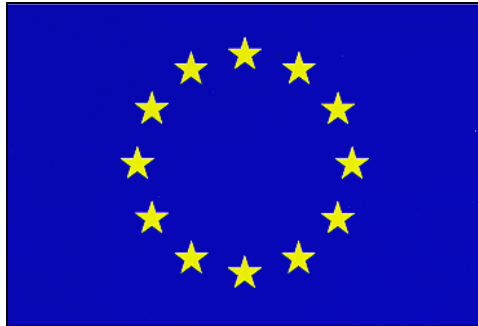




SRI LANKA

PARLIAMENTARY ELECTIONS
2 April 2004

EUROPEAN UNION
ELECTION OBSERVATION MISSION

FINAL REPORT

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Executive Summary

Political Background

The leader of the United National Party (UNP), Ranil Wickramasinghe, was elected Prime Minister following the December 2001 General Election. After the elections the new government made a fresh attempt to negotiate a lasting solution to Sri Lanka's twenty year ethnic conflict which had already resulted in the loss of 65,000 lives. In late December, the LTTE (Tamil Tigers) declared a unilateral ceasefire. The positive response from the new government led to a Permanent Ceasefire Agreement being signed between the two parties on February 22nd 2002.

However, the change in government brought with it a new political dimension - cohabitation government. The executive president, Chandrika Kumaratunga was part of the People's Alliance (PA), which had formed the outgoing government. Consequently cohabitation proved difficult to operate in practice which did not facilitate progress in the peace process. Attempts to negotiate a compromise between the President and the Prime Minister failed and the President dissolved the parliament in February 2004 and called a general election.

This was Sri Lanka's third general election in just over three years. It was also the third occasion that the EU was invited by Sri Lanka's Commissioner of Elections to send an Election Observation Team. The EUEOM arrived in Sri Lanka on 7 March and departed Sri Lanka on 2 May .

Election Violence

The previous Observation Missions witnessed major violence and serious electoral abuse in the 2000 and 2001 elections. In contrast, the 2004 election represented a vast improvement.

Nevertheless, by the end of the 2004 campaign, five people had been murdered, fifteen were seriously injured and over 2000 cases of election violence had been reported.

During the 2004 elections the major incidences of violence originated with the LTTE, whereas in the earlier elections, the primary source of the violence (although not all) were the country's two largest political parties. However, tension between them still resulted in some violence this time, especially in Kurunegella and Digamadulla at the end of the election campaign

A number of factors contributed to the overall improvement. In the 2000/2001 elections, the rule of law was not enforced impartially. This created an election environment which experienced unacceptable violence and intimidation. In contrast, policing of the 2004 campaign and Election Day was much less politicized. During the campaign the police also enforced the prohibition of posters and political processions, removing potential flashpoints and therefore contributing to a substantial decrease in election-related violence. The combined effect of the establishment of a National Police Commission and the determination of the Commissioner of Elections contributed to the substantial improvement.

Some have argued that the division of power between the president and the prime minister also helped.

The reason for the LTTE motivated violence was due to two factors.

Firstly, the LTTE intended that no other rival Tamil party (or Tamil candidate from the mainstream political alliances) to the TNA would be able to claim to represent Tamil interests. A chilling message to this effect was sent early in the campaign when a UNP candidate and an EPDP activist were murdered. Incidents such as this seriously restricted the right of parties other than the TNA to campaign freely in the North and East.

Secondly, the split between the LTTE in the North and East exacerbated the situation resulting in the murder of a TNA candidate, the attempted murder of the government agent of Batticaloa and the forced displacements of Northern Tamils out of Batticaloa.

Additional Problems

The election campaign experienced a number of other significant shortcomings. Although there were fewer complaints about abuse of state resources during the 2004 campaign, there was, once again, major controversy regarding media reporting of the election. The state controlled media which was under the control of presidential appointees did not fulfill their duty to ensure that all political parties and candidates obtained balanced and objective coverage thereby ensuring voters were provided with sufficient and objective information upon which to base their choice. Additionally some of the private electronic media also failed to discharge their responsibilities in this way.

Furthermore problems also occurred in the North and East on polling day. EU and domestic observers reported widespread impersonation and multiple voting in most cluster stations.

Election Administration

Apart from the unique problems of the North and East, the overall election administration functioned well. Personnel at all levels were well prepared, well organized and fulfilled their responsibilities professionally and impartially.

Despite the fact that 17th Amendment to the Constitution has not been fully implemented, the Commissioner of Elections has been able to exercise some of the powers vested in him by this amendment compared to previous elections.

Strengthened by these powers and his already established commitment to conducting a "free and fair election" the Commissioner of Elections earned the respect of Sri Lanka's diverse political community. His consensual approach and the way he involved representatives of the political parties instilled confidence in and respect for the election administration.

Conclusion

Compared to the two previous elections, the scale and gravity of the problems was greatly diminished during the 2004 general election. While this is to be welcomed, it must also be

stressed that there are no grounds for complacency particularly as this may give rise to false hopes that the disturbing features of the 2000 and 2001 elections will not re-occur.

Although the most serious incidences of violence originated with the LTTE, it must not be forgotten that over two thousand cases of election-related violence were reported. This grim statistic underlines once again the continuing fragility of democracy in Sri Lanka. All political leaders have a major responsibility in cooperation with civil society to take whatever action is necessary to protect and strengthen democratic structures. That is why it is particularly disappointing that, more than two years after the 17th Amendment was adopted, there is still no agreement on the appointment and establishment of the proposed independent Election Commission. This institution would have considerably reinforced the capacity of election administration officials to act against anyone whose abuse of power undermined the integrity of the democratic process. The implementation of the recommendations of the two earlier EU Election Observation Missions would also have had a beneficial effect.

Overall, it would be fair to conclude that the 2004 elections were largely conducted in a democratic manner, apart from the North and the East. If the election results in the North and East had been a critical factor in determining who formed the government, it would have raised questions about the legitimacy of the final outcome. The events that took place in this part of Sri Lanka during the course of this election were totally unacceptable and are the antithesis of democracy.

Recommendations

Many of the present recommendations are the repetition of those issued in 2000 and 2001., which unfortunately were not implemented. However, some of them were taken into account by the Sri Lankan authorities, including partial implementation of the 17th Amendment and domestic observers being allowed to be present in the polling stations. The EU EOM believes that the full implementation of the following recommendations would ensure better conditions for future elections.

Legal Issues

- The provisions of the 17th Amendment should be fully implemented. In particular, the President and the Constitutional Council should be able to find an agreement on the nomination of an independent Election Commission.
 - Several developments in the jurisprudence of the Supreme Court concerning election-related matters should be included in the Constitution and/or the Parliamentary Elections Act (PEA), namely:
 - The right of voters to freely elect their representatives should be included in the Constitution.
 - The SC jurisprudence on art.48A of the PEA, increasing the number of cases when the Commissioner of Elections should annul an election and order a re-poll, should be included in the law.
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- The National Police Commission should be provided with additional means and should adopt a proper procedure to handle complaints against police officers.
- In order to increase the transparency and accountability of the role of the Police in the electoral process, the Police Election Secretariat should provide a detailed analytical report on the complaints received and on their handling after the end of the election period.
- Rules for the publication of parties' campaign accounts, including campaign contributions, should be introduced. Considerations should be given to limiting campaign expenditure either by individual candidates or political parties.
- Following the appointment of an independent Election Commission, its means of enforcement should cover all the electronic media, state media as well as private electronic media, and should be able to impose a wider range of sanctions.
- The legislation regulating media coverage should consider the right of small political parties to get their message across. At least on state electronic media, the law should guarantee some coverage to minor political parties, in programmes other than free election broadcast.
- Paid advertising by political parties should be under the control of an independent institution. The content of such advertisement must not include inflammatory language. Limits to advertisement might be imposed on the quantity of paid advertising that parties are entitled to purchase, as well as on the amount of airtime the media are allowed to broadcast daily.

Election Administration Issues

- Voters' register:
 - The procedure for updating the voters' register should be amended in order to include young and first time voters as soon as they become eligible.
 - A complete computerization of the voters' register would considerably increase its quality, thus allowing the deletion of duplicate registrations and making the updating process easier.
 - A reliable registration of voters in the LTTE controlled areas in the North and in Jaffna should be conducted.
 - In the long term, the use of a national identity card or a similar document to check voters' identities on the voters' list should be made compulsory.
 - Counting procedures should provide an acceptable timeframe within which complaints and request for re-polling can be lodged;
 - Polling Staff training should focus on the following critical technical aspects:
 - The importance of checking the ink on voters' fingers prior to voting;
 - The correct application of the ink;
 - The importance of the layout of polling stations for a full protection of the secrecy of the vote.
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- An independent media-monitoring unit, within the Election Commission, should be set up during the electoral campaign to facilitate the enforcement of those provisions regulating media coverage.

Political Parties Issues

- A code of conduct as outlined in previous EU EOM reports should be agreed among political parties and implemented. The purpose should be to prevent violence.
- Conditions for a genuine multi-party campaign in all parts of the country need to be ensured.

Media Issues

- All media should draft and implement internal guidelines and codes of conduct for election coverage, particularly the state media.
- The role of the Press Complaint Commission should be reinforced in order to ensure an internal mechanism for regulation and complaints addressed against print media.
- The criteria for the appointment of state media management should be based on professional considerations rather than political reasons. The choice of state media management should be the result of an agreement between the government and the opposition.
- State electronic media should be transformed into genuine public services.

Domestic Observers

- Domestic observers should be allowed to enter counting centres to observe the counting of votes.
- Domestic observers need to be supported in their efforts through training and networking among the different organisations active in this field.

Women's participation

- Political parties should consider introducing an internal quota system guaranteeing larger women's participation as candidates in the electoral process.
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1. Acknowledgments

The European Union Election Observation Mission in Sri Lanka (EU EOM) would like to express its appreciation to the Commissioner of Elections (CE), Mr Dayananda Dissanayake, and to the Sri Lanka electoral administration for their cooperation and openness during the entire electoral process. In this regard, the EU Mission would like to acknowledge the commitment and dedication displayed by the electoral body.

The EU EOM would also like to thank the Government of Sri Lanka for the co-operation and all the political parties for their willingness to meet and to answer our questions.

The assistance of the European Commission's Delegation to Sri Lanka and its staff was extremely useful as well as collaborative. In particular, the Acting Head of the Delegation, Mr. Wouter Wilton and his assistant, Ms. Shyamala Fernando, were very supportive of EU EOM activities.

In general, political parties were available to meet the EU EOM, to answer its questions and to explain their point of view.

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Furthermore, the Mission would like to thank the United Nations Representative, Mr. Miguel Bermeo, for his support and co-operation.

During the meetings with the international community, international agencies and other international observation missions, the EU EOM always found a welcoming environment and a co-operative spirit.

The police were generally helpful in providing the EU EOM with adequate information.

The press conferences held by the EU EOM were well attended by journalists who covered its activities and statements in a professional manner.

The mission received considerable support from the service provider GTZ. The EU EOM local staff demonstrated a strong commitment and were available at all hours.

Finally yet importantly, the EU EOM would like to express to Sri Lanka's citizens its gratitude for the hospitality, interest and openness and for their participation in the electoral process.

2. Objectives of the Final Report

The Final Report aims at presenting the events for the period during which the mission was deployed from 7 March to 2 May. The recommendations included in this report are based on the conclusions of the observation.

3. Legal Framework

3.1 The shape of the Institutions

The current Constitution, promulgated on 7 September 1978, provides for a unicameral Parliament with legislative power and a powerful President. The term of office of the President and the Parliament is six years. It also introduced a proportional representation voting system. Sri Lanka's Institutions are shaped by the "executive presidency", a set of rules defining a strongly presidential system. Among other prerogatives, the President is chief of the army, can dissolve the Parliament (except during the first year of its term), appoints the Cabinet of Ministers and provincial governors.

Until the 17th Amendment was passed in 2001, the President could also appoint members and chairman of the Delimitation Commission, Commissioner of Elections, magistrates of the Court of Appeal and of the Supreme Court, Attorney General, chairman and members of the Judicial Service Commission, Ombudsman, chairman and members of the Human Rights Commission, chairman and members of the Public Service Commission and Auditor General.

3.2 The 17th Amendment to the Constitution

In September 2001, the Parliament of Sri Lanka adopted a new amendment to the Constitution. This new amendment established, among others, independent commissions to administer the police, judiciary, public service and elections. In order to improve the transparency and legitimacy of these sectors, the Constitutional Council, a multiparty institution, was set up. The new institution must give its approval to the nomination of the members of the above-mentioned commissions. It is regrettable that some substantial provisions of the 17th Amendment have still not been implemented (see below).

3.3 The Commissioner of Elections

The 17th Amendment contains provisions creating a new Election Commission and vesting it with new powers. So far, the foreseen Election Commission has not been appointed, because, regrettably, the President has not been able to agree with the Constitutional Council on the person to chair it. However, the current CE is able to exercise part of the powers vested in him and in the future Election Commission by the Constitution. More specifically, the CE interpreted art.27 of the 17th Amendment as vesting him already with the additional powers foreseen for the Election Commission.

As a result, the CE has substantially more powers than previously. He must ensure the enforcement of election laws. He can request that state authorities participate in such law enforcement. He can prohibit a party or candidate from using state/public property in the campaign. He can issue media guidelines to ensure balanced and fair coverage. The CE is also in charge of overseeing media coverage of the elections (see Media Section). He can deploy police officers made available to him that would be under his direction and control during

the period of the election. Finally, he can make recommendations to the President regarding the deployment of the armed forces for the prevention of any actions that may be prejudicial to the holding of the election.

3.4 The National Police Commission

The establishment of a Constitutional Council in March 2002 and the creation of a National Police Commission, often referred to as the “independent police commission”, in December 2002, vested it with some of the powers that were previously in the hands of the Inspector General of the Police (IGP). In particular: [Constitution, art.155G(1)(a)] “The appointment, promotion, transfer, disciplinary control and dismissal of police officers other than the Inspector-General of Police, shall be vested in the Commission. The Commission shall exercise its powers of promotion, transfer, disciplinary control and dismissal in consultation with the Inspector General of Police.”

In addition, pursuant to the 17th Amendment to the Constitution, the head of the Police (IGP) must be appointed by the President with the approval of the Constitutional Council. However, the decision of the President to extend the mandate of the outgoing IGP without the consent of the Constitutional Council, and the controversy that this provoked, shows that the authority of the Constitutional Council needs to be further clarified or established. Another illustration of the fact that the spirit, if not the letter, of the 17th Amendment is sometimes disregarded, is the fact that even though an independent National Police Commission was created at the end of 2002, it has so far failed to adopt a procedure to handle complaints against police personnel although it was specifically requested [Constitution art.155G(2)] to do so.

3.5 The Parliamentary Elections Act

The Parliamentary Election Act (PEA) was adopted on 22 January 1981. It has been amended several times. The PEA provides a detailed framework for the administration of the elections (voter and candidate registration, appointment of Election Administration Officers in the districts, material organisation of the polling, counting procedures, etc.), the seat allocation system and provisions on offences and petitions.

In addition, the CE issues a series of guidelines establishing procedures for the administration of the election. For example, the rights and entitlements of observers are included in these guidelines. The CE also issued some guidelines and instructions under the powers afforded him by the newly passed 17th Amendment to the Constitution.

3.6 Electoral System

The 225 Members of Parliament are elected for 6 years by a mixed proportional system with preference voting. Out of a total of 225 seats, 196 seats are elected from 22 multi-member districts. The number of seats per district is based on the number of registered voters in the District with a minimum of 4 seats.

On Election Day, voters cast their vote (1) for a party and (2) for up to 3 candidates among those running in the district for the party they have chosen (preferences). After the poll, party votes are counted before the preferences. Parties obtaining less than 5% are disqualified. The party that comes first in the district automatically takes the first seat. The remaining seats are allocated to all qualified parties on a proportional basis and according to the highest average (D'Hondt formula). Preferences are counted only after the party vote count is completed. They are added up and the seats won by each party are distributed among their candidates according to the number of preferences they received. A further 29 seats are elected from national party lists. All parties' votes from the whole country are added together, and the 29 seats are distributed on a proportional basis. Parties designate candidates to be running on the national list during the nomination period. Parties can choose to distribute at their discretion the seats that they have won at national level to any of the candidates whose name is on the national list, or to any of the candidates that appeared on one of their district lists and was not elected at district level.

A discrepancy between the provisions of the Constitution and those of the Parliamentary Elections Act has created some confusion on the possibility for the parties to give national seats to persons who did not run as a candidate on any district or national list. The Constitution seems to imply that only persons running as candidates on a list can be nominated. The Parliamentary Elections Act seems to grant more latitude to parties, in particular through the provisions regulating the filling of vacancies. As a result, political parties have developed a tendency to give national seats discretionary to persons who did not run, and therefore did not face the voters. This also happened for these elections (see post-election section).

The observation of past electoral processes suggested that political violence occurs not only between parties but also within political parties, between different candidates. There is a discussion in the country on prospective changes to the electoral system.

4. Pre-Election Phase

4.1 Political Background

In November 2003, President Chandrika B. Kumaratunga took over three key Ministries (Interior, Defence and Media) using her presidential powers. After this episode, the problematic cohabitation between the President and the Prime Minister Mr. Wickremesinghe partially paralysed the action of the Executive branch. On 8 February 2004, the President dissolved the Parliament and called for the third election since 2000.

For this election, new coalitions were forged and new political strategies developed. Several independent candidates and 52 political parties registered for this election. Among the main political forces contesting, there were the United People Freedom Alliance (UPFA), the United National Front (UNF), the TNA, the JHU and the EPDP.

Main Political Parties and Coalitions

The **United People Freedom Alliance** (UPFA - Betal Leaf) consists of the former People's Alliance party (PA), the JVP and a range of leftist and smaller parties, including the NUA.

The Sri Lanka Freedom Party (SLFP), the President's party, represents the main force within the alliance. The SLFP governed the country between 1956-65, 1970-77 and it came into power again in 1994, ending 17 years of UNP rule. They governed in coalition with the NUA (one of the two officially recognised parties representing the Muslim minority community) and EPDP (Tamil). The SLFP is strong in most of the provinces, except in the Northern and Eastern regions.

The People's Liberation Front (JVP - Bell) is a marxist-oriented party that grew out of disaffected educated Sinhalese youth. It led insurrections against the government in the 70's and 80's, destabilising the South and being responsible for political assassinations. The party enjoys increasing support among students and in poor rural areas of the country.

The alliance between the SLFP and the JVP was very controversial. Although both parties support a larger role of the state in economic and social life, there are substantial ideological differences between them. In addition, the JVP is considered responsible for the assassination of the President's husband in 1988.

