election law by polling officers						8	5	
29	Undue influence of the Security Forces		5	4			10	2	
30	Obstruction on voter rights						5	4	
31	Obstruction of the polling process						1	2	
32	Violation of election law by Election Officers							1	
33	Illegal arsons							1	
34	Removal of Identity cards							1	
35	Obstruction of voters in polling			2					

36	Disenfranchised						2	
37	Undue influence of the Security Forces					7	1	
38	Illegal transportation of voters		3	1		6	2	
39	Obstruction of the polling process					1	2	
40	Impersonation					2	6	
41	Removal of poll cards			2			1	
42	Others		1	1			1	
43	Not related					1	1	
	<b>Total</b>	<b>100</b>	<b>44</b>	<b>35</b>	<b>36</b>	<b>71</b>	<b>105</b>	<b>160</b>

Source: PAFFREL Reports of the Presidential and General Elections of 2010

**TABLE 8- ALL ISLAND RESULTS OF THE GENERAL ELECTIONS, 2010 BY VALID VOTES; REJECTED VOTES; TOTAL POLLED AND REGISTERED ELECTORS**

Valid Votes	8,033,717	93.08%
Rejected Votes	596,972	6.92%
Total Polled	8,630,689	61.26%
Registered Electors	14,088,500	

Source: Elections Secretariat, General Elections, 2010

## **PART 111 -POST ELECTIONS OBSERVATIONS**

In this section of the report, the aftermath of the polling is assessed along with the re-poll that was ordered for 20 April 2010 for the 37 polling stations in the Nawalapitiya Electorate and the one station in the Trincomalee Electorate. This section will be followed by statements on the Parliamentary General Elections by the Elections Commissioner and by the Police Department.

### **Observations**

- 23 complaints were received for this period, including one homicide. 7 cases of damage to fixed assets in Kalutara (3) and Galle (4) and 3 cases of damage to movable property in Galle (2) and Matale (1); 3 shootings in Kalutara, Matale and Nuwara Eliya; 1 bomb attack in Colombo; 6 cases of assault in Colombo, Kalutara, Matale, Kurunegala and Puttalam districts.
- Eight complaints were registered from the Western Province; six from Southern Province; four from the Central Province and one from the Northern Province.

The conclusion drawn is that the incidents of violence continued after the poll had ended, and during this post-election period, regions around the entire country experienced violence. Compared to the general election of 2004 the violence during this election was more serious as one homicide occurred and PAFFREL asserts that the rate and nature of the election violence made this election less democratic and less free from intimidation.

## **THE RE-POLL - 20 APRIL, 2010**

The re-poll in the two districts of Nawalapitiya (at 37 polling stations with 50,948 registered voters) and Trincomalee (at 1 polling station with 977 voters) was conducted on the 20 April 2010.

PAFFREL deployed 37 stationery observers in Nawalapitiya and 1 stationery observer in the Trincomalee Electorate to observe the proceedings in the polling stations.



### **Observations**

- Polling took place in a peaceful manner without any incidents in both electorates.
- The police and security forces' presence was very strong and was determined to have had an important effect of maintaining law and order.
- The ruling party appointed a committee to inquire into the incident in Nawalapitiya.

The re-poll was conducted without any observed irregularities and appeared to be free of violent incidents. The annulment of the preliminary results by the Elections Commissioner due to irregularities is expected to act as a deterrent in the future.

The findings of the committee appointed by the ruling party to investigate the incident at Nawalapitiya were not made public and apparently no one was penalized. The public had to bear the cost of the re-poll.

Due to the re-polling of those two electorates the final results of the election and consequently the formation of a government were delayed.

