

Report of the Commonwealth Observer Group

TRINIDAD AND TOBAGO PARLIAMENTARY ELECTIONS

7 September 2015



The Commonwealth

Map

Trinidad and Tobago



502486 1-76 (541692)
Lambert Conformal Projection
Standard parallels 9°20' and 14°40'
Scale 1:1,000,000

— Road
✈ Airport

Trinidad and Tobago Parliamentary Elections

7 September 2015

Table of Contents

LETTER OF TRANSMITTAL.....	iv
CHAPTER 1.....	1
Introduction.....	1
Terms of Reference	1
Activities.....	2
CHAPTER 2.....	3
Political Background	3
Early History.....	3
Transition to independence.....	3
Post-Independence Elections.....	4
Context for the 2015 Parliamentary Elections	5
CHAPTER 3.....	7
The Legal Framework and Election Administration.....	7
National Legal Framework and International and Regional Commitments.....	7
Parliamentary Electoral System	7
The Elections and Boundaries Commission.....	8
Voter Eligibility and Registration.....	9
Candidate Eligibility and Nomination.....	10
Regulations Governing Political Parties	11
Boundary Delimitation	12
Complaints and Dispute Settlement	12
Voter and Civic Education.....	13
Women’s Participation	14
Youth Participation	14
Recommendations	15
CHAPTER 4.....	17
Election Campaign and Media.....	17
Campaign Strategies.....	17
Campaign Funding.....	18
Political Conduct	18

Media Environment	19
Recommendations	22
CHAPTER 5.....	23
Voting, Counting and Results	23
Key Procedures for Opening and Voting.....	23
Assessment of the Opening and Voting Process	25
Key Procedures for Closing, Counting and the Results Process.....	26
Assessment of the Closing Process.....	27
Assessment of the Counting, Results Tabulation and Transmission Process...	27
Special Voting	28
District-specific observations.....	29
Recommendations	30
CHAPTER 6.....	32
Conclusions and Summary of Recommendations	32
A Legal Framework and Election Administration	32
B Election Campaign and Media	33
C Voting, Counting and Results.....	34
ANNEX I: Biographies of Chairperson and Observers	35
Sir Paul Tovua, KCMG, Chair, Solomon Islands.....	35
Alfred M Sears, Esq, The Bahamas	35
Taleya Rehman, Bangladesh.....	35
Aaron Hape, New Zealand.....	35
Mawethu Mosery, South Africa	36
Clare A Keizer, St Vincent and The Grenadines	36
Commonwealth Secretariat Staff Support Team	36
ANNEX II: Deployment Plan	37
ANNEX III: Arrival Statement.....	38
ANNEX IV: Interim Statement.....	40

Dear Secretary-General,

The Commonwealth Observer Group you deployed to observe the 7 September 2015 Parliamentary Elections in Trinidad and Tobago has completed its report, and is pleased to submit it to you.

These elections affirmed Trinidad and Tobago's record of conducting credible and transparent elections, and are a testament to the people's commitment to democracy. Whether they served as polling officials, security personnel, polling agents or participated as voters, it is the people of this country who deserve the greatest commendation for maintaining their country's strong democratic credentials.

Our overall assessment is that these elections met all the key benchmarks for democratic elections. On voting day, we were impressed by the diligence and professionalism of presiding officers and polling officials, who were predominantly women. They carefully followed the prescribed election procedures throughout the entire process, including the close, count and results processes. We were particularly struck by the high level of trust the people of Trinidad and Tobago have in the electoral system and in the Elections and Boundaries Commission (EBC).

Every election can be improved. In this respect, and in line with our mandate, we have offered some recommendations that the new Government, the EBC, all political parties, and other relevant stakeholders may wish to consider.

Notably, given the dynamism of political parties in Trinidad and Tobago, we encourage the Government to give priority to considering legislative reform that will enable the registration of political parties and regulate campaign finance.

Concerns were also expressed to us about the surge in personal attacks during the campaign period, including through social media outlets, and the misuse of social media for campaigning after the prescribed campaign deadline. We were encouraged by the efforts of the Council for Responsible Behaviour to promote adherence to a voluntary code of conduct during these elections. We urge the EBC and all relevant stakeholders to work together to harmonise frameworks around political party financing and conduct.

We were pleased to note that the EBC and others are already reflecting on reforms to address these challenges. We urge the new government to support such reforms to further bolster the country's already strong democracy.

As we depart Trinidad and Tobago, we would like to thank you for the opportunity to be present in the country during this important time. We further take this opportunity to convey our gratitude to the staff team for their invaluable support.