The UPFA political platform is based on issues such as the improvement of the state worker's conditions, the subsidizing of the agricultural sector, the amendment of the constitution (through the abolition of the executive presidency and the change of the electoral system) and measures to reduce the cost of living.

The **United National Front** (UNF) is a coalition composed of the centre-right United National Party (UNP), the Sri Lanka Muslim Congress (SLMC) and the Ceylon Working Congress (CWC).

The United National Party (UNP - Elephant) is the party of the former Prime Minister, Mr. Wickremesinghe. The UNP has governed the country for 30 years since independence and it enjoys the confidence of the business community.

The Sri Lanka Muslim Congress (SLMC - Tree) is the other officially recognised party representing the Muslim minority community. Their electorate is largely based in the East, Kandy and central Colombo. The SLMC is a member of the UNF; some of its candidates stood under the UNP in central areas while others ran alone in the East.

The Ceylon Workers Congress (CWC - Cockerel) is a Tamil party. Its strongholds are the estate tea plantations in the central regions. The improvement of the estate Tamil workers' conditions represents the key issue of its manifesto.

UNF's platform focused on the peace process, by presenting the coalition as the only interlocutor able to set a peace deal with the LTTE. Other key issues of the UNF's manifesto were the liberalisation of the economy as well as pro-business policies.

The **Tamil National Alliance** (TNA - House), a Tamil-based alliance, is the political proxy of the LTTE. The alliance includes the Tamil United Liberation Front (TULF) and the Tamil Eelam Liberation Organisation (TELO). The TNA's strongholds are the LTTE controlled areas in the North and some areas in the East. The TNA's primary aim is the creation of a "Tamil homeland" in the North and East.

The **Eelam People's Democratic Party** (EPDP - Veena) is also a Tamil based party and has fought since 1990 against the LTTE. Their stronghold is Jaffna.

Jathika Hela Urumaya (JHU - Conch shell) is a Buddhist Monks' party, whose aim is the protection of the Buddhist Sinhalese identity and values and the national unity. The party candidates were all monks. The issue of monks getting involved into politics has divided that community.

4.2 Election Administration

The Election Administration currently comprises a Commissioner of Elections appointed by the President at national level, a Returning Officer and Assistant Commissioner in each of the 22 Electoral Districts, a Senior Presiding Officer (SPO) for each of the polling stations, and a Senior Counting Officer for each of the counting centres. Polling Agents (i.e. party representatives) also play a significant role at polling station and counting centre level.

The Commissioner of Elections enjoys the confidence of political parties in the country and is well respected by stakeholders. His consensual approach and the way he involved political parties in his decision-making is to be praised. Some Returning Officers used the same approach. Political parties and groups of independent candidates were given an opportunity to voice their concerns and request explanations of the electoral process in a weekly “Consultative meeting” gathering political parties, the Election Commissioner and the Police DIG for elections.

The EU EOM observation of the conduct of the electoral process clearly shows that, despite some problems, election administration personnel at all levels were well-prepared, well-organized and properly fulfilled their responsibilities. All Observer Teams reported a complete and on-schedule preparations for the elections.

4.2.1 Voter Registration

The Voters’ Register is updated annually, in the month of May. The total number of voters registered for this election was 12,899,032. This was approximately 460,000 more than for the last elections (2001).

The voters’ register is generally considered as reliable and accurate. Regrettably, given the length of the process, the voters’ lists that were used for these elections result from an enumeration completed in June 2002. [The enumeration is the first phase of the registration process, when enumerators register voters door to door.]

As it was for the previous electoral processes, the number of voters registered to vote in Jaffna district (644,279) was not consistent with the approximate number of residents, evaluated at less than half of that number at the most. This discrepancy possibly accounts for the reported statistically low turnout in Jaffna district, far below the national average. This would later be reflected in the vote cost per seat in Jaffna and Vanni, which is substantially lower than in the other districts (see Polling and Results - 5.5.2).

Similarly, the accuracy of the voters’ register in the Northern LTTE controlled areas is open to question. The last enumeration was made in 1988 when a temporary cessation of fighting allowed the election administration to register voters. Since then, updating has been done by taking deceased people off the list and by offering the possibility to new voters to come to the nearest Returning Officer office and fill a registration form.

The Constitution and the PEA do not provide for out-of-country voting. It is estimated that about 1 million Sri Lankans are living abroad.

4.2.2 Registration of Candidates

Civil servants, police officers, and Army personnel are banned from running as candidates. In addition, the President of the Republic, together with high state officials, is also disqualified. Political parties and independent candidate groups submit their nomination papers per district to the relevant District Returning Officer. The nomination of candidates was conducted during the first half of February and did not raise any concern.

4.3 The Policing of the Election

The Constitution vests the Commissioner of Elections with the responsibility to secure the enforcement of the electoral law and to deploy police officers on Election Day. A Police Election Secretariat has been created within the Police HQ in Colombo. It is headed by a Deputy Inspector General of the Police (DIG) under the direct supervision of the Commissioner. A total of 64,000 police were deployed on Election Day. This factor contributed substantially to the success of the electoral process.

The Police Election Secretariat keeps track of all complaints lodged by political parties and candidates against offences relating to the electoral process. Most of the time, these complaints are first sent to the Election Commissioner's offices, recorded and forwarded to the police for action. In case of serious offences, action can be brought before a Magistrate or the High Court. Prosecution can only be initiated with the sanction of the Attorney General or Public Prosecutor. The police recorded about 2,000 offences.

The Police Election Secretariat's role is limited to handling minor violations of the electoral law (posters, use of state vehicles, insults, etc.), and to recording the more serious ones. However, it has achieved positive results in relation to the enforcement of the prohibition of posters and political processions.

Some political parties expressed a more positive evaluation of the role of the Police in comparison with the previous elections. However, several temporary transfers of police officers, including from and to Nuwara Eliya District, have raised the issue of possible undue political interference.

Although the NPC asserted that all transfers decided by the IGP were made with their backing, one could have expected the National Police Commission's involvement to be much stronger in the decision-making process concerning police transfers. The EU EOM considers that the capacity of the NPC to fully exercise all the powers provided in the 17th Amendment is critical to guarantee the impartiality of the police and to increase citizens' confidence in the forces of law and order.

4.4 The Electoral Campaign

Although five people were killed, another fifteen people were seriously injured and around 350 lightly injured, violence decreased compared to the past two elections. This decrease was due to several factors:

- The enforcement of the rules prohibiting posters and processions;
- The creation of a National Police Commission, vested with a more autonomous and neutral role, facilitated the implementation of the electoral rules in a more independent way ;
- A lower emotional involvement of voters in the campaign;
- The cohabitation of SLFP and UNP ministers creating some balance of powers;
- The incertitude over the outcome of the election that might have contributed to the lack of involvement of public servants in the campaign.

On 5 March, the LTTE Batticaloa Commander Karuna [Vinayagamoorthy Muralitharan] broke away from the LTTE Prabakaran North group. There is a general perception that three of the five election-related murders were backed by the LTTE in an attempt to intimidate other Tamil contestants. For example on 30 March, a TNA candidate that supported Karuna's split was killed together with his brother-in-law in Batticaloa. On the same day, the deputy Dean of the Faculty of Agriculture of the North East Faculty, who supported the interests of an Eastern Tamils, was seriously injured in Batticaloa.

The main issues discussed at various stages of the campaign were the peace process, the rising cost of living, the subsidies to farmers, the bias in state and private media and the constitutional reform. Meanwhile, during the small rallies that characterised this election campaign, national issues were often mixed with local issues. At a later stage and with less relevance, also the UPFA Constitution reform became an issue. There were two main proposals under discussion: the abolition of the executive presidency with a substantial transfer of powers to the Prime Minister and the introduction of a new electoral system envisaging a mix of first past the post system and proportional representation with a quota system.

A change in the style of campaigning was observed: large political rallies, processions and posting (generating intra and inter party violence) turned into a new style campaign, with small political rallies, door-to-door meetings and significant use of advertisement in the media. The enforcement of the prohibitions of the electoral law, the disaffection of voters, and the empowered role of the media could explain this transformation. Only the JHU organised large gatherings as "religious happenings", being able to gather up to 5,000 supporters in Colombo.

In most parts of the country, political parties could freely campaign without major obstacles. Nonetheless, in the North and the East LTTE controlled areas, only the TNA could freely campaign. Voters could neither receive information on other political parties' platforms nor participate in the political campaign. In the Jaffna Government controlled area, the other two contestants, the EPDP and the independent candidate Mr. Anandasangaree, faced several limitations during their campaign due to psychological pressures and intimidation by LTTE supporters. In the East government controlled areas, the election campaign developed with

fewer limitations, despite a tense environment generated by killings, incidents and intimidations in Batticaloa and Digamadulla Districts.

In some other areas, as in Kurunegala District, the tension between the UPFA and the UNF increased, as Election Day was approaching, turning into clashes between supporters.

4.5 The Media

The Sri Lankan media can be defined as a mixed system of state/Government media and private media¹. The media scene is lively and characterised by a plurality of outlets that are concentrated in big media groups. Some 24 television and radio stations (12 TV and 12 radio) are active at the national level. There is also a high number of publications. After President Kumaratunga took over the Ministry of Media in November 2003, all state-owned outlets came directly under her influence. As a result, one of the biggest issues in this campaign was related to the impartiality and fairness of media coverage of elections.

In a context of strong polarization between the two main contesting forces, the state media were generally accused of being partisan in favour of the UPFA. Conversely, the UPFA alleged that private media were supportive of the UNP.

4.5.1 Legal Framework

Freedom of speech and expression is guaranteed under Article 14 (1a) of the Constitution, which provides that: "All citizens of Sri Lanka shall be entitled to (...) freedom of speech and expression including publication."

The PEA guarantees that all political parties contesting elections are provided with free direct access to present their platforms based on the number of candidates fielded and the number of electoral districts that they contest in.

The CE is responsible for the regulation and the supervision of media coverage of elections. In the exercise of his powers, the CE adopted a consensual approach when deciding on the regulation of the media. Throughout the electoral process, he refrained from unduly interfering in their editorial choices and their right to freely report on the electoral process.

¹ The most important electronic media are: the state/Government controlled television stations Rupawaihini, Channel Eye and ITN. Swarnavaihini, TNL, MTV, Sirasa, ETV, and ARTv are the most watched private TV channels. Among the radio channels, the private Sirasa FM, Yes FM, Isira Radio, Lakhanda Radio, Shree FM, TNL Radio, Gold FM, Sooryan FM and the state controlled SLBC Radio represent the leading stations. As for print media, Dinamina, Daily News, and Sunday Observer are state owned, while the most important private publications are Silumina, Thinakaran, Veerakesari, Thinnakkural, The Island, Divaina, Daily Mirror, Lankadeepa, Sunday Leader, Sunday Island and Sunday Times.

On 11 February 2004 the CE issued guidelines to be observed by the electronic media during the election campaign². However, the CE had no real means for enforcing the guidelines on state and private media.

- *Enforcement mechanism for state electronic media*

The enforcement power the CE is vested with is limited to state radio (SLBC) and state television (SLRC). In case these two broadcasters fail to comply with the Guidelines, the Election Commissioner can appoint a Competent Authority to take over their direction. Apart from this possibility, which is the ultimate sanction, the Commissioner of Elections has almost no other means of action against those media violating the Guidelines. After receiving several complaints from political parties and civil society groups, the CE decided to appoint a Competent Authority on 29 March - the first day of the silence period - to oversee SLBC and SLRC. Although this decision was a positive step to guarantee equitable and balanced coverage, it was adopted too late to have a substantial impact on the overall conduct of these two state channels³.

- *Enforcement mechanism for other media*

The law does not provide an effective remedy to ensure equal access and fair treatment as for private electronic media, the Government controlled television ITN⁴ and the state printing company Lake House. As a result, on many occasions those media were able to disregard its responsibility to provide balanced and unbiased coverage.

² The Guidelines provided instructions on the conduct of the media, matters related to voter education, free airtime allotted to parties to present their political platforms, news coverage and opinion polls. The Guidelines foresaw a right of reply for misrepresented candidates. They also attempted to set a limit on the advantage of the incumbent Government and the incumbent President, by suggesting that news coverage of these issues should be subject to a right of reply. According to the Guidelines, electronic media, particularly those controlled by the state, had the obligation to present balanced, non-partisan and accurate news reporting.

³ For a full report on the appointment of the CA, see Annex.

⁴ Because of its particular half-public/ half-private status, ITN escapes from CA's control.

4.5.2 Media Monitoring⁵

Media coverage of the campaign was intense and steady. All newspapers and broadcasters widely covered party activities as well as election related issues. Voters received a great deal of information on the campaign of individual candidates as well as political parties and the activities of the election administration. The national broadcasters and the press presented contrasting editorial policies thereby offering the electorate a plurality of views.

State television and state radio also ensured that all political parties received free broadcasting time thus allowing them to present their platforms to the electorate.

The race between the two main coalitions, the United People Freedom Alliance (UPFA) and the United National Front (UNF), dominated the agenda of the main media outlet. In fact, media attention focused on the two main forces, with smaller parties regrettably receiving limited or no coverage, particularly in the electronic media. Election coverage was polarized along party lines, supportive either of the United National Front or the United People Freedom Alliance.

The state media displayed an evident bias in favour of the UPFA with regards to news and informative programmes thus disregarding their duty to provide equitable and fair coverage of the election contestants. Particularly, state television (Rupavahini and ITN) dedicated 68% of their election coverage to UPFA while only 22% to UNP. In addition, UPFA was generally covered in a very positive manner while a large part of the time devoted to UNF was negative.

⁵ During the period prior to Election Day the EU EOM Media Unit monitored the election campaign on the state owned television stations Rupavahini and ITN as well as on the private stations Swarnavahini. These channels were monitored on a daily basis for 6 hours per day (6.00 Pm – 12.00 PM). The media monitoring, which was conducted by five national staff under the supervision of the media expert, included both quantitative and qualitative analysis. The team of media monitors was trained in the quantitative and qualitative methodology in line with EU EOM methodology normally used by the EU Election Observation Mission to measure the time, space and tone devoted to the political parties and candidates in a cross-section of the Sri Lankan media.

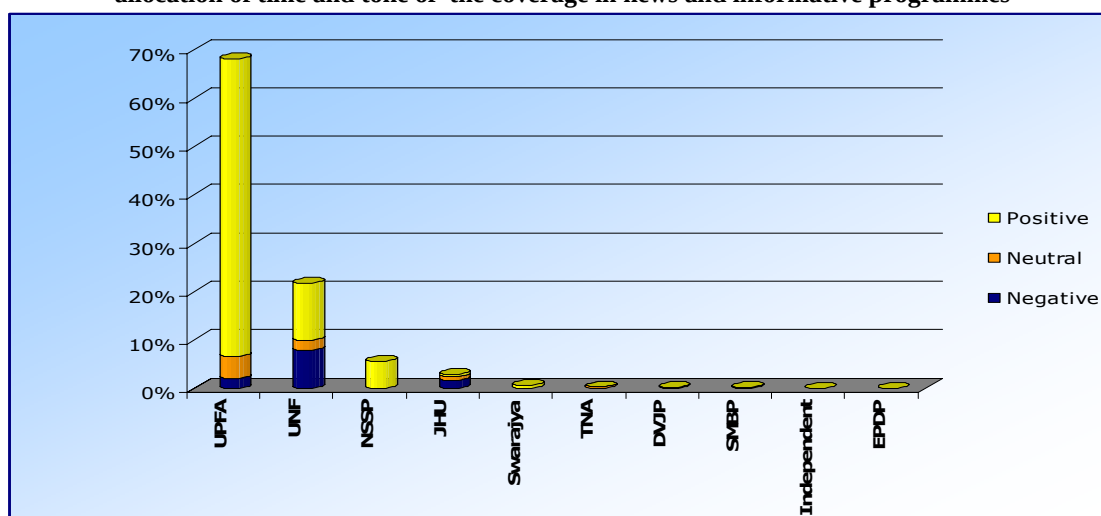
The choice of the sample used for media monitoring was based on three main criteria: ownership, penetration and audiences. The source of information the EU EOM Media Unit resorted to, are: Center for Political Alternatives – Monitoring of Print Media Coverage of General Elections 2004, Phoenix Advertising Survey on TV Audience Share, EU EOM Final Report 2001 on Sri Lanka.

On the ground of the aforementioned criteria, the following media were selected:

- Rupavahini TV, as it is the main state broadcaster and it covers the whole country.
 - ITN, which is another state broadcaster with a considerable audience.
 - Swarnavahini, as it is the most watched private television of the country.
 - Daily News (English) and Dinamina (Singhalese) are the state controlled most important papers.
 - Veerakesary (Tamil), one of the oldest and most read Tamil dailies.
 - The Island (English) and Daily Mirror (English) are both private and with large diffusion.
-

State television (Rupavahini and ITN)

allocation of time and tone of the coverage in news and informative programmes

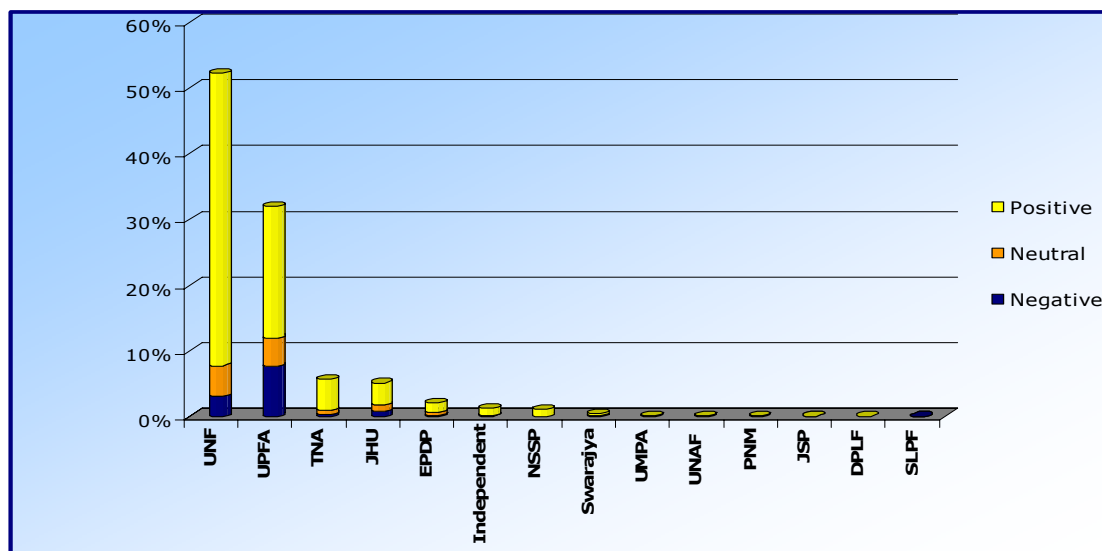


It has to be said that the decision taken by the United National Party to boycott debates and electoral programmes carried by state broadcasters, although not the main factor, contributed to unbalanced coverage on the part of the state media.