## GENERAL CONCLUSIONS

1. The legal framework was adequate for ensuring a democratic election though measures for legal redress in case of violations are inadequate. However, even the available provisions were not fully applied to make the election as democratic as possible.
2. Though the day of the poll – 8 April 2010 – was relatively free of major incidents, the pre-election period was marred by scant regard for the election laws by both government and opposition parties and by the general disengagement of law enforcement authorities. Pressure brought to bear on the police by the ruling party was of such a degree that it often reduced the police to servility. The inability of the police to remove illegal posters, banners and cutouts on time in spite of the provision of a workforce created for the sole purpose of illegal propaganda removal illustrates that point.
3. Another serious matter was the misuse of state resources – vehicles, personnel, granting appointments, interdicting and transferring of police officers. This did not create a level playing field for all contestants.
4. The declaration of assets by the contestants did not take place in a systematic manner that complied with the law, in part because the language of the law is ambiguous.
5. Voter awareness on election procedures is inadequate, particularly in the north and east and in the plantation areas of the Central Province as indicated by the high percentage of spoilt votes.
6. Laws alone are not adequate for ensuring the rule of law. Pressure from the citizens and civil society groups is vital to ensure that the law is adhered to.
7. More than 1 million registered voters were not physically present in the country to cast their vote due to migration for work and it could lead to the possibility of impersonation.

## OVERALL CONCLUSION

Observations on polling day 8 April 2010 revealed that the situation was generally without major incidents. However, the serious violations of the elections laws and the level of violence that was observed during the pre-election period have served to discredit the democratic nature of the election.

The climate for many voters was not free from violence and intimidation with 312 confirmed incidents reported.

A level playing field where all candidates enjoy the same opportunities for campaigning was not assured for many opposition party candidates. Rules were not applied evenly for all candidates and a fair competition was not assured.

The media, particularly the state media, did not provide opportunities for an exchange of diverse views and opinions and were largely one-sided.

The major political parties, in particular the ruling party, did not respect elections laws, and did not demonstrate leadership or set an example of peaceful campaigning. This indicates a serious deficiency in the political culture of the country.

**Thus the parliamentary general elections of 2010 failed to measure up to the international standards of democracy, transparency and independence enshrined in the UN Declaration of Human Rights and the ICCPR to which Sri Lanka is a longstanding signatory.**



## RECOMMENDATIONS

Some of the recommendations made below have been taken from lists of recommendations made by earlier observation missions, including international ones as they are found to still be relevant and still need to be addressed.

1. The establishment of an Independent Elections Commission is vital for ensuring that elections are conducted in a democratic manner according to international standards.
2. A speedy and effective procedure for election petitions should be devised.
3. Political parties should consider introducing an internal quota system guaranteeing greater women's participation as candidates in the electoral process.
4. Political parties should adopt a set of accepted criteria for selecting party candidates.
5. Rules for the public declaration of party campaign accounts, including campaign contributions, should be introduced. Limits on campaign expenditures by individual candidates and political parties should be considered.
6. Laws relating to the declaration of assets by candidates should be revised to remove ambiguities. The relevant authorities and political parties should demand compliance and penalties for non-compliance should be enforced. Assets not only of the candidates but those of their immediate family members should be declared.
7. A code of conduct for election campaigning should be established that provides for sanctions against parties and candidates in breach of it.
8. All media should draft and implement internal guidelines and codes of conduct for the coverage of elections.
9. Paid advertising by political parties should be under the control of an independent institution. The content of such advertisements must not include inflammatory language. Limits to political advertising campaigns

might be imposed on the quantity of paid advertising that parties are permitted to purchase. The amount of airtime the media are permitted to broadcast for each party should be monitored daily.

10. The issue of voter identity should be addressed urgently.
11. Voter confidentiality and ballot secrecy must be safeguarded. Supervision at polling centres for postal voting should be conducted by staff of the Elections Department and not by the Officer in Charge of police stations or by Commanders of Security Camps.
12. If continued use of ballot boxes is going to be made, these should be made of translucent materials for greater transparency and credibility.
13. The right of Domestic Observers should be made a requirement of elections laws and must include observation of the counting process.
14. Counting the ballots at the polling station itself should be considered in order to enhance credibility of the results, avoid controversy, and speed up the process.
15. As a significant percentage of spoiled votes have been identified, effective initiatives should be taken for voter education particularly in districts where the percentage is higher.
16. The preferential voting system based on the proportionate representation system should be revised to minimize intra-party rivalry.
17. Government, civil society and all other segments of society should take initiatives to reduce the incidence of violence in all areas of life of the people and to promote public awareness on non-violent methods of negotiating and problem solving.
18. Effective measures should be taken to control the misuse of government resources.
19. Inclusion of members of civil society as election officials at regional level should be given serious consideration. The present system of depending exclusively on public servants is not justifiable.

