

International Mission for Monitoring Haitian Elections (IMMHE)

Final report on the first and second rounds of presidential and legislative elections of February 7 and April 21, 2006, in Haiti

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Executive summary

Established in June 2005 and composed of representatives of independent electoral commissions from eight countries,¹ the International Mission for Monitoring Haitian Elections (IMMHE) has accompanied Haiti's election authorities by observing and monitoring the conduct of elections in accordance with national and international standards. Its mandate included presidential and legislative elections as set out in the Electoral Decree of February 3, 2005. This report deals with the first and second round of presidential and legislative elections, held on February 7 and April 21, 2006.

The IMMHE's evaluation of these elections is positive overall. In spite of technical problems, particularly during the first round, these elections allowed Haitians to freely exercise their right to vote, within the context of a fair process, which led to results reflecting the will of the voters.

The IMMHE particularly wishes to emphasize the public spirit of the Haitian population, as demonstrated by voters' determination to exercise their franchise, and the professionalism with

¹ The IMMHE is directed by a Steering Committee chaired by Mr. Jean-Pierre Kingsley, Chief Electoral Officer of Canada. It comprises representatives from the following countries: Brazil, Canada, Chile, the Dominican Republic, Jamaica, Mexico, Panama and the United States.

which electoral personnel carried out their tasks. The IMMHE also congratulates Haitian election authorities, in particular the Executive Director of the Provisional Electoral Council (CEP), Mr. Jacques Bernard, for his key role in organizing the elections, as well as CEP president Max Mathurin and the members of the CEP. The IMMHE further acknowledges the valuable contributions made by all stakeholders and partners of the CEP, notably the United Nations Stabilization Mission in Haiti (MINUSTAH), in the area of security, as well as the logistics and technical coordination associated with the tabulation of votes, and the Organization of American States (OAS) for assistance with the electoral lists and the expertise it offered the tabulation centre.

Favourable circumstances for the conduct of elections are based on three essential conditions: a sufficient climate of security, the presence of a recognized electoral authority and a widespread consensus about the legitimacy of the elections in progress. These conditions were generally present during the first and second rounds. Whether they last will depend in part upon the international community's continued support of the Haitian National Police (PNH) in its reconstruction efforts. Also required will be the emergence of a permanent, legitimate, impartial and effective electoral authority. This objective will be attained through the creation of the Permanent Electoral Council, the enactment of legislation to better specify its powers, and the coexistence within this institution of a policy-making body that respects high democratic standards and an executive leadership with the necessary electoral organization expertise. Maintaining a favourable environment for future elections will also require significant efforts to support civic education programs and allow parties and national observers to play an active and positive role in the election process.

Haitian citizens were deprived of their fundamental rights and freedoms in the past, despite clear legislation in this area. It is, therefore, noteworthy that these rights and freedoms were sufficiently respected during this election process to ensure smooth elections, as exemplified by strong voter turnout and the active participation of the parties and candidates representing Haiti's major political movements. In the future, the consolidation of the election process will be conditional on more effective promotion of and more rigorous respect for individual rights. This change requires, notably, the reform of the judicial system and continued support by the international community in reorganizing the PNH.

Preparing for an election is always a complex operation, even in established democracies. It is even more difficult in a country such as Haiti, characterized by the weakness of its institutions and infrastructures and confronted with the task of reconstituting all of its political representation in a time of transition. It is, therefore, not surprising that difficulties were encountered, particularly in terms of coordinating and maximizing the contributions of the various electoral stakeholders. That said, the appointment of an executive director to the CEP in October 2005 and the creation of a unified management in November 2005 – the Electoral Assistance Task Force (EATF) – were critical in facilitating co-operation between international stakeholders and the CEP and in making efficient use of available resources. It should also be noted that the quality of the electoral preparations progressively improved over the course of the electoral cycle. It would be desirable to capitalize on this momentum for the local and municipal elections. It would further be advisable to reinforce the cohesion among electoral managers, CEP regional authorities (BECs – communal electoral bureaus) and BEDs (departmental electoral bureaus) and civil society, to

improve the recruitment and training of civic officers and polling station staff, among other functions.

An important aspect of preparations for the next legislative elections is a review of the boundaries of electoral districts. Improving parliamentary representation is a long-term project that it was impractical to undertake during the current electoral cycle. This matter must be a future priority. The imbalance in the size of the districts and the under-representation of urban voters and of the residents of the West Department (which constitutes 42 percent of the Haitian population but is represented by only 10 percent of senators and 18 percent of deputies) are anomalies that were magnified during the last decade. The implementation of an independent, open and flexible process for redefining the boundaries of electoral districts and of the electoral departments, based on population balance, geography and community of interests, would serve to improve the representativeness of the Haitian Parliament.

The viability of the election process rests largely on the parties' ability to hold major electoral debates and mobilize their supporters. The search for a balance between the free flow of ideas and the unnecessary proliferation of parties characterizes all democracies. Evaluation of the party and candidate certification process leads to the conclusion that arbitration between these two imperatives was satisfactory in Haiti. The rules used ensured the expression of true pluralism and gave voters the option of choosing from a significant number of competing parties. No fewer than 45 parties had been authorized to participate in the elections, 35 candidates aspired to the presidency, 311 candidates contested 30 senate seats and 1070 contenders faced off to win the 99 seats in Parliament. Although certain criteria for party and candidate certification should be reviewed to better reflect Haiti's reality (such as the requirement to present a tax payment certificate), current rules do not impose barriers to participating in elections that unduly limit access to elected office in Haiti.

The aim of regulations for the funding of parties and use of public resources during election campaigns is to allow the expression of a range of opinions and to prevent certain donors from exercising undue influence on elected officials. Enforcing these rules is difficult, even in today's largest democracies. In this context, it is not surprising that difficulties were encountered in enforcing the measures adopted by the Haitian state to support parties' electoral activities and to oversee their private financing. However, these initiatives constitute a precedent that must be acknowledged. Current rules show a clear willingness to support the parties and oversee their financing. Certain flaws in the rules, related in particular to the control of public resources, and inadequate enforcement of the Electoral Decree have significantly affected the scope and effectiveness of the measures adopted to attain these objectives. In the longer term, the regulations governing the allocation of government funds to parties should be reviewed, and changes should be made to better manage donations from private and international organizations and to set up a rigorous system of financial accountability for the parties and candidates.

Civic education and information campaigns are important in creating an environment conducive to free, fair and credible elections. The campaign to encourage Haitians to obtain their national ID cards produced good results and voter turnout for the first round was high. As a result of insufficient planning and resources, education campaigns for the second round had much less impact. Certain changes will have to be made to improve the efficiency of voter education programs: the role of Haitian election authorities in this respect will have to be made clearer;

resources dedicated to these campaigns will have to be increased and their use better planned; their management will have to be less centralized and the action of international organizations better attuned to national policies; a better balance must be achieved between the dissemination of basic information to facilitate voting and the sharing of more in-depth knowledge of the principles of democracy.

Freedom of the press and equitable media coverage are necessary to help voters make informed choices. Some obstacles made attainment of this ideal difficult in Haiti. Legislation governing the work of the media during elections is rather vague and journalists assigned to cover campaigns often lack the training and means to do so. Nonetheless, given the circumstances, the overall outcome of election media coverage seems satisfactory. Electoral activities benefited, especially during the first round, from rather broad media coverage of generally acceptable quality, although it was incomplete and, especially in the regions, sometimes partisan.

The parties and candidates did not all benefit from the same media visibility during the elections. The large number of candidates running made it very difficult for the media to grant them equal coverage. Despite that, commendable efforts were made, with a real concern for presenting a balanced picture of the ideas and policies of a significant number of political parties. That being said, certain measures could help to improve the situation, such as implementing rules to govern the work of the media during electoral campaigns, defining clear standards on the allocation of media coverage of parties and candidates, and improving journalists' training (particularly in the institutional aspects of the election process). Moreover, capping parties' expenditures on electoral advertising will prevent more affluent parties from profiting from disproportional media visibility.

Voting day is the moment of truth for the election process. At this time, citizens must be able to exercise their right to vote without having to face undue obstacles and without fearing for their safety. Despite numerous problems, the February 7 elections, on the whole, progressed in relative calm, thereby allowing a determined electorate to head to the polls en masse and freely exercise its franchise, within the framework of a process conducted in an honest manner by electoral personnel. The main problems were the late and disorganized opening of the polls; excessively long waiting times for voters; the remoteness and inadequate layout of voting centres; the polling booth model used and the fact that its placement did not always respect the secrecy of the vote; and communication problems with the directives issued by the CEP to voting centres.

At the second round, voters were able to cast their ballots under better conditions, and voter turnout reached over 30 percent. Although lower than in the first round, this rate compares favourably with past second-round elections in Haiti and marks another step forward on the path of democracy. Adjustments to the electoral organization were made based on lessons learned from the first round. The simplification of polling station opening procedures, the experience of the electoral personnel and the steps taken to better control the stream of voters in the voting centres helped to improve voting. Lower voter turnout and fewer candidates in the second round also facilitated the process. Some actions could still be taken to improve voting days in Haiti, such as further simplifying polling station opening procedures, using numbered ballots, improving the recruitment and training of electoral personnel, clarifying the presence and roles of political party representatives and national observers in polling stations, correcting inaccuracies in the electoral list and redeploying and redesigning voting centres.

The counting of ballots and compilation of results must be conducted in a rigorous and transparent manner, and must reflect the will of the voters. Counting the ballots for the first round was a lengthy process and was completed under difficult conditions (fatigue, poor lighting, the scale of the task) by electoral personnel who, despite it all, generally fulfilled their role with admirable patience and diligence. The vote compilation process was unexpectedly slow because of a delay in the delivery of electoral material to the compilation centre, operational deficiencies at the centre, the complexity of the polling station reports, and mistakes made by election workers. Despite these problems, the compilation method used produced reliable results that reflected the will of the Haitian people. Measures to ensure transparency, such as the posting of several copies of the polling station reports at the various levels of the electoral administration, and on the CEP's Web site, as well as the publication of preliminary results as they were being compiled, ensured the integrity of the process.

Results compilation improved between the first and second rounds. Measures to facilitate the forwarding of polling station reports and their processing at the compilation centre improved the speed and precision of the vote compilation process. Lower turnout and the use of simplified ballots and polling station reports greatly accelerated the counting of ballots. Despite this notable progress, certain problems persisted, particularly with polling station closing procedures, which should be clarified. By and large, the counting of ballots and the compilation of results at the second-round legislative elections were rigorous and transparent exercises that yielded credible results reflecting the will of Haitian voters. It is noteworthy that the percentage of blank ballots increased considerably in the second round, which demonstrates the need for clarifying the legal status of this type of vote.

A transparent, impartial and accessible complaints process constitutes an essential guarantee for the achievement of equitable and democratic elections. Haiti is to be commended for the fact that a complaints process was implemented for the first time in the country's history. That said, major changes should be considered to improve the consistency of the process and, by extension, increase its fairness and transparency. Key changes should focus on clarifying the complaints process itself, as well as the way it is used by election authorities. In addition, the choice of criteria used to judge the admissibility of complaints or to evaluate their validity lacked clarity and consistency. Two decision-making processes appeared to prevail in reviewing electoral results: one formal, set in motion by the filing of a complaint; the other informal, set off without the submission of a complaint in due form. Half of the cancelled elections in the Chamber of Deputies after the first round (7 out of 14) were decided without a formal election complaint having first been filed.

The process of reviewing complaints in the second round was also fraught with problems, although the decline in the number of applications rejected because complainants did not provide their national ID card number should be noted, as should the fact that no particular political bias appears to have marked the process. However, numerous improvements should be made to its operation, notably to: clarify the procedures for submitting a complaint; increase the transparency and consistency of the complaint evaluation process; eliminate the informal complaints process; and clarify the role, status and responsibilities of various authorities entrusted with adjudicating electoral disputes [i.e. the BCECs (Communal Electoral Contestations Offices), the BCEDs

(Departmental Electoral Contestations Offices) and the BCEN (National Electoral Contestations Office)].

The votes held on February 7 and April 21, 2006, marked a turning point in efforts to consolidate democracy in Haiti. Although organized and conducted in a difficult environment, these elections were marked by characteristics unique in the political history of Haiti, which holds promise for the future. High voter turnout, participation in the elections by all the country's significant political actors, relatively open access to the media on the part of the parties and candidates, state support for electoral activities, the adoption of a credible, consensus-based method of compiling the results and the implementation of a complaints process all represent firsts, holding out the hope that these elections will prove to be the foundation of a viable and sustainable democratic tradition in Haiti.

The most important immediate task is to finish the current electoral cycle, while ensuring that the legislative elections to be completed and the local and municipal elections remaining to be held are conducted as soon as possible and under optimal conditions. Next, the country will need to embrace a broader perspective by adopting a series of measures aimed at consolidating the democratic gains stemming from the holding of elections that will have reconstructed the entire political representation in Haiti.

General summary of recommendations

Four strategies² are proposed to ensure the consolidation of Haiti's democratic institutions.

1. *Strengthen the status and expertise of election authorities.* It is crucial that Haiti develop a skilled and professional permanent electoral council that can credibly manage the requirements of Haiti's electoral cycle in a timely manner. To that end, there is a need to ensure:

- a) legislative reform of the way the electoral apparatus operates, so that the division of roles and responsibilities is well established between the council and the electoral administration. The permanent electoral council would be in charge of establishing policies and regulations, whereas the electoral administration would report to the council, recommend and carry out policies, and implement the appropriate programs.
- b) training and retention of specialized electoral personnel
- c) adequate resources for the maintenance of archives and files
- d) a strong and continuing tradition of electoral observation

2. *Fine-tune the electoral legislation.* The current electoral cycle has revealed certain deficiencies and ambiguities in the electoral legislation that led to ad hoc amendments late in the election process in reaction to events that were taking place. It is imperative that the legislation be overhauled and clarified to bring it in line with the Constitution and Haiti's reality. In addition to significantly enhancing the election process and its administration, such review would eliminate the need for ad hoc amendments as events unfold.