Private media, although in a less open manner, generally displayed support to the UNP and to a certain extent to the JHU. Nonetheless, the monitored private television Swarnavahini devoted more equitable coverage to the two main coalitions than the state media. This private channel also paid considerable attention to the JHU.

Private print media expressed clear support for the UNF that was allotted with 52% of election and political coverage, while the UPFA received 32%. UPFA was also covered in a more negative manner than the UNF.

Private press (The Island, The Daily Mirror, Veerekesari)
allocation of space and tone of coverage



The EU EOM observed a number of violations of the election silence imposed by the Commissioner of the Elections for the period preceding E-Day. In fact, both private and state media published and broadcast election material from both coalitions during this period⁶.

The EU EOM was also informed of a number of reports of harassment, intimidation and political pressure on journalists. These allegations were all the more disturbing, in particular during an electoral campaign when the right of the media to freely report should be fully ensured as a fundamental element of a democratic system⁷.

Detailed findings on Media coverage are contained in Annex 2.

⁶ According to the instruction issued by the CE on 26 March 2004, all political propaganda through electronic media should cease 72 hours before the poll, i.e. 24.00 midnight on 29 March 2004. All propaganda through print media should cease 48 hours before the poll i.e. from 24.00 midnight on 30 March 2004. However, in accordance with Section 70 of the Parliamentary Elections Act reports related to the meetings held before 24.00 midnight on 30.03.2004 may be broadcast before 07.00 on 31.03.2004 and published on 01.04.2004.

⁷ On 28 March a grenade was thrown at Mr. Raynor Silva's home. Mr. Silva is the managing director of Asian Broadcasting Corporation (ABC). Also, last February the Minister of the Media, Mr. Kadirgamar, decided to cancel ABC's terrestrial TV license.

On 10 March one of the leaders of the JVP, Mr. Wimal Weerawansa made telephone threats to Mr. Ranasinghe, editor in chief of the daily Lankadeepa. The threats were caused by the fact that Lankadeepa had published advertising from another political party questioning Mr. Weerawansa's reputation. However, a few days later Mr. Weerawansa apologised for the episode.

On 18 March, Lakshman Gunasekara, editor in chief of the state weekly Sunday Observer, was suspended from his duties apparently because of his support for the independence of the weekly.

4.6 Election-Related Violence

As E-Day approached, the level of violence constantly increased, although it did not reach the level observed in previous elections, as the figures provided by the Police show: murders 4 (2004) / 25 (2001); attempted murders by shooting 9 (2004) / 41 (2001) and attempted murders by throwing bomb 1 (2004) / 29 (2001). Five election-related deaths, including the killing of two candidates, were reported by the Centre to Monitor Election Violence (CMEV) during the pre-election period⁸.

5. Polling and Results

5.1. Postal voting

About 300,000 people were registered for a postal ballot, mostly military and civil servants that were away from their place of residence on Election Day. Applications were submitted to District Returning Officers during the first week of March. These voters cast their ballots in advance on 24 and 25 March. Their ballots were then to be sent to their district of residence and were to be counted on Election Day, at the same time as the other votes. These ballots are still counted separately, hence indicating the political choice of certain categories of voters, in particular the Army and the Police.

In three different districts, EU EOM observers reported high numbers of rejected applications⁹ due to “clerical mistakes”, which raised concerns of possible malpractice.

LTO teams observed postal voting on 24 and 25 March. Preparations for the postal voting were observed and assessed as “good”¹⁰. The EOM gathered a sample of 63 polling observation forms out of a total of about 1,000 postal voting booths. The observation statistics showed a very high level of respect for the main procedures (about 95% compliance) and very few instances of missing material, apart from voters’ envelopes. (See Annexes).

⁸ There is a discrepancy between the number of election-related murders recorded by the Police (4) and those reported by CMEV, the media and other civil society organisations (5). The victims were S. Sunderampillai (UNF candidate) and Ponniah Nagendran (EPDP activist) killed on 1 March, Kaldeen Sana (SLMC worker) killed on 17 March, and R. Sathiyamoorthi (TNA candidate) and his brother-in-law murdered on 30 March.

⁹ In Kurunegala district, out of 42 000 postal vote applications, 5,000 were rejected because of mistakes in filling in the forms. In the same way, in Trincomalee district LTOs witnessed that out of 8,670 applications, 1,470 were refused, and in Anuradhapura 5,840 applications were refused out of 21,665.

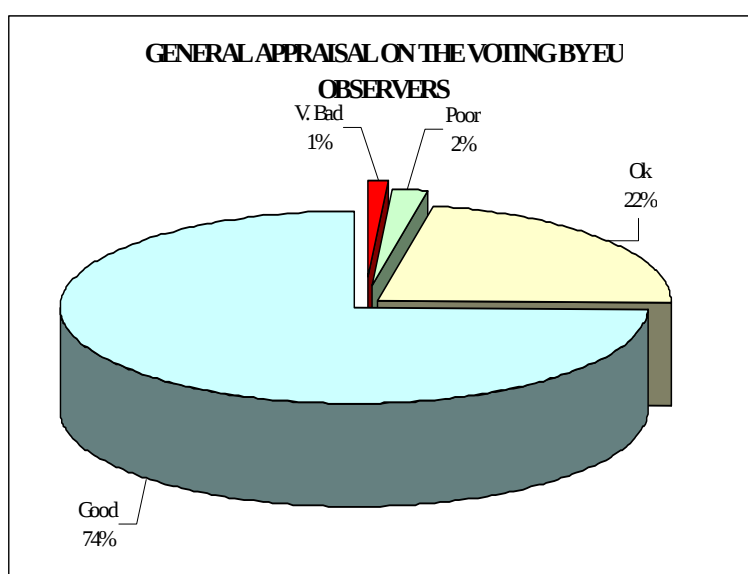
¹⁰ Observers rated as “Good” on the observation forms when all important requirements were totally met.

5.2 Election Day Observation

Polling and counting generally took place in an orderly manner. The observers from the EU EOM visited 327 Polling Stations (PS) in the 22 districts and 34 counting centres. The EU EOM also visited 25 cluster PS in the North and in the East.

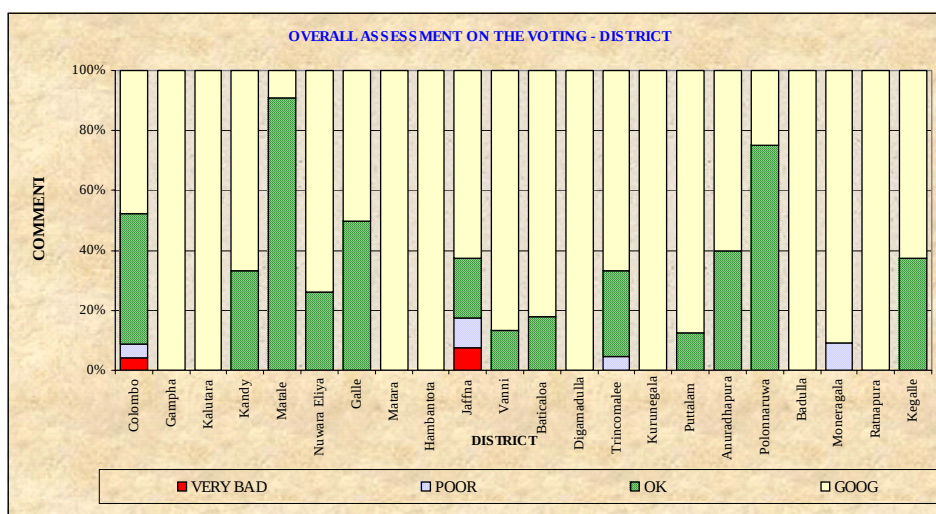
The overall pattern on Election Day was of a well-administered process with voters participating in large numbers. The EU observers assessed the polling process as good or adequate in 96% of the cases and the counting process as good or adequate in 100% of the cases.

The presence of polling agents in almost all the polling stations visited (94%) and of



domestic observers in 71%, is a positive aspect reinforcing the transparency of the process. At counting centre level, polling agents were also massively present. The presence of unauthorized persons inside polling stations was reported in 16% of the cases. Campaign activities in the vicinity of the PS were reported in 4% of the cases observed.

Secrecy of the vote was not fully guaranteed in 29% of the observed polling stations, mostly because of an inadequate layout of the polling station (79% of the cases). This problem had been already stressed in previous EU EOMs' recommendations from the 2000 and 2001 elections.



5.2.1 Voter identification

Voters' identity check was the most problematic aspect of the voting procedures as reported by EU observers. No document / identity card bearing a picture is legally required. The only safeguard against problems of impersonation is the provision of Art. 43 of the PEA empowering the Presiding Officer to require the voter to make a declaration of identity on an official form if his/her identity is placed in doubt.

Since Senior Presiding Officers (polling station chairpersons) are generally from an area different from where the PS is located, they often have to rely on polling agents (parties' representatives) to confirm or contest the identity of voters. Such an over-reliance on political parties to assess voters' identity is unhealthy, particularly in areas where only polling agents from one party are able to sit in polling stations, as it was reported in some cluster polling stations.

In fact, in 11% of the observed polling stations, objections were raised regarding the identity of some voters. In addition, in 17 % of the observed polling stations, some voters were turned away without being able to cast their vote.

Observers reported that polling station officials were sometimes lax in checking voters for ink prior to voting (6%). The ink check is the main safeguard to avoid multiple voting.

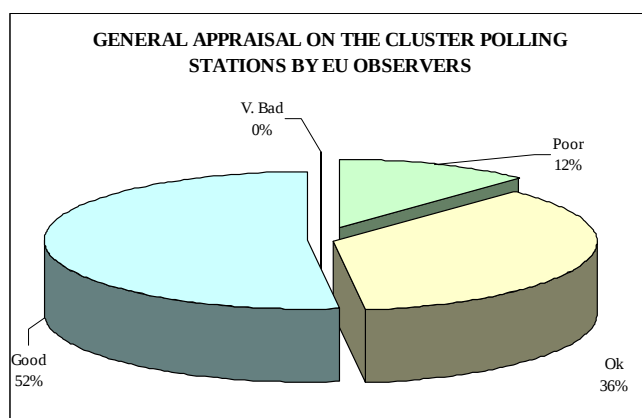
5.2.2 Voting in cluster polling stations

The rough figures of registered voters in Cluster PS are the following: Jaffna District: 59,000, Batticaloa District: 79,000, Vanni District: 90,000, and Trincomalee: 19,000. The CE decided on the location of the cluster polling stations in consultation with the relevant Returning Officers, Security Forces and the Sri Lanka Monitoring Mission. Polling places were set up in Sri Lanka Army (SLA) controlled areas, in proximity of the no man's land.

The transport of a high number of voters from the LTTE controlled areas to large cluster PS has been a matter of concern, particularly from remote areas. These worries proved not to be justified. Observers in Jaffna were impressed by the high level of organisation for the transportation of voters from the uncleared areas. It is indeed a positive achievement that this time voters from the LTTE controlled areas could cast their vote without being prevented by the Army, as was the case in 2001.

However, cases of multiple voting and impersonation¹¹ were observed in most cluster polling stations. In Vavuniya (Mannar) and Trincomalee, observers saw voters already marked with ink being allowed to cast their vote a second time. They mentioned many examples of attempted impersonation. In addition, both in the North (Mannar) and in the East (Batticaloa and Trincomalee), EU observers noticed people with many voter cards in their hands outside polling stations.

In Muhamalai cluster polling station (Jaffna district), voting took place at an incredible speed, raising suspicion of an organised plan of impersonation, especially since voter identity was not properly checked. In Jaffna, the police kept under custody more than 20 vehicles illegally transporting voters, collected more than 400 false or misused polling cards and arrested 29 people, mostly youngsters, for impersonation and multiple voting.



It must be stressed that in many cluster polling stations, there were no polling agents (party representatives) other than from the TNA, which is a matter of concern, in particular since polling agents had a responsibility in voters' identification.

The general appraisal of voting in the cluster polling stations is not only based on polling observation forms, but also on findings made outside polling stations and other sources of

information, which were verified.

5.2.3 Internally Displaced Voters

Around 28,000 voters registered to vote with a ballot from their district of origin; a figure that is widely considered inconsistent with the number of IDPs. These are mostly IDPs from Jaffna province. They were able to vote with a ballot paper corresponding to their district of origin in around 62 mixed polling stations and 4 special IDP polling stations in the country.

¹¹ The high turnout in certain cluster PS raises suspicion. One STO heard a comment from an old woman outside Thoppur cluster PS (Trincomalee district): "I have been voting five times today, I think I did my part".

5.3 Counting

After polling, ballot boxes and sensitive material were brought to the 903 normal counting centres by the Senior Presiding Officer (SPO), accompanied by the Police, Party Agents and Observers. EU EOM observers followed ballot boxes from the polling stations where they observed the closing, to counting centres. In total, the EU EOM observed 50 Counting Centres.

The counting sometimes started late and the count of the preferential votes was time-consuming but handled in a very professional manner and with no reported incidents. In general, the rooms chosen for the counting were too small and too crowded.

Even though the manner of counting (before starting the count, counting agents mix together ballot papers from several PS) probably increased the secrecy of the vote, it created an irreversible situation, which greatly diminished the possibility to have a re-poll in any particular PS where major irregularities occurred. This establishes a *de facto* very short deadline for whoever wishes to lodge a complaint requesting a re-polling. In addition, once ballot papers are mixed together, even a Supreme Court ruling cannot repair the situation¹².

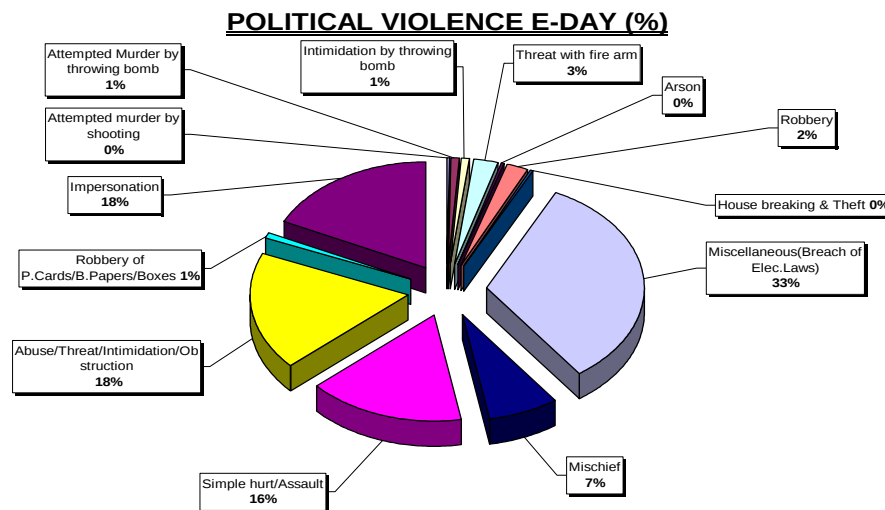
5.4 Election-Related Violence

On E-Day, the number of reported incidents was higher than in previous elections, with 275 incidents compared to the 182 reported in 2001¹³. Nonetheless, incidents were mostly minor election-related offences, while in previous elections serious crimes and killings happened on E-Day.

The fact that no curfew was imposed after E-Day is another indicator of the peaceful atmosphere characterizing the process.

¹² In its landmark ruling on re-polling [SC No412/99], the Supreme Court had to acknowledge that since “the ballot papers from each of the [...] polling stations are now mixed with the ballot papers from the other polling stations assigned to the same counting centre [...] if the poll at those polling stations were now annulled, it would be virtually impossible to extract and exclude those ballot papers; and unless that is done, a repoll would be futile.”

¹³ Source of statistics: Department of Police of the Republic of Sri Lanka



5.5 Results

Only seven political parties out of 52 running received at least one seat. No independent candidate was elected. The results of the election saw the victory of the UPFA that, with 105 seats, managed to form a minority government.

- The two main parties (the UNP and the SLFP) lost votes and seats in this election compared to previous results.
- Voters showed stronger support for small parties than in previous elections. One of the reasons might be the disenchantment of the electorate for the un-kept promises of the two main parties. Also, smaller parties belonging to the two coalitions managed to reach favourable agreements with their partners, for instance the sharing of the national seats within the UNF. Finally, some small parties used the preferential vote in a more effective way (see below 5.5.1).
- The JHU unexpectedly received nine seats. Their votes came mostly from the urban areas of Colombo and Gampaha and from Kandy and Kalutara Districts in the south.
- The JVP received large support in the South and West and made the best use of the preferential vote (see below). Also the SLMC and the CWC were successful with 8 seats each.
- The TNA collected the majority of the Tamil votes in the North, although the EPDP won one seat in Jaffna and the UNP got one seat in Vanni.
- In the East the presence of other ethnic groups as Muslims and Sinhalese produced more diversified results with SLMC, UNP and UPFA also taking some seats.
- The UCPF won one seat in Nuwara-Eliya.

2001			2004			
Party / Coalition	District Seats	Total seats	Party / Coalition	District Seats	National Seats	Total
PA*	66	77	UPFA	92	13	105
JVP	13	16	SLFP	56	6	62
UNP	96	109	JVP	36	3	39
SLMC	4	5	NUA		2	2
TULF	14	15	LSSP		1	1
DPLF	1	1	MEP		1	1
EPDP	2	2	UNF	71	11 ¹⁴	82
Total	196	225	UNP	63	4	67
			CWC	8	2	10
			SLMC*		4	4
			UCPF*		1	1
			SLMC*	4	1	5
			UCPF*	1		1
			TNA	20	2	22
			JHU	7	2	9
			EPDP	1		1
			TOTAL	196	29	225

*People Alliance

5.5.1 Translation of Preferences into Seats

One of the interesting features of the result is the way the various political parties have played with the preference system. In particular, preferences given to SLFP candidates and JVP candidates within the UPFA coalition have had different effects:

Once voters have chosen the party they vote for, they are allowed to express up to three preferences. JVP's policy was to present only three candidates on the UPFA district lists. They also managed in many districts to get their candidates to appear consecutively on the lists, so that it would be easy for their voters to mark JVP candidates numbers on their ballot paper. As a result, in almost all districts, JVP preference votes were concentrated on their three candidates. On the contrary, preferences expressed for the SLFP candidates were much more dispersed among them, and were therefore less "efficient".