20. The preparation of accurate voters' lists is indispensable for ensuring that all those eligible are enabled to exercise the franchise.
21. Less cumbersome and fairer procedures for updating election registers should be adopted. Computer-based systems should be considered.

## **Appendices**

- 1- Annex 1:** Report of the International Observer Mission
- 2- Annex 2:** Statistic of Receipt and Nominations -General Elections 2010
- 3- Annex 3:** Summary of Displaced Voters - General Elections 2010
- 4- Annex 4:** Official Results - General Elections 2010
- 5- Annex 5:** List of International Observers - General Elections 2010
- 6- Annex 6:** Selected letters to Election Commissioner
- 7- Annex 7:** Selection of Candidates
- 8 Annex 8:** Paffrel News- Paper Cuttings
- 9- Annex 9:** Statement of Accounts

## Annex 1:



### International Observers Call for Electoral Reform

#### Summary

Asian Network for Free Elections (ANFREL) with the cooperation of its member PAFREL have sent 16 international observers from 10 different countries to observe the April 8th Parliamentary Election since 1st till 10th April, 2010. More than 170 polling stations throughout Sri Lanka have been observed on Election Day. The election environment in general was calm and voter turnout relatively low especially in the voting in Jaffna constituencies where not many voters exercised their rights.

Since officers and voters still remember the whereabouts of polling stations and the process, the voters know how to cast their votes, except some elderly and illiterate people who do not know how to cast/cross ballot papers.

Observers put more concern on lack of law enforcement by the Election Commission and the police force. Many election law violations would not have taken place if there was a competent and courageous Election Commission. All would like to see the President maintain neutrality as the ultimate representative of the people. The President should not support either ruling or opposition parties.

Observers were intrigued by the preferential voting system even though it appeared to create conflict between candidates in the same party. However, there was significantly less violence than in any recent poll in Sri Lanka. The country needs to eliminate electoral impunity and ensure the rule of law to ensure a just process to bring about a more credible electoral process. This will bring about a new era for voter empowerment and Sri Lankan democracy. ANFREL proposes a number of recommendations for meaningful and effective electoral reform.

#### Before Polling Starts

Since presiding officers and returning officers stayed over night at the PSs, this solved the problem of late PS opening because all materials had been checked since the night before Election Day. We found that the sample of a ballot paper and the process that they put in front of the PS should be displayed a few days before Election Day or put in public for people to view. Voter education must be improved next time.

#### Opening of Polling Station and Environment

The opening of polling stations was on schedule. Party representatives were present when the ballotbox was opened and then sealed. The secrecy of the polling booths was very limited. Booths were situated in way that enable the SPO and other election officials full view of voters marking ballots. There was also ample space and opportunity for voters

Afghanistan: FEPA, Bangladesh: FEMA, ODHAKAR, Cambodia: COMFREL, NICFEC, East Timor: Women Caucus, Indonesia: KIPP, JPPR, India: LOKNITI, Japan: INTERBAND, Malaysia: NIEI, Mongolia: Women for Social Progress (WSP), Nepal: NBOC, NEMA, Pakistan: HRCP, PAFEN, Philippines: IPER, PPCRV, NAMFREL, South Korea: PSPD, Sri Lanka: PAFREL, Thailand: Poll Watch Foundation  
For more detail visit [www.anfrel.org](http://www.anfrel.org)



and other people in the polling stations to view a person voting. There seems to be a significant misunderstanding of this crucial part of the election process.

### The Polling Process

In general, the polling process was conducted relatively well, but observers have doubts about the process at the IDP camps. During the talks with the IDPs, it was noted that some of the IDPs were allegedly threatened to vote for a particular party. On the polling day, in Vavuniya District, it was noted that the polling staff were recording ID card number on the counterfoil and ballot papers of IDPs and the general public – this is unacceptable and adequate measures must be taken to stop such practices as they are illegal. Proper law enforcement should be undertaken to check this practice. It was brought to ANFREL’s notice that this process was also followed in other areas, specifically Nuwaraeliya District. The Election Commission must specify why this was done and what is the purpose of recording such detailed, pinpointing information about the voter ID cards and their ballot numbers. The EC needs to ensure that this crucial information must not be politically misused or used to threaten the voter as the numbers can clearly identify the voter and to whom she/he has voted. Such practice undermines the principle of free and fair, the voters’ right to make a free choice and secrecy of the ballot paper.