² A comprehensive summary of recommendations is provided at the end of this report.

3. *Strengthen the role of the political parties.* A vital democracy depends on the presence of dynamic political parties capable of waging electoral debates and mobilizing their voters. Meaningful state support must be provided to help the parties organize their activities and participate in the civic education of voters. In return, the political formations must do more to strengthen the credibility of the election process and must agree to submit to a rigorous system of accountability for public funds.

4. *Capitalize on Haitians' sense of civic duty.* The heavy turnout during the first round and the seriousness with which election personnel approached their task signal the existence of a strong sense of civic duty on the part of Haitians. Future information and civic education campaigns should be used to consolidate Haitians' attachment to the democratic process and to their political system.

Introduction

The IMMHE was established in June 2005 to monitor the process involved in presidential and legislative elections as set out in the Electoral Decree of February 3, 2005. The Mission's role is to accompany Haitian election authorities in conducting elections in accordance with national and international standards. To that end, the Mission communicated its observations and analyses to the election authorities on a regular basis and published numerous progress reports, which are available on the Mission's Web site at www.mieeh-immhe.ca. This report deals with the first and second round of presidential and legislative elections held in Haiti on February 7 and April 21, 2006.

The IMMHE's observations and reports are based on a rigorous factual examination and guided by an analytical framework established for in-depth evaluation of the election process.³ This report was prepared using a wide range of monitoring techniques, with the contribution of long- and short-term observers and electoral experts. The aspects of the election process monitored in the report include:

- Enabling environment
- Fundamental freedoms
- Electoral preparations
- Drawing of electoral district boundaries
- Certification of political parties and candidates
- Campaign funding and use of public resources
- Voter information and education
- Equitable access to media
- Polling (i.e. voting on election day)
- Vote counting and compilation of results
- Complaints process

³ The aspects of the election process evaluated and the criteria used are posted on the IMMHE's Web site.

The report seeks to highlight the various aspects of the elections held in Haiti on February 7 and April 21, 2006. The ultimate objective of the Mission is to build the institutional capacity of Haitian election authorities through knowledge and information transfer. The Mission also seeks to provide ongoing support to Haitian election authorities, while maintaining the distance needed to continue to thoroughly monitor the process for conducting elections in Haiti.

1. Enabling environment

A number of conditions are needed to enable the holding of elections, including: a minimum level of security; an electoral organization that has recognized legitimacy and that acts impartially and effectively; voters and candidates who are receptive to the holding of an election; monitoring by national observers; and, finally, in the case of a country undergoing transition, ongoing support from the international community.

Security

Maintaining a climate of security was a constant concern throughout the election process in Haiti. In the months leading up to the first round of elections, there was a palpable fear that eruptions of violence might disrupt and even compromise voting. That violence stemmed from a variety of sources and took many forms. The weak economy, the demobilization of members of the former Haitian Armed Forces (ex-FADH) and the limited resources available to the PNH all contributed to an ongoing climate of insecurity in Haiti. The violence mainly took the form of traditional crime (homicides, kidnappings for ransom, drug trafficking). Politically inspired violence was rarer, although armed gangs sometimes claimed to represent political parties.

Acts of violence contributed to an ongoing climate of insecurity in Haiti until January 2006 and sparked demonstrations calling for more strenuous measures by MINUSTAH to restore order, especially in Port-au-Prince. Some electoral activities were marked by violent incidents. Overall, however, the instability did not prevent substantial voter registration on electoral lists and large-scale voter turnout in the elections. A climate of relative calm prevailed on voting days and the weeks preceding them. The first round was followed by massive demonstrations that momentarily jeopardized security and briefly interrupted the vote compilation process. The adoption and enforcement of clear electoral rules is one of the best guarantees for maintaining a safe environment during an election period.

The actions of the Haitian authorities and the international community, including the establishment of joint centres responsible for electoral security, the provision of assistance and training to the PNH, the training and deployment of some 3,600 electoral security agents throughout the country, and the transportation of election materials during voting, enabled Haitian voters to take part in the election process in an acceptable climate of security.

Operation, composition and funding of the CEP

The legitimacy of the institution mandated to organize elections must be recognized, and its actions must be impartial and effective. To that end, the organization must have a clear legal status and appropriate structures and means to fulfil its role adequately. The Haitian Constitution provides for the establishment of a Permanent Electoral Council, which will be mandated in the future to conduct elections in accordance with recognized national and international standards. One of the main tasks to be undertaken at the end of the current electoral cycle will be to ensure a smooth transition between the current CEP and a permanent institution.

As its name indicates, the CEP is a transitional organization, functioning under the Electoral Decree of February 3, 2005, to supervise the holding of presidential, legislative, local and municipal elections to fill the political void following the departure of former president Jean-Bertrand Aristide in 2004. The CEP comprises representatives of various sectors in Haitian society (politics, religious communities, business, etc.) and is funded by the Haitian government and the international community. Its role will end after the electoral cycle set out in the Electoral Decree is over.

The CEP ran into some difficulties in conducting the first and second rounds of these presidential and legislative elections. The CEP's operational structure, along with internal discord, slowed down the organization of those elections and no doubt reduced the organization's effectiveness. In general, the CEP was criticized more for its ineffectiveness than for its lack of impartiality.

That said, one must recognize that the CEP had a heavy responsibility. It had to fully reconstitute political representation in Haiti following the legal and political void created by the departure of the former president. And it had to fulfil that task in an environment of instability and pronounced institutional weakness. The CEP could not count on an extensive institutional memory for organizing elections, nor was it supported by broad national expertise. Finally, it had to grapple with a certain tradition of mistrust of and suspicion toward the electoral process among the population.

The appointment of Mr. Jacques Bernard in October 2005 as executive director of the CEP was a turning point. Mr. Bernard was able to provide the necessary impetus to prepare the elections and coordinate the contributions of all stakeholders, including the OAS and MINUSTAH.

The experience acquired in organizing the recent elections should be drawn on to ensure the emergence of a permanent, legitimate, impartial and effective electoral authority in Haiti. The creation of the permanent electoral council after the next local elections are held, the enactment of legislation to better specify its authorities, and the coexistence within this institution of a policy-making leadership that respects high democratic standards and an executive leadership with the necessary expertise in electoral organization will ensure that this objective is attained.

A democratic culture and practices

Favourable circumstances for conducting elections also depend on the climate of public opinion and willingness among the major actors, including parties and candidates, to respect democratic ground rules. These conditions were met, overall, during the elections of February 7 and April 21, 2006. Despite the difficulties surrounding the election process, Haitians believed those elections were crucial for the country's future. That opinion, no doubt, explains Haitians' patience in the

face of numerous election postponements and their will to participate in the electoral process, despite the difficulties many experienced in exercising their democratic rights.

Mistrust of the electoral process in Haiti is widespread among certain political actors. In that context, the signing of a pact by the main parties and candidates proclaiming their willingness to respect the Constitution and the electoral ground rules helped foster a more conducive climate for holding elections. The trust of the parties and of certain electors in the electoral process was undermined by the ambiguity of some of the Electoral Decree's provisions and by a lack of transparency in the CEP's decision-making process, particularly concerning the certification of political entities and the recruitment of certain employees, as outlined in the IMMHE's interim report of October 27, 2005.

Lastly, the role of national observers needs to be highlighted. With the support of the international community and organizations dedicated to disseminating democratic values, such groups as the National Observation Network (RON), the Civil Society Initiative (ISC) and the National Observation Council (CNO) were able to actively monitor election preparations, thus boosting the credibility of the electoral process.

Conclusion and recommendations

Favourable circumstances for elections are produced by three essential conditions: a sufficient climate of security, the presence of a recognized electoral authority and widespread consensus about the legitimacy of the elections in progress. These conditions were generally met during the elections of February 7 and April 21, 2006, in Haiti. To maintain those conditions during upcoming municipal and local elections and to preserve the gains made during those elections, the following recommendations can be formulated:

1. The international community's support in reorganizing the PNH should continue, in order to ensure that future Haitian elections can be held in an acceptable climate of security. A strategy should be implemented that enables the PNH gradually to enhance the quality and number of its forces. A phased-in disengagement by the international community should be planned, to allow local police forces to play an expanded law enforcement and security role throughout Haiti.
2. Measures should be considered to capitalize on the training received by electoral security agents (ESAs). For example, ESAs could be rehired for the local and municipal elections.
3. As stated in the report of April 24, 2006, the creation of a skilled and professional permanent electoral council that is capable of meeting the demands of the Haitian electoral cycle requires a division of responsibilities among the policy-making and administrative bodies. The council should, therefore, maintain its primary role of setting out policies and regulations, and the executive body should be in charge of implementing them. The council should further be equipped with appropriate archiving resources and tools to build on the experience of the CEP. Funding and terms of reference that would protect the council's independence should be enshrined in legislation.

4. To maintain a climate conducive to the conduct of elections in a civil society, means should be put in place between election periods to support the civic education of voters and enable parties and national observers to play an active and positive role in the electoral process.

2. Fundamental freedoms

Respect for the fundamental freedoms of individuals is essential to ensuring fair and credible elections. Adequate protection of these freedoms implies that they be clearly set out in constitutional and legislative documents, and effectively protected by an honest judicial system and a well-trained and adequately funded law enforcement authority. These conditions are only partially met in Haiti. Nevertheless, the civic spirit of the Haitian population and co-operation between national authorities and the international community allowed for elections under acceptable conditions.

Fundamental freedoms in Haiti

Fundamental freedoms in Haiti are guaranteed by the Constitution, the Criminal Code and the Electoral Decree. The legal and constitutional protections in these texts comprise an inclusive list of rights (to self-determination, life, equality, privacy, equitable treatment by the judicial system, the vote and the opportunity to be a candidate for elected positions) and freedoms (of expression, information, association and movement). Various national institutions and agencies (the Haitian judicial system, the PNH, the Office of Citizen Protection, the CEP and their local and departmental entities) are charged with guaranteeing respect for these rights and freedoms. The international community, through the mandate entrusted to MINUSTAH, supports Haitian authorities in this task, in order to establish a stable and safe environment in the country, support the current election process and protect individual rights.

The more specific role of the CEP in this context is to administer the rules enabling citizens and candidates to exercise their rights and obligations during elections. The purpose of these rules is, in particular, to guarantee that citizens can exercise their right to vote and to prohibit behaviours (illegal use of public funds, intimidation or threats to prevent a voter from voting or influencing his or her choice, etc.) that may compromise the legitimacy of the electoral process.

Although the rights and freedoms of citizens in Haiti are clearly set out on paper, they are frequently ignored in practice. The impunity of notorious criminals, the general climate of insecurity and the high number of arrests and arbitrary detentions are telling examples. The weakness of the judicial system and the lack of tools available to law enforcement authorities are likely some of the factors that explain non-compliance with these fundamental rights and freedoms.

Nevertheless, a review of the facts leads us to believe that the degree of freedom that citizens and political players enjoyed was sufficient to ensure the smooth conduct of elections:

1. *Right to equality.* Social and economic inequalities are often barriers to the exercise of political rights (notably registration on voting lists and exercising the right to vote) and Haiti is no

exception. Some barriers (time, travel distances, inability to leave work or home) were particularly challenging for certain groups of voters, notably those living in rural areas. There was strong criticism of the way in which election workers were recruited, and much confusion and dissatisfaction were noted surrounding this process. That said, the high rate of voter registration, the more than 60 percent participation rate during the first round, and the participation of all significant political forces in the elections show that respect for the right to equality during elections was sufficient to permit the conduct of elections under acceptable conditions. It should also be said that the participation of women as candidates was much stronger than in the past.

2. *Right to vote.* Voting is considered to be a duty in Haiti and sanctions are imposed on those who attempt to prevent citizens from exercising this right. To vote, voters must have their national ID card, go to a designated polling station on the day of the elections, and complete the proper voting procedures. The conditions under which the elections took place, particularly on February 7, made exercising this right difficult for many voters. Travel distances, waiting times, voting list inaccuracies, confusion and disorder at some polling centres and the inadequate configuration of polling booths compromised voting procedures. That said, given the high rate of participation and the overall process on the February 7 and April 21 voting days, Haitians were able to vote on these occasions, under sometimes difficult but nonetheless acceptable conditions.

3. *Right to qualify for elected positions.* Eligibility requirements for various elected positions (president, parliamentary representative, senator, municipal or local elected official) are set out in the Electoral Decree. Two main criticisms were levelled at these criteria:

- a) The requirement of producing a list of 5,000 members for parties or 2 percent of the population of an electoral district for independent candidates (including their signature and national ID card number) seemed excessive
- b) The application of Haitian nationality conditions was contested by some candidates

The concerns raised by some parties and candidates about the rules governing electoral qualifications are real and should be legally clarified in the future. That said, the high number of certified parties and candidates during the current electoral cycle (45 parties, and 35, 311 and 1,070 candidates to the presidency, Senate and Parliament, respectively, were recognized) and the participation of all significant political movements in the elections lead to the conclusion that, while the candidate certification process currently in place had shortcomings, it did not unduly curtail the right to eligibility for elected positions during the current electoral cycle.

4. *Right to physical security.* As discussed previously, free and democratic elections must be held in an environment of relative security. The weeks preceding the two election rounds and the voting days unfolded in relative calm. The transmission of partial presidential election results, however, caused disturbances in the capital. These disturbances were swiftly resolved with the election of the president. Apart from that incident, the elections of February 7 and April 21 took place under peaceful conditions.

5. *Right to equitable treatment by the judicial system.* Problems related to exercising this right reflect one of the major institutional shortcomings in Haiti, and lead to difficulties in applying certain provisions of the Electoral Decree. The sanctions for a violation are incomplete and rarely

(if ever) applied. These deficiencies have diminished the quality of the current electoral process, but do not appear to have significantly compromised its integrity.