UPFA received a total of 4,223,970 votes. Out of these votes, SLFP candidates received a total of 6,571,314 preferences. Only 3,665,344 preferences were "useful", and translated into SLFP candidates taking a seat won by the UPFA. 2,905,970 preferences were lost and did not allow candidates to take a seat.

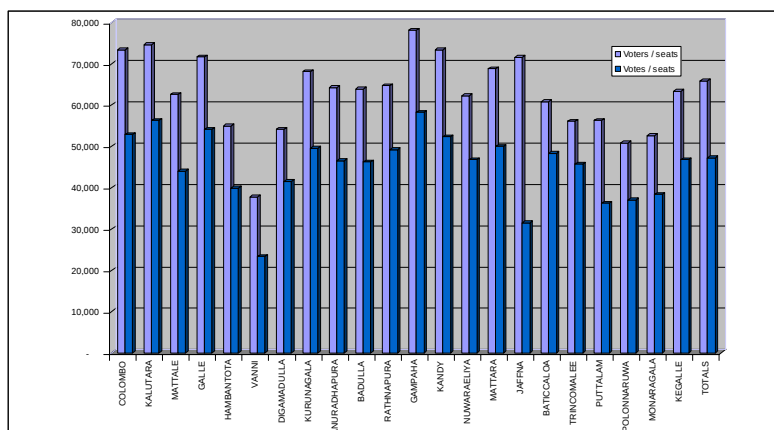
On the contrary, JVP candidates received a total of 3,619,671 preferences, out of which 3,600,900 effectively translated into an actual seat. To a great extent, this accounts for the fact that 36 out of the 39 candidates presented by the JVP at district level were elected. (See Annex – Table on the translation of preferences into seats.)

¹⁴ Distribution of UNF national seats was finalized on 10 April.

* SLMC and UCPF ran alone in several districts and supported the UNF coalition in the others. As a result, they cumulate seats won by their candidates at district level and national seats distributed to them as members of the UNF following a pre-election agreement with UNP.

5.5.2 Cost per seat

The table below shows (1) the number of registered voters per seat in every district and (2) the average number of votes that were eventually necessary to get a seat in each district (for more detailed figures, please see Annex.)



The votes cost per seat in Jaffna (31,558) and in Vanni (23,396) is substantially lower than the national average of 47,259. The combined effect of this low cost per seat and of the particularly homogeneous vote in the North, partly accounts for the fact that the TNA secured 22 seats with only 633,654 votes, while the JHU obtained 9 seats with 552,724 votes.

6. Post-Election Phase

6.1 Re-polling

Between Election Day and 4 April, the CE received and assessed about 240 complaints of alleged irregularities as well as reports from political parties, observer groups, and civil society organisations. Several complaints requested re-polling to be held in particular districts.

The CE met with political parties, which is a legal requirement, and decided not to order any re-polling. All representatives of the political parties attending the meeting agreed to drop their complaints. Considering the allegations at stake and the fact that the Commissioner's power to annul an election and order a re-polling was considerably strengthened by a Supreme Court ruling¹⁵, this decision raises several questions concerning the extent to which

¹⁵ According to art.48A of the Parliamentary Election Act (PEA), the Commissioner may declare the poll void at a polling station if the polling could not commence on time; or the polling could not continue until the official closing time; or ballot boxes assigned to that polling station did not reach the counting centre. From these provisions, one could conclude that, not only the range of cases for annulment is very restricted but also that the word "may" would imply that the Commissioner had a discretionary power to annul.

the CE is ready to exercise this power¹⁶. In particular, even though the CE has a legal obligation to consult political parties before deciding on possible annulments and re-polling, higher consideration should be paid to the rights of the voters rather than to the consensus of the parties¹⁷.

This approach also raises the issue of the extent of the CE's power to ensure a genuine election in the North. Issues relating to the integrity of the vote in cluster polling stations spill over to the very sensitive issue of the peace process. The fact that apart from EPDP – and the independent candidate n.1 in Jaffna - no one really complained about the way the electoral process happened in the clusters suggest that there is a strong reluctance to question the validity of the electoral process in these particular areas, since it touches the wider issue of the peace process. As a result, there seems to be a common understanding that the scope of intervention of the CE is *de facto* limited.

Secondly, the margin of manoeuvre of the CE is furthermore *de facto* limited by the fact that voting in cluster polling stations can hardly be organised without the approval and involvement of the LTTE.

Political parties and local observer groups also reported serious irregularities in some places as well as the cluster polling stations. In particular, they reported cases of alleged impersonation, intimidation of polling agents and voters, and distribution and confiscation of polling cards. It is possible that given the general atmosphere of acceptance of the election results prevailing among political parties after E-Day, they chose to ignore these irregularities.

In a landmark ruling [No. 412/99], the Supreme Court ruled that art.48A should be interpreted as requiring a “genuine poll”, that should be “uninterrupted from beginning to end”. The Court further asserted that chasing away polling agents (parties’ representatives) made “a poll cease to be equal”. In addition, the Supreme Court went further in ruling that if the proved irregularity had interfered with a free, equal and secret ballot, the Commissioner had a duty to exercise his discretionary power to annul. The Supreme Court also specified the criteria to take into consideration when deciding to order a fresh election: the Commissioner must consider the cumulative effect of the re-poll in all PS affected to evaluate whether it might lead to a change in the order of preferences between candidates.

¹⁶ Indeed, was the decision not to order any re-polling made on the basis of a consensus among political parties rather than on an examination of the reports alleging substantial irregularities? Could one conclude from this decision that political parties’ representatives were empowered with prerogatives normally vested in the CE or the Court of Appeals?

¹⁷ If one considers, as the Supreme Court has ruled in several occasions (1999 1 SLR 157 and 412/99 FR), that the right to vote is a Fundamental Right, the agreement of political parties to drop all requests for re-polling does not compensate for the fact that the alleged irregularities might have infringed the fundamental right to vote of other voters.

6.2 Petitions and Fundamental Rights Applications

Few legal proceedings were initiated after Election Day. The attitude of the majority of political parties after the election has been to give up with their intention to challenge the integrity of the process.

Candidates can file election petitions to the Court of Appeal¹⁸. This channel is restricted to candidates. In addition, the Supreme Court has reached a series of decisions that have created another channel to enable voters to challenge the validity of the electoral process through the filing of a Fundamental Rights Application¹⁹. So far, the Supreme Court has never been as far as to order a re-polling to take place²⁰.

As of 28th April, the Court of Appeal received one petition from the civil society group Centre for Policy Alternative (CPA), concerning the allocation of national seats to persons who did not run as candidates²¹. The Court decided to hear the case in May. On earlier occasions, the Sri Lankan Supreme Court has declared this practice of seat exchanges to be

¹⁸ Part VII of the PEA provides that a judge can declare poll in a district void in case evidence is given that a section of electors was prevented from voting due to general bribery, misconduct, intimidation, etc. or that the election was not conducted in compliance with the PAE and that it affected the results. A judge can also declare void the election of a candidate if there is evidence that the candidate committed illegal practice in relation with the election, that the candidate recruited a canvasser knowing that such person had been found guilty of election related corrupt practices, or that the candidate was not qualified to run at the time of the election.

All petitions are tried by the Court of Appeal within 21 days after publication of the results and within 28 days after the alleged act was committed. This competence is established by art.144 of the Constitution, which provides that the Court of Appeal has jurisdiction “to try election petitions in respect of the election to the membership of Parliament”. However, one of the inconveniences of this procedure is that the right to petition is limited to candidates. The Court can only declare a poll void, not order a re-polling, and must rule on cases within 6 months. Appeals can be filed before the Supreme Court within 1 month after the Court of Appeals’ ruling.

¹⁹ The Supreme Court first ruled that the freedom of speech and expression guaranteed by Article 14(1)(a) of the Constitution should be broadly interpreted so as to include the exercise of the right for an elector to vote [Karunathilaka & Deshapriya vs. CE and others (1999 1 SLR 157), Jayantha Adikari Egodawele & others vs. Commissioner of Elections 4 others (412/99 FR)]. Indeed, the right to vote is not specifically mentioned as a fundamental right in the Sri Lankan Constitution.

As article 126(2) of the Constitution provides that citizens can file Fundamental Rights Applications to the Supreme Court seeking redress in respect of a violation of their constitutionally guaranteed fundamental rights by executive or administrative action, the Supreme Court could rule [No. 412/99 dated 4 April 2001] that voters could lodge complaints before the Supreme Court requesting a revision of a decision by the CE not to declare an election void and/or not to order a re-polling. As a consequence, the proceedings set out in the Parliamentary Elections Act empowering the Court of Appeal was no more an exclusive remedy for the determination of election disputes.

²⁰ Even though the Constitution does not specifically give it the power to do so, one can assume that such a power could derive from art.126(4) of the Constitution “*The Supreme Court shall have power to grant such relief or make such directions as it may deem just and equitable in the circumstance in respect of any petition or reference referred to in paragraphs (2) and (3) of this Article...*”

²¹ UPFA asked some of their national list nominees to resign to make way for former Prime Minister, Ratnasiri Wickremanayake (who did not run as a candidate) to enter parliament. The petition also involved former Deputy Defence Minister, Anuruddha Ratwatte, the uncle of the President, who, in a similar move, did not run as a candidate and could still receive a national seat from the UPFA. He and his sons are currently under trial in

a violation of the right of the voters to choose freely among candidates.²²

It is also expected that the EPDP candidate and the independent candidate n.1 in Jaffna will file fundamental rights applications.

6.3 Post-Election Political Developments

The two main issues discussed in the post-election period were related to the formation of the minority government and the constitutional reform. The call for an extra legal Constituent Assembly was seen by many as an issue that could create stronger confrontation among political parties, in the case that only a section of the elected Parliament would participate in it. In addition, this possibility increases the risk of having the legislative branch divided in two rival assemblies for some time. The potential confrontation was seen as particularly serious if it would run along the already existing ethnic and geographical cleavages. In these circumstances, the referendum could lead to an increase of violence in the country.

After the Election, there was no public debate over the fact that no electoral activity was possible in the LTTE areas, although it was widely acknowledged that only the LTTE agreed candidates could freely campaign. Similarly, no reference was made to the irregularities that occurred in the cluster polling stations. On the contrary, most political parties focused on the voters in the East and North LTTE controlled areas being able to vote.

6.4 Election-Related Violence

The post-election period was marked by the clashes between the two factions of the LTTE in the Eastern regions of Ampara and Batticaloa. After the end of the election, on 9 April, the Northern faction decided to invade Karuna's area and they regained control over the region after four days' fighting. The current location of Commander Karuna is unknown and most of his soldiers withdrew, joining back the LTTE.

During the first week after E-Day, supporters of the main political parties had several clashes. After the first week, the violence drastically decreased. The total post E-Day incidents reported, up to 14 April, were 510 versus 781 incidents reported in the same period in 2001. The reduction in the number of offences, and the fact that most of them were minor offences and violations of election laws, show a clear improvement of the atmosphere after Election Day.

the High Court of the Western Province for the alleged murder of 10 SLMC supporters on Election Day in 2001. The case is still pending.

²² In a similar case (SC 26/27/2002), the Supreme Court ruled that the issue at stake was "the right of the electorate to be represented by persons who have faced the voters and obtained their support". As result, the SC decided that the decision to appoint a person that did not run as candidate on any list was violating the constitution (art.99A).

7. Domestic Observers

Several domestic organisations monitored elections contributing to strengthen democratic procedures through their presence and their assessment of the process. Among them, People's Action for Free Election (PAFFREL) deployed some 17,000 national and international observers on Election Day. The Centre to Monitor Election Violence (CMEV) was particularly active in recording and following up election-related violence while the Centre for Policy Alternative (CPA) focused on the monitoring of media coverage of elections. The Programme for the Protection of Public Resources (PPPR) scrutinized the misuse of public resources (vehicles, buildings, finances, the media, and public servants) for campaign purposes.

According to PAFFREL and CMEV's reports, areas of particular concern during the election campaign and E-Day were related to violence, intimidation and fraud in the Northern and Eastern regions. The preliminary report issued by the PPPR recognized that, although still present, there was a general decrease in the abuse of state resources on behalf of the UPFA and the UNF. The CPA report on media coverage of the elections acknowledged that state media were overtly partisan in favour of the UPFA, while private media generally supported the UNF.

Domestic observers were present in 71% of the polling stations the EU EOM observed on Election Day. In a few cases, EU observers reported that national observers in polling stations would need additional technical background on the voting procedures.

8. Women's Participation in the Electoral Process

8.1 In the Election Administration

Women were widely represented as polling staff in the polling stations the EU EOM observed, but they only represented 2% of the senior presiding officers. The same trend was observed at the highest level of the election administration, where only two Returning Officers out of 22 were women.

8.2 In the Election Campaign

As the graph in Annex 3 shows, women's participation in rallies remained low (around 20%) with the exception of two parties: the JHU and the JVP. It could be assumed that women's participation in rallies did not directly depend on the fact the party fielded women as candidates or not since the JHU (Buddhist Monks' party) did not have any women as candidate. An explanation of the high level of participation could be found in the more religious than political character of the JHU rallies.

Political parties, with the partial exception of the UNP²³, did not include any gender sensitive policy in their campaign.

The presence of female candidates in the electronic media only reached 0.23% of the time given to the campaign whereas male candidates secured 99.77%.

8.3 As Candidates, MPs and Ministers

Sri Lanka women have a high level of education and they represent a fundamental component within the labor market; however their representation at parliamentary level does not reflect the role they have at social level.

- *Women are not easily nominated as candidates within the parties.*

Only 6.53% of the candidates were women and only 4.4% (10 MPs) were elected. This figure is similar to those of previous Parliaments. Even though the number of women running as candidates for the UNP and the UPFA were under the national average, they managed to secure 9 of the 10 seats obtained by women in the Parliament, 5 seats for the UPFA (2 coming from the JVP) and 4 for the UNP. A TNA candidate in Jaffna won the remaining seat. Some small parties²⁴ were more “progressive” in terms of number of women candidates, but on the other hand, none of them secured a seat to any women.

Most of the EU EOM interlocutors mentioned as a reason for the low level of women’s participation the fear of violence, but it is striking that Jaffna district is the one with the highest percentage of female candidates (see Annex 3)

- *The preferential system may hamper women’s participation.*

As all strongly personalised electoral systems, the preferential vote system at district level does not favour women’s participation. This system implies strong campaigning efforts from the candidates, in terms of finance, organization and personal influence. As a matter of fact, when looking at the profile of the female MPs one can observe that most of them come from a well-known family related to politics (husband or father was a politician).

Women may refrain from running for a seat also because previous campaigns (2001, 2001) were marred by violence.

- *More women ministers but still too few.*

Only three women are Ministers (out of 35 Ministries) under the new government.

²³ The UNP published several election advertisements calling for women’s vote.

²⁴ The case of the New People’s Party is peculiar since it could be considered as a “women’s party” and fielded 23 women out of 23 candidates in Colombo.

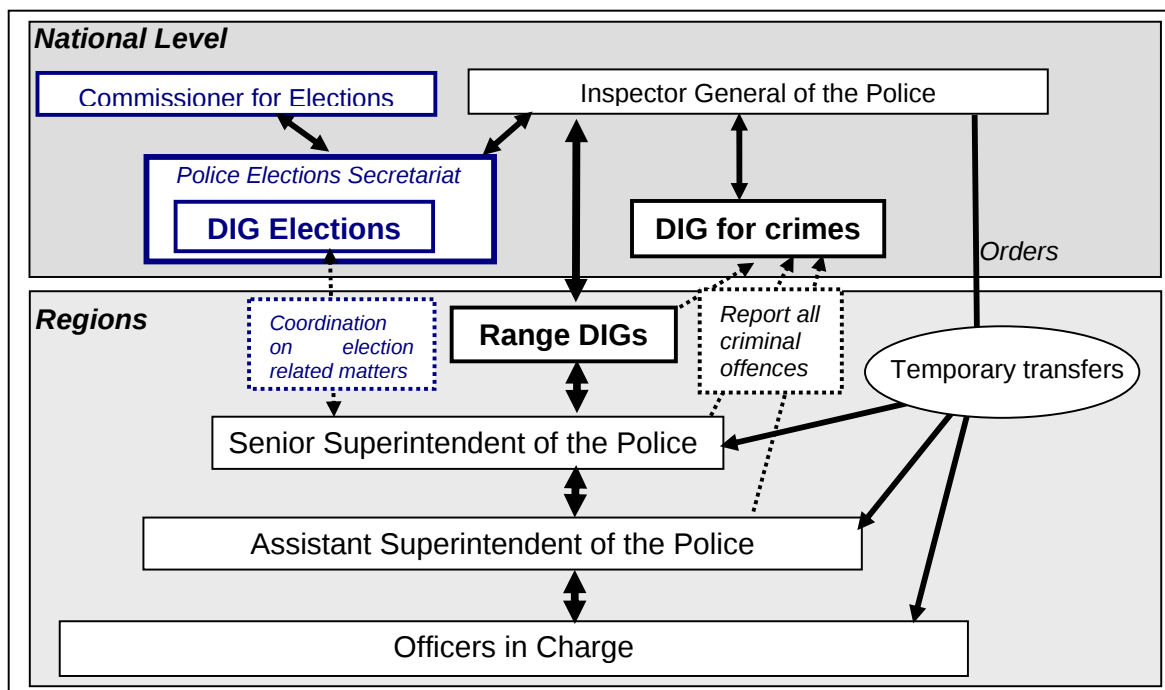
List of Acronyms

Assistant Superintendent of Police	A.SP
Center for Policy Alternatives	CPA
Centre to Monitor Election Violence	CMEV
Ceylon Workers Congress	CWC
Commissioner of Elections	CE
Communist Party of Sri Lanka	CP
Competent Authority	CA
Democratic United National Front	DUNF
Deputy Inspector General	DIG
Eelam Peoples Democratic Front	EPDP
Eelam Peoples Revolutionary Liberation Front	EPRLF
European Union Election Observation Mission	EU EOM
Independent Television Network	ITN
Inspector General of Police	IGP
Jathika Hela Urumaya	JHU
Lanka Sama Samaja Party	LSSP
Liberation Tigers of Tamil Eelam	LTTE
Mahajana Eksath Peramuna	MEP
Memorandum of Understanding	Mou
National Peoples Party	NPP
National Police Commission	NPC
National Unity Alliance	NUA
Nawa Sama Samaja Party	NSSP
New Left Front	NLF
Officer in Charge	OIC
Parliamentary Elections Act	
People's Alliance	PA
Peoples Action for Free and Fair Elections	PAFFREL
Peoples Alliance	PA
Peoples Liberation Front	JVP
Police Constable	PC
Polling Stations	PS
Puravesi Peramuna	PP
Senior Deputy Inspector General of Police	Snr DIG
Senior Presiding Officer	SPO
Senior Superintendent of Police	S.SP
Sri Lanka Army	SLA
Sri Lanka Broadcasting Corporation	SLBC
Sri Lanka Freedom Party	SLFP
Sri Lanka Freedom Party	SLFP
Sri Lanka Mahajana Pakshaya	SLMP
Sri Lanka Monitoring Mission	SLMM
Sri Lanka Monitoring Mission	SLMM
Sri Lanka Muslim Congress	SLMC
Sri Lanka Muslim Congress	SLMC
Sri Lanka Progressive Front	SLPF
Sri Lanka Rupavahini Corporation	SLRC
Superintendent of Police	SP
Tamil Eelam Liberation Organization	TELO
Tamil National Alliance	TNA
Tamil United Liberation Front	TULF
The National Democratic Party	NDP
United Lalith Front	ULF