### The Closing and Counting Process

Closing of polls was done accordingly. However, in some cases it was noted that some polling staff were not aware about the procedure to seal the ballot boxes. Adequate awareness needs to be undertaken for next time.

### Concerns of the Physically Challenged people

It was observed that a very small number of physically-challenged people turned up to vote. They must be encouraged to vote and appropriate measures must be taken to allow reasonable access to polling stations for this group. In places where it is not possible, separate lines must be established for them to ensure a speedy process.

### Voter Identity

We are pleased to note that the Election Commissioner allowed seven types of voter identification in order to accommodate the various types of voters and the lack of their having proper documents to vote. However, regarding the IDPs the observers noted that in some cases in the IDP camp PSs and the designated IDP PSs, the polling staff were turning the voters away mentioning that their names were not in the voters list despite them having their ID cards and Poll cards. In some instances some IDP family members (from one family) were unable to cast their vote, while some were able to do so.



**Campaigning**

Campaigning was a very problematic issue in the election process. Nearly all candidates violated election law with posters, cut-outs, PA systems, door to door canvassing and other campaign tactics barred under election law. Campaigning continued until last minute of the polling day. Small cards were used by many candidates with candidates’ logos and numbers. These were given out in the cooling period and on polling day, just outside polling station as well. These small cards were seen outside polling premises, sometimes in large numbers and at the entrances of several polling stations.

**RECOMMENDATION FOR ELECTORAL REFORM**

**1. Election Commission**

- 1.1 To maintain neutrality of the Sri Lankan Election Commission and keep the body completely independent, all Commissioners should not come from the selecting/nominating of the Constitutional Council and President. The selecting of the commissioners must be open to all professions to apply and set up a selecting committee team from representatives of key stakeholders to select them i.e. representatives from Judges, Law Associations, Media, Academia, NGOs, Political Parties, etc. The selected Commissioners can then be endorsed by the Parliament.
- 1.2 Commissioners should be on duty for a limited term and should not hold the position indefinitely. The maximum age may not be over 65 years.
- 1.3 Commissioners should have more power to disqualify the candidates before election time and be able to issue directions to the police force.
- 1.4 The Election Commission must undertake the work on voter and civic education nationwide and should not rely on information from political parties.
- 1.5 To uphold electoral justice, a permanent, independent Electoral Court needs to be considered to be established to handle all electoral cases with unlimited time.

**3. State of Emergency**

- 3.1 A State of Emergency should not be imposed on the country if there is no serious security insurrection or violence.
- 3.2 The country could use ordinary security acts/laws to control political turmoil, if necessary.

Afghanistan: FEPA, Bangladesh: FEMa, ODHIKAR, Cambodia: COMFREL, NICFEC, East Timor: Women Caucus, Indonesia: KIPP, JPPR, India: LOKNITI, Japan: INTERBAND, Malaysia: NIEL, Mongolia: Women for Social Progress (WSP), Nepal: NEOC, NEMA, Pakistan: HRCP, PAFEN, Philippines: IPER, PPCRV, NAMFREL, South Korea: PSPD, Sri Lanka: PAPPREL, Thailand: Poll Watch Foundation  
For more detail visit [www.anfrel.org](http://www.anfrel.org)



#### 4. Government and Civil Servants

- 4.1 Ruling party/parties are not allowed to use government resources for political campaigns or favor any specific candidate/party. Those who violate the law must be punished or dismissed from their official duty.

#### 5. Candidates and Political Parties

- 5.1 Candidates who do not declare their asset should be disqualified not only before election time but also after the election with unlimited time. Candidate's family must be treated in the same manner in order to prevent corruption, hidden business etc.