6. *Freedoms of expression, information, assembly and movement.* Protected by the Constitution, these freedoms are exercised in a relative manner in Haiti. The climate of insecurity limited the freedoms of expression, assembly and movement. The low level of penetration of public media, the partisan position of several private media (particularly in the regions) and the difficult conditions faced by journalists deprived citizens of complete and balanced information. In addition, the low impact of the civic education and information campaigns, with the exception of the voter registration campaign, limited the dissemination of useful information encouraging people to cast an enlightened vote and enabling voters to play a more active role in public affairs. That said, the civic spirit of the Haitian population, the professionalism of journalists and the security measures put in place by Haitian and international authorities permitted limited, albeit acceptable, exercise of these freedoms in the last few months.

Conclusions and recommendations

Respect for fundamental freedoms is problematic in more than one respect in Haiti. The overall picture is rather grim and the solutions required are complex and challenging. Most fundamental freedoms in Haiti are explicitly guaranteed by constitutional and legislative texts. The problem lies in their application. The protection of fundamental freedoms in Haiti is dependent on the institutional rectification of the judicial system and the ongoing major reorganization of law enforcement authorities. The reactivation of the Office of Citizen Protection or the creation of a true Rights and Freedoms Commission with the appropriate resources and real investigative power would also be useful initiatives.

Ensuring respect for freedoms in Haiti is also conditional on the clarification of certain legislative texts, particularly in matters of electoral law. The deficiencies of the current legislation, especially regarding media coverage, recognition of parties, their funding and control of their activities, create areas of ambiguity that compromise the application of fair, equitable and well understood rules.

Given these observations, the following recommendations can be made:

1. It is imperative to continue to strengthen public institutions that guarantee respect for and the protection of fundamental freedoms, particularly by rebuilding the judicial system and continuing the reorganization of the police force.
2. A revision of the legislation governing party and candidate certification, as well as political financing, should be conducted to enable a more equitable process to qualify for and achieve elected office.
3. A clarification of the legislation and maintenance of adequate resources for the civic and electoral education of Haitians both during and between election periods should be undertaken, so that voters can make more informed choices and participate more actively in public affairs.

3. Electoral preparations

Preparing for elections is a complex process, even in well-established democracies. It is an even more difficult task in a country that is beset by instability, characterized by the weakness of its institutions and a lack of adequate infrastructures, especially in the areas of communication and transportation. The challenge is even greater when the task is not to organize “routine” elections, but elections that must reconstruct the entire political representation of a country. The partnership that must be established between the national authorities and the international community further complicates the situation. The scope of the difficulties faced by the authorities charged with organizing the Haitian elections in February and April 2006 should not be underrated.

Context

The transitional provisions of the Haitian Constitution entrust the CEP with the task of organizing the presidential, legislative, local and municipal elections required to fill elected positions in Haiti. Due to the prevailing political climate in the country, Haitian government authorities asked the international community to support the CEP in organizing the electoral cycle set out in the Electoral Decree of February 2005. Election preparations were the outcome of a partnership between the CEP, the OAS and MINUSTAH.

The initial schedule originally called for municipal and local elections to be held in October 2005, and the presidential and legislative elections later on in the fall. Difficulties in organizing these events led to a series of postponements, first of the local elections, which still have not taken place, and then the presidential and legislative elections, which finally took place in February and April of 2006.

The players and their roles

The CEP is the recognized and legitimate electoral authority for organizing the elections set out in the Electoral Decree of February 2005. The CEP experienced operating problems, due in part to the absence of a clear distinction in the organizational structure between its policy-making functions and an operational body with the necessary expertise to apply in practical terms the policies developed by its nine members.

The brevity of Haiti’s electoral history and the lack of adequate measures in the past to ensure the training and retention of specialized staff have hindered the creation of a true electoral management institutional memory in the country. These problems were corrected in part by the appointment of an executive director in October 2005, Mr. Jacques Bernard. His arrival made it possible to speed up preparations for the first round of presidential and legislative elections and to subsequently ensure the conduct of the second round within a reasonable time frame.

Coordination problems also surfaced in the various international organizations charged with supporting the CEP. Some of these difficulties were due to the presence of a fairly large number of participants and a division of duties that sometimes lacked clarity. The tasks of the OAS (designing and distributing the national identification card, preparing electoral lists, designing the tabulation centre’s computer system and training the staff) and MINUSTAH (distributing and

retrieving sensitive and non-sensitive election materials, training electoral staff and implementing civic education programs, choosing polling station locations and implementing measures to ensure safe access, supporting the distribution of national ID cards, compiling and transmitting election results) were complex, multi-faceted and often entrusted to different bodies within these organizations. The creation of a unified leadership in November 2005, the EATF (Electoral Assistance Task Force), helped to create a more functional interface with the CEP. This new approach allowed for better coordination of the efforts of international participants and better co-operation between them and Haitian electoral authorities. The acceleration of electoral preparations toward the end of the fall of 2005, which coincided with the adoption of these new operating and co-operation methods, is instructive.

The tasks

Preparing for elections involves multiple tasks. The most important of these have the goals of allowing voters to exercise their right to vote under the most favourable conditions possible and of guaranteeing the integrity of the electoral process. An assessment of the measures implemented to achieve these two objectives led to the following observations:

- a) Electoral preparations were developed over three periods.
 - i. The period up to November 2005 was marked by numerous delays and setbacks.
 - ii. The two-month-period preceding the first round saw a notable intensification of the preparations.
 - iii. The period between the two rounds – the most productive of the three – was used to make a host of adjustments that significantly improved the voting process and the compilation of results for the elections of April 21, 2006.
- b) Significant efforts were expended in distributing the national ID card and, on the whole, were successful; however, some observers believe that the emphasis placed on this task led electoral managers to neglect other important preparations, in particular, the drafting of electoral lists and the process of assigning voters to the polling centres and stations.
- c) Preparations for the security of voting centres and transportation of electoral materials were generally adequate.
- d) Preparation of electoral staff was insufficient during the first round of elections. Knowledge of polling station opening procedures was deficient; therefore, it is difficult to accurately establish which part of the lack of preparation is attributable to the shortcomings in electoral staff training and which part is related to the presence in polling stations of election officials who received no training.
- e) The selection and layout of a number of polling centres impeded the smooth movement of voters. Some centres were too crowded, whereas others had only one door serving as entrance and exit for thousands of voters, which resulted in long waiting lines in the first round. However, the remarkable patience of the voters, along with the determination of electoral workers, helped to overcome these obstacles.

- f) The lack of coordination between the involvement of local authorities of the CEP (BECs and BEDs) and the deployment of certain MINUSTAH activities (recruitment of civic officers, training of electoral staff, etc.) led to inadequate use of available resources in many cases.

Conclusions and recommendations

The problems related to the organization of the current electoral cycle in Haiti were numerous and complex. Therefore, it is not surprising that preparations for these elections were, on the whole, quite laborious. Mistakes were made along the way. The elections could have been held earlier if the work methods and channels of co-operation between national and international electoral managers had been better. Certain technical flaws observed during the first round could have been avoided. Nevertheless, the quality of the electoral preparations improved progressively over the course of the electoral cycle. Given these observations, the following recommendations can be made to improve preparations for future elections:

1. The experience acquired in organizing the presidential and legislative elections should be built on to establish a recognized, legitimate, impartial and effective permanent electoral authority in Haiti, as described in recommendation No. 3 of “Enabling environment” earlier in this report.
2. The more unified leadership of international community initiatives implemented in the fall of 2005 should be maintained until the international community ceases to play a key role in the organization of Haiti’s elections. The model based on the interface between the executive leadership of the CEP and a cell coordinating the operations of the international community focused on election preparation should be maintained and strengthened.
3. A special effort should be made to dispel suspicions surrounding the recruiting and training of electoral staff. A system based on the results of the last elections could be implemented to appoint polling station officials. This system should be based on the active role of political parties in recruitment and be linked to the provisions of the Electoral Decree regarding party representatives, to allow all parties that wish it to be represented at the polling stations.

4. Drawing of electoral district boundaries

Delineating electoral districts is an important democratic exercise. Any country that divides its territory into electoral units must have structures and rules to ensure the process results in a fair and consensual division. To that end, it is generally admitted that the delineation of electoral districts must be:

- a) Entrusted to an authority independent of the legislature, parties and interest groups
- b) Completed frequently enough to take into account the changing demographics of a given area

- c) Designed to allow the population and its representatives to express their opinions on the matter

The division into districts results from an arbitration process among the demographic balance of electoral districts, geographic considerations and concern that electoral units represent significant communities of interest. The first criterion must prevail. The quality of the electoral representation of a country rests on the degree of consistency between the objective to give equal weight to each vote and the effective weight of each vote, given the existing electoral boundaries. Respect for the requirement of equality of votes is conditional on efforts to ensure the demographic equality of districts, while taking geographical considerations and communities of interest into account.

The legal context and its effects

The territorial delineation process is based primarily on the 1987 Constitution and the Electoral Decree of February 3, 2005. The Constitution states that each municipal community constitutes an electoral district that elects a deputy, limits the number of senators to three per department and entrusts the organization and supervision of elections to the Permanent Electoral Council. The Electoral Decree determines the list of departments (10), electoral districts (99) and communes (139). Despite the 1987 Constitution (Chapter 2, Title V), the Electoral Decree list includes several electoral districts made up of two, and sometimes even three, communes. Except for the city of Port-au-Prince, nowhere else is there another large population cluster with more than one deputy.

The Haitian legal context has two features that made it difficult in the past to achieve the objective of demographic equality of districts. On the one hand, the Constitution associates an equal number of elected members to territorial entities (three senators per department; one deputy per local community) with populations of sometimes very unequal sizes. On the other hand, the election laws do not specify the criteria to be used to create new districts. This legal void has had a negative impact. The majority of new districts formed between 1995 and 2005 (12 of 16) were created by dividing already over-represented districts, which emphasized the existing demographic imbalance among electoral units in Haiti.

Demographic balance of districts

Tables 1, 2 and 3 (Appendix I) illustrate the scope of the imbalance between the boundaries of electoral units (departments and districts) and the number of elected representatives assigned to each unit. Table 1 demonstrates the gap between the size of the populations in the departments and their representation in the Senate and the Chamber of Deputies. The parliamentary under-representation of the Western Department is particularly noteworthy. Voters in this department, which represents 42 percent of the Haitian population, are represented by only 10 percent of senators and 18 percent of deputies. Table 2 highlights major disparities among the numbers of voters per district. Barely 20 districts out of 99 have a population within the approximate 25 percent margin of the national average (44,481 voters in Haiti). Furthermore, the number of over-represented districts (59) is three times greater than the opposite (20). Table 3 sheds light on this situation. Upon reading Table 3, it becomes clear that 55 of the 59 districts where the population is over-represented are located in rural areas. The overall pattern is clear. The

delineation of electoral districts in Haiti causes major disparities to the detriment of voters living in urban areas in general, and in the Western Department in particular.

Conclusions and recommendations

One of the key objectives of the current cycle of elections is to strengthen electoral democracy in Haiti. This consolidation is conditional on the improvement of parliamentary representativeness in this country. For practical reasons, this long-term project could not be immediately undertaken.

The issue of electoral boundaries in Haiti should, however, be reviewed in the near future. The imbalance in the size of the districts, the under-representation of populations in the cities and certain regions, and the inaccuracy of territorial boundaries for local elections represent many problems that should be addressed as soon as possible. The growing inequalities among the sizes of the districts over the last decade make a strong case for implementing an independent, open and flexible process to improve the representativeness of Parliament. Given these observations, the following recommendations can be made:

1. The Haitian government should create a body (comprising national technicians and, possibly, international experts) to define the boundaries of electoral districts. This body should be independent and have the required resources to consult the population and periodically review the territorial boundaries of districts. Legislation creating this body should provide for the use of the criteria of demographic balance, geographic factors and community of interest in delineating electoral districts; the legislation should also set out a legislative ratification mechanism for the changes proposed by this body.
2. A public debate could be held on the advisability of maintaining an equal number of senators for each department.
3. Special attention should be paid to the demographic imbalance of districts in the Chamber of Deputies. Measures should be planned to improve, in particular, the representation of voters living in urban areas and in the Western Department. Given the low density of populations currently over-represented in the Chamber of Deputies, and to avoid creating units that are too large, it could be advisable to correct current inequalities by increasing the number of Parliamentary seats. The simulations presented in Tables 4 and 5 (Appendix I) show that it would be possible to correct a significant proportion of the current distortions by adding between 21 and 31 electoral districts to the Chamber of Deputies.

5. Certification of political parties and candidates

The vitality of the electoral process rests largely on the ability of political parties to host major electoral debates and mobilize their supporters. The ideals of freedom of expression and free movement of ideas argue for lightening the legal provisions governing the participation of parties in the electoral contest. On the other hand, a legislative framework is required to prevent the unnecessary proliferation of parties and candidates. The evaluation of the party certification

process shows that the balance between these two requirements during the current electoral cycle was acceptable in allowing true pluralism to flourish.

Political context

The party system of a country is a result of past debate, current issues, its electoral process and the provisions of its electoral legislation. Haiti's experience with representative democracy is recent. It has been characterized by proliferation of political groups that are ephemeral, for the most part, and domination by a small number of parties from 1990 to 2004. However, the 2006 electoral cycle saw a significant number of competitive parties in the running.

Legal framework

Haitian legal texts acknowledge the right of any legally established political party and coalitions of political parties to participate in the various elections. The accreditation procedure for parties and coalitions of political parties is based on a certain number of legislative and constitutional provisions. The party legal framework is governed by:

- a) The March 1987 Constitution, stipulating in article 31-1 that “political parties and groups compete and contribute to the results of the vote. They are formed and perform their activities freely. They must respect the principles of national sovereignty and democracy. The law determines the conditions for [their] recognition and operation, and the benefits and privileges they are granted.”
- b) The June 9, 1985, law and the June 1986 decree (specifically articles 8, 16, 17 and 19), which set out the conditions under which a party or grouping of parties is registered and recognized, the most restrictive rule being the clause making party recognition conditional on the production of a list of 5,000 members.
- c) The rules of the Electoral Decree for the electoral participation of candidates, political parties or groups of political parties; the main provisions of the Decree on these matters are those that define the electoral qualifications for the positions of Deputy (art. 74 et seq.), Senator (art. 80 et seq.), President (art. 86 et seq.), Member of the Assembly of the Communal Section (art. 96 et seq.), Municipal Councillor (art. 100 et seq.), City Delegate (art. 104 et seq.) and the legal framework of the various candidacies to elected positions (art. 112 to 136).