United National Alternative Front	UNAF
United National Front	UNF
United National Party	UNP
United People Freedom Alliance	UPFA
United Socialist Party	USP
Up Country Peoples Front	UCPF

Annexes

Annex 1 : Diagram of Policing of the Elections



Annex 2 : Media

Media Landscape

Table 1: national broadcasters

Kind of Media	Name	Ownership	Status
Radio	Sirasa FM	MBC Network	Private
Radio	Yes FM	MBC Network	Private
Radio	Sri FM	EAP Network	Private
Radio	EFM (English)	EAP Network	Private
Radio	Swarnaoli	EAP Network	Private
Radio	Isira Radio	Teleshan Network	Private
Radio	Lakhanda Radio		Private
Radio	Shree FM	EAP Network	Private
Radio	TNL Radio	Telshan Network	Private
Radio	Gold FM	ABC Network	Private
Radio	Sooryan FM	ABC Network	Private
Radio	SLBC Radio	Sri Lanka Broadcasting Corporation	State owned
Radio	Shakthi Radio	EAP Network	Private
TV	TNL	Teleshan Network	Private
TV	MTV	MBC Network	Private
TV	Sirasa TV	MBC Network	Private
TV	ETV	EAP Networks	Private
TV	Swarnavaihini TV	EAP Network	Private
TV	Sirsa TV	NA	Private
TV	Shakthi TV	EAP Network	Private
TV	ARTv	NA	Private
TV	Channel Eye	Sri Lanka Rupawaihini Corporation (SLBC)	State owned
TV	Rupawaihini	Sri Lanka Rupawaihini Corporation (SLBC)	State owned
TV	ITN	Independent Television Network	State owned

Table 2: Broadcasters Audience Share – September-October 2000

Name	% of Audience Share
Rupawaihini	65.25
Sirasa TV	51.71
Swarnavaihini TV	44.77
ITN	44.58
Channel Eye	27.14
ETV	2.9
TNL	19.74
MTV	10.68
Shakthi TV	10.68
ARTv	NA
Sirsa TV	NA
Sirasa FM	61.07
Sooryan FM	6.09
Shakthi Radio	3.44
Isira Radio	2.54
Shree FM	13.34
Yes FM	1.89
Sri FM (Singhalese)/Swarnaoli (Tamil)/EFM (English)	1.7
TNL Radio	1.03
Gold FM	0.71
Lakhanda Radio	NA
SLBC Radio	NA

Table 3: National Print Media

Frequency	Name	Ownership	Status	Language
Daily	Ceylon Daily News	ANCL – Lake House	State - owned	English
Daily	Observer	ANCL – Lake House	State - owned	English
Daily	Dinamina	ANCL – Lake House	State - owned	Sinhala
Daily	Silumina	ANCL – Lake House	State - owned	Sinhala
Daily	Thinakaran	ANCL – Lake House	State - owned	Sinhala
Daily	Daily News	ANCL – Lake House	State - owned	English
Daily	Veerakesari	Express Newspapers	Private	Tamil
Daily	Suderoli	Landmark enterprises	Private	Tamil
Daily	Ravaya	NA	Private	Sinhala
Daily	Lakbima	Sumathi Group	Private	Sinhala
Daily	Thinnakkural Daily	Thinnakkural Publications Ltd	Private	Tamil
Daily	The Island	Upali Newspaper	Private	English
Daily	Divaina	Upali Newspaper	Private	Sinhala
Daily	Daily Mirror	Wijava Publications	Private	English
Daily	Lankadeepa	Wijava Publications	Private	English
Weekly	Sunday Observer	ANCL – Lake House	State - owned	English
Weekly	Thinamurusu Weekly	EPDP	Private	Tamil
weekly	Sunday Leader	Leader Publications	Private	English
Weekly	Yugaye Janahanda	NA	Private	Sinhala
Weekly	Sunday Lakbima	Sumathi Group	Private	Sinhala
Weekly	Sunday Island	Upali Newspaper	Private	English
Weekly	Midweek Mirror	Wijava Publications	Private	English
weekly	Sunday Times	Wijava Publications	Private	English
Weekly	Sannasa	YMC Publications	Private	Sinhala

Media Monitoring Data

Pre election period (15 – 30 March 2004)

During the period prior to Election Day the EU EOM Media Unit monitored the election campaign on the state owned television stations Rupavahini and ITN as well as on the private stations Swarnavahini. These channels were monitored on a daily basis for 6 hours per day (6.00 Pm – 12.00 PM). The media monitoring, which was conducted by five national staff under the supervision of the media expert, included both quantitative and qualitative analysis. The team of media monitors was trained in the quantitative and qualitative methodology in line with EU EOM methodology to measure the time, space and tone devoted to the political parties and candidates in a cross-section of the Sri Lankan media.

The EU EOM Media Unit has also undertaken the monitoring of five dailies: the state owned Daily News (English) and Dinamina (Sinhalese) and the private Daily Mirror (English), The Island (English) and Veerakesari (Tamil).

The media monitoring, which was conducted by five national staff under the supervision of the media expert, included both quantitative and qualitative analysis²⁵.

25 The choice of the sample used for media monitoring was based on three main criteria: ownership, penetration and audiences. The source of information the EU EOM Media Unit resorted to, are: Center for Political Alternatives – Monitoring of Print Media Coverage of General Elections 2004, Phoenix Advertising Survey on TV Audience Share, EU EOM Final Report 2001 on Sri Lanka.

On the ground of the aforementioned criteria, the following media were selected:

- o Rupavahini TV, as it is the main state broadcaster and it covers the whole country.
 - o ITN, which is another state broadcaster with a considerable audience.
 - o Swarnavahini, as it is the most watched private television of the country.
 - o Daily News (English) and Dinamina (Sinhalese) are the state controlled most important papers.
 - o Veerakesari (Tamil), one of the oldest and most read Tamil dailies.
 - o The Island (English) and Daily Mirror (English) are both private and with large diffusion.
-

Chart 1 TV: format for election and political coverage

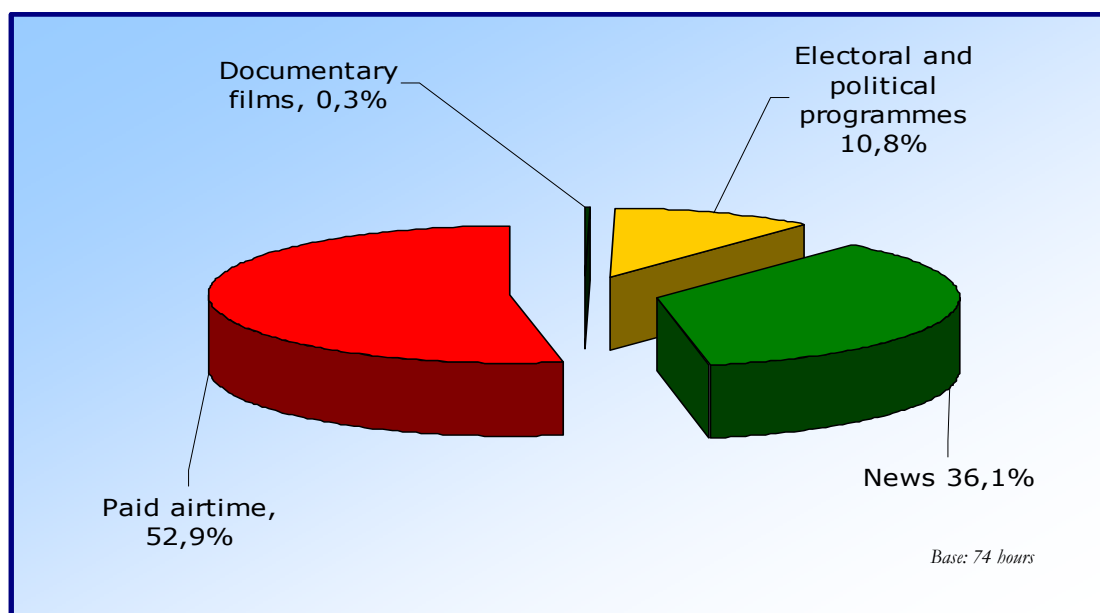


Chart 2 TV: format for election and political coverage by TV channel

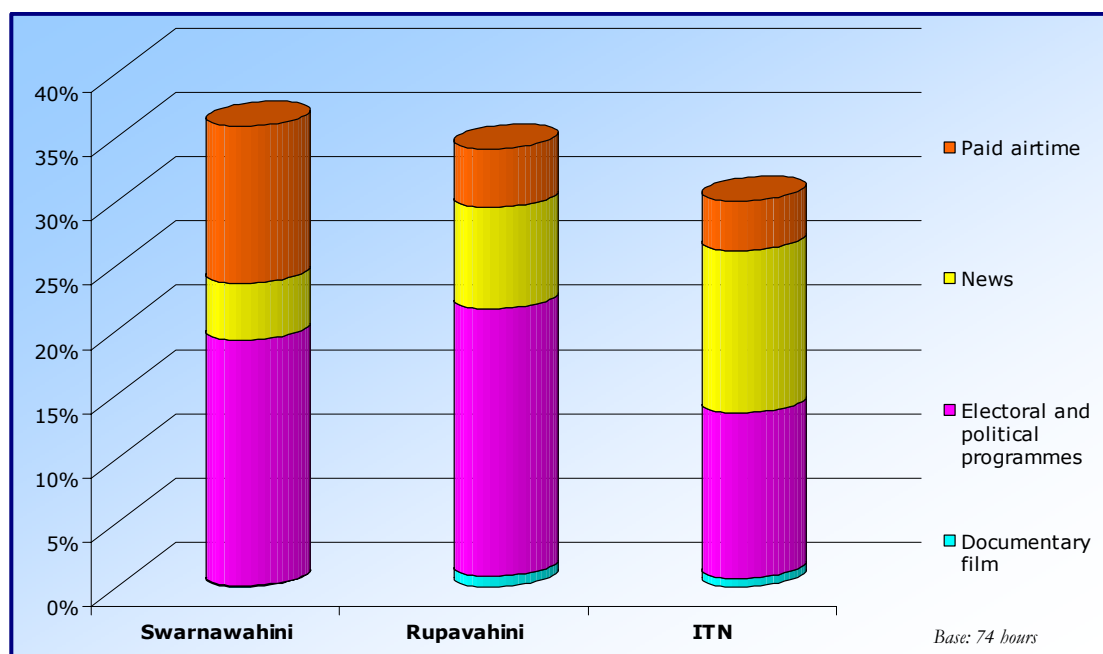


Chart 3 Rupavahini: time allocation and tone of coverage in news and informative programmes

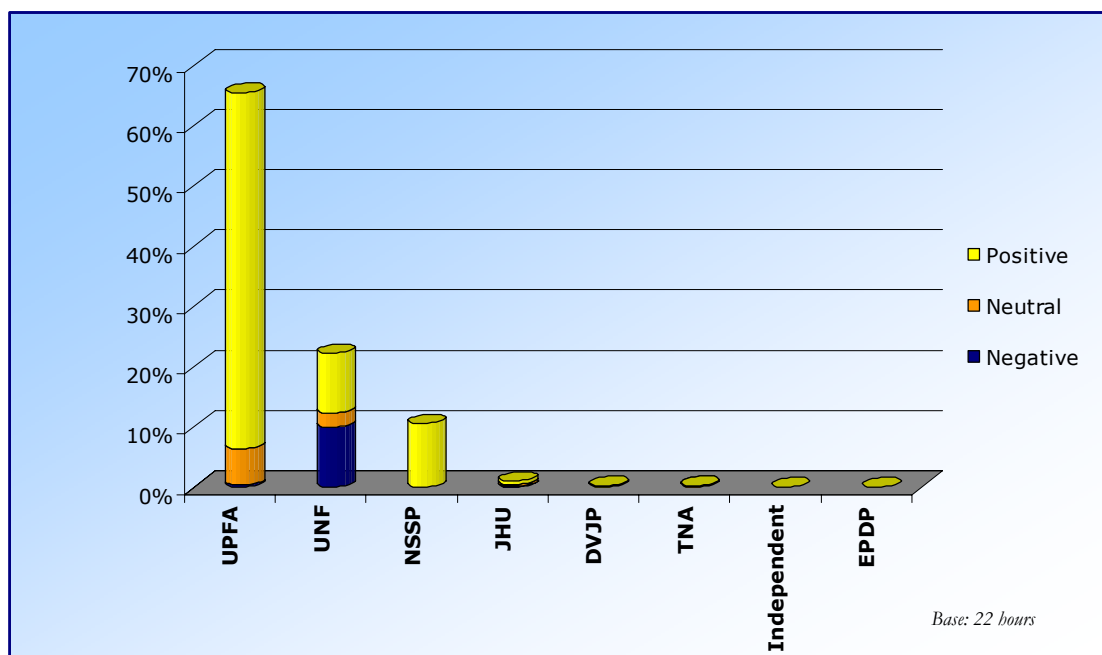


Chart 4 ITN: time allocation and tone of coverage in news and informative programmes

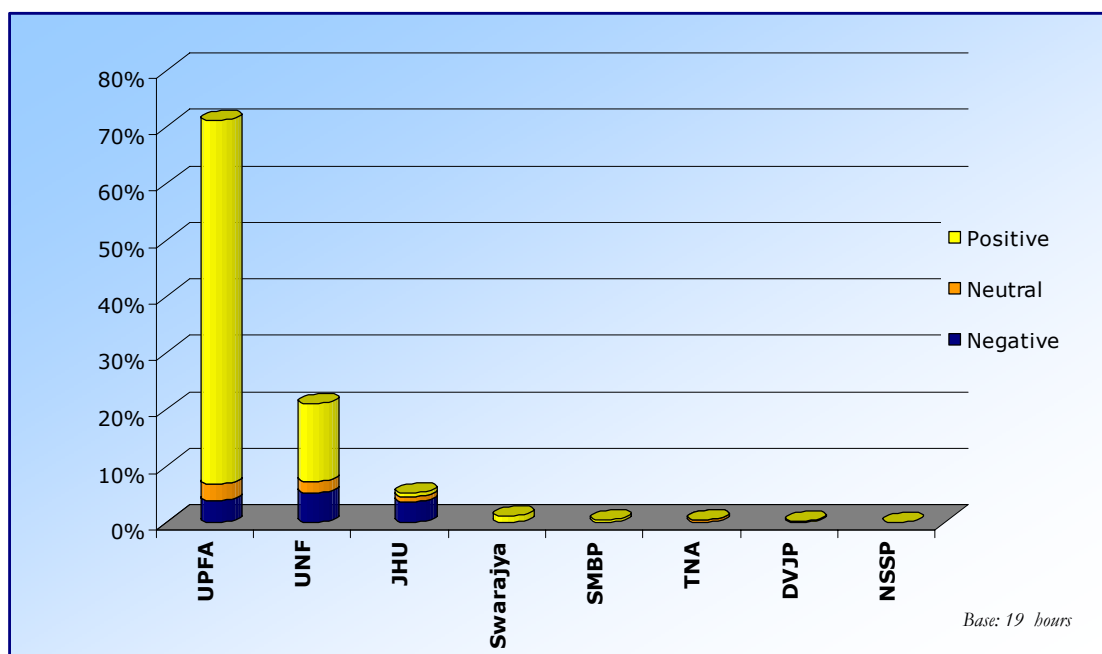


Chart 5 Swarnawahini: time allocation and tone of coverage in news and informative programmes

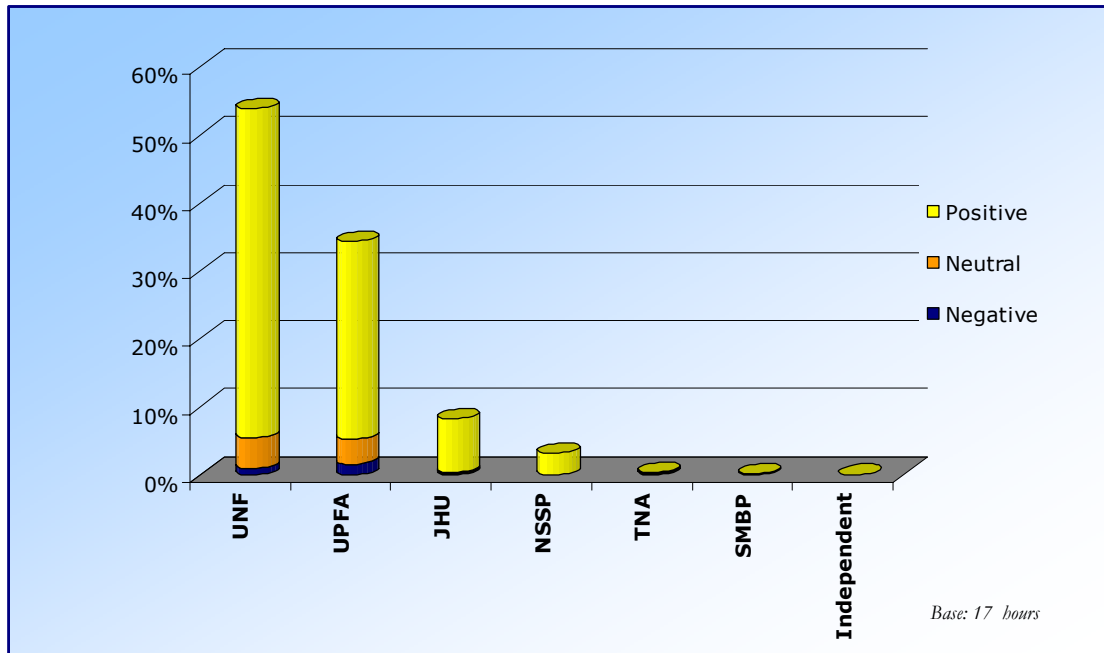


Chart 6 TV: distribution of paid airtime by party by TV channel

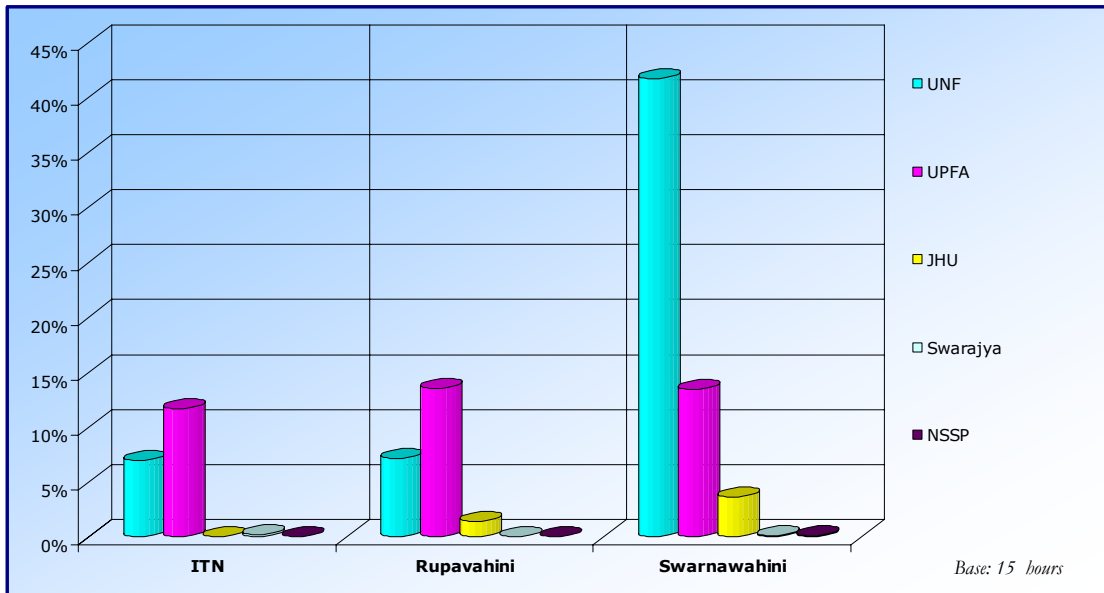


Chart 7 Rupavahini: allocation of direct access time in news and informative programmes