#### 6. Electoral Process, Voting System and Complaints

- 6.1 A computerized voter list and nationwide census for effective registration.
- 6.2 Ballot boxes should be translucent boxes for external viewing.
- 6.3 The counting process must be viewed by the public and media.
- 6.4 Results can be done with parallel count and exit poll (if there is).
- 6.5 Complaints must be treated rapidly, equally, professionally and fairly.
- 6.6 Allow prisoners to vote by setting up polling stations inside prisons.
- 6.7 All unused ballot papers must be crossed, punched or otherwise invalidated before reconciling the numbers.
- 6.8 To prevent a big number of invalid/spoiled ballot papers, the public should be made aware of what is a valid and invalid ballot paper, and polling dos and don'ts well in advance and continuously until the polling day.
- 6.9 The Election Commission must be serious about secrecy in voting and needs to ensure that any voting process does not violate the secrecy of the ballot.
- 6.10 There must be a mechanism to protect IDPs right to vote and the counting process. Those candidates and EC officials who take advantage of IDPs must be investigated and punished if found guilty.



## 7. Media

- 7.1 The media should ensure professional ethics to maintain their neutrality, objectivity and fairness.
- 7.2 All candidates and parties should be treated equally and according to the facts.

### Long Term Recommendations

- For a free and fair election and to assist the election commission, a Care Taker Government may need to take over for a total of 90 days before and after the election day.
- **President**
  - o The President is the supreme post of the country and should maintain his/her neutrality during Parliamentary Elections.
  - o The President must not be involved in any Parliamentary Election activities or support any candidates or parties. The President must maintain a low profile during all national and local elections (except Presidential Elections).
  - o The President will not use his/her power to influence the Election Commission or any independent institution, authorities, or government departments on election.

Somsri Han-anuntasuk (Ms.)

Executive Director – ANFREL Foundation

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Thailand Mobile: +66-818105306

Sri Lanka Mobile: 0772677785





**ANNEX 3: SUMMARY OF DISPLACED VOTERS - GENERAL ELECTIONS  
2010**

**According to District Where Voting takes Place**

<b>S/N</b>	<b>District</b>	<b>No. of Voters</b>
1	Colombo	111
2	Gampaha	567
3	Kaluthara	150
4	Jaffna	408
5	Vanni	15,817
6	Batticaloa	9
7	Puttalam	26,582
8	Anuradhapura	2,048
	<b>Total</b>	<b>45,692</b>

**According to Place of Original Registration**

<b>S/N</b>	<b>District</b>	<b>No. of Voters</b>
1	Jaffna	13,181
2	Vanni	32,423
3	Batticaloa	55
4	Digamadulla	1
5	Trincomalee	32
	<b>Total</b>	<b>45,692</b>

Source: Elections Secretariat, General Elections, 2010

**Annex 4: OFFICIAL RESULTS – GENERAL ELECTIONS 2010**

**All Island Votes Cast**

Registered Electors	14,088,500	
Total Polled	8,630,689	61.26%
Rejected Votes	596,972	6.92%
Valid Votes	8,033,717	93.08%

**All Island National Basis Seats**

<b>PARTY NAME</b>	<b>VOTES OBTAINED</b>	<b>SEATS</b>
United People's Freedom Alliance	484,638	17
United National Party	235,705	9
Democratic National Alliance	44,125	2
Ilankai Tamil Arasu Kadchi	23,319	1

**All Island Composition of Parliament**

<b>PARTY NAME</b>	<b>DISTRICT BASIS SEATS</b>	<b>NATIONAL BASIS SEATS</b>	<b>TOTAL</b>
United People's Freedom Alliance	127	17	144
United National Party	51	9	60
Ilankai Tamil Arasu Kadchi	13	1	14
Democratic National Alliance	5	2	7