Five provisions in the Electoral Decree have received particular criticism. The first concerns the acceptability criteria for nomination papers outlined in paragraphs 2 and 3 of article 120. These paragraphs require candidates for all elected positions to produce a list of 5,000 members if they represent a party, or of 2 percent of the electorate if they are independent candidates (in both cases, the list must include the national identification number and signature of members). The second provision of article 119 of the Decree deals with the reduction of registration costs for candidacies granted to parties that have provided the CEP with a list of voters representing 2 percent of the national electorate and with candidates for at least 50 percent of all positions to be filled. A third rule that was contested, and finally repealed, limited candidacies for the Senate to party representatives, groups or representatives of parties with candidates for at least 50 percent

of the seats in the Chamber of Deputies. Fourth, some parties submitted that the requirement for candidates to have a certificate issued by the Tax Department was not realistic in the Haitian economic and institutional context. Finally, the clause dealing with the nationality of candidates was contested, in particular by some candidates to the presidency.

A review of the rules for party and candidate certification

The reading of Haitian legal and constitutional provisions regulating political parties leads to two conclusions. The first is that these rules are very similar to those applied in contemporary democracies. The second is that they have not in the past raised “barriers to entry” that were difficult to overcome.

One of the most significant aspects of Haiti’s current electoral cycle is its inclusiveness. A positive development was that none of Haiti’s major political movements chose to boycott the elections. The final number of parties authorized to participate in elections was 45, of a total of 65 that submitted an application. The rejected parties were unable to meet the requirement of 5,000 members or to produce a list of candidates to the various elections. The number of candidacies to the various elected positions, including those of a number of independents, was very high: 35 people aspired to the presidency, 311 candidates competed for 30 Senate seats and no fewer than 1,070 contenders squared off to win the 99 seats in the Chamber of Deputies. Thus, an average of more than 10 candidates vied for each legislative seat, and several parties had a significant number of representatives elected.

Review and conclusion

The rules for party and candidate certification used during the presidential and legislative elections of February 7 and April 21 allowed for the expression of true pluralism and gave Haitian voters the option of choosing from a significant number of competing parties and candidates. While certain aspects of this procedure could be reviewed, the existing rules do not create barriers that unfairly limit access to elected positions in Haiti.

The Electoral Decree contained provisions favouring large political groups by encouraging small parties to group together. The proliferation of parties and political groups in Haiti in the past leads one to believe that provisions of this nature are useful and that they should be renewed during the future reform of electoral legislation in this country. However, the concern for ensuring the viability of small parties and allowing new political movements to enter the electoral ring must also be considered by Haitian legislators.

Given these observations, two recommendations can be made:

1. A legislative review of the criteria for the certification of political parties and the qualification of candidates should be undertaken to ensure they reflect the Haitian reality. For example, the requirement to recruit 5,000 members or 2 percent of the electorate, as the case may be, and the requirement to present a tax payment certificate could be reviewed.

2. Measures to encourage female candidates and to encourage parties, groups and coalitions to field candidates in every district should be maintained in the future.

6. Campaign funding and use of public resources

The aim of regulations for party financing and use of public resources during election campaigns is to allow the expression of a range of opinions and to prevent certain donors from exercising undue influence on the content of proposed platforms or on the activities of the parties and elected candidates. Financial support from the government to political parties, capping election spending, managing and disclosing private contributions to the parties and the obligation for political actors to be accountable for the use of public funds are among the main measures used to achieve those objectives. Enforcing these rules is often difficult, even in well-established democracies. It comes as no surprise, then, that difficulties were observed in the implementation by the Haitian government of measures to support party electoral activities and to oversee their private financing, given the political and institutional background in which the elections of February 7 and April 21, 2006, took place.

Provisions of the Electoral Decree

The Electoral Decree of February 2005 sets out some rules covering government funding for electoral activities and provides for monitoring the private funding of political parties. Article 148 sets out the government's commitment to granting a subsidy to parties authorized to participate in the election campaign. Articles 149 to 152 establish the conditions for obtaining this support, the most important of which is to produce "a list of forty thousand (40,000) Haitian citizens with their national ID card number and their signatures."⁴ Article 149 states that the amount and terms of disbursement are specified by order of the Council of Ministers. Article 153 sets a ceiling of one million gourdes (US\$24,000) per person and per election for private contributions to parties and stipulates that this contribution is tax-deductible for the donor. Articles 154 and 155 make it mandatory for donors and parties to inform the CEP of all contributions of 50,000 gourdes (US\$1,200) or more. A financial incentive aimed at encouraging women to run as candidates is set out in Article 240, stipulating that "Any political party, association or group of political parties that endorses candidates of whom at least 30 percent are female and that succeeds in electing at least 20 percent of them will see its public funding double under this decree." Finally, article 229 of the Constitution and articles 280 and 280-1 of the Electoral Decree authorize a partial reimbursement of the election expenses of parties that obtained 10 percent of the national vote, with at least 5 percent of the votes cast by department, provided the parties allow the CEP monitor their revenues and expenditures.

The requirement of presenting a list of 40,000 citizens in order to obtain government funding proved to be difficult for the parties to fulfil and complicated for the CEP to manage. Numerous deficiencies in the creation and validation of membership lists resulted in non-compliance with this rule in reality.

⁴ All the quotations of legal provisions are translated from the French. Please see the Electoral Decree for the original French wording of the translated provisions.

The amount and the rules governing the allocation of government funds to parties were made known late, when the election campaign was getting underway in the fall of 2005. Deficiencies in the Electoral Decree concerning mechanisms for evaluating the use of public funds, the lack of penalties in cases of misappropriation, and weaknesses in the judicial system may have opened the door to abuse. These shortfalls constitute major obstacles to the establishment of a system of real accountability for the use of public funds by the parties and candidates.

The absence of explicit references in the Decree to mechanisms for evaluating private funding was also highlighted, particularly with respect to the funding provided by international sources.

The problems resulting from the shortfalls in the rules on party financing were aggravated by the manner in which the rules were implemented and the context in which they were enforced. The proliferation of parties and candidates complicated the situation, and repeated postponements of the elections made it difficult for the political actors to plan their election expenses and generate sufficient reserve funding to cover the campaign leading up to the second round.

Review of the first round of elections

Particular attention must be given to the first round of elections, since all public funding was granted at that time. An assessment of the conditions surrounding this operation yields the following conclusions:

- a) The amount of the subsidies granted was determined based on the number of candidates running for each party in the legislative elections and an equal amount of funding was granted to all recognized candidates in the presidential elections (see Appendix II).
- b) The total amount of subsidies granted by the Haitian government to the parties and candidates during the first round was about US\$1.4 million; the subsidy granted to each presidential candidate was approximately US\$14,000, while the average subsidy granted to senate and parliamentary candidates was US\$1,400 and US\$420, respectively; overall, the funding granted was allocated fairly equally among presidential, parliamentary and senate candidates.
- c) No study exists to determine definitively the actual amount of money that was invested in the election campaign from October 2005 to February 2006; the information obtained seems to indicate that private funding was significant and clearly higher than funding from government subsidies.
- d) The assistance given to the parties through the USAID-UNOPS (United States Agency for International Development-United Nations Office of Project Services) program, which was approximately double the government funding granted to candidates and parties, comes from U.S. government funds; it is managed by UNOPS, with technical assistance from the National Democratic Institute (NDI). Support provided to the parties, primarily in cash, is aimed at three areas: logistic support, communications assistance and an electoral training program; the extent of the assistance granted was conditional on the parties adhering to democratic values, as well as on the number and geographic distribution of candidates. The main beneficiaries of the program were the “national

parties,” i.e. those present in at least five departments and with candidates contesting at least 50 percent of the available seats.

- e) Despite the lack of appropriate monitoring, no serious or relevant misappropriation of public funds was reported and, despite the rumours about the questionable origin of election financing for certain parties or candidates, no timely or well-founded information on this matter appears to have been brought to the attention of competent authorities.

Review of the second round of elections

The lack of public funding specifically earmarked for the second round is a major characteristic of the campaign leading to the April 21 elections. The Haitian government did not allocate any financial support to the parties for these legislative elections. This withdrawal of national public support was accompanied by a dramatic drop in international assistance. Available estimates show that 95 percent of support from the USAID-UNOPS program was provided during the campaign leading up to the February 7 elections. Therefore, the assistance provided through this program totalled approximately US\$2,850,000 for the first round of elections, but was limited to approximately US\$150,000 for the second round.

The lack of public resources and the drop in international support were aggravated by the depletion of the political parties’ own resources. The extended election period and the importance given to the presidential election left very few resources for campaigning during the second round and the withdrawal of government funding further increased the parties’ dependence on private funding at that time.

Conclusions and recommendations

The financial support granted by the Haitian government to candidates and political parties during this electoral cycle is a precedent that must be recognized. However, the results of this first experience are mixed. The rules in effect reflect a clear willingness to support the parties and oversee their private funding. Certain shortcomings in these rules, especially with regard to the monitoring of public funds, coupled with the inadequate implementation of the Electoral Decree, considerably reduced the scope and effectiveness of the measures planned to achieve these objectives. In light of these observations, some recommendations can be made:

1. International public support for electoral activities should be approved and overseen by Haitian election authorities.
2. Few parties or candidates have provided detailed reports on their use of funds. To encourage them to do so, election authorities should make it known that obtaining future public funding is conditional on meeting this requirement.
3. In the longer term, the Electoral Decree’s current provisions on party financing should be integrated into specific legislation and the Permanent Electoral Council should have the means necessary to ensure that such legislation is effectively implemented. In this context, five changes to the current rules should be considered:

- a) The obligation to provide a list of 40,000 citizens in order to obtain government funding should be reviewed and a formula for determining how much financial support will be granted to a party or candidate based on the number of votes garnered in an election could be considered.
- b) A rigorous accountability mechanism for parties and candidates, which sets out penalties for misappropriation of funds, should be implemented; better monitoring of parties' private funding sources should be assured.
- c) An expenses ceiling could be considered for election campaigns; assistance granted by the Haitian government, or under its supervision, should make up a significant portion of all election spending.
- d) Specific provisions should be aimed at ensuring adequate funding for electoral activities during the second round of elections.

7. Voter information and education

Civic education and voter information help create an environment conducive to holding free, fair and credible elections. Voter information, disseminated in a timely manner, includes basic information (conditions for registering, type of elections, when and where to vote, etc.) that enables citizens to participate in the elections. Civic education, usually considered an ongoing process, is more broadly aimed at encouraging citizens to get involved in various aspects of democratic life.

Legal framework and political situation

The matter of voter information is not extensively addressed in the Electoral Decree. Only article 6 discusses it directly, stipulating that the CEP must adopt “all measures necessary to inform citizens about the electoral process.” The CEP’s responsibility in designing and implementing civic education programs is not clearly stated in the Decree. However, it is presumed that it is the CEP’s responsibility to raise awareness of the electoral process among Haitians and encourage them to participate in it. Lastly, the Decree does not specify, in detail, the approaches to be adopted for informing and educating voters.

To carry out those tasks, the CEP received assistance from the Consortium for Civic Education (CPEC), which is made up of CEP representatives, the UNDP and the electoral branch of MINUSTAH. The CPEC played a central role in developing, funding and implementing civic education programs in Haiti. The campaigns carried out by the CPEC had five objectives:

- a) to disseminate and promote the Electoral Decree among the population
- b) to make voters aware of registration procedures
- c) to motivate Haitians and convince them of the usefulness of the electoral process and the importance of fully participating in it
- d) to ensure that voters were willing to accept election results

- e) to support the implementation of mechanisms allowing for interaction between elected officials and citizens that are based on the principle of accountability

Most election organizations around the world work in co-operation with representatives of civil society (national organizations, local and community groups, churches, teachers' associations, etc.) that work in the area of civic education to implement education and information programs. Such co-operation was unequal and fairly limited during Haiti's current electoral cycle. International organizations, however, played an important role in establishing training programs for the political parties' staff and representatives.

Toward the first round: a review of dissemination strategies and methods

A review of the strategies adopted to inform voters about the presidential and legislative elections in Haiti and encourage them to participate yielded a number of observations:

- a) Voter education and information campaigns were carried out three times: during the registration period, and during the campaigns leading to the elections of February 7 and April 21, 2006. Resources earmarked for this purpose were invested almost entirely during the first two periods; fewer efforts were made during the second round of voting.
- b) The systematic use of Creole and the use of appropriate material in a country with widespread illiteracy helped increase the effectiveness of election information campaigns; significant use of the radio, a wide range of illustrated material and a media campaign held not long before the first round also helped ensure that the information would get through to voters.
- c) Many factors prevented the CEP from playing the role normally expected of a recognized electoral authority; organizational and coordination problems within the institution, and tensions with the CPEC, significantly reduced the CEP's effectiveness and scope of action in informing and raising awareness among voters.
- d) The voter information and education programs were developed and implemented by the CPEC without the ongoing co-operation of non-governmental organizations or civil society; coordination efforts with civil society were limited (Network of Women Candidates) and tardy.
- e) The process of recruiting and organizing the work of civic officers was fraught with difficulties. Lack of precise selection criteria, the hiring of officers before CEP's departmental and local structures (BECs and BEDs) had been reactivated and lack of coordination among civil society groups created significant disparities in training and in the quality of the work of civic educators; poor planning for the staff to be hired and insufficient resources led to a work disruption for officers several weeks before the first round of elections.
- f) The programs implemented by CPEC emphasized the most elementary aspects of the election process (technical aspects of registering to vote, the identity of candidates, etc.) at the expense of explaining basic questions on Haiti's political process to voters.

