

REPORT OF THE WEST AFRICA DEMOCRACY SOLIDARITY NETWORK ON SENEGAL'S MARCH 24 PRESIDENTIAL ELECTION

INTRODUCTION

The West Africa Democracy Solidarity Network (WADEMOS) stands committed to promoting democracy, transparency, and electoral integrity across the region. In line with this mission, WADEMOS deployed a pre-election mission followed by an election-day mission to assess and monitor the electoral process in Senegal. The purpose of WADEMOS' interventions for the 2024 Senegal election was to mobilize sub-regional support and interest in the electoral process. Senegal, renowned as the lone surviving democracy in the Sahel region and a beacon of democracy in Francophone West Africa, served as a focal point for WADEMOS' efforts. The just-ended election was seen as a groundbreaking one, as it was the first time in the history of the country that an incumbent president opted not to seek re-election after serving two terms. The March 24, 2024, election was a litmus test of the rule of law in a region marred by instability and coups.

Rationale

Our pre-election mission sought to evaluate the political environment, electoral preparations, and key stakeholders' readiness for the upcoming election. Through meticulous observation and engagement with civil society organizations, state agencies, and electoral officials, we aimed to identify potential challenges and opportunities to enhance the credibility and inclusivity of the electoral process.

Building on our insights gathered during the pre-election phase, WADEMOS mobilized its Election Day mission to monitor the voting process, ensure compliance with electoral laws, and safeguard the rights of voters. The mission worked tirelessly to document any irregularities or incidents that could undermine the integrity of the election, thus providing valuable data for post-election analysis and recommendations.

In this report, we offer a comprehensive overview of WADEMOS' election intervention activities in Senegal, highlighting key findings, observations, and recommendations. Through our collective efforts, we aim to contribute to the advancement of democratic governance and electoral practices in Senegal and in the sub-region.

PRE-ELECTION SOLIDARITY MISSION

WADEMOS embarked on a pre-election solidarity mission to Senegal from January 30 to February 5, 2024, ahead of the presidential elections originally scheduled for Sunday, February 25, 2024. President Macky Sall announced on February 3, 2024, the postponement of the elections in a live TV broadcast while the mission was concluding its report.

This mission signified not only our commitment to democratic principles but also served as an acknowledgment of the collaborative spirit among civil society actors across the region in their common desire to work together across borders to protect and defend democracy in West Africa. Building on the momentum of previous WADEMOS pre-election and election-day missions to Nigeria, Sierra Leone, and Liberia in 2023, the mission in Senegal aimed to deepen our understanding of the political and social context, stakeholders' preparedness ahead of the election, and to express our solidarity with civil society through experience sharing among election experts in the network.

Methodology

The 13-member delegation engaged with a diverse group of election stakeholders, comprising state and non-state actors and institutions, including pro-democracy CSOs and international partners. The meeting held an inception meeting with WADEMOS Network members to discuss the political environment ahead of the elections. This was followed by meetings with key stakeholders, including the Autonomous National Electoral Committee (CENA) and the Directorate of Elections under the Ministry of Interior, to assess the level of preparations and the general election environment, including the state of logistics, security, inclusion of marginalized groups, transparency, and voter education, among others. *See the appendix for the list of key stakeholders engaged.*

In further collaboration with its network members, WADEMOS held a roundtable discussion with civil society to deliberate on the preliminary observations and findings of the mission prior to producing the final report. The roundtable discussion provided a platform to offer recommendations and share experiences, drawing lessons from across the sub-region.

CONTEXT OF THE 2024 PRESIDENTIAL ELECTION

The Republic of Senegal held its presidential elections on Sunday, March 24, 2024, amidst a backdrop of ongoing political turmoil and civil unrest that had plagued the nation since 2021. This unrest was further exacerbated by an announcement from then-president Macky Sall on February 3, 2024, to postpone the election.