Source: Elections Secretariat, General Elections, 2010

**ANNEX 5: NAMES OF INTERNATIONAL ELECTION OBSERVERS, 2010**

<b>Parliamentary Election - 2010</b>			
<b>INTERNATIONAL OBSERVATION MISSION</b>			
<b>#</b>	<b>Country</b>	<b>Surname</b>	<b>First Name</b>
<b>1</b>	Nederland	Mr. Cornelis	Verhagen
<b>2</b>	Japan	Mr. Okada	Kazuo
<b>3</b>	India	Mr. Gathia	Sanjay
<b>4</b>	Thailand	Mr. Chan-on	Pongsak
<b>5</b>	Indonesia	Ms. Apriani	Pipit
<b>6</b>	India	Mr. Viswanathan	Muthukumaran
<b>7</b>	USA	Ms. Tanzila	Ahamed
<b>8</b>	Bangladesh	Mr. Alam	MD.Zahurul
<b>9</b>	USA	Mr. Serrani	Joseph Anthony
<b>10</b>	UK	Ms. Bullock	Helena
<b>11</b>	India	Ms. Hallikeri	Aruna
<b>12</b>	Malaysia	Mr. Faizal Bin Tajuddin	MOHD
<b>13</b>	Thailand	Mr. Zuesongdham	Sakool
<b>14</b>	Burma	Ms. Cindy	Joelene
<b>15</b>	Thailand	Ms. Hananuntasuk	Somsri
<b>16</b>	Burma	Mr. Zaw	Aung

<i>The list indicating allocation of International Observers to districts</i>			
<b>Sri Lanka Parliamentary Election - 2010</b>			
<b>INTERNATIONAL OBSERVATION MISSION</b>			
#	District	Surname	First Name
1	Jaffna	Mr. Cornelis	Verhagen
2		Mr. Okada	Kazuo
3	Vavunya	Mr. Gathia	Sanjay
4		Mr. Chan-on	Pongsak
5	Betticaloa	Ms. Apriani	Pipit
6		Mr. Viswanathan	Muthukumaran
7	Colombo	Ms. Tanzila	Ahamed
8		Mr. Alam	MD.Zahurul
9	Galle	Mr. Serrani	Joseph Anthony
10		Ms. Bullock	Helena
11	Badulla	Ms. Hallikeri	Aruna
12		Mr. Faizal Bin Tajuddin	MOHD
13	Kandy	Mr. Zuesongdham	Sakool
14		Ms. Cindy	Joelene
15	Kurunegala	Ms. Hananuntasuk	Somsri
16		Mr. Zaw	Aung

**Annex 6:**



16.03.2010

Dayananda Dissanayake Esq.  
The Commissioner of Election,  
Election Secretariat,  
Rajagiriya.

Dear Sir,

**Parliamentary General Elections – 8<sup>th</sup> April 2010**

We appreciate very much the immediate action taken by you to remove the display of illegal cut outs and banners which is a serious issue as it contravenes election law.

Our monitoring mechanism reveals that though the police have taken action to remove election propaganda material illegal cutouts and banners yet in the main cities of certain Districts some materials still being displayed.

I am attaching herewith a detailed list indicating such places where illegal cut outs and banners which were displayed as at 16 March 2010 between 7 am to 12 noon.

This information was forwarded to us by our long term monitors and we shall be pleased if action is taken to remove this illegal display of election propaganda.

Thanking you,

Yours truly,

Rohana Hettiarachchi.

Executive Director.





If no remedial action is taken by you to restore the confidence of the Police Department that they can act impartially and not face severe penalties, we are apprehensive that the Police Department will be demoralized and fail to act impartially at the forthcoming General Elections.

In the absence of the independent Police Commission as mandated by the 17<sup>th</sup> Amendment we urge you to act according to the powers vested in you. We also want you to know that in everything you do to ensure free and fair elections, you have our fullest support.

Thanking you,

Yours sincerely,

Rohana Hettiarachchi.

Executive Director.

# 12/3, Robert Terrace, Robert Gunawardana Mawatha, Colombo 6, Sri Lanka.  
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Fax : (+94) 11 2514443, 11 5557012  
E-mail : paffrel@slnet.lk, paffrel@eureka.lk  
Website : www.paffrel.lk

**Annex 7:**



Hon Secretary

Parliamentary General Elections – 2010

Selection of Candidates

As we know in a country the supreme implementing organization that upholds the views and sovereignty of people is the legislature and in selecting representatives to this August Assembly, the political parties have immense responsibility and power. Even though the voters could select the candidates according to their aspirations, they are permitted to select a few candidates of their choice only out of the list of candidates forwarded by the respective political parties.

We believe that you have already commenced preliminary work to nominate the candidates of your political party at District level to contest the forthcoming elections to this noble assembly.