- g) The information campaigns implemented do not appear to be part of a consistent overall plan.
- h) Training efforts carried out by international organizations among political parties were significant and substantial; a number of training sessions on proper electoral practices were presented to the members and representatives of several parties, helping to reduce tensions among their respective parties and to restore confidence in the election process.

The second round

There were some changes to information and civic education strategies during the campaign leading to the second round. A significant effort was made to work together with civil society organizations, which generally responded favourably to the call. Areas of co-operation were developed with the political parties, in partnership with the NDI. Seminars for female candidates were organized. A campaign was planned to counter the “presidentialist” tendency of Haiti’s political culture by explaining the necessity of holding legislative elections to elect a Parliament. These new directions translated into a positive evolution toward the implementation of better organized civic education campaigns in Haiti. But lack of resources and time significantly reduced the scope of these activities during the second round.

Conclusions and recommendations

Many difficulties were experienced in implementing civic education and information campaigns. The CEP could have demonstrated more leadership. Civil society organizations were not given adequate support for ongoing voter education activities. The process of recruiting and organizing the work of civic officers was insufficient. Coordination among stakeholders working to educate voters (CEP, CPEC, non-governmental organizations, civil society) was inadequate and planning for the resources used was lacking. The work of civic officers was disrupted just a few weeks before the first round and resources dedicated to election information were greatly lacking during the campaign leading to the second round.

However, pointing out these problems should not overshadow the fact that there were some undeniable successes. The operation to encourage Haitians to obtain their national ID card was a success. Voter turnout for the first round was high and compares favourably with that of well-established democracies. Information on the technical aspects of voting was generally assimilated by the population and the campaigns seem to have helped convince voters of the importance of the current elections and of the possibility of participating in the elections in a secure environment.

The strengths and weaknesses of the information and education campaigns correspond in general to those surrounding the organization of the first two rounds and appear to confirm the priorities of electoral authorities. The voter registration process, the more technical aspects of the vote and the first round of elections received more pronounced attention. The limited role of Haiti’s civil society in the implementation of voter education and information campaigns reflected the overall election process. The very unequal allocation of resources between the first and second rounds

characterized most of the organizational aspects of the elections. In light of these observations, a few recommendations can be made:

1. The responsibilities of Haiti's electoral authority with regard to voter information and education should be better defined and specified in future electoral legislation.
2. The next Permanent Electoral Council should define the major directions of future voter education and information campaigns; it should have the expertise necessary to coordinate the efforts of various stakeholders working in this area and be able to integrate its actions into an overall plan for election communication.
3. It would be preferable for Haiti's election authorities to continue to benefit from the co-operation of the international community in the future; the assistance provided by UNOPS to establish an election communication cell for the CEP and the areas of co-operation developed with the NDI for the second round are encouraging examples of partnerships to be strengthened in the future.
4. More rigorous planning of resources dedicated to voter education programs should be ensured. A more effective allocation of these resources should make it possible to intensify election information campaigns and maintain them throughout the electoral cycle; the need to maintain adequate election communication activities during the second round should be a priority for election authorities in the future.
5. Information campaigns that emphasize a simple and clear message are a good approach. Political actors and Haitian civil society organizations should be encouraged to play a more active role in the dissemination of more in-depth information on Haiti's electoral and political system.
6. The recruitment, training and deployment of civic officers should be carried out in close co-operation with the CEP's local and departmental agencies (BECs and BEDs) during the next electoral cycle.
7. Civic education programs should be a national priority in Haiti and their implementation should go beyond the election periods.

8. Equitable access to the media

Freedom of the press and equitable media coverage are necessary to help voters make informed choices. There were obstacles to the attainment of this ideal in Haiti. Legislation governing the work of the media during elections is rather vague, and journalists assigned to cover campaigns often lack the training and means to do so. All the same, Haitians had access to information of acceptable quality during the recent elections.

Legal and political background

Freedom of the press is recognized and guaranteed by the Haitian Constitution of 1987. It states, in article 28 (clauses 1 and 2), that “journalists freely carry out their profession within the legislative framework,” that “this exercise cannot be subject to any authorization or censoring, except in times of war” and that “journalists cannot be forced to reveal their sources.” Journalistic rules of conduct are also outlined in that same article. It specifies that journalists have “the duty to verify the authenticity and accuracy of their sources,” and that they are “also obliged to respect professional ethics.”

Equitable access to the media for all candidates and political parties, associations or groups of political parties is mentioned in the Electoral Decree, article 137, which states that “during the election campaign, the government media, radio and television must give equal treatment to all candidates by granting them equal air time. The private media must not charge discriminatory fees.”

Information professionals also sought to develop their own guidelines for election coverage. A draft Charter for the media and journalists of Haiti during the election period, promoted by the International Organization of the Francophonie and the Réseau Liberté, was approved by journalist and media representatives who met on September 23, 2005, in Port-au-Prince. This document, which was not officially approved by the media associations [ANMH (Association nationale des médias haïtiens) and AMIH (Association des médias indépendants d’Haïti)], set out some principles and objectives to guide election coverage. Article 13 of this Charter, entitled “Equal treatment during election campaigns” effectively summarizes the spirit of this Charter. “Journalists and their media must demonstrate honesty, responsibility, fairness, impartiality and neutrality in covering and dealing with election campaign activities. Journalists and their media are committed to banishing all forms of discrimination from their work. During the election campaign, they guarantee equitable access to their media and provide impartial and equal treatment to political parties and candidates.”

Haiti’s media landscape

Haiti’s media landscape is evolving. Both written and electronic media are growing in number. The national public television station (TNH) and radio station (RNH) have acquired greater autonomy. The influence that media located in Port-au-Prince have on the content disseminated in the regions is significant. Radio is the main means of communication in a country where one of every two citizens is illiterate. The status of the journalistic profession remains precarious. Insufficiently trained and with little means, Haitian journalists often practice their profession in very difficult conditions.

A review of election coverage

A review of election coverage must include evaluation of the contents of election coverage in both the private and public media and take into account possible differences in the content disseminated in Haiti’s various regions. Some observations can be derived from this exercise:

- a) The election campaign during the first round of presidential and legislative elections was widely covered by Haitian media; coverage of the second round, however, was considerably less.

- b) Despite the lack of resources available to journalists and the media, election activities benefited from broad media coverage of acceptable professional quality.
- c) The principle of equitable access was not respected in the strict sense of the word, especially in the regions; the main candidates in the presidential election and certain candidates and parties in the regions enjoyed greater media visibility; coverage of local issues was neglected.
- d) Haiti's national television and radio stations made significant efforts to comply with the criteria for equitable access to media.
- e) Parties and candidates with more abundant resources bought airtime for election advertisements.
- f) Election coverage primarily consisted of covering the events and reacting to them; the amount of investigative journalism was limited and the explanations provided of the election process were, overall, rare and incomplete.

Conclusions and recommendations

The overall effect of election media coverage was somewhat positive. Electoral activities benefited, especially during the first round, from fairly broad media coverage of generally acceptable quality. That being said, this coverage remained, on the whole, unequal, incomplete and, in the regions in particular, partisan. The media were often unable to keep up with events, and efforts to present a fairer and more complete image of the electoral process were lacking.

Equitable access to media for the parties and candidates is central in evaluating election coverage. This objective was not achieved, and certain candidates and parties benefited from disproportional visibility in the media. However, the very large number of parties and candidates running made it difficult for the media to grant them equal coverage and the absence of clear legislation on election coverage deprived them of benchmarks for achieving this objective. In the circumstances, commendable efforts were made to present a balanced picture of the ideas and policies of a significant number of political parties.

In light of all these observations, a number of recommendations can be made:

1. Clear regulations on media coverage of elections should be adopted and implemented for future elections; the new regulations adopted should deal with:
 - a) the allocation of media coverage among parties and candidates
 - b) the independence of the media from any attempt at manipulation or control
 - c) mechanisms for implementing these regulations
2. Journalists and the media should adopt a Charter that defines some guidelines aimed at governing media coverage of election campaigns; an independent organization could ensure that this Charter is respected and that offenders are disciplined, as necessary.

3. Training for journalists assigned to cover public affairs, in general, and provide campaign coverage, in particular, should be improved. The objectives of the programs designed for this purpose could enable journalists to:
 - a) improve their understanding of the role and impact of the media in a democracy
 - b) increase their command of modern communications tools and media relations techniques
 - c) improve their knowledge of the election process
4. The capping of election expenses should be considered, to prevent more affluent parties from occupying too much space in the media.

9. Polling (i.e. voting on election day)

Voting day is the moment of truth for the electoral process. At this time, citizens must be able to exercise their right to vote without facing undue obstacles and without fearing for their safety. The vote must be free, secret, direct, equitable, personal and non-transferrable. Election staff and party representatives at polling stations must strictly conform to their roles as provided for in electoral legislation.

Despite sometimes difficult conditions, especially in the first round, electoral staff fulfilled their duties and voters were able to make their choices in an adequate manner.

Legal context

The voting process must respect certain operating methods. Polling stations, grouped together in voting centres located in accessible areas, were supposed to open their doors at 6:00 a.m. and operate without interruption until all voters assigned to a polling station had voted or until the voters in line outside the voting centre at 4:00 p.m. had been identified and had the chance to vote. To vote, a voter had to bring his or her national ID card to the polling station that had his or her name on the electoral list. Electoral lists had to be up to date and reflect any changes that assigned voters to a different voting centre. Appropriate means needed to be in place to guarantee the confidentiality of the vote and prevent fraud. The list of election officers was to be published thirty days before voting day. These officers, recruited through competitions and appropriately trained, were to ensure integrated and effective operations for the opening of the offices, the voting process and the counting of ballots. The vote was to take place in an orderly fashion and provisions were to be made to help illiterate voters or voters with disabilities exercise their right to vote. The integrity of the process was to be reinforced by the presence of authorized party representatives in the polling stations, and the security of voters was to be guaranteed with adequate security measures both inside and around the voting centres.

In the months leading up to the first round, changes were made to the Electoral Decree, since it was impossible to comply with certain articles. Articles 50, 52, 53 and 54 on the time frame for publishing changes to the electoral lists were made more flexible. Other articles which, in principle, should have been modified, such as article 158 which stipulates that “ The CEP must

make public, in the registration centres and the BECs, the list of polling stations and the members assigned to those stations at least thirty days before voting day,” were not.

A notable difference between some provisions of the Electoral Decree and the actual electoral process involves the role of the BEDs and BECs. The Decree provides for a decentralized electoral organization built on a strong relationship between the CEP, the BEDs and the BECs. For various reasons, the elections were highly centralized, recruiting of civic officers and electoral personnel was completed before the BEDs and BECs were reactivated, and the channels of communication between the various workings of the electoral organization were geared more to direct relations between the CEP and the voting centres.

The first round of presidential and legislative elections: a review

The first round of elections took place in relative calm, reflecting a consensus on February 7 as the date on which the elections would be held and a widely shared desire to see the election process succeed. The substantial voter turnout was, without a doubt, the most significant aspect of the first round. Haitians showed remarkable courage and discipline, and electoral staff generally completed their work with diligence and determination, despite sometimes challenging conditions. The role played by security officers stationed at voting centres, along with the respectful conduct of many observers and party representatives, also allowed voters to cast their ballots in a safe environment without being subjected to undue pressure.

While the vote proceeded smoothly on the whole, a number of problems were nonetheless observed:

- a) The late and disorganized opening of the polls (generally more than two hours late) added more voters to the waiting lines, which were already long at the time the polling stations were supposed to open. This situation increased tensions early in the day, sparked voter discontent, increased pressure on electoral personnel and lengthened voter wait time by several hours.
- b) The layout of certain centres was inadequate; rooms were too small, poorly lit and ventilated and it was often very difficult for people to move around inside.
- c) The polling booth model used, as well as its location, did not ensure a secret vote at all polling sites.
- d) Generally speaking, no provisions had been made to help illiterate voters or voters with disabilities.
- e) Inexperience, a lack of training and the ambiguity of some of the instructions (especially with regard to the signing of ballots) contributed to the late opening of the polling stations and to delays in the voting process early in the day. However, the voting process improved during the day; electoral personnel more effectively controlled the process and generally made an effort to carry out their duties completely.

- f) Signage directing voters to their polling stations was inadequate and no posters explaining the voting process were noted.
- g) The electoral lists contained several inaccuracies; this situation caused much frustration and led to uneven application of the monitoring system that ensured voter access based on the national ID card and the electoral lists;
- h) The instructions issued by the CEP to extend voting hours and authorize the right to vote based on the presentation of the national ID card enabled numerous voters to exercise their franchise. However, these instructions were not applied consistently across voting centres because of problems in the chain of communication between the CEP and its departmental and local structures.

Despite these problems, the elections of February 7, 2006, took place under acceptable conditions and Haitian voters were able to freely exercise their right to vote within the context of a fair process. The civic spirit of the Haitian people, demonstrated by voters' determination to exercise their franchise and the diligence with which electoral personnel carried out their tasks, is the element that stood out the most on this voting day. The voter turnout, which exceeded 60 percent for the first round, compared favourably with well-established democracies and helped give the election process true legitimacy.