Originally scheduled for February 25, the elections were eagerly anticipated by the 7.3 million registered voters out of a population of 17 million. However, concerns over the “candidates' list and lack of national dialogue” were used as a pretext by former president Macky Sall to unilaterally cancel the election on the eve of the campaign period. Senegalese lawmakers subsequently voted to postpone the election date to December 15, 2024, precipitating a constitutional crisis. Amidst these developments, the Constitutional Council on February 5 voided the cancellation and the postponement and forced Sall to set a new election date. To many democracy watchdogs, the judgment provided a glimmer of relief amidst the subregion’s most crucial governance crisis and democratic decline.

After weeks of deliberation and negotiation, President Sall announced a new election date of March 24, 2024, which was subsequently approved by the Constitutional Council.

While Senegal has often been lauded as the lone surviving stable democracy in the Sahel and a beacon of democratic values in Francophone West Africa, sustained by an apolitical military, the upcoming elections serve as a litmus test for rule of law in a region marred by instability and coups.

Frontrunners

The election witnessed a record-breaking 93 candidates initially vying for the presidency, eventually narrowed down through the Senegalese sponsorship system to 19 confirmed candidates. This was the largest number of candidates in Senegal’s electoral history and the first time an incumbent president did not seek re-election. The review of the sponsorship process under the authority of the Constitutional Court led to the exclusion of two major opposition figures, Ousmane Sonko, due to a six-month prison sentence in a defamation case, and Karim Wade, son of former president Abdoulaye Wade, whose candidacy was deemed inadmissible due to dual citizenship. There were four major contenders in the just-ended election.

Amadou Ba, 62, is a ruling party candidate (Benno Bokk Yaakaar [BBY Coalition]) and Saal’s preferred successor. The former minister of economy and finance and then foreign affairs, Ba, presented himself as a candidate for stability and the continuity of the incumbent’s economic record. He promised a return to calm after months of political crisis. Ba focused his campaign program on youth employment in a country where three-quarters of the population is under 35. His key promise was to create 1 million jobs by 2028 through public and private partnerships and investment in agriculture, industry, infrastructure, and renewable energies.

Bassirou Diomaye Faye, 44, was a replacement for opposition leader Ousmane Sonko, who was excluded from the presidential race in January. Diomaye, unlike other candidates, had less time to campaign in person. The co-founder of the opposition Pastef party, released from prison along with Sonko on March 14, campaigned against the country's political class and promised to reclaim Senegal's "sovereignty." He proposed getting rid of the inherited CFA franc and introducing a new currency. He pledged to make the teaching of English widespread. He also indicated renegotiating mining and hydrocarbon contracts as well as defense agreements. His team pledged to undertake institutional reforms, including the creation of a vice presidential role, reducing the excessive power of the president, and possible impeachment from office.

Idrissa Seck, 64, was a former prime minister who served under ex-president Abdoulaye Wade between 2002 and 2004. This was his fourth consecutive presidential race after coming in second in the 2019 presidential election. He pledged to introduce compulsory military service, the creation of a common currency for all West African countries, and a fund financed by oil and gas companies to compensate for damage to the fishing industry.

Khalifa Sall, 68, was sentenced to five years in prison and a fine of 5 million CFA francs for fraud and embezzlement of public funds in 2018. He was barred from entering the 2019 presidential contest. He returned to politics thanks to a presidential pardon and a law authorizing the restoration of civil rights for convicted citizens who were amnestied following a national dialogue initiated by the government in May 2023. He pledged to devote at least 1.5 billion euros of the annual national budget to agriculture.

On March 9, two days after the Constitutional Council confirmed the March 24 polls, Senegal's presidential candidates launched their campaigns. Seventeen presidential hopefuls increased their trips and public meetings/rallies to boost visibility and presented their ideas on issues including sovereignty, institutional reforms, civil liberties, emigration, education, health, agriculture, unemployment, and the corruption crisis to electorates.

Electoral system

The March 24 election operated under a two-round majoritarian system, requiring a candidate to secure more than 50%+1 of the vote. If no candidate reached this threshold, a runoff election would have been organized. The term of office for the president is set at five years, renewable once, and people aged 18 and older on the electoral roll and in possession of a voter identification card can cast their ballot at specified voting centers.

Voting took place at 8 a.m. and ended at 6 p.m. There was a total of 6,919 polling centers and 15,397 polling stations in the 14 electoral districts nationwide.