Yours sincerely



Sir Paul Tovua



Mr Alfred Sears QC



Ms Taleya Rehman



Mr Aaron Hape



Ms Clare Keizer



Mr Mawethu Mosery

CHAPTER 1

Introduction

At the invitation of the Government of Trinidad and Tobago, the Commonwealth Secretary-General, Kamallesh Sharma, constituted an Observer Group for the 7 September 2015 Parliamentary Elections.

The decision to constitute this Observer Group was based on the findings of an assessment mission, which visited Trinidad and Tobago from 22 to 26 July 2015 to assess the pre-electoral environment.

The Commonwealth Observer Group was chaired by Hon Sir Paul Tovua KCMG, Chair of the Solomon Islands Political Parties Commission and former Speaker of Parliament, and comprised six eminent persons in total. The Observer Group was supported by a four-person staff team from the Commonwealth Secretariat. A full list of members is at Annex 1.

Terms of Reference

The Terms of Reference for the Observer Group, as set out by the Commonwealth Secretary-General, were as follows:

“The Group is established by the Commonwealth Secretary-General at the invitation of the Prime Minister of Trinidad and Tobago. The Group is to consider the various factors impinging on the credibility of the electoral process as a whole.

It will determine in its own judgement whether the elections have been conducted according to the standards for democratic elections to which the country has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Trinidad and Tobago, the Chairperson of the Trinidad and Tobago Elections and Boundaries Commission, and leaders of political parties, and thereafter to all Commonwealth Governments.”

Activities

The Observer Group was present in Trinidad and Tobago from 31 August to 11 September 2015. During three days of briefings in Port of Spain, the Group met a broad range of stakeholders, including: the Trinidad and Tobago Elections and Boundaries Commission (EBC); political party representatives; civil society groups; women's representatives; advocates for respect for gender diversity and sexual orientation; youth representatives; media; Commonwealth High Commissioners and other members of the diplomatic corps; and international Observers (CARICOM). The Chair also travelled to Tobago on 4 September to call on the Chief Administrator of the Tobago House of Assembly and to observe special polling.

The Chair of the Observer Group issued an arrival statement on 2 September 2015 at a press conference in Port of Spain (see Annex 2). The Observer Group was deployed to four regions across Trinidad and Tobago from 4 to 8 September 2015, and visited numerous constituencies in advance of and on election day (see Annex 3). The groups observed the final days of the campaign and met with election officials, political party and civil society representatives, police, members of the public and other Observers in their respective areas, and built a comprehensive picture of the conduct of the process.

On the basis of the Observer Group's initial findings, the Chair issued an interim statement on 8 September 2015 (Annex 4). The Commonwealth Observer Group's final report was completed and endorsed in Trinidad and Tobago prior to the Group's departure on 11 September 2015.

CHAPTER 2

Political Background

Early History

The original inhabitants of Trinidad were Amerindians – Caribs and Arawaks. The island's first contact with outsiders was in 1498, during the third voyage of Christopher Columbus. In 1532 the islands came under Spanish rule but was often raided by the English, Dutch and French in the 17th Century. The British captured Trinidad in 1797 and made it a Crown Colony in 1802. Enslaved Africans were brought in to sustain the plantation economy, which was driven first by cocoa and then sugarcane production. Tobago, which was fought over by the Europeans since 1626, was claimed by the British in 1814. After slavery was abolished by Britain, landowners imported thousands of indentured labourers and servants from India, China and the Middle East. The two islands were joined together administratively in 1889 and politically in 1898.

Consequently, the current composition of Trinidad and Tobago reflects a diverse ethnic makeup: of the 1.3 million population, Indo-Trinidadians number 35.4 percent, Afro-Trinidadians number 34.2 percent, mixed 23 percent, and other or unspecified 7.3 percent. The religions practiced are similarly diverse, with Protestants at 32.1 percent, Roman Catholics 21.6 percent, Hindus 18.2 percent, Muslim five percent, Jehovah's Witness 1.5 percent and others 21.7 percent. Tobago has a higher percentage of people of African descent, most of whom are Christian.

Transition to Independence

Partial self-government was instituted in 1925. This did not satisfy the growing demand for political independence from colonial rule, which led to the 1937 labour disturbances and an increase in the number of elected members in 1941. The British Government introduced the adult franchise in 1946. Further constitutional changes followed, and by 1959, the Legislative Council had more elected members and an elected Speaker, and the ministerial system had developed into a Cabinet elected from the Legislative Council. The Governor's powers were circumscribed. He did not normally chair Cabinet meetings, and had to act in accordance with the Cabinet's advice. These changes led to the creation of mass-based parties, most notably the People's National Movement (PNM), which secured a majority at the 1956 elections to the Legislative Council. PNM's leader, Dr Eric Williams, became the colony's first Chief Minister in October 1956.