The second round of legislative elections: a review

There was a period of two and a half months between the first and second rounds of legislative elections. This time made possible a series of adjustments to improve the voting process that took place on April 21, 2006. But it also dragged out an already long electoral campaign. Parties that were running out of resources tried to mobilize voters who were less interested during the second round. An assessment of the conditions in which the second round of legislative elections were held yielded a number of observations:

- a) Polling stations generally opened their doors on time or with very little delay. The simplification of polling station reports and opening procedures, the experience of the electoral personnel and the absence of waiting lines when the polls opened made it possible, in most cases, to begin voting on time and in an orderly fashion; the reduced numbers of voters, of candidates running and of votes to be compiled helped facilitate operations thereafter.
- b) The addition of annexes and some reorganization of the voting centres helped facilitate voting.
- c) Measures taken to direct voters to their polling stations were significantly improved in the second round; the systematic posting of electoral lists, and the increased presence and more active role of election security agents greatly improved the situation inside the voting centres.
- d) Some problems continued from the first round into the second: ballot boxes were, generally speaking, not sealed; the same deficient voting booth model was used; support

for illiterate voters and voters with disabilities continued to be lacking; signage to inform voters about the election process remained absent in many voting centres; inaccuracies in the electoral lists were still noted; and once again there were communication problems between the CEP and its regional structures.

- e) The new security measures implemented by the PNH and MINUSTAH, such as a more discreet presence, aided the proper conduct of the vote, which took place in relative calm.
- f) Electoral staff generally performed their duties with diligence; observers, of which there were fewer in the second round, were generally well received. A change in how the decree was applied with regard to the presence of political party representatives (limited to three) in the polling stations created tension in some regions of the country.

Despite certain incidents, during the second round voters were able to vote under satisfactory conditions, which on the whole were better than those surrounding the February 7 elections. Moreover, voter turnout in the second round exceeded 30 percent. Although lower than in the first round, this rate compares favourably with previous second-round elections in Haiti and marks a continued step toward democracy.

Conclusion and recommendations

Voting day is a critical test for an electoral process. Despite more serious difficulties in the first round, voters were able to exercise their franchise freely and democratically in both rounds. Some recommendations can be made to maintain this success and improve future voting days in Haiti.

1. Procedures for opening polling stations could be simplified even more, notably by using numbered ballots; specific instructions and adequate documentation should be given to electoral personnel so that they can proceed with sealing the ballot boxes properly.
2. The location, layout and identification of voting centres should be improved to ensure that they have the capacity to adequately serve all voters; simple, straightforward information on voting should be posted inside the voting centres.
3. Significant efforts should be made to produce more accurate electoral lists.
4. The type of polling booth used during both rounds, as well as their location on voting day, should be reconsidered to ensure the secrecy of the vote.
5. Appropriate support should be given to voters who are illiterate or who have a disability.
6. Training for polling station staff should be reinforced.

7. The rule limiting political parties to three representatives in the polling stations on a rotating basis should be revised in favour of a solution that emphasizes both transparency and efficiency in the Haitian context.
8. The chain of communication used to relay instructions issued by the CEP to voting centres on polling day should be improved.

10. Vote counting and compilation of results

Ballots must be counted and results compiled rigorously and transparently so as to reflect the will of the voters. These procedures unfolded in difficult conditions during the first round. By the time the second round was held, however, the situation had improved markedly. Ultimately, the results of the ballot counting and the compilation of votes reflected the expressed will of the Haitian electorate during the elections of February 7 and April 21, 2006.

Legal framework

Ballot counting procedures are set out in articles 184 through 193 of the Electoral Decree. Article 184 specifies that the counting commences with the close of polls and thereafter continues uninterrupted, in the presence of polling station staff and party representatives. Article 185, which reads as follows, distinguishes between valid and invalid ballots: “Ballots marked by a cross, an “X” or any other sign unequivocally signifying the elector’s intentions to vote, in the space (circle, picture, logo) reserved for a candidate, are valid and counted. Blank ballots also are valid and counted. Ballots where the Bureau cannot identify the elector’s intention or political will are declared spoiled.” Articles 186 through 190 describe the ballot counting process and set out the procedures for drafting the official report of the counting. Articles 191 through 193 (as well as part of article 189) deal with distribution of the polling station reports and posting of the results.

The procedures for publication of the results are set out in articles 194 through 197 of the Electoral Decree. Article 194 stipulates that the BEDs must publish, without delay, the election results for their department. Article 195 states that “the CEP, upon resolving all problems, proclaims the final results of the elections.” Articles 196 and 197 deal with the scheduling of a potential second round and publication of the results of both rounds.

The main articles dealing with proclaiming the victors in the presidential and legislative elections are found in Chapter VII of the Decree. Articles 75 through 77 focus on the elections for the Chamber of Deputies. Article 75 states that “the candidate receiving an absolute majority (50 percent + 1 of the valid ballots cast) is elected deputy for a four-year term in the electoral district to be represented.” Article 76 deals with the conditions leading to a second round, while article 77 states that candidates elected in the second round are those “who obtain the largest number of votes.” Articles 81 through 83 concern Senate elections. Article 81 sets the number of senators per department at three and states the following: “Senators of the Republic are elected through universal suffrage by an absolute majority of the valid ballots cast.” Article 82 describes

how a third of the Senate seats come up for re-election every two years, while article 83 explains the conditions for holding a second round of voting in these elections.

Articles 87 and 88 deal with the presidential election. Article 87 specifies that “the President of the Republic is elected through direct universal suffrage by an absolute majority of voters, i.e. 50 percent of the valid ballots cast plus one.” The same article states that “if this majority is not obtained during the first round, a second round will be held within the time frames set by the CEP.” Article 88 states that the candidate elected in the second round “will be the one who obtained the largest number of votes.”

Counting the ballots and compiling the results during the first round of voting

Ballot counting proved arduous during the first round. An assessment of the conditions in which this process unfolded leads to a number of observations:

- a) On the whole, polling station personnel followed the procedure for counting the ballots. This process was carried out in a generally fair and transparent manner.
- b) However, the ballot counting process was a lengthy one and carried out in difficult conditions (fatigue, poor lighting, the sheer volume of the task) by exhausted election staff, many of whom worked for over 30 hours straight without a break, water or food; despite all of this, the election staff by and large showed admirable patience and perseverance in carrying out their role.
- c) The post-count drafting of the polling station reports proved demanding for an exhausted staff, some of whom lacked proper training. The scope of the task, along with the complexity of the polling station reports to be completed and of the procedures for preparing the election materials to be sent out, led to numerous errors, which in turn considerably delayed the results compilation process.

Tabulating the results proved a difficult and painstaking process during the first round. The compilation was unexpectedly slow due, in particular, to the late arrival of the election materials at the compilation centre, streamlining problems with central operations, the complexity of the polling station reports, mistakes made in them by electoral staff, overly strict filtering criteria for the reports early in the process, shortcomings in training and managing staff, and the enormity of the task at hand (number of votes and complexity of the materials to be processed).

In spite of the difficulties encountered, the compilation method employed produced reliable results that reflect the will of the Haitian electorate. Two features of this process are worth noting. First, centralizing compilation of results in a single place allowed for better control of the process. Second, the measures taken to ensure transparency, such as posting several copies of the polling station reports at the different levels of the electoral administration, as well as on the CEP Web site, and publishing the preliminary results as they became available, ensured a fair process.

As stated in the IMMHE’s supplementary report of April 6, 2006, the CEP made the right decision in compiling the blank votes and pro-rating them based on the votes received by each candidate in the presidential race. A contradiction exists between the Constitution, which

provides that the president must be elected by absolute majority, and the Electoral Decree, which states that blank ballots are valid and must be compiled, thus creating the possibility that it could be mathematically impossible for a candidate to win an absolute majority of votes in the second round. It is therefore crucial that the rule on compiling blank ballots be reviewed and clarified to reflect the Haitian Constitution.

Counting the ballots and compiling the results during the second round of voting

The vote count and compilation of the results during the elections of April 21, 2006 took place in markedly better conditions than encountered during the first round. Here are some observations:

- a) The ballots cast in the second round were counted in conditions corresponding closely to the process outlined in the Electoral Decree. The smaller number of ballots (two instead of three) and of candidates (two for the Chamber of Deputies, six for the Senate), the smaller turnout, proper lighting, less fatigue, more experienced election personnel and the use of simplified procedures and documents created conditions conducive to minimizing errors.
- b) On the whole, the election staff followed the procedure for the ballot counting, which took place in the presence of party representatives and, in some cases, national and international observers. Attempts at electoral fraud were limited.
- c) The streamlined polling station reports made the task much easier for election staff. However, the procedures for preparing the election materials for shipment seemed arduous and time-consuming for the polling station staff.
- d) Ballots were counted, for the most part, in a comprehensive and transparent manner.

Following the count, the election materials (ballots, polling station reports, counting sheets) were placed in envelopes and sent to various drop-off points (BEDs, Camp Bravo in the Western department) for storage, posting or processing for results compilation purposes. This operation, carried out under the aegis of MINUSTAH, encountered some difficulties during the first round that led to delays in tabulating the vote. The hiring of additional personnel, a reorganization of the work process in the sorting centres and materials that were easier to process made it possible to expedite the shipment of the polling station reports to the compilation centre during the second round.

The results compilation process improved between the first and second rounds, thanks to the greater simplicity and lower volume of materials to process and the implementation of major corrective measures. A few observations from the second round results compilation process:

- a) Generally speaking, the work at the compilation centre was done in an orderly manner, under the close supervision of officials and in a secure environment. The operations conformed to the criteria of rigour and accuracy set up when the centre was established.

- b) Changes in the work methods at the compilation centre led to greater efficiency. These changes had mainly to do with personnel management and with the procedures for receiving and processing the polling station reports.
- c) Better use of office space and an improved structure for accommodating the observers, media and party representatives led to substantial improvements in observation conditions between the first and second rounds at the compilation centre.
- d) A concern for expediting the compilation was more apparent in the second round than in the first.
- e) However, several reports did not contain figures for the number of ballots received, since, in many cases, the ballots had not been counted before the polls opened. Information on how many voters went to the polling stations was often missing. Confusion in the instructions and errors in calculations led to a series of mistakes in drafting the ballot count reports, which in turn delayed the compilation process.

The elections of April 21 brought 27 senators and 86 deputies to elected office (one senatorial election and 14 elections for deputy seats, cancelled after the first round, were re-held on April 21). A more in-depth review of the results of the compilation of ballots cast during the second round leads to three conclusions:

- a) The percentage of polling station reports processed for the senatorial elections increased in all the departments between the first and second rounds. For the country as a whole, it rose from 95.8 percent to 99 percent (see Table 1, Appendix III).
- b) The decline in the percentage of spoiled ballots (down 1.1 percent and 4.7 percent, respectively, for the elections to the Senate and the Chamber of Deputies; see Table 2, Appendix III) seems to reflect a greater understanding of the election process among voters and polling station members.
- c) The increase in the proportion of blank ballots from round one to two (up 2.4 percent and 2.6 percent respectively for the elections to the Senate and Chamber of Deputies) is harder to explain. This outcome makes it all the more imperative to clarify the legal status of this type of ballot as soon as the current electoral cycle is over.

Conclusion and recommendations

The assessment of the ballot count and results compilation during the second round of legislative elections on April 21, 2006, indicates that both procedures were, by and large, carried out in a rigorous and transparent manner and produced a credible outcome reflecting the will of the Haitian electorate. The following are recommendations on how to improve these procedures in future:

1. The procedures governing the opening and closing of polling stations could be further streamlined and clarified. The use of numbered ballots might make it possible to speed up the opening of polling stations and minimize errors in drafting the reports. Simplified

procedures for preparing the election materials for shipment might avoid a proliferation of errors during lengthier ballot counts.

2. In future, it would be preferable to have initial estimates on the time it will take to compile the vote. This type of information would be useful, both for managers and for election observers.
3. It would also be preferable to make the compilation process even more transparent by providing observers with more systematic information on the progress of the compilation and by continuing the practice of disseminating the preliminary results as they are being compiled.
4. It is imperative that the rule on tabulating blank ballots be reviewed and clarified to reflect the Haitian Constitution, which requires that candidates receive an absolute majority to be elected.

11. Complaints process

A transparent, impartial and accessible process for challenging the outcome of elections is a key component of guaranteeing the integrity of the electoral process. A transparent process means that complainants have accurate information on the nature of the complaints they can submit, the body to which they must submit their complaints, the procedure to follow for formulating a complaint and the criteria to be employed in dealing with it. The grounds for rejecting or allowing a complaint, and the findings of the body charged with reviewing it, must be set out clearly and made public. An accessible process means that the deadline and steps for submitting a complaint must be reasonable. Recourse for complainants dissatisfied with the treatment afforded their complaints adds an element of impartiality and credibility – indispensable, in the eyes of many – to a complaint mechanism.

Legal and constitutional framework

The Constitution of 1987 confers on the Permanent Electoral Council the responsibility for deciding electoral complaints. Since this council has never materialized, it is the CEP that was given this authority in accordance with article 289 of the Constitution. The legal provisions that the CEP is charged with applying are defined in the Electoral Decree adopted in February 2005 and in subsequent amendments.

The articles dealing with electoral disputes are grouped together in three parts in the Decree. Articles 14 through 19 identify the authorities empowered to receive and handle complaints concerning election operations: a) the BCECs, numbering 142 and charged with handling complaints concerning local and municipal elections; b) the BCEDs, numbering 11 (one per department, two for the Western department) and charged with hearing complaints concerning legislative elections – complaints concerning the presidential election are to be heard by the Western BCED; and c) the BCEN, charged with hearing appeals by complainants dissatisfied with the rulings of the BCECs and BCEDs. The same articles prescribe the composition of these

various offices, stipulate that the rulings handed down by the BCEN are without appeal and set out the procedures and time frames for filing a complaint. Articles 198 through 202 extend the jurisdiction for disputes and the procedures for filing complaints about election results. Articles 131 through 136 state that complaints regarding candidacies are to be addressed to the BCEC and the BCED, whose rulings are, in this case, without appeal.