MAJOR HIGHLIGHTS AND OBSERVATIONS FROM THE PRE-ELECTION ASSESSMENT

1. Eligibility as presidential candidates under the Sponsorship System

The sponsorship criteria, first introduced in the 2019 presidential election under the Senegalese electoral code, require potential candidates for the election to collect signatures demonstrating support from at least 0.6% (44,000) of total registered voters. The candidates, following the submission of sponsors, must undergo validation by the Constitutional Council as per the provisions of the Electoral Code. According to the sponsorship law, each sponsor is restricted from endorsing more than one candidate. Two main grounds for disqualification by the Constitutional Court were “double sponsorship” and “material errors” as detected by the software used for the verification of the sponsorship forms.

WADEMOS noted complaints about the lack of transparency in the sponsorship process and the irregularity of the software used in assessing the sponsorship forms submitted by aspirants on a flash drive presented to them by the Directorate of Elections.

Another major concern was that the threshold for sponsorship disproportionately affects candidates from smaller parties or independent candidates, making it more challenging for them to gather the required number of signatures.

WADEMOS again noted the parliamentary committee investigation into the allegations of corruption leveled against two members of the Constitutional Council. The allegation was made by Karim Wade, who was disqualified by the Constitutional Court and petitioned the National Assembly to investigate the said allegations. At the time of its arrival, the National Assembly had adopted a motion and commenced investigations into the matter.

2. Election Management Bodies and the Constitutional Council

In our interactions with state institutions directly involved in the elections, they emphasized their commitment to ensuring fairness, transparency, and credible supervision of the electoral process. The institutions assured the delegation of their independence in the upcoming elections.

However, on matters of sponsorship and its matters arising, the Directorate General of Elections, under the auspices of the Ministry of Interior in charge of the design, production, distribution, and conservation of election materials, including the release of the voter register and cards, justified their actions based on the Senegalese electoral code. The Directorate argued that they are mandated to release the voter register only 15 days

before election day and that they are not in violation of any constitutional requirement in this regard.

Furthermore, they contended that candidates and political parties underwent training on the sponsorship law and how to collect sponsors. Nonetheless, they explained that errors such as wrong spelling of names, attempts to alter information on the flash drives, changes in the arrangement of information on the flash drives, and other actions incompatible with the software, such as relying on inauthentic sources for electorate data, on the part of the parties and candidates led to instances of double sponsorship and the subsequent rejection of sponsors.

The General Directorate also clarified that they are mandated to abide strictly by the outcomes and decisions of the Constitutional Council since only the Council has the authority to vet each aspirant's filed documents and announce the final list of candidates. For instance, the Directorate noted that during legislative and local elections in which they have control over the filing processes, they are less strict with the enforcement of errors, so aspirants are either able to correct them or such errors are overlooked and persons are allowed to contest. This is not the same with the Council.

Additionally, we were told that for transparency, the Council is supported by representatives from CSOs, state institutions, and political parties when the sealed envelopes containing the pen drives where the data is stored are opened and scrutinized.

The role of the Constitutional Council as both the highest court to handle electoral matters and the institution to vet and approve candidates poses a challenge to the integrity of the electoral process because it puts the Council in a conflict of interest situation where they have to review their decision and also leaves room for no further appeal since they are the highest body mandated to address such issues.

Based on the foregoing, it seems to us that much of the issues surrounding the sponsorship system emanate from the strict application of the law and the lack of savviness with using and handling software and devices.

Furthermore, the involvement of the Constitutional Council in the vetting and review of aspirants leaves inadequate room for appeals and challenges beyond the initial time frame given to update the list when there is double sponsoring by the same electorate.

3. Administration of Elections: Concerns Around the Voter Register

We recognize the strides and efforts made by the government institutions directly involved in the organization of the elections, including the Directorate General of Elections, the Autonomous National Electoral Committee (CENA), the Constitutional Court, and the Court of Appeal, for their commitment and dedication to ensuring a well-transparent election.