Trinidad and Tobago was a member of the West Indies Federation, which was established by the British in 1958. The Federation collapsed in 1962, following the withdrawal of Jamaica. Trinidad and Tobago subsequently achieved its independence from Britain on 31 August 1962.

Post-Independence Elections

At the Parliamentary Elections of 1971, PNM won all 36 seats in the House of Representatives. In 1976, the country adopted a republican Constitution, replacing HM Queen Elizabeth II as the Head of State with a President. Under Dr Williams (and after his death in March 1981, George Chambers), PNM had a long run of electoral successes. PNM was ousted at the December 1986 elections by a coalition of Opposition parties, the National Alliance for Reconstruction (NAR), led by Arthur N Robinson. Drawing support from a range of ethnic and socio-economic groups, NAR secured 33 of the 36 seats in the House of Representatives. NAR also won 11 of the 12 seats in the Tobago House of Assembly.

In April 1989, Basdeo Panday, leader of the United Labour Front, along with other dissidents, split from NAR and formed a new party, the United National Congress (UNC). In July 1990, UNC elected Mr Panday as its President. UNC (with six seats in the House of Representatives) replaced PNM (with only three) as the principal Opposition party.

In July 1990, an attempted coup was staged by Jamaat al Muslimeen, a militant Muslim faction that took Prime Minister Robinson and five ministers hostage for five days, provoking an outbreak of rioting and looting in the capital. The hostages were released in exchange for amnesty for the group. The Privy Council later invalidated the amnesty, but the Muslimeen members were not re-arrested. PNM, under Patrick Manning, won the Parliamentary Elections in December 1991 with 21 seats. UNC came in second place with 13 seats. NAR lost all but two seats, both in Tobago.

In November 1995, Prime Minister Manning called early elections. The results gave PNM and UNC 17 seats each, while NAR retained the two seats in Tobago. UNC and NAR formed a coalition Government and PNM became the official Opposition. In February 1997, UNC's position was further strengthened by the decision of two PNM members to sit as independents.

At the Parliamentary Elections of 2000, UNC won 19 seats in the House of Representatives, PNM received 16 seats and NAR won one seat. Prime Minister Panday was sworn in as Prime Minister. One week later, the Opposition PNM asked the High Court to overturn the election to Parliament of two of the successful UNC candidates on the grounds that they had illegally filed nomination papers while holding dual citizenship in contravention of the Representation of the People Act. On 2 January 2001, President Robinson refused to swear in seven cabinet members appointed by the Prime Minister, as he said they had been defeated in the elections. On 7 February 2001, the appointed ministers filed a constitutional motion in the courts, seeking its intervention on the continued refusal of the President to appoint them as Government senators. The impasse ended one week later, when President Robinson agreed to appoint the seven ministers.

On 10 October 2001, Prime Minister Panday announced that he had asked President Robinson to dissolve the legislature in preparation for the holding of early elections on 10 December 2001, one year after the last elections. The incumbent UNC and Opposition PNM each won 18 seats after the elections, posing a constitutional debate about which party should form Government. Opposition Leader Manning rejected a

proposal from Prime Minister Panday to share power in a Government of national unity to break the deadlock. Both met with President Robinson, and agreed, as provided under the Constitution, to authorise him to appoint a new Prime Minister.

On 24 December 2001, President Robinson chose Mr Manning to be the next Prime Minister and he was sworn in the same day. Two days later, UNC pulled out of the political pact that had resolved the elections tie, threatening the Parliament's ability to pass any legislation. UNC announced that it would no longer honour the agreement Mr Panday had struck with the Prime Minister and called for new elections.

Voters went to the polls on 7 October 2002, the third elections in Trinidad and Tobago in less than two years. PNM won 20 of the 36 parliamentary seats, with UNC picking up the remaining 16 seats. On 9 October 2002, Mr Manning was sworn in as the new Prime Minister.

On 28 September 2007, Prime Minister Manning called elections to the House of Representatives for 5 November. The 2007 elections followed a heated debate on constitutional reforms proposed by the Prime Minister's PNM. The Opposition UNC argued the proposals would give too much power to the Prime Minister. PNM won 26 of the 41 seats, just short of the two-thirds majority required to pass amendments to the Constitution. UNC took the remainder of the seats. The newly-established Congress of the People (COP) failed to win a seat, although it took over 22 percent of the vote. On 7 November 2007, Mr Manning took the oath of office. On the following day, ministers were sworn in alongside new senators.