The Electoral Decree is somewhat ambiguous and confusing, as indicated by the following examples:

- a) The composition of the BCEDs is unclear.
- b) The identity of the Western BCED, to which presidential election complaints are to be submitted, is not spelled out.
- c) The requirement imposed on complainants to show that electoral fraud has “played a part in electing the candidate in question” is difficult to apply in a first round of elections.
- d) Article 17 contains certain ambiguities concerning the identity of potential complainants (defined by the catch-all “interested party”) and the filing period for a complaint (the time and date from which “one clear day” elapses is not specified).
- e) Complaints concerning candidacies are supposed to be ruled on by the BECs and BEDs in accordance with the Electoral Decree; in fact, a number of them were referred to the BCEN without having been ruled on; the Decree is silent as to whether there is a right to appeal decisions made by the BECs and BEDs.
- f) The jurisdictional demarcation lines among the authorities responsible for handling complaints are not always clear, particularly in the case of multiple fraud in the same location, affecting the presidential and legislative elections simultaneously.
- g) The criteria employed to judge the admissibility (and, if applicable, the merits) of a complaint are not clearly defined. .
- h) The criteria governing the right to information on the part of citizens and political parties in the complaint process are not clearly defined.

A review of the complaints process in the first round

The assessment of the complaints process in the first round is mixed, particularly when it comes to the criteria of transparency and accessibility. First, there is the matter of the large number of complaints that were rejected. The choice of criteria used to judge the complaints’ admissibility or to assess their merits lacked clarity and consistency. That being said, the mechanism put in place does not seem to have shown any particular political bias. From the assessment of the electoral complaints system used for the February 7 elections, several key observations have emerged:

- a) The official total number of complaints provided by the CEP dealing with the results of the first round was 155. The bulk of the complaints dealt with the elections to the Chamber of Deputies (86, versus 28 for the Senate elections; the focus of the other complaints is not specified in the “Tracking Table”). No official complaint, or none deemed as such, was submitted for the presidential election. Roughly two complaints in five (64 in total) were appealed before the BCEN.
- b) Numerous complaints were apparently rejected because the national ID card number of the complainant was not provided. Application of this criterion, though strict in general, varied among the BCEDs and between the BCEDs and the BCEN: 10 of the 11 complaints initially rejected by a BCED went on to be ruled admissible by the BCEN during the appeal stage.
- c) There was definite confusion about the filing period for complaints, and different decisions were made as to their admissibility based on this criterion. Some complaints submitted prior to publication of the final election results were accepted, while others were rejected on these grounds.
- d) The criteria used by the various bodies to justify their rulings generally lacked consistency. Furthermore, explicit justifications were missing from a number of decisions, and in many cases these were not transmitted to the complainants.
- e) All significant decisions leading to corrective measures concerning the February 7 elections (change in the order of finish, proclamation of a victor, re-holding of elections) were taken by the BCEN. The role of the BCEDs seems to have diminished in the complaints process.
- f) The BCEN took decisions that altered the outcome of 18 elections (see Table 1 of Appendix IV); 17 of these decisions dealt with elections to the Chamber of Deputies, while the other dealt with a senatorial election. In the case of the former, two of the decisions altered the order in which the candidates finished, one led to a victor being proclaimed and 14 led to the elections being re-held. As for the Senate case, the decision led to the election being re-held in the Northeastern Department (three seats to fill).
- g) The main grounds cited to warrant the re-holding of elections had to do with not enough ballots being printed (seven cases), interruption of voting (four cases), absence of polling station reports (one case) and the death of one of the candidates prior to the election (one case). In the other two cases, the information obtained was imprecise and contradictory.
- h) The complaints process unfolded on two parallel tracks, one formal and the other informal. The decision to re-hold elections to the Chamber of Deputies was taken in half the cases (7 votes out of 14) without any complaint having been formally submitted.
- i) The criteria used to reject or accept complaints seemed inconsistent from one decision to the next. That said, no systematic bias was noted in the verdicts rendered in favour of certain parties or candidates, which suggests that the BCEN processed complaints impartially.

A review of the complaint process during second round

Table 2 in Appendix IV offers data on the process for challenging the results of the second round of legislative elections on April 21, 2006. A number of observations can be drawn from a review of this table:

- a) The number of complaints submitted declined by more than a third between the first and second rounds. As had been the case after the February 7 elections, complaints concerning elections to the Chamber of Deputies (70) by far outnumbered those concerning elections to the Senate (18). When the figures for both rounds are added up, there were about three to four times more complaints for elections to the Chamber of Deputies, which corresponds roughly to the proportion of seats to be filled in the two chambers (99 versus 30).
- b) In relation to the first round, there was a fourfold decline in the number of complaints rejected owing to the absence of a national ID card number during the second round. This represents a positive change in the complaints process between the two rounds.
- c) The BCEDs continued to play a rather marginal role. A significant development in this regard was the increase in the proportion of appeals brought before the BCEN, from about 40 percent to nearly 70 percent.
- d) The complaints process seems to have been characterized by the same ambiguity and lack of consistency in the second round as in the first.
- e) The number of corrective measures adopted in the second round was far more limited. Two changes were made to the candidates' order of finish. The investigations conducted by the BCEN into the election of deputies in the electoral districts of Saint-Michel de L'Attaye and Verrettes confirmed the original results of April 21.

Conclusion and recommendations

An accessible, transparent and impartial complaints process constitutes a key element of an equitable and democratic electoral system. The implementation of a complaints process—a first in Haitian history—must be commended. In addition, the decline in the number of complaints rejected on technicalities between the first and second round must be noted.

That said, major improvements should be considered, to make the process more consistent and, thus, more equitable and transparent. The most important changes should clarify the complaints process itself, as well as the procedures used by elections officials to implement it. In light of these observations, the following recommendations may be made:

1. The procedures for filing a complaint should be spelled out. Clarifications are needed with regard to the filing period for complaints, the relevant documentation that must accompany them, the body to which they must be submitted and the possible grounds for

altering the outcome of the vote (order of finish, proclamation of a victor or re-holding of the election).

2. Complainants' and citizens' right to information should be better assured. The criteria employed by election authorities to judge the admissibility and merits of complaints should be clear, known and uniformly applied throughout the country and by all the authorities responsible for handling election complaints. The decisions made by these authorities (BCECs, BCEDs and BCEN) should be justified and made public within a reasonable time frame.
3. The complaints system should be the preferred vehicle for leading election authorities to adopt corrective measures. Adopting such measures without a complaint having been formally lodged should remain the exception, and their justification must be spelled out by the authorities.
4. The roles, responsibilities and areas of jurisdiction of the various bodies (BCEN, BCEDs and BCECs) charged with resolving electoral disputes should be clarified. Serious thought should be given to the role of the BCEDs, which has been rather marginal during the current electoral cycle. The possibility of splitting the BCEN from the CEP and making it independent from the latter should be considered, since the CEP can also be a party involved in a complaint.
5. The possibility of expanding the complaints process should be given careful consideration. Thought could be given to the possibility of adding expressly in the Electoral Decree: a) the right to appeal the candidacy complaint process; b) the procedures for lodging a complaint against an electoral officer; and c) the possibility that citizens could, under certain circumstances, file complaints about the electoral process.
6. Appropriate measures should be taken to ensure the integrity of the election materials required for rulings on complaints.
7. Consideration should be given to the effectiveness of the means at the disposal (or potentially at the disposal) of the election authorities to enforce the measures and sanctions provided for under law to deal with violations of the electoral legislation.

Conclusion

The votes held on February 7 and April 21, 2006 marked a turning point in efforts to consolidate democracy in Haiti. Although organized and conducted in a difficult environment, these elections were marked by characteristics unique in the political history of Haiti, which holds promise for the future. Strong participation in the elections by voters and all the country's significant political entities, relatively open access to the media on the part of the parties and candidates, state support for electoral activities, the adoption of a credible, consensus-based method of compiling the results, and the implementation of a complaints process all represent firsts, holding out the hope

that these elections will prove to be the foundation of a viable and sustainable democratic tradition in Haiti.

The most important task in the immediate term is to finish the current electoral cycle, while ensuring that the legislative elections to be completed and the local and municipal elections remaining to be held are conducted as soon as possible and under optimal conditions. Next, the country will need to embrace a broader perspective by adopting a series of measures aimed at consolidating the democratic gains stemming from the holding of elections that, when all is said and done, will have reconstructed the entire political representation in Haiti. Four strategies are proposed to ensure the consolidation of Haiti's democratic institutions.

1. *Strengthen the status and expertise of Haiti's election authorities.* It is crucial that Haiti develop a skilled and professional permanent electoral council that can credibly manage the requirements of Haiti's electoral cycle in a timely manner. To that end, there is a need to ensure:
 - a) legislative reform of the way the electoral apparatus operates, where the division of roles and responsibilities is well established between the council and the electoral administration; the permanent electoral council would thus be in charge of establishing policies and regulations, whereas the electoral administration would report to the council, recommend and carry out policies, and implement the appropriate programs
 - b) training and retention of specialized electoral personnel
 - c) adequate resources for the maintenance of archives and files
 - d) a strong and continuing tradition of electoral observation
3. *Fine-tune the electoral legislation.* The current electoral cycle has revealed certain deficiencies and ambiguities in the electoral legislation that led to ad hoc amendments late in the election process in reaction to events that were taking place. It is imperative that the legislation be overhauled and clarified to bring it in line with the Constitution and Haiti's reality. In addition to significantly enhancing the election process and its administration, such review would eliminate the need for ad hoc amendments as events unfold.
4. *Strengthen the role of the political parties.* A vital democracy depends on the presence of dynamic political parties capable of waging electoral debates and mobilizing their voters. Meaningful state support must be provided to help the parties organize their activities and participate in the civic education of voters. In return, the political formations must do more to strengthen the credibility of the election process and must agree to submit to a rigorous system of accountability for public funds.
5. *Capitalize on Haitians' sense of civic duty.* The heavy turnout during the first round and the seriousness with which election staff approached their tasks signal the existence of a strong sense of civic duty on the part of Haitians. Future information and civic education campaigns should be used to consolidate Haitians' attachment to the democratic process and to their political system.

Comprehensive summary of recommendations

Enabling environment

1. The international community's support in reorganizing the PNH should continue, in order to ensure that future Haitian elections can be held in an acceptable climate of security. A strategy should be implemented that enables the PNH gradually to enhance the quality and number of its forces. A phased-in disengagement by the international community should be planned, to allow local police forces to play an expanded law enforcement and security role throughout Haiti.
2. Measures should be considered to capitalize on the training received by electoral security agents (ESAs). For example, ESAs could be rehired for the local and municipal elections.
3. As stated in the report of April 24, 2006, the creation of a skilled and professional permanent electoral council that is capable of meeting the demands of the Haitian electoral cycle requires a division of responsibilities among the policy-making and administrative bodies. The council should, therefore, maintain its primary role of setting out policies and regulations, and the executive body should be in charge of implementing them. The council should further be equipped with appropriate archiving resources and tools to build on the experience of the CEP. Funding and terms of reference that would protect the council's independence should be enshrined in legislation.
4. To maintain a climate conducive to the conduct of elections in civil society, means should be put in place between election periods to support the civic education of voters and enable parties and national observers to play an active and positive role in the electoral process.

Fundamental freedoms

1. It is imperative to continue to strengthen public institutions that guarantee respect for and the protection of fundamental freedoms, particularly by rebuilding the judicial system and continuing the reorganization of the police.
2. A revision of the legislation governing party and candidate certification as well as political financing should be conducted to enable a more equitable process to qualify for and achieve elected office.
3. A clarification of the legislation and maintenance of adequate resources for the civic and electoral education of Haitians both during and between election periods should be undertaken, so that voters can make more informed choices and participate more actively in public affairs.

Electoral preparations

1. The experience acquired in organizing the presidential and legislative elections should be built on to establish a recognized, legitimate, impartial and effective permanent electoral authority in Haiti, as described above in recommendation No. 3 of "Enabling environment".

2. The more unified leadership of international community initiatives implemented in the fall of 2005 should be maintained until the international community ceases to play a key role in the organization of Haiti's elections. The model based on the interface between the executive leadership of the CEP and a cell coordinating the operations of the international community focused on election preparation should be maintained and strengthened.

3. A special effort should be made to dispel suspicions surrounding the recruiting and training of electoral staff. A system based on the results of the last elections could be implemented to appoint polling station officials. This system should be based on the active role of political parties in recruitment and be linked to the provisions of the Electoral Decree regarding party representatives, to allow all parties that wish it to be represented at the polling stations.

Drawing of electoral district boundaries

1. The Haitian government should create a body (comprising national technicians and, possibly, international experts) to define the boundaries of electoral districts. This body should be independent and have the required resources to consult the population and periodically review the territorial boundaries of districts. Legislation creating this body should provide for the use of the criteria of demographic balance, geographic factors and community of interest in delineating electoral districts; the legislation should also set out a legislative ratification mechanism for the changes proposed by this body.

2. A public debate could be held on the advisability of maintaining an equal number of senators for each department.

3. Special attention should be paid to the demographic imbalance of districts in the Chamber of Deputies. Measures should be planned to improve, in particular, the representation of voters living in urban areas and in the Western Department. Given the low density of populations currently over-represented in the Chamber of Deputies, and to avoid creating units that are too large, it could be advisable to correct current inequalities by increasing the number of Parliamentary seats. The simulations presented in Tables 4 and 5 (Appendix I) show that it would be possible to correct a significant proportion of the current distortions by adding between 21 and 31 electoral districts to the Chamber of Deputies.

Certification of political parties and candidates

1. A legislative review of the criteria for the certification of political parties and the qualification of candidates should be undertaken to ensure they reflect the Haitian reality. For example, the requirement to recruit 5,000 members or 2 percent of the electorate, as the case may be, and the requirement to present a tax clearance certificate could be reviewed.

2. Measures to encourage female candidates and to encourage parties, groups and coalitions to field candidates in every district should be maintained in the future.