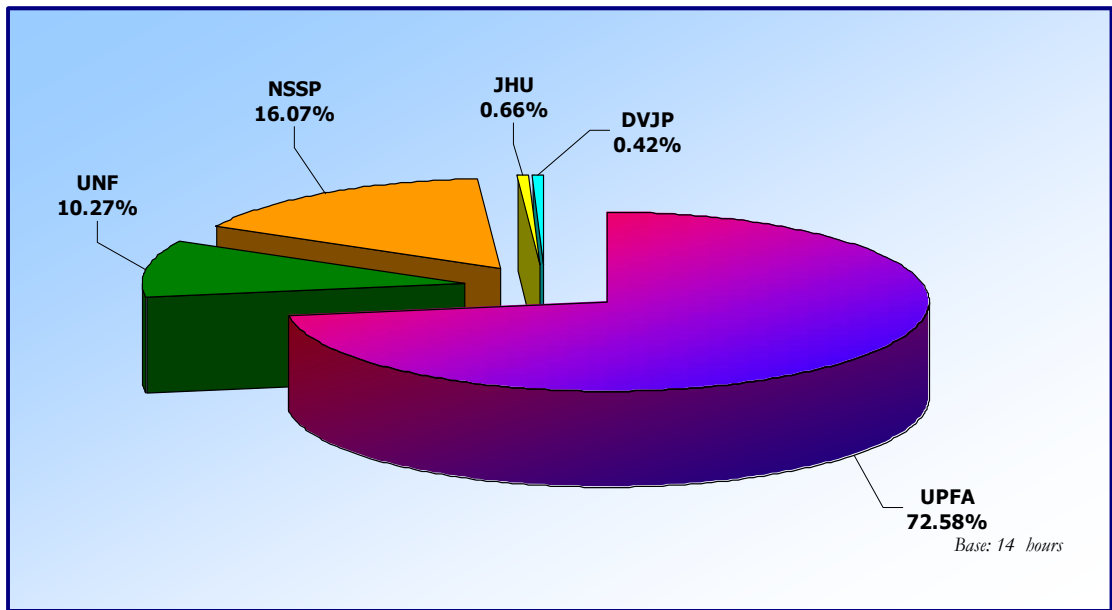


Chart 8 ITN: allocation of direct access time in news and informative programmes

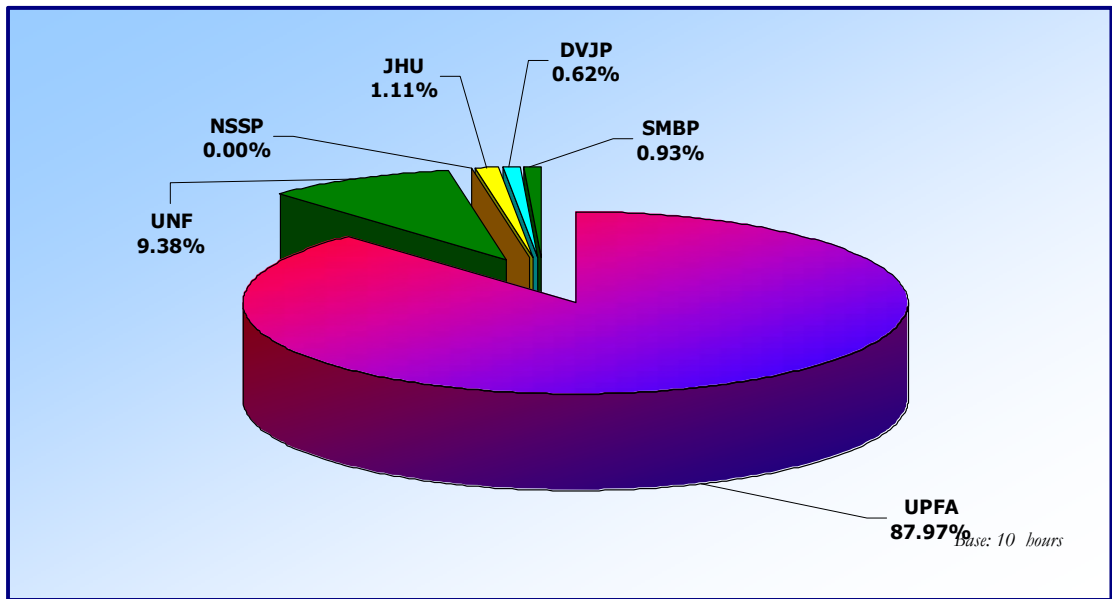


Chart 9 Swarnavahini: allocation of direct access time in news and informative programmes

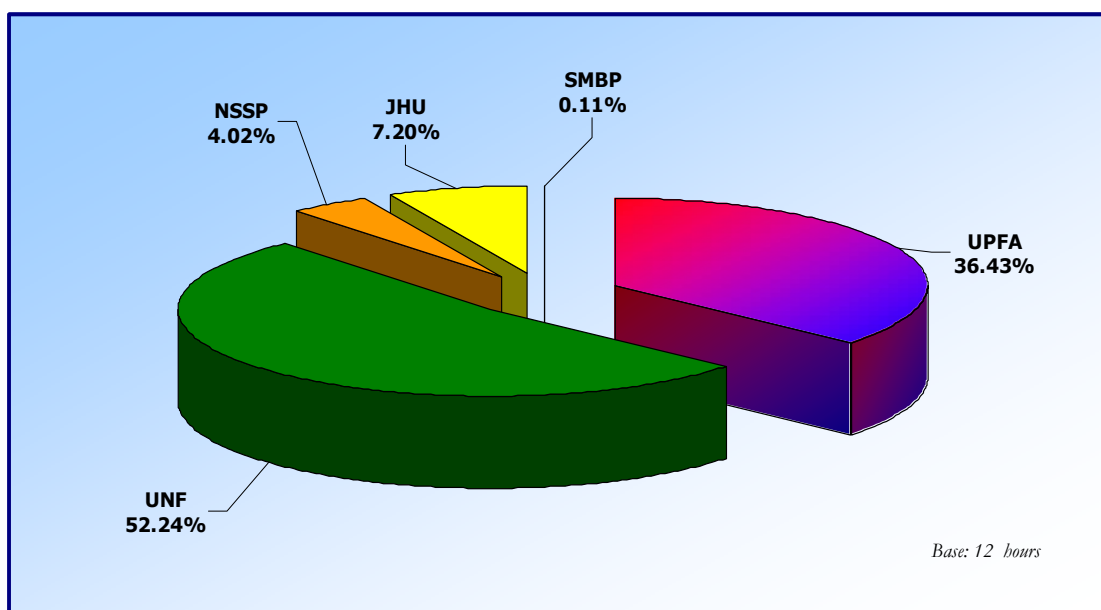


Chart 10 Press: format for election and political coverage

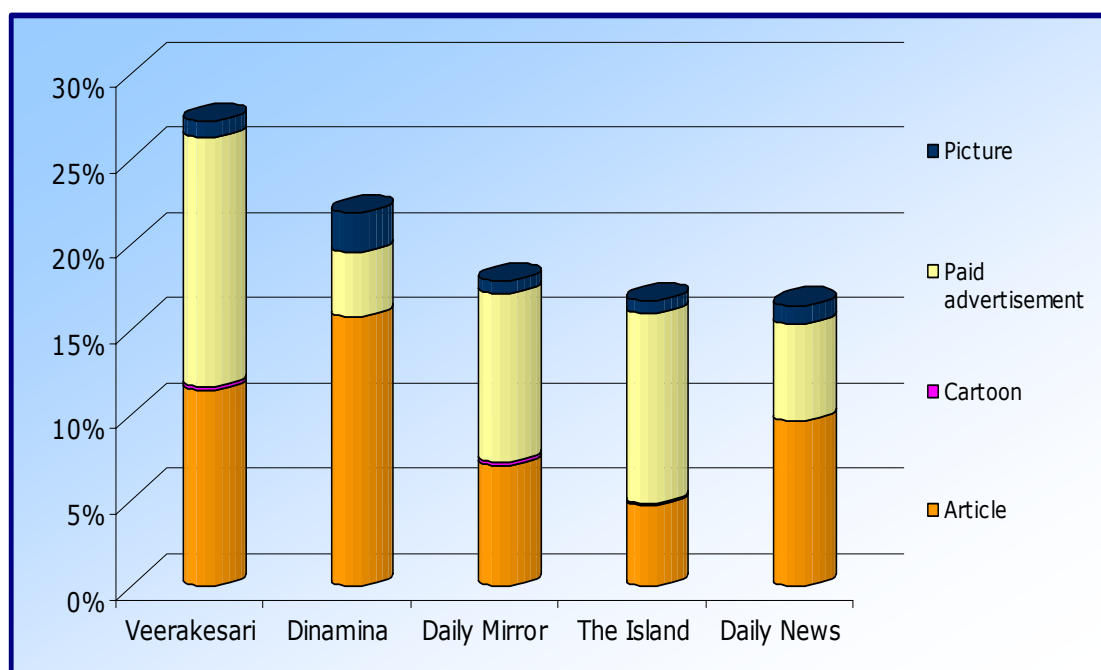


Chart 11 State press: space allocation and tone of coverage

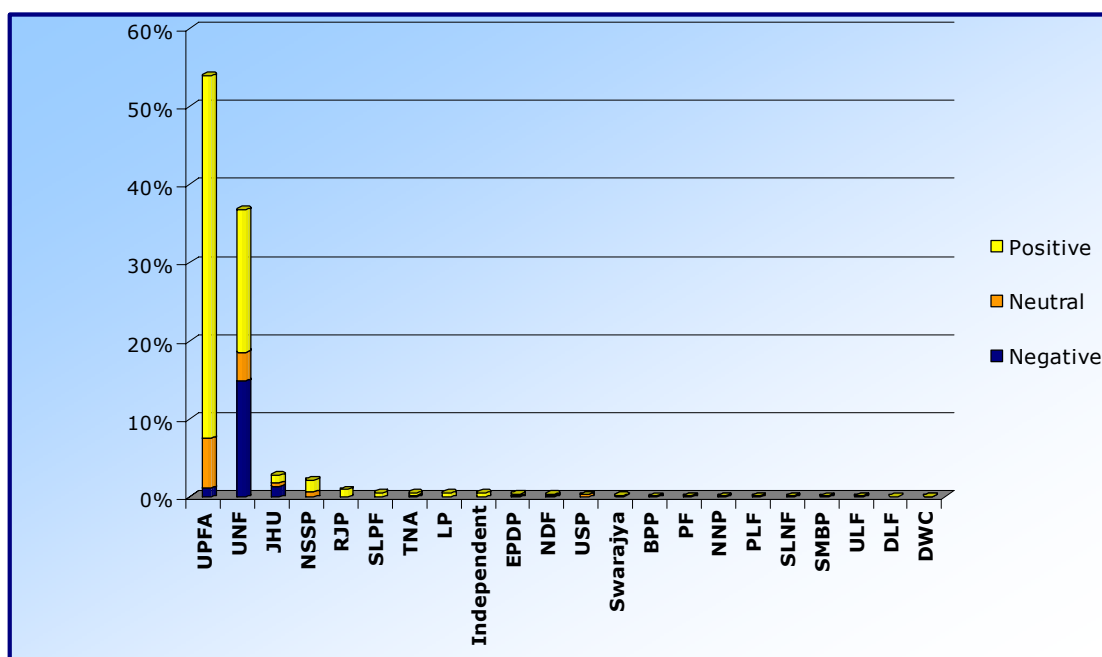
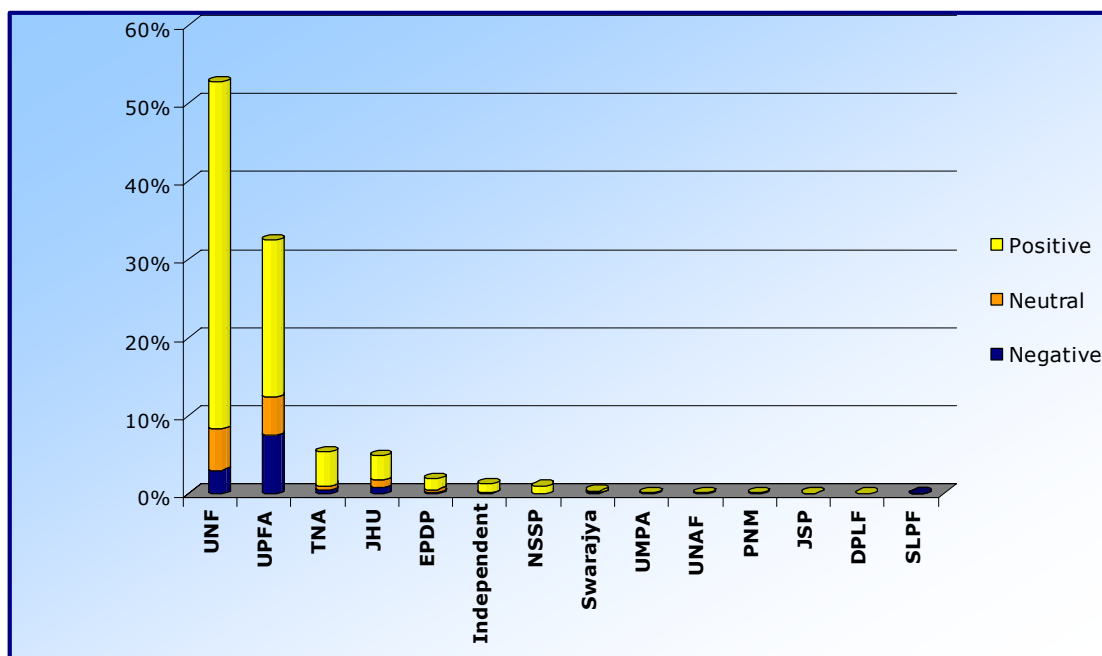


Chart 12 Private press: space allocation and tone of coverage



Post election period (6 – 20 April 2004)

After the Election Day and the announcement of results, the EU EOM Media Unit started a post election media monitoring of political coverage. The post election monitoring was conducted on a portion of the same sample used for the pre election period. More in detail, the focus of observation for this second period were:

- TV channels: the prime time news editions.
- Dailies: the front page.