On 8 April 2010, Prime Minister Manning asked President George Maxwell Richards to dissolve Parliament, one day before it was scheduled to examine a motion of no-confidence in the Prime Minister. The motion had been filed in March by the Leader of the Opposition (UNC), Kamla Persad-Bissessar. The elections to the House of Representatives were subsequently set for 24 May 2010, two and a half years earlier than they were constitutionally due. The final results gave 29 seats to the People's Partnership, a coalition comprising UNC, COP, the National Joint Action Committee (NJAC), the Tobago Organisation of the People (TOP) and the Movement for Social Justice (MSJ). PNM took the remaining 12 seats. Twelve women were elected – the highest number in Trinidad and Tobago to date. On 26 May 2010, Mrs Persad-Bissessar took the oath of the office as Prime Minister, thereby becoming the first female Prime Minister in Trinidad and Tobago.

Context for the 2015 Parliamentary Elections

In August 2014, the Government proposed constitutional amendments related to elections in Trinidad and Tobago. The proposed changes provided for: the introduction of fixed legislative terms; imposing a two term limit on the Prime Minister; recall elections for legislators; and the introduction of a two-round voting system, with a run-off in seats where no candidate has an absolute majority. The two-round voting system was strongly opposed by the Opposition. The reforms were passed by the House of Representatives in 2014, but processes for the Bill's enactment into law were not completed before Parliament was dissolved in June 2015.

Seventeen political parties and five independent candidates contested the 2015 Parliamentary Elections. They include:

- COP – Congress of the People;
- DDP – Democratic Development Party;
- IDP – Independent Democratic Party;
- ILP – Independent Liberal Party;
- LOVE – Laventille Outreach for Vertical Enrichment;
- NCT – National Coalition for Transportation;
- NJAC – National Joint Action Committee;
- NNV – New National Vision;
- PNM – People’s National Movement;
- TF – Tobago Forwards;
- THC – Trinidad Humanity Campaign;
- TNV – The New Voice;
- TOP – Tobago Organisation of the People;
- TPT – The Platform for Truth;
- UNC – United National Congress;
- YEP – Youth Empowerment Party; and
- YOUR- Youth, National Organisations, Famers Unification, Policy Reformation.

Opposition party PNM contested all 41 constituencies. The ruling People’s Partnership coalition also contested all 41 seats, with UNC contesting 28 seats, COP contesting eight seats, NJAC contesting three seats and Tobago Organisation of the People contesting the two seats in Tobago. The Independent Liberal Party contested 26 seats. The remaining political parties each contested three seats or fewer. Five independent candidates also ran for office.

CHAPTER 3

The Legal Framework and Election Administration

National Legal Framework and International and Regional Commitments

The 1976 Constitution of the Republic of Trinidad and Tobago (as amended), guarantees fundamental rights and freedoms, including freedom of expression, assembly, association and participation in elections. It defines the Republic of Trinidad and Tobago as a sovereign democratic state, comprising the twin islands of Trinidad and Tobago.

Trinidad and Tobago has committed itself to a number of international principles, and ratified international treaties and conventions which set out standards for democratic elections. These include:

- The Universal Declaration of Human Rights;
- The International Covenant on Civil and Political Rights;
- Inter-American Democratic Charter;
- The Convention on the Elimination of all Forms of Discrimination Against Women;
- International Convention on the Elimination of All Forms of Racial Discrimination; and
- The Commonwealth Charter.

In addition there are a number of pieces of domestic legislation that govern these elections. Paramount among these is the 1976 Constitution of Trinidad and Tobago (as amended). The following four pieces of legislation provide the EBC with its legal and constitutional authority to conduct elections:

- The Representation of the People Act Chapter 2:01 (1946, last amended in 2000);
- The Elections and Boundaries Commission (Local Government) Act (1967), Chapter 25:50;
- The Municipal Corporations Act (1990); and
- The Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act No. 40 (1996).

The Representation of the People (ROP) Act is the relevant legislation for Parliamentary Elections.

Parliamentary Electoral System

Trinidad and Tobago has a bicameral Parliament with a Senate of 31 members, appointed by the President, and a House of Representatives comprising 41 members, who are elected. The number of seats in the House of Representatives corresponds to the number of electoral districts. Consequently, for these elections, 39 seats were contested in Trinidad, and two in Tobago.