More specifically, we recognize the review of the electoral code to allow for convicted candidates to participate in the elections. We also commend the national dialogue for bringing together members of various parties, religious leaders, and civil society to deliberate on the modalities for the presidential elections. This, we believe, provides additional value to reduce political tensions.

Additionally, we commend Senegal for the yearly update of the voters' register, where registrants use their national ID card to obtain the voter ID card. We equally laud the system put in place for persons who would be 18 and eligible to vote on the date of voting to be captured in the register.

We further recognize the electoral code, which mandates the Director General of Elections to release the voter roll 15 days before the election; however, WADEMOS makes the following observations:

Two key functions were identified for the voter register that were relevant to promoting trust and integrity in the election. These include the use of the voter register to identify sponsors and, secondly, for political parties to authenticate or audit the register before the election. The electoral code requires the Directorate of Elections to make the register available 15 days before the elections.

Some disqualified aspirants had alleged that almost 900,000 voters rejected by the software used for the sponsorship process were missing in the register. They explained that these were registered voters drawn from the register used for the legislative elections, but they were disqualified by the software during the assessment by the review committee. CSOs are concerned that this may be a source of chaos on election day when voters are not able to identify their names in the register. We also acknowledge the response by the Directorate of Elections that the register remains credible with all names intact and updated annually between February and July. According to the directorate, the rejections were due to material errors detected by the software.

Again, we note the concerns around the electoral register: the 15-day constitutional mandate for the release of the electoral register to candidates is a shorter period to thoroughly scrutinize and verify the electoral register. We acknowledge that a shorter period for review may not provide adequate remedies for any irregularities identified and could raise concerns about the accuracy and integrity of the voter list. We again share in the opinion of civil society that should there be discrepancies or inaccuracies in the electoral register, the compressed timeline may hinder the resolution of such issues before the election day, which may potentially undermine the credibility of the electoral process. Again, the failure of authorities to provide the electoral register 15 days before the vote may lead to legal challenges, a possible postponement, and further undermine the legitimacy of the election.

It also emerged that political parties did not have access to the updated register to aid in the sponsorship process. This led to the constitutional court using an updated register while aspirants relied on the register used for the 2022 legislative elections.

4. Issues of civic space and freedoms

Human rights have taken center stage in the lead-up to this election, especially since 2021, when political tensions began to rise. The arrest and imprisonment of Ousmane Songo, the death of about 49 Senegalese during a protest, and assaults on protestors, among others, have raised concerns about the protection of human rights ahead of the elections. As we have observed in other countries, clamping down on the civic liberties of citizens could have dire consequences for electoral outcomes and the security of the state. On this score, we draw the following conclusions from our interactions with stakeholders:

The continuous detention of Ousmane Sonko's successor may pose a challenge and disrupt the campaign period, taking into consideration the tense political climate. Admittedly, despite the legal charges against him, he is allowed to campaign and participate in the electoral process. He is also legally permitted to request a suspension of his detention to enable him to campaign effectively. This request may be granted based on the assessment of the relevant government institutions.

In June 2023, Senegal blocked the operations of social media sites in the country. Citizens were therefore restricted from Facebook, Twitter, Instagram, and WhatsApp, among others. Currently, social media app TikTok remains banned in Senegal ahead of the elections without officially providing reasons for the prolonged ban. However, from our interactions with the stakeholders, it emerged that national security concerns were the basis for the clampdown. Almost all state institutions engaged recognized the relevance of such platforms to the promotion of civic rights, the opening of the civic space, and the enhancement of economic fortunes, but underscored the need to safeguard state interests at all times above any other.

Moreover, media rights and freedoms remain essential to consolidating democracy in any state. Senegal boasts a vibrant press and media landscape, with over 30 television stations in the country. However, we note the establishment of the Audiovisual Council as a supervisory body to guarantee equal access to airtime for all candidates. This is worth emulating in other West African countries. The attempt to open up the space on election day for journalists to have access to voting centers is commendable. Again, we applaud the state for enforcing the campaign law, which mandates that every candidate be given 3 minutes of airtime each day for 20 days until the eve of the elections. This ensures some level of fairness and equity in the system and allows each person to have access to the Senegalese people to share their message.