Chart 13 Rupavahini: time allocation and tone of coverage in prime time news

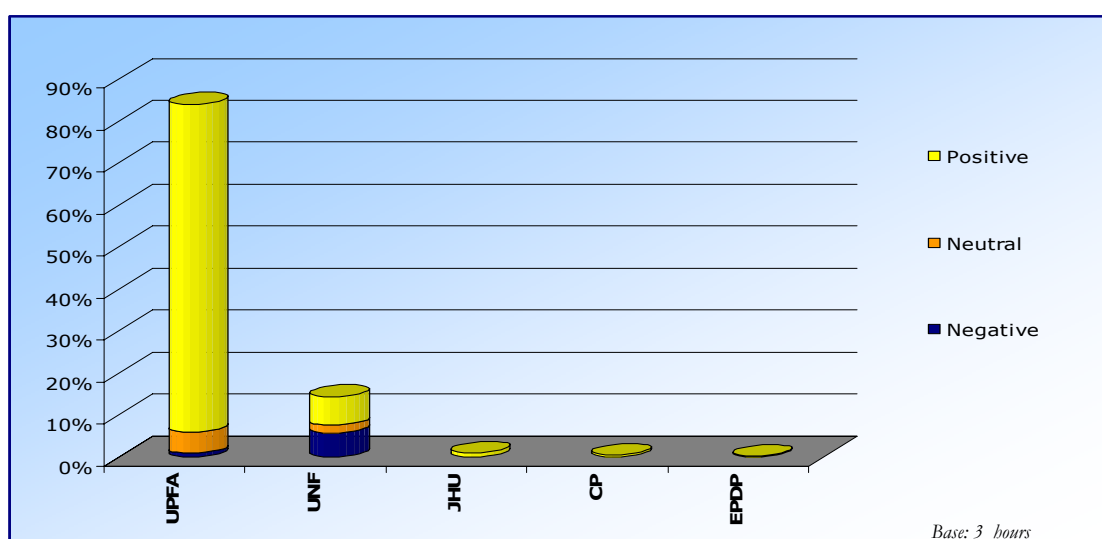


Chart 14 ITN: time allocation and tone of coverage in prime time news

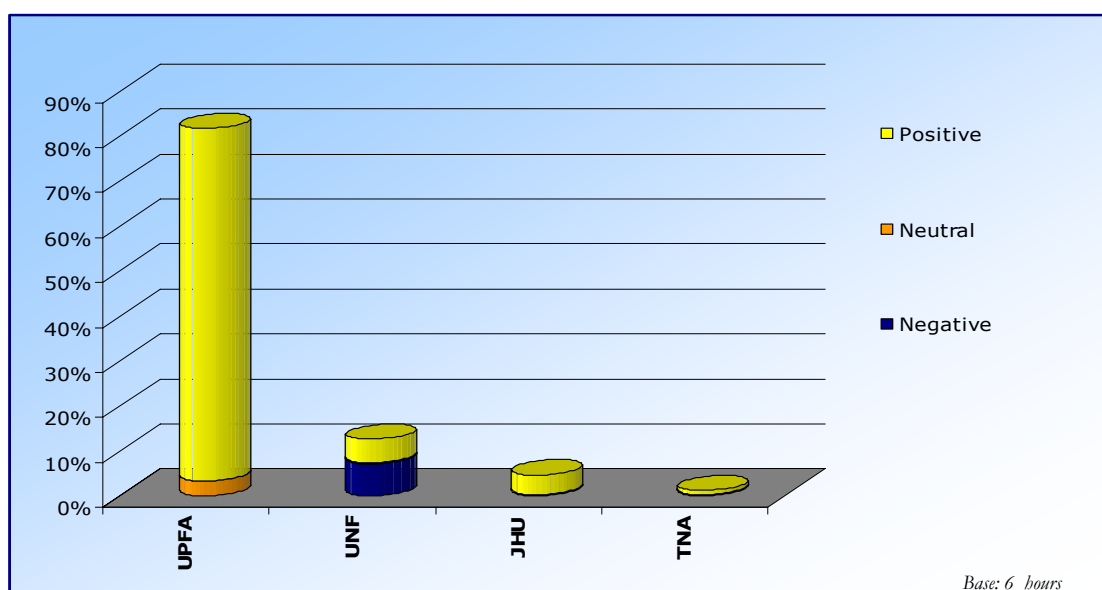


Chart 15 Swarnavahini: time allocation and tone of coverage in prime time news

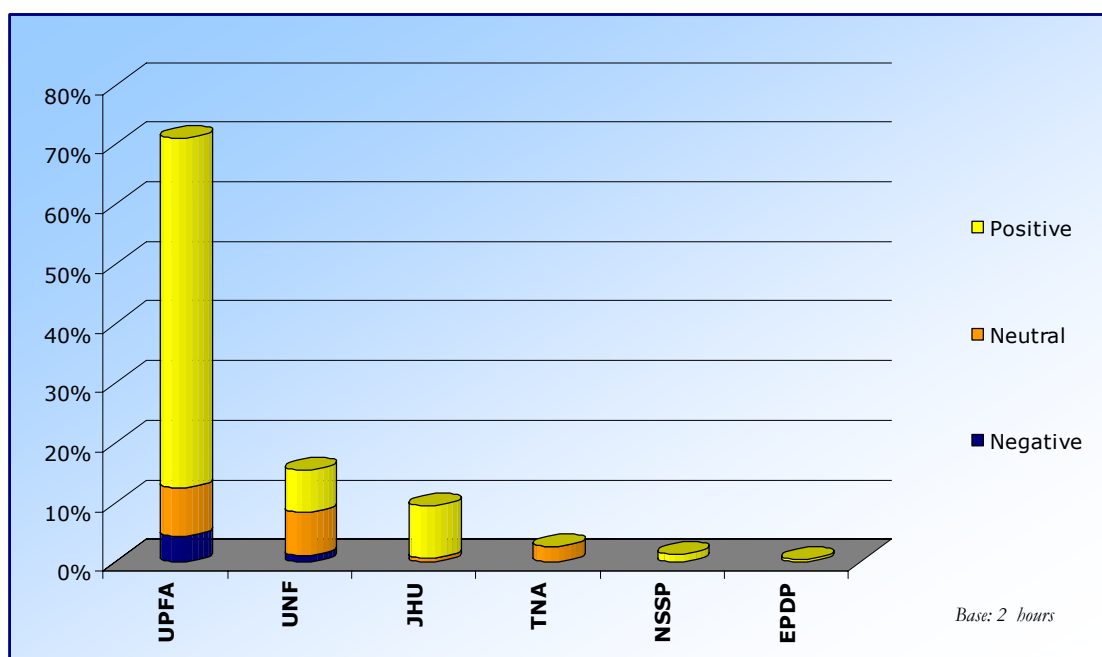


Chart 16 State press: space allocation and tone of coverage in front pages

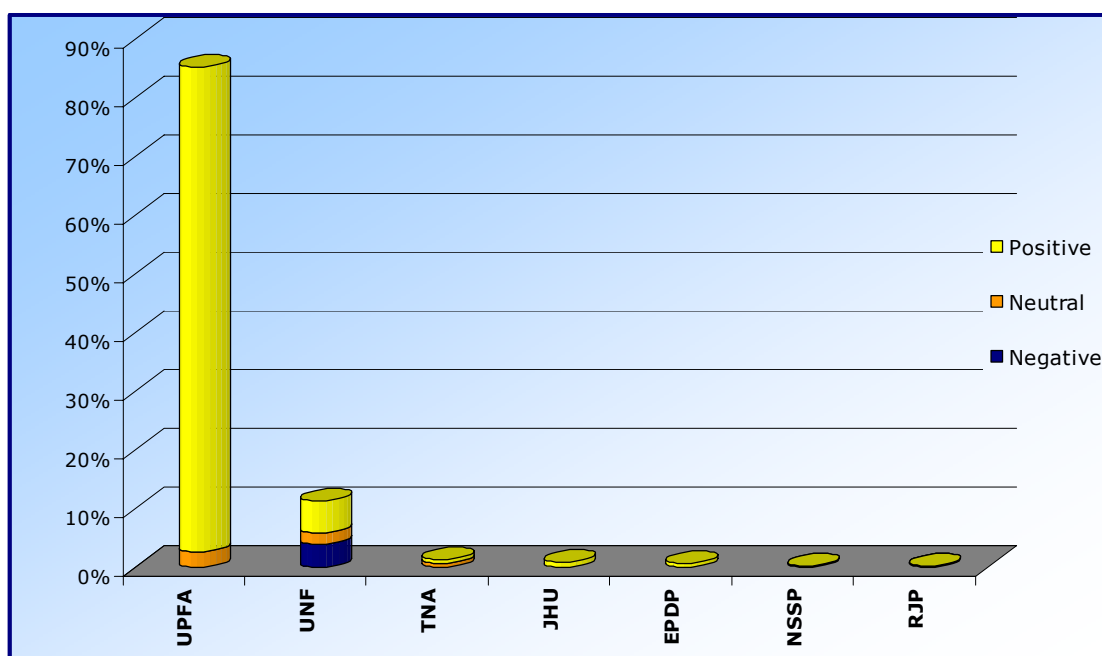
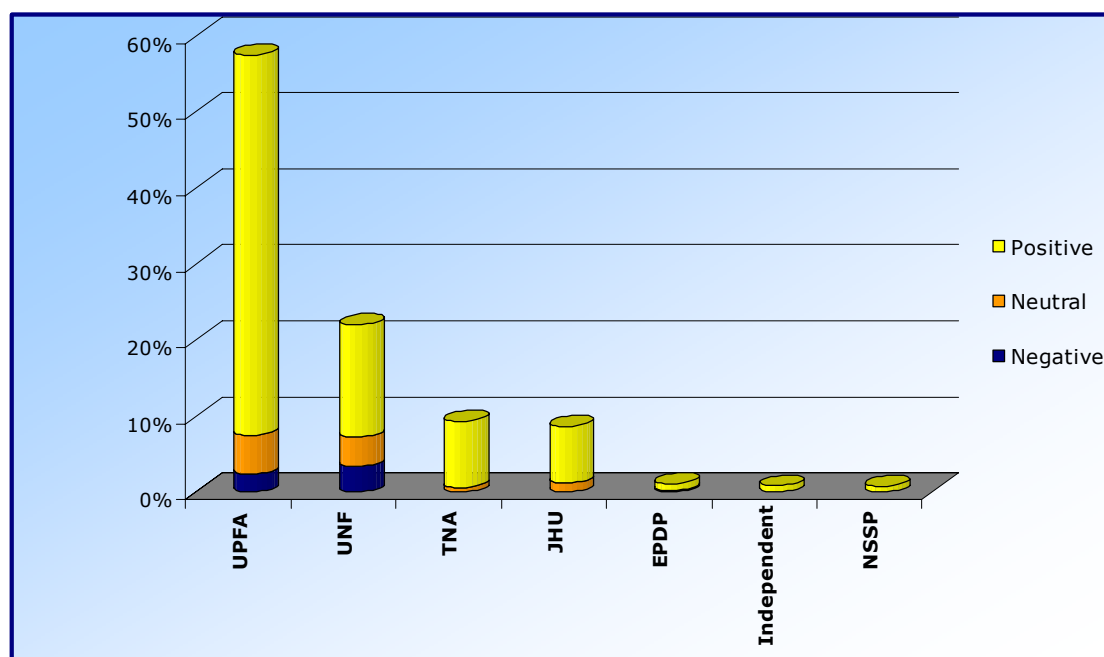


Chart 17 Private press: space allocation and tone of coverage in front pages



The Competent Authority

The Constitution foresees that the Election Commissioner may issue guidelines “to any broadcasting or telecasting operator or any proprietor or publisher of a newspaper as the case may be, (...) to ensure a free and fair election.” [art.104B(5)(a)]. The Constitution also foresees that the Commissioner of Elections can appoint a Competent Authority to “take over the management” of the public broadcast corporations [Art.104B(5)(c)] if they violate the guidelines.

During the last weeks of the election campaign, there were several speculations on the possibility the CE would exercise such a substantial power. The EUEOM was told he was under considerable pressure, both to exercise and not to exercise this power.

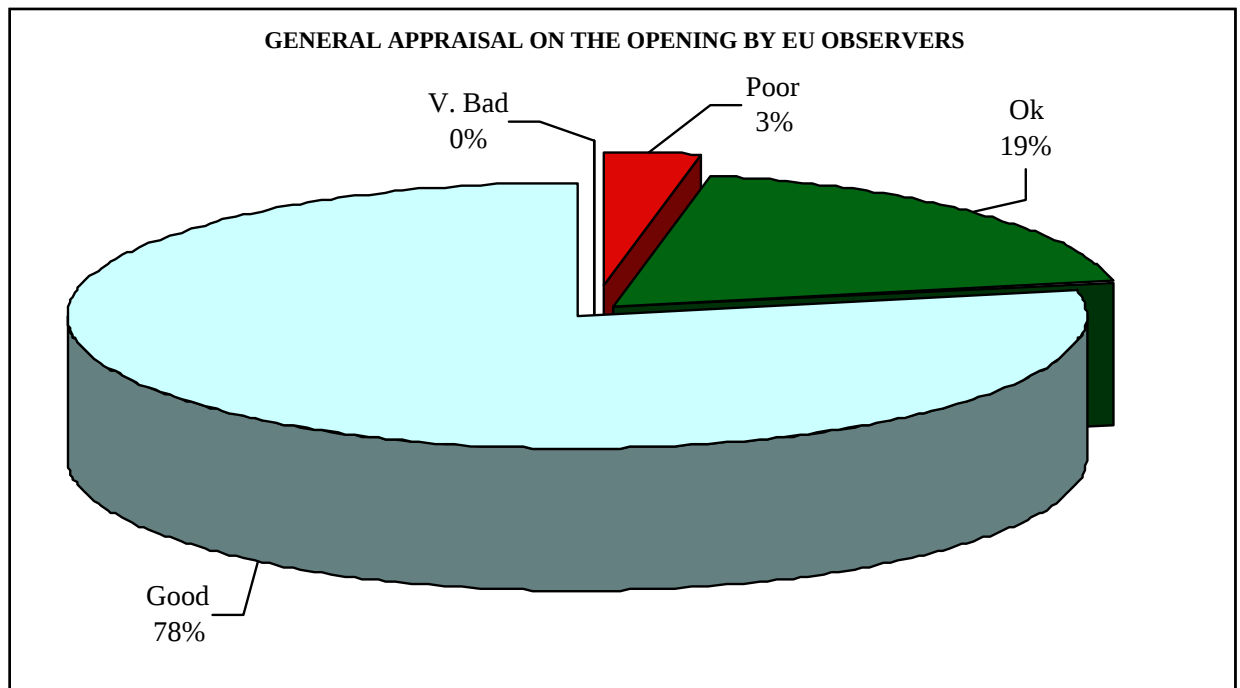
The CE first used a soft approach to try and get the media to abide by the guidelines. In particular, on 23rd March he organized a meeting convening political parties’ representatives and managers of media organizations; during this meeting he reminded them of their obligations and tried to obtain from them some commitment to abide by the rules.

Eventually, on 29th March, the Election Commissioner decided to exercise his constitutional power and appointed a “Competent Authority” to take control of the state broadcasters. The appointee was Mr. Laxsman Perera, a civil servant and former Assistant Commissioner of Elections. As the silence period was due to start on 29th at midnight, the CE probably took this decision in order to avoid a repetition of what happened in 2001 election, when the President justified her appearances on TV during the silence period by the fact that she was not running as a candidate.

On 29th March in the afternoon, Rupavahini broadcast corporations lodged a complaint before the Supreme Court, arguing that the Guidelines and the appointment of a “competent authority” violated their fundamental rights, in particular their freedom of expression (art. 14.1(a) of the constitution) and their right to equality before law and protection of the law (art.12). The main objective of petitioners was to obtain from the Supreme Court interim relief (a stay order) that would block the implementation of the decision of the CE. The formal hearings took place on 31st March. After a 2 ½ hour long hearing session, the judges ordered that the substance of the case would be examined in July and that there was no reason to issue a stay order. However, in a gesture aimed at responding to the allegations according to which the appointed CA was biased, the judges ordered that the latter should operate in consultation with the Attorney General. Whenever the CA challenged any broadcast, or received a complaint about any broadcast, such broadcasting would be suspended until a final decision was reached between the Competent Authority and the Attorney General.

This whole episode revealed many weaknesses in the legal framework regulating the media. Apart from during the silence period, when in theory the Election Commissioner could request the police to close down broadcasters, he has no real power of enforcement on the private media. The Constitution does not provide any other mechanism of control or sanction at the CE’s disposal against infringements of the Guidelines, apart from the appointment of a CA. In addition to that, the CA can only control Rupavahinihavini and SLBC. Because of its particular half-public/ half-private status, ITN escapes from CA’s control. When asked by the EUEOM about this issue, the CA conceded that a particular broadcast that he had suspended on Rupavahinihavini was later aired on ITN.

Annex 3: Polling



Counting Centers	50
------------------	----

CLOSING / COUNTING

YES	NO
-----	----

- | | | | |
|------------|--|------|------|
| 01. | Did the PS you observed close at 16.00? | 100% | 0% |
| 02. | Was any voter, other than those having been given a ballot paper, allowed to vote after 16.00? | 0% | 100% |
| 03. | Was all material properly packed in separate packets, sealed with the SPO seal? | 97% | 3% |
| 04. | Was form K (Ballot Paper Account) properly filled? | 100% | 0% |
| 05. | Were party Agents allowed to stick their own seal on BB and packets. | 97% | 3% |
| 06. | Did you accompany the BB and Material up to the CC?. | 97% | 3% |
| 07. | Could party agents follow the BB and material up to the vicinity of the CC? If yes, specify: | 73% | 27% |
| 08. | Were any party agents present inside the CC? If yes, specify: | 93% | 7% |

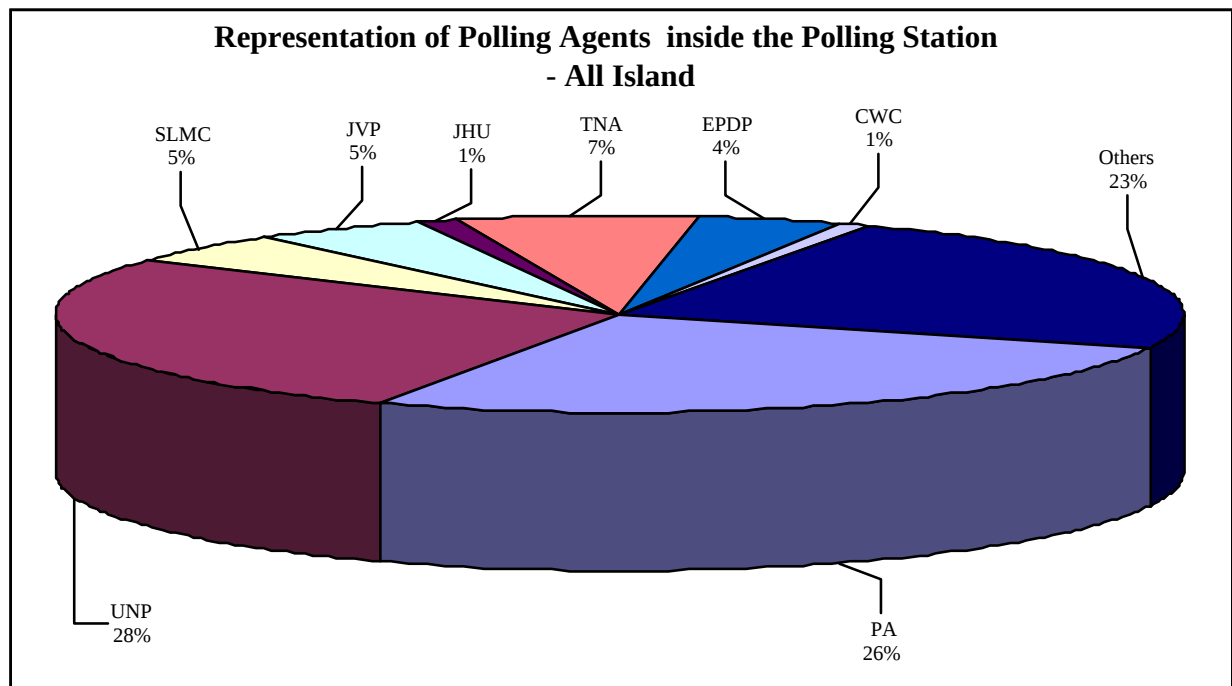
PA	UNP	SLMC	JVP	JHU	TNA	EPDP	CWC	Others
23%	22%	10%	10%	5%	7%	4%	1%	24%