Additionally, Tobago has a unicameral House of Assembly with 16 seats. The Tobago House of Assembly was established in 1980 and has powers over the island's finances and other delegated policy, as well as planning and administrative responsibilities. The last elections of the Tobago House of Assembly were held in 2013.

The 7 September 2015 Parliamentary Elections concerned the election of members of the House of Representatives of Trinidad and Tobago.

The Constitution provides the basic framework for Parliamentary Elections. It requires election to the House of Representatives by secret ballot and held in accordance with the first-past-the-post electoral system, whereby the candidate with a simple majority of votes cast in a given constituency wins the seat for that constituency.

The party which wins the most seats forms Government. That party's leader is then appointed Prime Minister by the President of Trinidad and Tobago.

Notably, executive authority in Trinidad and Tobago is vested in the President. The election of the President of Trinidad and Tobago follows a different process, outlined in Article 26 of the Constitution: the President is elected by an electoral college, convened by the Speaker of House of Representatives who chairs the election, and is by secret vote. The electoral college comprises all members of both the House of Representatives and the Senate.

To be qualified to be elected as a member of the House of Representatives, one must be a citizen of Trinidad and Tobago who is at least 18 years of age, and has resided in Trinidad and Tobago for a period of two years immediately before the date of their nomination for election, or is domiciled and resident in the country at that date.

Parliamentary Elections of members of the House of Representatives are held within three months after every dissolution of Parliament by the President, acting in accordance with the advice of the Prime Minister.

On 12 June 2015, Prime Minister Persad-Bissessar announced that elections would be held on 7 September. Ahead of these elections, Parliament was dissolved on 17 June 2015.

The Elections and Boundaries Commission

The Elections and Boundaries Commission (EBC) is established by Section 71 of the Constitution of Trinidad and Tobago. It is responsible for reviewing the number and boundaries of the constituencies into which the country is divided, overseeing the registration of voters, and supervising the conduct of elections.

The EBC has supervised elections since 1971. It is comprised of a Chairman (currently Dr Norbert J. Masson) and three other members, all appointed by the President following consultation with the Prime Minister and the Leader of the Opposition, for five-year (renewable) terms. The salaries and benefits of members of the Commission are drawn from the consolidated fund.

The EBC is the principal agency responsible for the appointments of the Chief Election Officer, the Assistant Chief Election Officer, registration officers, assistant registration officers, registration scrutineers, returning officers, election clerks, presiding officers and poll clerks.

Article 3(2) of the ROP Act defines the duties of the Chief Election Officer. These include the maintenance of the election register, the powers to issue instruction to election officers and to execute and perform all other functions directed by the EBC.

In its engagement with stakeholders, the Commonwealth Observer Group noted the high degree of confidence the EBC enjoys among political parties, the electorate and other stakeholders in the process.

Voter Eligibility and Registration

Trinidad and Tobago has a system of continuous voter registration, whereby the voters' register (referred to as the list of electors) is regularly updated. Section 29 of the ROP Act requires the list of electors to be published on 1 July of every year. Voters have the opportunity to bring perceived errors to the attention of registration officers during this period.

For this election, the annual list of electors was published on 1 July 2015. Eligible electors had until the 23 July 2015 to amend their registration particulars or apply to be registered as electors.

Citizens of Trinidad and Tobago who are 18 years of age qualify to register as voters if they have been resident in the given electoral district for two months before the 'qualifying date.'¹ Commonwealth citizens who are over 18 years of age can also register if they have resided in Trinidad and Tobago for at least one year immediately preceding the 'qualifying date.'

Notably, there is a direct link between registering for an identification (ID) card in Trinidad and Tobago and registering to be a voter. Citizens who are 15 years old or more, can apply to register for an ID card (ROP Act Section 16 (1)(b)). When the person turns 18, their name is then transferred onto the electoral list and is 'deemed to have applied for registration as an elector,' as provided in Section 22 (1) of the ROP Act. The law outlines a process for raising objections to being registered as an elector or 'non-electors,' with an appeal process also outlined.

For the purposes of registration, Trinidad and Tobago is divided into registration areas, which are further subdivided into registration units. Every registration officer establishes a unit register for each registration unit in the area. The original registration records of all persons in that area are kept in the unit register. The unit register forms the basis of the revised list of electors, which is prepared for each polling division ahead of an election (Rule 62 of the ROP Act).

¹ The 'qualifying date' means the ninth day after the date fixed as the date of commencement of an electoral registration by Proclamation. In the case of this election, the qualifying date was 23 July 2015.