Campaign funding and use of public resources

1. International public support for electoral activities (such as the USAID-UNOPS program) should be approved and overseen by Haitian election authorities.
2. Few parties or candidates have provided detailed reports on their use of funds. To encourage them to do so, election authorities should make it known that obtaining future public funding is conditional on meeting this requirement.
3. In the longer term, the Electoral Decree's current provisions on party financing should be integrated into specific legislation and the Permanent Electoral Council should have the means necessary to ensure that such legislation is effectively implemented. In this context, five changes to the current rules should be considered:
 - a) The obligation to provide a list of 40,000 citizens in order to obtain government funding should be reviewed and a formula for determining how much financial support will be granted to a party or candidate based on the number of votes garnered in an election could be considered.
 - b) A rigorous accountability mechanism for parties and candidates, which sets out penalties for misappropriation of funds, should be implemented; better monitoring of parties' private funding sources should be assured.
 - c) An expenses ceiling could be considered for election campaigns; assistance granted by the Haitian government, or under its supervision, should make up a significant portion of all election spending.
 - d) Specific provisions should be aimed at ensuring adequate funding for electoral activities during the second round of elections.

Voter information and education

1. The responsibilities of Haiti's electoral authority with regard to voter information and education should be better defined and specified in future electoral legislation.
2. The next Permanent Electoral Council should define the major directions of future voter education and information campaigns; it should have the expertise necessary to coordinate the efforts of various stakeholders working in this area and be able to integrate its actions into an overall plan for election communication.
3. It would be preferable for Haiti's election authorities to continue to benefit from the co-operation of the international community in the future; the assistance provided by UNOPS to establish an election communication cell for the CEP and the areas of co-operation developed with the NDI for the second round are encouraging examples of partnerships to be strengthened in the future.
4. More rigorous planning of resources dedicated to voter education programs should be ensured. A more effective allocation of these resources should make it possible to intensify election

information campaigns and maintain them throughout the electoral cycle; the need to maintain adequate election communication activities during the second round should be a priority for election authorities in the future.

5. Information campaigns that emphasize a simple and clear message are a good approach. Political actors and Haitian civil society organizations should be encouraged to play a more active role in the dissemination of more in-depth information on Haiti's electoral and political system.

6. The recruitment, training and deployment of civic officers should be carried out in close co-operation with the CEP's local and departmental agencies (BECs and BEDs) during the next electoral cycle.

7. Civic education programs should be a national priority in Haiti and their implementation should go beyond the election periods.

Equitable access to media

1. Clear regulations on media coverage of elections should be adopted and implemented for future elections; the new regulations adopted should deal with: a) the allocation of media coverage among parties and candidates; b) the independence of the media from any attempt at manipulation or control; and c) mechanisms for implementing these regulations.

2. Journalists and the media should adopt a Charter that defines some guidelines aimed at governing media coverage of election campaigns; an independent organization could ensure that this Charter is respected and that offenders are disciplined, as necessary.

3. Training for journalists assigned to cover public affairs, in general, and provide campaign coverage, in particular, should be improved. The objectives of the programs designed for this purpose could enable journalists to: a) improve their understanding of the role and impact of the media in a democracy; b) increase their command of modern communications tools and media relations techniques; and c) improve their knowledge of the election process.

4. The capping of election expenses should be considered, to prevent more affluent parties from occupying too much space in the media.

Voting process

1. Procedures for opening polling stations could be simplified even more, notably by using numbered ballots; specific instructions and adequate documentation should be given to electoral personnel so that they can proceed with sealing the ballot boxes properly.

2. The location, layout and identification of voting centres should be improved to ensure that they have the capacity to adequately serve all voters; simple, straightforward information on voting should be posted inside the voting centres.

3. Significant efforts should be made to produce more accurate electoral lists.

4. The type of polling booth used during both rounds, as well as their location on voting day, should be reconsidered to ensure the secrecy of the vote.
5. Appropriate support should be given to voters who are illiterate or who have a disability.
6. Training for polling station staff should be reinforced.
7. The rule limiting political parties to three representatives in the polling stations on a rotating basis should be revised in favour of a solution that emphasizes both transparency and efficiency in the Haitian context.
8. The chain of communication used to relay instructions issued by the CEP to voting centres on polling day should be improved.

Vote counting and compilation of results

1. The procedures governing the opening and closing of polling stations could be further streamlined and clarified. The use of numbered ballots might make it possible to speed up the opening of polling stations and minimize errors in drafting the reports. Simplified procedures for preparing the election materials for shipment might avoid a proliferation of errors during lengthier ballot counts.
2. In future, it would be preferable to have initial estimates on the time it will take to compile the vote. This type of information would be useful, both for managers and for election observers.
3. It would also be preferable to make the compilation process even more transparent by providing observers with more systematic information on the progress of the compilation and by continuing the practice of disseminating the preliminary results as they are being compiled.
4. It is imperative that the rule on tabulating blank ballots be reviewed and clarified to reflect the Haitian Constitution, which requires that candidates receive an absolute majority to be elected.

Complaints process

1. The procedures for filing a complaint should be spelled out. Clarifications are needed with regard to the filing period for complaints, the relevant documentation that must accompany them, the body to which they must be submitted and the possible grounds for altering the outcome of the vote (order of finish, proclamation of a victor or re-holding of the election).
2. Complainants' and citizens' right to information should be better assured. The criteria employed by election authorities to judge the admissibility and merits of complaints should be clear, known and uniformly applied throughout the country and by all the authorities responsible for handling election complaints. The decisions made by these authorities (BCECs, BCEDs and BCEN) should be justified and made public within a reasonable time frame.

3. The complaints system should be the preferred vehicle for leading election authorities to adopt corrective measures. Adopting such measures without a complaint having been formally lodged should remain the exception, and their justification must be spelled out by the authorities.
4. The roles, responsibilities and areas of jurisdiction of the various bodies (BCEN, BCEDs and BCECs) charged with resolving electoral disputes should be clarified. Serious thought should be given to the role of the BCEDs, which has been rather marginal during the current electoral cycle. The possibility of splitting the BCEN from the CEP and making it independent from the latter should be considered, since the CEP can also be a party involved in a complaint.
5. The possibility of expanding the complaints process should be given careful consideration. Thought could be given to the possibility of adding expressly in the Electoral Decree: a) the right to appeal the candidacy complaint process; b) the procedures for lodging a complaint against an electoral officer; and c) the possibility that citizens could, under certain circumstances, file complaints about the electoral process.
6. Appropriate measures should be taken to ensure the integrity of the election materials required for rulings on complaints.
7. Consideration should be given to the effectiveness of the means at the disposal (or potentially at the disposal) of the election authorities to enforce the measures and sanctions provided for under law to deal with violations of the electoral legislation.

APPENDIX I. DATA ON ELECTORAL BOUNDARIES

TABLE 1. Analysis of the demographic balance among Haiti's departments

Department	Pop.* (%)	Number of		Senate (%)	Ch. of D. (%)	Variances	
		Senators	Deputies			Senate	Ch. of D.
Ouest	42.0	3	18	10.0	18.2	-32.0	-23.8
Artibonite	12.9	3	13	10.0	13.1	-2.9	+0.2
Nord	9.3	3	11	10.0	11.1	+0.7	+1.8
Sud	7.6	3	12	10.0	12.1	+2.4	+4.5
Centre	7.3	3	10	10.0	10.1	+2.7	+2.8
Sud-Est	5.2	3	8	10.0	8.1	+4.8	+2.9
Nord-Ouest	5.0	3	7	10.0	7.1	+5.0	+2.1
Grande-Anse	4.0	3	7	10.0	7.1	+6.0	+3.1
Nord-Est	3.5	3	7	10.0	7.1	+6.5	+3.6
Nippes	3.3	3	6	10.0	6.1	+6.7	+2.8
Total	100.0	30	99	100.0	100.0		

*As a percentage of the population 18 and over, according to the Institut Haïtien de Statistique et d'Informatique (IHSI), census of 2003.

TABLE 2. Variance in number of voters* (%) in relation to the average**

Variance	Electoral district (ED) number
UNDER-REPRESENTED ED***	
- Over 100% above the average (+89,860 voters)	6
- Less than 100% to + 50% above the average (-89,860 to + 67,395 voters)	5
- Less than 50% to + 25% above the average (-67,395 to + 56,163 voters)	9
Subtotal	20
ED IN ACCEPTABLE RANGE	
- Neither above nor below by + or - 25% of the average (between 33,698 and 56,163 voters)	20
OVER-REPRESENTED ED****	
- From -25% to -50% below the average (-33,698 to + 22,465 voters)	23
- From -50% to -100% below the average (-22,465 voters)	36
Subtotal	59
Total	99

* Population 18 and over according to the IHSI, census of 2003

** Average obtained by dividing 4,448,065 / 99 (electoral districts) = 44,481 voters per electoral district

*** Under-represented: when the number of voters is more than 56,163 in the electoral district

**** Over-represented: when the number of voters is less than 33,698 in the electoral district

TABLE 3. Link between an electoral district (ED)'s representation and the makeup of its population

Category	Number of EDs	% of rural voters	
		- than 60%	+ than 60%
UNDER-REPRESENTED:			
- Variance of + 25% above the average (more than 56,163 voters)	20	9	11
OVER-REPRESENTED:			
- Variance of -25% below the average (fewer than 33,698 voters)	59	4	55
ACCEPTABLE RANGE:			
- Neither above nor below + or - 25% of the average (between 33,698 and 56,163 voters)	20	2	18
Total	99	15	84

TABLE 4. Simulation of effect of adding 21 seats to Chamber of Deputies

Department	Pop.* (%)	Number of deputies			Ch. of D. (%)	Variances Ch. of D.
		Actual	Simulated	Variance		
Ouest	42.0	18	38	+20	31.7	-10.3
Artibonite	12.9	13	14	+1	11.7	-1.2
Nord	9.3	11	11	0	9.2	-0.1
Sud	7.6	12	12	0	10.0	+2.4
Centre	7.3	10	10	0	8.3	+1.0
Sud-Est	5.2	8	8	0	6.7	+1.5
Nord-Ouest	5.0	7	7	0	5.8	+0.8
Grande-Anse	4.0	7	7	0	5.8	+1.8
Nord-Est	3.5	7	7	0	5.8	+2.3
Nippes	3.3	6	6	0	5.0	+1.7
Total	100.0	99	120	+21		

TABLE 5. Simulation of effect of adding 31 seats to Chamber of Deputies

Department	Pop.* (%)	Number of deputies			Ch. of D. (%)	Variances Ch. of D.
		Actual	Simulated	Variance		
Ouest	42.0	18	45	+27	34.6	-7.4
Artibonite	12.9	13	15	+3	12.3	-0.6
Nord	9.3	11	12	+1	9.2	-0.1
Sud	7.6	12	12	0	9.2	+1.6
Centre	7.3	10	10	0	7.7	+0.4
Sud-Est	5.2	8	8	0	6.2	+1.0
Nord-Ouest	5.0	7	7	0	5.4	+0.4
Grande-Anse	4.0	7	7	0	5.4	+1.4
Nord-Est	3.5	7	7	0	5.4	+1.9
Nippes	3.3	6	6	0	4.6	+1.3
Total	100.0	99	130	+31		

APPENDIX II. DATA ON PARTY FINANCING

TABLE 1. State grants during first round of elections (February 7, 2006) (in gourdes)

Parties (number of deputies elected)	Financing of selected candidates for the presidency*	Financing of selected parties*	Total grant awarded	% of votes obtained during presidential election
LESPWA (19)	572,916	2,172,772	2,745,668	51.21
RDNP (4)	572,916	2,130,956	2,703,872	12.40
UNION (6)	572,916	1,674,452	2,247,369	5.59
FUSION (15)	572,916	2,854,056	3,426,972	2.62
OPL (8)	572,916	2,736,156	3,339,072	2.62
ALYANS (10)	572,916	2,581,950	3,154,866	2.49
LAVALAS (6)	572,916	1,780,728	2,353,644	0.68
Total amount invested by State	20,052,060	36,666,839	56,718,899	

* Parties selected for this table are those that had the largest number of deputies elected in the second round of the legislative elections (indicated in parentheses) and that ran a candidate in the presidential election (according to the information provided by the CEP on February 20 and May 6, 2006).

APPENDIX III. DATA ON COMPILATION OF RESULTS

TABLE 1. Percentage of polling station reports processed during first round and second round of Senate elections

Department	Reports processed for 1st round	Reports processed for 2nd round	Variation
Nord-Ouest	90.7	99.6	+8.9
Nord	98.5	99.8	+1.3
Artibonite	94.6	96.2	+1.6
Centre	98.2	100.0	+1.8
Ouest	95.0	99.7	+4.7
Sud-Est	99.4	100.0	+0.6
Sud	97.3	99.7	+2.4
Nippes	99.3	99.3	0.0
Grande-Anse	94.9	97.9	+3.0
Country	95.8	99.0	+3.2

Source: CEP Web site. Percentages are calculated for departments where there were two rounds of voting.

TABLE 2. Percentage of votes for candidates, blank and spoiled ballots during elections of February 7 and April 21

Presidential election

	Votes for candidates (%)	Blank ballots (%)	Spoiled ballots (%)
1st round	88.2	4.4	7.4

Senate elections

	Votes for candidates (%)	Blank ballots (%)	Spoiled ballots (%)
1st round	90.3	5.9	3.8
2nd round	89.0	8.3	2.7
	-1.3	+2.4	-1.1

Elections to Chamber of Deputies

	Votes for candidates (%)	Blank ballots (%)	Spoiled ballots (%)
1st round	86.2	4.9	8.9
2nd round	88.3	7.5	4.2
	+2.1	+2.6	-4.7

Source: CEP Web site. Percentages are calculated for departments and electoral districts where there were two rounds of voting.

APPENDIX IV. DATA ON COMPLAINTS PROCESS

TABLE 1. Corrective measures applied by election authorities after the first round of elections

Type of decision	Legislative assembly		Complaint	
	Deputies	Senate	Yes	No
Change in order of finish	2	0	2	0
Proclamation	1	0	1	0
Repeat election	14	1	8	7

TABLE 2. Comparison of complaints process in first and second rounds

	First round	Second round
Number of complaints	155	100
-Senate	28	18
-Chamber of Deputies	86	70
Number of complaints rejected for failure to include national ID card number	46	7
Appeals before BCEN	64	69
Number of elections affected by corrective measures	18	2