Therefore we know that you are aware it's the responsibility of your party to include people of a good caliber to the voters list. Through such action not only a respectable political culture could be built, a peaceful election sans violence could also be established. More over an exemplary legislature could be built that will be responsible to people and work according to the wishes of the people.

Hence in the process of selecting candidates for the forthcoming Parliamentary elections, if attention is given to the criteria indicated below, it will immensely assist in building up a peaceful and people's friendly political culture.

1. The prospective candidates were not and are not involved in gruesome acts of violence.
2. Be a disciplined and exemplary person, who has won the respect of people.
3. Should not be a person who had indulged and who is in business that impedes social welfare and has earned enormous wealth through such means and has come to the fore front in society as a result.

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Fax : (+94) 11 2514443, 11 5557012  
E-mail : paffrel@slnet.lk, paffrel@eureka.lk  
Website : www.paffrel.lk



4. Should certify to be submissive and to respect and protect the rule of law of the Country. Should affirm non involvement in any act that will obstruct or weaken the implementation of the law of the country.
5. The party concerned /candidates should avow in open public of non involvement in election related violence, or directly or indirectly encourage such violence, and will not include gruesome acts of violence into their campaigns, and after winning the elections and entering the legislature will not hesitate to completely reject such acts. The prospective candidates too should openly avow to the public of their non involvement in any acts as given above.
6. Should agree and be able to declare legally personal assets (financial & fixed). Should assure such declarations be made sincerely and without delay. The leaders of the political parties concerned should bear responsibility to obtain such declarations, and should render fullest assistance by providing the required funds.
07. He/she should have already identified the resources and the necessities of the electoral district concerned and should be of sympathetic concern of the needs especially of poor, feeble and all persons who are socially, politically, and economically weak and vulnerable.
08. Should be capable and be able to actively and willingly participate in the reawakening programs for social and economic development in all parts of the country and also to remove all impediments that stand in the way to unity as a nation.
09. Must be sensitive to the cultural and linguistic, religious and wellbeing of the people.

Thank you,

Yours truly

Rohana Hettiaracchi

Executive Director

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**Annex 8: PAFFREL NEWS - PAPER CUTTING**



**Statement of Accounts (Unaudited )  
on  
Parliamentary General Election Monitoring, held on the 8th of April 2010**

	<b>Amount SLR</b>	<b>Total SLR</b>
<b>Election Monitoring</b>		
Preliminary Discussion with District level Partner Org.	165,635	
Training of Trainers workshop for Trainers	24,750	
Salaries and Benefits for Head office Staff	2,067,875	
Field Coordinators Allowance	715,000	
District Coordinators' Allowance	597,500	
Divisional and Long Term observers' Allowance	1,895,500	
Training of Stationary, Mobile, Postal and APOU observers	4,699,155	
Printing and Suppling of Observers' Materials	3,802,910	
Perdium for Stationary,Postal and APOU observers'	4,685,569	
Mobile Vehicles Cost and perdium for observers	3,323,208	
Deployment of 16 foreign observers for a period of two weeks	2,450,103	
Observing the Counting process	633,500	
Facilitation Centres for IDP for Voting process	619,237	
Office Equipment	399,865	
Meetings and Press conferences	57,759	
Report writing	100,536	
Transportation cost	412,021	
Administration expenses	1,565,696	
Stationary and Communication cost	<u>620,468</u>	28,836,287
<b>Voter Education</b>		
Media Advocacy campaign on Voter Education	<u>1,516,931</u>	<u>1,516,931</u>
<b>Total Expenses</b>		<b><u>30,353,218</u></b>
<b>Donors' Contribution</b>		
	Received	Total
	Amount SLR	Expenses SLR
USAID (Through NDI)	12,807,516	12,807,516
Embassy of the Federal Republic of Germany	6,910,650	5,437,494
Embassy of Japan	6,720,000	4,555,800
High Commission of Canada	3,622,080	2,485,147
AUSAID (Grant No. 54754 & 53922)	4,841,261	4,841,261
Diakonia	226,000	226,000
<b>TOTAL</b>	<b>35,127,507</b>	<b>30,353,218</b>

E & O E  
12th September 2010