However, journalists remain subject to criminal liability for articles published against individuals and personalities. This is worrisome. The situation of detaining journalists for their journalistic work and publications, for opinions expressed, or for breaching the ethics of the profession remains unacceptable since it can be used to gag people and suppress media freedoms and expression.

The issue of fake news, disinformation, and misinformation seems to be of great concern to authorities and CSOs. However, in an attempt to address this, heavy-handed approaches like social media shutdowns are employed, suppressing the civic space in the process.

5. Inclusion

We applaud Senegal for the measures and actions taken to ensure parity and inclusion in the electoral process. Evidently, a lot has been done to increase women's participation in local-level elections and legislative elections. We take keen notice of the gender parity law, which is not applicable to the national elections.

The participation of PWDs is progressive. We noted that in recent years, there have been concrete steps taken to include PWDs not only in the electoral process but in society with the provision of social services like free bus rides and privileges in healthcare services. However, not much has been done to make campaign messages, rallies, and gatherings more inclusive of PWDs. Also, PWDs were apprehensive about the government's compliance with all commitments made to promote their inclusion on election day, particularly with the accessibility of polling stations.

6. Election, Peace, and Security

Low voter education and late release of the voter register, as well as unresolved disputes such as allegations of corruption against the Constitutional Court and the complaints around the sponsorship, are quite problematic for the election environment and post-election peace and security.

Again, the postponement of the election, which was announced by the president a day before the start of the political campaign by candidates, has escalated tension within the political environment. 19 of the 20 candidates who were set to contest the February 25 polls decided to proceed with the planned campaign period, which was expected to commence on Sunday, February 4, and last for 20 days until February 24. The ECOWAS Commission released a press statement to express concern over the circumstances that led to the postponement of the elections and appealed to the competent authorities to expedite the various processes in order to set a new date for the elections. As expected, massive protests erupted in the streets of Dakar.

The police met protesters with force, according to several reports, resulting in injuries and deaths. Some media houses were also taken off air by the government for allegedly inciting public unrest. The internet was also cut to control the spread of information and mobilize the power of the public. Numerous CSOs, including WADEMOS, issued statements condemning Senegal's Parliament for the decision to postpone the polls until December 15, demanding a return to the constitutionally provided electoral calendar, and urging ECOWAS to take firm steps to protect democracy in the region.

ELECTION DAY MISSION, OBSERVATION AND LEARNING

From March 23rd to March 27th, 2023, WADEMOS embarked on an election observation and learning mission in Senegal, deploying a 6-member delegation drawn from network members from Cote d'Ivoire, Niger, and Ghana. The primary objective was to support network members in observing the electoral process, ensuring compliance with frameworks and international standards, and providing recommendations for further enhancements. This mission aimed to build on the momentum of the pre-election assessment and contribute to the democratic integrity of Senegal's presidential election.

Engagements with Stakeholders

Upon arrival in Dakar, the delegation received a comprehensive briefing from WADEMOS network members, particularly the African Meeting for the Defense of Human Rights (RADDHO), to assess progress since the pre-election mission and outline plans for election day. Emphasis was placed on monitoring all phases of the voting process, including the opening, progress, and closing of polls.

On election day, the delegation was hosted by key stakeholders, including the situation rooms of the Collective of Civil Society Organizations for Elections (COSCE), the main election observation group in Senegal, and WANEP's electoral situation room, which served as a platform to monitor, analyze, and facilitate the response to potential threats of violence during the electoral process. The team also visited EUTU JAMM (a coalition of women's CSOs); the National Human Rights Commission; and the African Union and ECOWAS situation rooms.

Additionally, limited roaming observations were conducted at select polling stations in Dakar.

The delegation closely monitored various aspects, including voter rights exercise, adherence to schedules, security arrangements, participation of women and minorities, efficiency of election management bodies, presence of political representatives, adequacy of election materials, and transparency of the process.

The election witnessed significant international observer missions' presence, including the European Union, African Union, ECOWAS, and other international observers. These missions played a vital role in monitoring the election's conduct and ensuring its credibility.