Ahead of the 7 September Parliamentary Elections, the EBC made the annual list of qualified electors available for inspection at the Commission's registration offices and sub-area offices located throughout Trinidad and Tobago between 14 and 23 July 2015. The list was also made available on the EBC's website www.ebctt.com. All qualified electors were urged to examine the list to ensure that their names and addresses were correctly recorded. The number of voters on the register for the elections was 1,099,205.

Commonwealth Observers were informed that the primary process for the registration of electors is through their application of the national ID card and the address and place of registration is determined as per address of ID registration. The elector remains in that segment of the list unless the elector applies for an amendment during registration week. The EBC also indicated that it was mandated to visit residences for the purpose of updating the electors list when necessary and/or possible. There is no description of how often this process is done and Observers were unable to view a report of the most recent update. Consequently, it was presented that the electors list has two categories of persons who may no longer eligible to be on the list, such as those who had emigrated from Trinidad and Tobago, and those who are deceased. Stakeholders noted that this situation could encourage abuse, although Observers were not informed of specific allegations of this during the 2015 election period.

Commonwealth Observers noted several electors did not receive their poll cards, which advise voters of their polling stations, ahead of election day. As a result, a few voters did not find their names in the polling stations where they expected them to appear. Although the duty to inspect and change registration details lies with the elector, some electors could fail to vote because they did not receive their poll card. It is noted, however, that the EBC provided an online mechanism on its website for voters to check their assigned polling stations and are able to vote without the presentation of their poll cards.

Concerns about the risk of 'voter padding' (voters intentionally registering in tightly contested seats, where the margin between parties has been slim in previous elections) were raised in general terms with Commonwealth Observers. However, the Group itself did not observe any instances or allegations of voter padding in 2015, and none of the major parties have subsequently raised this as a significant issue. The ROP Act outlines the requirements for re-registration in another district, and provides the elector a choice where there are residences in more than one constituency.

Candidate Eligibility and Nomination

The closing date for nominations was 17 August 2015. Under the ROP Act, a candidate must be nominated by at least six proposers whose names appear on the electoral register. These proposers must certify that the candidate is qualified for election as a member of the House of Representatives to the best of their knowledge. A candidate claiming party affiliation must produce a letter to the relevant returning officer of the political party confirming their membership and stating that they are the party's candidate for the electoral district.

A candidate must sign a statutory declaration, which affirms their qualification as a member of the House of Representatives according to the eligibility criteria outlined in Articles 47 and 48 of the Constitution.

The eligibility criteria under these provisions require a nominee for election to the House of Representatives to be a citizen who is at least 18 years. Among other requirements, the nominee must have resided in Trinidad and Tobago for at least two years immediately before the date of their nomination, or be domiciled and resident in Trinidad and Tobago at the time of the nomination. The candidate must not be under allegiance, obedience or adherence to a foreign power or state. They must not have been certified to be insane, be under a death sentence or serving a prison sentence exceeding 12 months.

All candidates are required to place a deposit with the returning officer of TT\$5,000 (US\$773), which is forfeited if they receive less than one eighth of the total votes cast for all the candidates.

Once a candidate has submitted the relevant nomination papers and statutory declarations meeting the aforementioned criteria, and paid the deposit, they stand nominated. The returning officer assigns a symbol to be affixed to every ballot paper opposite the name of each candidate.

It is notable that while there are no rules governing the registration of political parties in Trinidad and Tobago, the ROP Act does stipulate procedures for the EBC to assign party symbols to political parties upon application. These symbols are then assigned to candidates of such political parties in an election, and will appear next to their names on the ballot paper.

A total of 132 candidates contested the 2015 Parliamentary Elections, out of which 40 were women.

Regulations Governing Political Parties

As indicated above, the ROP Act provides for the nomination of candidates (Election Rule 7), but does not establish a central mechanism for the nomination of candidates by political parties. In accordance with established practice, a returning officer recognises an individual as the nominee of a particular party only on the condition that the candidate informs the returning officer in writing on nomination day that they are a member of the party, and that their membership is confirmed by a list of party candidates that the candidate supplies to the returning officer.

This lack of regulation is inconsistent with the prominence of parties in Trinidad and Tobago's political landscape. Observers noted that individual candidates appeared to rely heavily on the campaign strategies and materials supplied by political parties, and emphasis was placed by the media on the campaigns of the leaders of the two main political parties.

We are encouraged that the EBC is reflecting on proposals to regulate the registration of political parties and campaign finance. We recommend that the EBC,

the incoming Parliament, political parties and all relevant stakeholders prioritise this process.