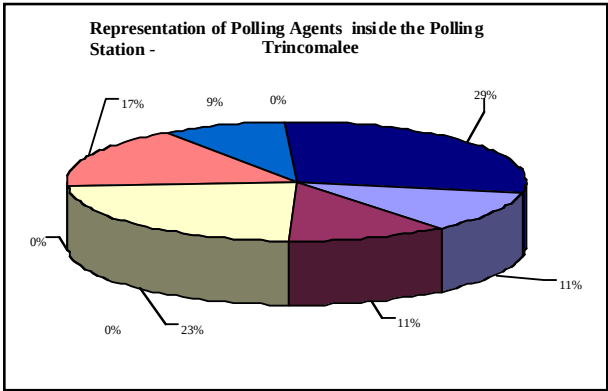
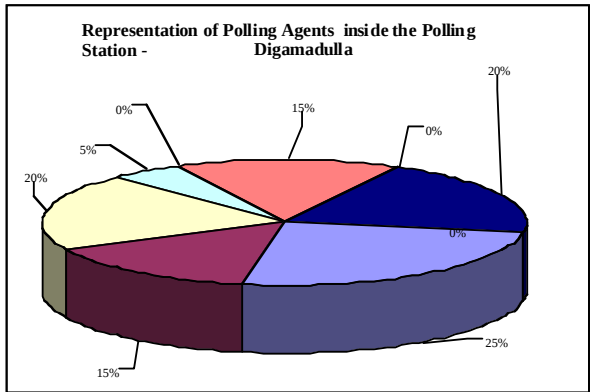
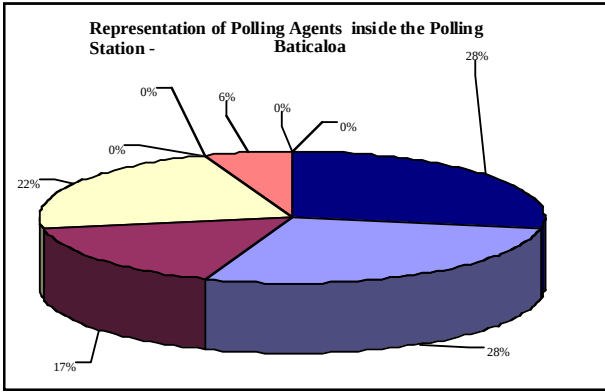
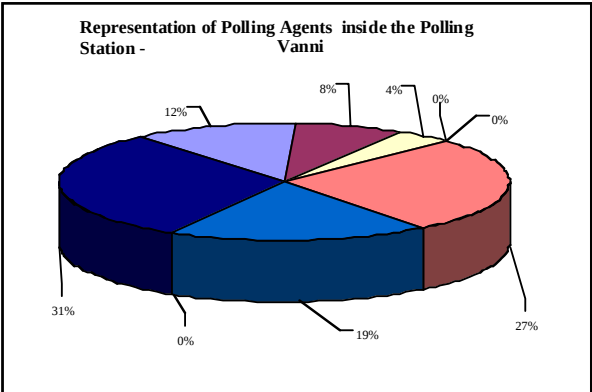
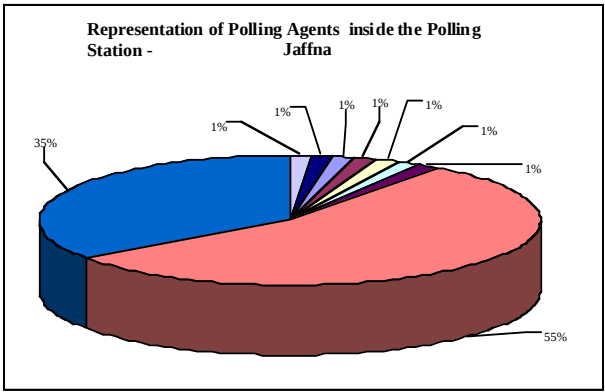
- | | | | |
|-----|--|------|-----|
| 09. | Were any unauthorised persons inside CC? If YES, comment. | 5% | 95% |
| 10. | Was the Counting Officer a woman? | 12% | 88% |
| 11. | Did the Counting officer show the Ballot paper Account (form K) to the party Agents? | 94% | 4% |
| 12. | Did the Counting officer count the number of Ballot Papers in each Box? | 97% | 3% |
| 13. | Did it appear that figures did not match? If yes, comment on how it was handled? | 27% | 73% |
| 14. | Did the Counting Officer handle the invalid votes according to the Law (art.53)? | 100% | 0% |
| 15. | Did the CC lay-out allow party agents to observe the process properly? | 100% | 0% |
| 16. | Did Party Agents receive a copy of the Party votes Statement ? | 68% | 32% |
| 17. | Did all agents of the disqualified parties and lists leave the CC before 3 rd phase commenced? | 53% | 47% |
| 18. | Did the Party Agents receive a copy of the Final Statement ? | 89% | 11% |
| 19. | Did party agents report any problem to you? | 6% | 94% |
| 20. | Did any Party Agents file a complaint at the Counting Centre? | | |
| 21. | 20. Rate the voting process: | | |

V. Bad	Poor	Ok	Good
0%	0%	29%	71%

Comparison 2000/2001/2004

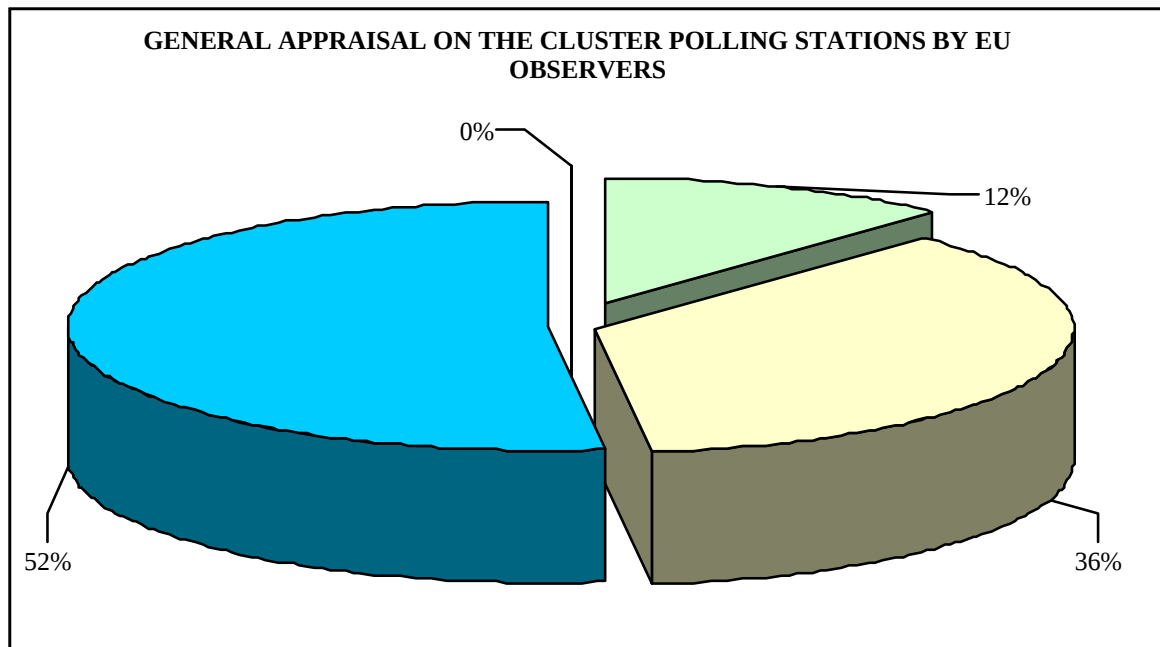
Question		Yes %			No %		
		2004	2001	2000	2004	2001	2000
Did you witness any campaign activity in the vicinity of the booth?		4.0	2.4	14.6	96.0	97.6	85.4
Did the Officials check the voters for indelible ink before issuing papers?		94.0	99.3	95.6	6.0	0.7	4.4
Did the Officials call out name and number of		99.0	100.0	99.0	1.0	0.0	1.0
Was the name of the voter ticked on the Voter Register after given a ballot paper?		98.0	100.0	99.8	2.0	0.0	0.2
Was the voter's number noted on the counterfoil, ballot stamped, official		98.0	99.3	98.9	2.0	0.7	1.2
Was the ballot paper marked in secrecy by the		71.0	77.9	88.8	29.0	22.1	11.2
Did you observe people voting on behalf of others (proxy		4.0	0.0	1.0	96.0	100.0	99.0
Were voters requiring assistance aided in the proper		82.4	85.4	78.3	17.7	14.6	21.7
Did the Polling Station receive all necessary material from Returning		99.0	98.0	99.0	1.0	2.0	1.0
Were domestic observers present inside the Polling		71.0	22.4	14.2	29.0	77.6	85.8
Were Party Agents present inside the Polling		94.0	99.3	98.3	6.0	0.7	1.7
Were there only authorized persons inside the		84.0	97.0	93.8	16.0	3.0	6.2
What is your overall assessment of the process in polling station	Very Bad	1.3	1.0	0.0			
	Poor	2.2	6.3	3.2			
	OK	22.3	52.6	58.1			
	Good	74.2	40.1	38.7			





Cluster Polling Stations

EU Observation Mission to Sri Lanka Parliamentary Elections 2004																											
Polling Station	27																										
<table border="1" style="float: right; text-align: center;"> <tr><th colspan="3">VOTING</th></tr> <tr><th colspan="3">CLUSTER</th></tr> <tr> <th>YES</th> <th>NO</th> <th>N/A</th> </tr> </table>										VOTING			CLUSTER			YES	NO	N/A									
VOTING																											
CLUSTER																											
YES	NO	N/A																									
01, Did you witness any campaign activity in the vicinity of the polling booth?	0% 100%																										
02, Did the Polling Station receive all necessary material from the Returning Officer?	100% 0%																										
03, Was the ballot box properly sealed and located in full view of the Election Officials?	96% 4%																										
04, Did the Officials check the voters for indelible ink before issuing ballot papers?	81% 19%																										
05, Did the Officials call out name and number of voters?	92% 8%																										
06, Were any objections raised regarding the identity of any voter so far?	4% 96%																										
A. SPO to allow voter to vote normally	0% 0%																										
B. SPO to demand voter to sign a declaration of identity	100% 0%																										
C. Other solution	0% 0%																										
07, Was any voter turned away without being allowed to vote?	22% 78%																										
08, Was any voter given a tendered ballot?	11% 89%																										
09, Was the voters number noted on the counterfoil, ballot paper stamped, official mark?	100% 0%																										
10, Was the name of the voter ticked on the Voter Register after being given a ballot paper?	96% 4%																										
11, Were some ballot papers numbers unlawful on the Voters list next to voters name?	0% 100%																										
12, Was the ballot paper marked in secrecy by the voter? If NO, specify:	89% 11%																										
A. PS lay out inadequate	100%																										
B. Interference of PS staff	0%																										
13, Did you observe people voting on behalf of others (proxy voting)?	11% 88%																										
14, Were voters requiring assistance aided in the proper manner?	20% 12% 68%																										
15, Were there only authorized persons inside the PS?	89% 11%																										
16, Was the SPO a woman?	0% 100%																										
17, Were domestic observers present inside the Polling Station?	42% 58%																										
A. PAFFREL	73%																										
B. CMEV	27%																										
18, Were Party Agents present inside the Polling Station? (If YES, please specify)	70% 30%																										
<table border="1" style="width: 100%; text-align: center;"> <tr> <th>PA</th> <th>UNP</th> <th>SLMC</th> <th>JVP</th> <th>JHU</th> <th>TNA</th> <th>EPDP</th> <th>CWC</th> <th>Others</th> </tr> <tr> <td>0%</td> <td>0%</td> <td>0%</td> <td>0%</td> <td>0%</td> <td>63%</td> <td>20%</td> <td>0%</td> <td>17%</td> </tr> </table>										PA	UNP	SLMC	JVP	JHU	TNA	EPDP	CWC	Others	0%	0%	0%	0%	0%	63%	20%	0%	17%
PA	UNP	SLMC	JVP	JHU	TNA	EPDP	CWC	Others																			
0%	0%	0%	0%	0%	63%	20%	0%	17%																			
19, Did party agents or domestic observers report any problem to you	8% 92%																										
20, Rate the voting process:	<table border="1" style="width: 100%; text-align: center;"> <tr> <th>V. Bad</th> <th>Poor</th> <th>Ok</th> <th>Good</th> </tr> <tr> <td>0%</td> <td>12%</td> <td>36%</td> <td>52%</td> </tr> </table>									V. Bad	Poor	Ok	Good	0%	12%	36%	52%										
V. Bad	Poor	Ok	Good																								
0%	12%	36%	52%																								



Comparison JVP / SLFP: Translation of preferences into seats

District	Total UPFA votes	JVP							SLFP									
		JVP elected candidates			Total JVP non elected	Total preferences JVP	Total useful preferences	useful / total	SLFP elected candidates: Preferences						non elected	total preferences SLFP	Total of useful preferences	useful / total
		1	2	3					1	2	3	4	5	6				
COLOMBO	414,688	237,185	152,942	122,645		512,772	512,772	100%	100,074	81,914	51,583	49,719			270,969	554,259	283,290	51.11%
KALUTARA	291,208	135,743	95,461	75,982		307,186	307,186	100%	78,693	73,350	62,598				210,555	425,196	214,641	50.48%
MATTALE	108,259	59,234				59,234	59,234	100%	54,711	37,091					87,537	179,339	91,802	51.19%
GALLE	306,385	128,060	101,377	85,627		315,064	315,064	100%	71,504	60,282	57,744				289,337	478,867	189,530	39.58%
HAMBANTOTA	178,895	96,037	86,184			182,221	182,221	100%	107,603	63,118	56,416				46,884	274,021	227,137	82.89%
VANNI	7,259														7,259	7,259		
DIGAMADULLA	111,747	45,975				45,975	45,975	100%							130,942	130,942		
KURUNAGALA	412,157	153,868	116,736	114,516		385,120	385,120	100%	65,724	57,079	53,879	53,876	52,520	52,099	331,110	666,287	335,177	50.31%
ANURADHAPURA	212,943	114,319	103,086			217,405	217,405	100%	72,710	56,651	40,935				134,625	304,921	170,296	55.85%
BADULLA	178,634	98,880			18,771	117,651	98,880	84%	69,799	64,655					178,853	313,307	134,454	42.91%
RATHNAPURA	261,450	97,083	76,883			173,966	173,966	100%	125,592	84,284	71,982	40,382			152,630	474,870	322,240	67.86%
GAMPAHA	509,963	215,540	128,633	111,755		455,928	455,928	100%	198,444	90,307	86,550	76,637	72,616	56,715	360,197	941,466	581,269	61.74%
KANDY	268,131	111,923	81,036			192,959	192,959	100%	82,036	78,817	64,317				251,229	476,399	225,170	47.27%
NUWARAELIYA	82,945	44,229				44,229	44,229	100%	55,284						87,414	142,698	55,284	38.74%
MATTARA	241,235	109,417	101,558			210,975	210,975	100%	118,745	60,453	46,129					225,327	225,327	100.00%
JAFFNA																		
BATICCALOA	26,268																	
TRINCOMALEE	31,053	19,983				19,983	19,983	100%							25,563	25,563		
PUTTALAM	142,784	38,113	33,144			71,257	71,257	100%	55,775	50,194	41,190	36,545			61,750	245,454	183,704	74.84%
POLONNARUWA	106,243	61,580				61,580	61,580	100%	72,451	47,088					70,370	189,909	119,539	62.95%
MONARAGALA	117,456	71,115				71,115	71,115	100%	52,887	47,538					62,182	162,607	100,425	61.76%
KEGALLE	214,267	90,070	84,981			175,051	175,051	100%	80,485	71,682	53,892				146,564	352,623	206,059	58.44%
TOTALS	4,223,970	1,928,354	1,162,021	510,525	18,771	3,619,671	3,600,900	99%	1,462,517	1,024,503	687,215	257,159	125,136	108,814	2,905,970	6,571,314	3,665,344	55.78%

Annex 4: Vote cost per seat

2004						2001				
District	Seats	Registered voters	Voters / seats	Valid Votes	Votes / seats	Seats 2001	Registered voters 2001	Voters / seats 2001	Valid votes 2001	Votes / seats 2001
COLOMBO	20	1,467,751	73,388	1,057,966	52,898	21	1,440,682	68,604	1,058,481	50,404
KALUTARA	10	746,138	74,614	563,019	56,302	10	717,764	71,776	553,619	55,362
MATTALE	5	312,556	62,511	220,062	44,012	5	299,606	59,921	218,090	43,618
GALLE	10	716,608	71,661	541,511	54,151	10	698,566	69,857	541,914	54,191
HAMBANTOTA	7	384,361	54,909	279,310	39,901	7	369,073	52,725	281,162	40,166
VANNI	6	226,604	37,767	140,377	23,396	6	218,860	36,477	94,506	15,751
DIGAMADULLA	7	379,044	54,149	290,361	41,480	7	360,497	51,500	280,215	40,031
KURUNAGALA	16	1,089,482	68,093	793,647	49,603	15	1,045,652	69,710	787,728	52,515
ANURADHAPURA	8	514,149	64,269	372,125	46,516	8	489,746	61,218	359,344	44,918
BADULLA	8	511,115	63,889	370,178	46,272	8	491,288	61,411	373,837	46,730
RATHNAPURA	10	647,035	64,704	492,003	49,200	10	623,506	62,351	489,578	48,958
GAMPAHA	17	1,327,145	78,067	990,002	58,235	18	1,285,993	71,444	995,230	55,291
KANDY	12	880,632	73,386	627,866	52,322	12	838,687	69,891	595,576	49,631
NUWARAE LIYA	7	436,236	62,319	327,609	46,801	7	417,163	59,595	315,099	45,014
MATTARA	8	550,503	68,813	400,233	50,029	8	534,694	66,837	403,967	50,496
JAFFNA	9	644,279	71,587	284,026	31,558	9	633,457	70,384	186,598	20,733
BATICCALOA	5	303,928	60,786	241,375	48,275	5	282,079	56,416	179,108	35,822
TRINCOMALEE	4	224,307	56,077	182,794	45,699	4	212,280	53,070	161,138	40,285
PUTTALAM	8	450,057	56,257	289,763	36,220	7	426,193	60,885	290,209	41,458
POLONNARUWA	5	254,061	50,812	185,261	37,052	5	240,444	48,089	181,497	36,299
MONARAGALA	5	262,742	52,548	192,113	38,423	5	247,280	49,456	187,333	37,467
KEGALLE	9	570,299	63,367	421,131	46,792	9	554,697	61,633	421,640	46,849
TOTALS	196	12,899,032	65,811	9,262,732	47,259	196	12,428,207	63,409	8,955,869	45,693

Annex 5: Women's participation