Observations and Findings:

Overall, the 2024 Senegalese presidential election, despite initial fears of violence, was characterized by remarkable peace and smooth conduct. Polling stations operated efficiently, adhering to the stipulated opening and closing times. The delegation was particularly impressed by the enthusiastic turnout of Senegalese citizens, especially the youth, demonstrating a strong commitment to democratic participation.

Furthermore, electoral officials and security agencies exhibited commendable professionalism and dedication to duty throughout the process. All polling stations visited were set up in a way that guaranteed the secrecy of the ballot. Voting took place from 8 a.m. to 6 p.m., with 6,919 polling centers and 15,397 polling stations in the 14 electoral districts nationwide. Voter turnout was 61.3%, with Bassiru Diomaye Faye being declared the winner with 54% of the total votes cast.

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RECOMMENDATIONS

While welcoming the remarkable, peaceful, and inclusive outcome of the electoral process, the mission notes the need for post-electoral reforms to further strengthen the electoral framework.

Post-Electoral Reforms for E-Day

- We call for the need to effectively handle perishable electoral materials, especially unused ballot papers, to prevent the misuse of resources, corruption during the voting process, and instances of ballot stuffing on Election Day.
- We call for the adoption of a unique ballot paper that would contain all candidates to reduce the cost of procuring ballot papers.
- We call for a reassessment of the cost of elections, including setting limits on campaign financing. Reports indicate that the recently concluded elections incurred an official cost of 14 billion Francs (CFA).
- We call for adequate provision of facilities to enable physically challenged persons to access the polling units in future elections.
- While we acknowledge existing gender laws, we urge additional gender-inclusive measures to promote increased participation of women as candidates in future presidential elections. The recently concluded presidential election featured only one female candidate out of a total of 20.

Recommendations to Election Administration Institutions

Transfer of Responsibilities

- We highly advocate for the transfer of responsibilities regarding the regulation of the sponsorship system, filing, and approval of candidates' lists from the Constitutional Court to an autonomous body or under the supervision of CENA. This approach aligns with established practices observed in local and legislative elections. In this proposed framework, the Constitutional Court should retain its role solely as an appellate court, focused on resolving challenges and disputes arising from the electoral process.

Sponsorship criteria

- We also want a broader consideration of variables during the review of the sponsorship stage. Specifically, if multiple details of an individual collectively indicate clear identification, the endorsement of such electorates should not be invalidated solely due to typographical errors. Furthermore, we urge aspirants to exercise greater diligence in their data entry, seek assistance from experts and skilled individuals, and rely on authentic data sources for compiling the list of electorates.

Release of the Voter Register and Its Review

- We call for a revision of the electoral code's current provision, which allows a 15-day period for releasing the voter register to candidates. Our proposal advocates for extending this timeframe to a minimum of 3 months, aiming to facilitate more comprehensive scrutiny of the electoral roll. This extended period would allow for public verification of the register, provide candidates with ample time to review its content, and enable the timely filing of grievances. Again, such an extension would alleviate undue pressure on election management bodies, granting them sufficient time to address any identified anomalies.

Transfer of Electoral Process Oversight to an Independent Body

- We advocate for a reform of the electoral code to remove the Interior Ministry's involvement in all electoral processes. Instead, these responsibilities should be delegated to CENA, operating as an independent and autonomous body to prevent potential government interference and avoid overlaps in duties. This reform aims to ensure that the Ministry's authority over election schedules, material printing and distribution, and process commencement dates are not subject to executive control but are legally codified and under the jurisdiction of CENA.

Protecting Media Freedoms and the Civic Space

- We call for a thorough review of the penal code to prevent the imprisonment of journalists or media outlets for defamation or the expression of opinions. Again, we strongly oppose the frequent restriction of social media and internet access under the guise of national security. Instead of blanket bans, we suggest employing intelligence measures to identify and address individuals engaged in activities harmful to the state, preserving freedom of speech and the civic space.

Combating Misinformation and Disinformation

- To address the spread of misinformation, we propose establishing fact-checking institutions or collaborating with civil society organizations specializing in fact-checking, such as the Media Foundation for West Africa or Dubawa. This partnership will ensure the credibility, accuracy, and verification of information dissemination.