Boundary Delimitation

According to Article 72 of the Constitution, it is the responsibility of the EBC to determine the boundaries of the constituencies in the House of Representatives. In doing so the EBC must consider several factors, including:

- The electorate in any constituency should not be more or less than 10 percent above or below the average.
- Special attention should be paid to the needs of sparsely populated areas which on account of size, isolation or inadequacy of communication, cannot adequately be represented by a single Member of Parliament.
- Natural boundaries such as rivers and major highways are to be used wherever possible.
- The minimum number of constituencies for Tobago should be two.

The EBC is required to submit a report to the Prime Minister and the House of Representatives, showing recommended changes to the number and boundaries of constituencies, or alternatively stating that no alteration is required to the existing maps in order to comply with Schedule Two of the Constitution. This report must be presented before the House of Representatives not less than two years and not more than five years from the last report. If the draft contains modifications to boundaries, the reasons for these must also be submitted. If the draft order is rejected or withdrawn, a minister designated by the Prime Minister is required to amend the draft and lay the amended draft before the House. If approved, the draft order is submitted to the President for their signature. The validity of the order is not subject to legal adjudication.

A review of constituency boundaries was last completed in March 2014. As a result of the review, the boundaries of 10 constituencies in Trinidad were altered. No changes were made to the electoral boundaries in Tobago, and the overall number of constituencies remained unchanged at 41.

Complaints and Dispute Settlement

Following an election, a candidate or his agent may request a general or limited recount of the ballots (and poll cards) in respect of particular polling stations. The recount would be conducted by the returning officer in the manner outlined in Section 101 of the ROP Act. This request must be made before 12 noon on the day after the election.

Within four days of the declaration of the results, a candidate may also write to the Chief Electoral Officer 'for a check of the results' of the poll for that electoral district. Such a check is limited to a count of the 'questioned ballots' only.²

² If during the count the decision of the Presiding Officer with respect to any ballot is questioned by a candidate or agent, whether he decides it should be accepted or rejected, that ballot will be marked with a 'Q' but treated as the presiding officer decides. This is a questioned ballot.

A voter or a candidate may also question the validity of the election of a member of the House of Representatives in the High Court, as outlined in Section 106 of the ROP Act. The petition may also be brought in respect of the conduct of a returning officer or election clerk (ROP Act, Section 107).

On 9 September 2015, the People's Partnership announced that it would challenge the results of the elections, citing the EBC's decision to extend the hours of polling from 1800 to 1900, due to inclement weather. In its press release, PP argued that it was 'comfortably' ahead of the PNM at 1800, and that the one hour extension, in effect caused it to lose the election. The PP further argued that the EBC's actions were contrary to Rule 27(1) of the ROP Act, which prescribes the timeframe for elections, and generally undermined the legal framework for elections in Trinidad and Tobago.

The EBC issued a public statement in response, stating that Section 71 of the Constitution, which established the EBC, also mandated its autonomy over the registration of voters and the conduct of elections in every constituency. The EBC asserted that the Constitution allowed the Commission to exercise its powers in an unfettered manner.

Commonwealth Observers also received copies of several complaints lodged by political parties to the EBC on election day. We had no means of verifying each individual complaint, and are satisfied that Trinidad and Tobago has capable domestic institutions and structures in place to address complaints, including legal challenges.

Voter and Civic Education

Effective voter education programmes are widely accepted as playing an important part in developing and sustaining a healthy democracy. In 2006, the EBC established a public education and public relations unit (subsequently renamed the Civic Education and Public Relations Unit), to strengthen the Commission's efforts to educate citizens about the electoral process. The unit is responsible for three broad areas related to electoral education: civic education, dealing with the concepts underpinning a democratic society, such as the respective roles and responsibilities of citizens, Government and other stakeholders; voter education, relating to the democratic process; and voter information, dealing with specific details associated with the exercise of the franchise in Trinidad and Tobago.

On election day, both voters and electoral officials showed themselves to be well-versed in the procedural requirements of the voting process. Observers noted that the Commonwealth Observer Group to Trinidad and Tobago in 2000 had recommended that the EBC strengthen its voter education activities, and welcomed the progress made to date.

Women's Participation

The high level of women's participation as polling officials was a positive feature of this election. The overwhelming majority of presiding officers, deputy presiding officers, polling clerks, and polling agents in most constituencies were women. Furthermore, stakeholders with which the Commonwealth Observers met reported that women were highly active in all levels of political activity, serving from key mobilisers in grassroots campaigns right up to senior leadership positions.

The total number of registered women voters was 552,867, which is 50.29 percent of eligible voters.

Commonwealth Observers noted there had been a significant increase in women's political representation since the Commonwealth last observed elections in Trinidad and Tobago in 2000. Only 17 women contested the 2000 Parliamentary Elections, and only four were elected, representing 11 percent of the House of Representatives. In 2015, 40 of the 132 candidates were women, and 12 were elected. The incoming House of Representatives in Trinidad and Tobago will fall just short of the 30 percent Commonwealth target of women in decision making positions – the people of Trinidad and Tobago are to be commended for their success in increasing the participation of women in politics.

Observers were impressed by the work of some civil society groups, including the Network of NGOs for the Advancement of Women and the Trinidad and Tobago Institute for Women in Leadership, to support and enhance women's political participation as candidates and as political leaders. We urge political parties to continue to engage such organisations in further boosting women's political participation in Trinidad and Tobago, beyond the current 30 percent rate in the House of Representatives.

The 2000 Commonwealth Observer Group report also encouraged the EBC to introduce more women into the Commission and its management and leadership structures. We are pleased to note that the EBC has taken steps to ensure women are represented in its leadership. Currently, the Deputy Chief Election Officer, Assistant Chief Election Officer and Senior Legal Officer are all women.

Youth Participation

The total number of registered people under the age of 30 was 229,120, which is 20.84 percent of eligible voters. We understand the high numbers of young people registered is, in part, a reflection on the voter registration system outlined above.

Commonwealth Observers noted the high levels of young people working as election officials during the 2015 Parliamentary Elections. The staff composition of most polling stations included at least one young person, who, as noted above, was also likely to be a woman.

Commonwealth Observers similarly noted that many young people attended and participated in political campaigns. Many media reports showed young people

actively supporting candidates on walkabouts and at public events. Young people were also well represented in political party leadership, with some taking on senior party roles.

While young people were involved in politics and the official electoral process, some stakeholders conveyed the view that young people who were not already involved in politics were generally disillusioned and disinterested. Some youth representatives told Observers that their members hoped that politicians would focus more on policies that affected them, such as employment and education, rather than constantly resorting to personal attacks and degradation of political counterparts. Observers commend the leadership roles that many youth representatives played in promoting political awareness amongst young people.

Recommendations

- The Commonwealth Observer Group that observed the 2000 Parliamentary Elections in Trinidad and Tobago noted that it was widely regarded as acceptable for electors to be registered and their votes cast in places where they no longer maintained continuing residency. The Group recommended that the EBC review the regulations relating to voter registration to reflect this, in order to ensure accuracy and to remove ambiguity. Noting this remains the case in 2015, we echo this recommendation. The EBC could consider developing a mechanism (including possible use of technology) to deregister electors who are deceased, have emigrated or are no longer eligible to vote. The EBC could also consider mechanisms to move voters to different districts when they acquire new residences, as per the powers vested in the Commission.
- Concerns about the risk of 'voter padding' were raised in general terms with Commonwealth Observers. The Group did not observe any instances or allegations of voter padding in 2015, however the EBC should look to ensure it has adequate measures in place to protect against this practice.
- A number of voters claimed not to have received their poll cards on or in advance of election day. While in almost all instances these individuals were subsequently found on the roll and able to exercise their right to vote, the EBC should give consideration to ensuring poll cards are distributed earlier in advance of the election date. The EBC could also consider the use of other communication mechanisms, such as electronic text, to inform registered voters of their polling station.
- We commend the significant increase of women's political representation in Trinidad and Tobago since 2000, with 40 women contesting and 12 women winning seats at the 2015 Parliamentary Elections, representing 29 percent of the House of Representatives. We welcome the prominent role given to women by political parties, and encourage them to continue to consider ways to ensure the election of more women candidates.

- We commend those political parties that have given young people very significant leadership roles. We were impressed by those young leaders we met during our briefings. Nonetheless, we note that some youth groups that we interacted with expressed some disappointment that political leaders did not seek their views, and were only interested in their votes. We encourage stronger engagement between political leaders and young people, to ensure their views are taken into account in policy making beyond the campaign and election period.

CHAPTER 4

Election Campaign and Media

The 2015 Parliamentary Elections in Trinidad and Tobago were closely contested, with two major pollsters reporting on the eve of the elections that the contest was too close to call. The polls also indicated that a large percentage of the electorate (30 percent) was still undecided.

The election campaign was lively and competitive. The two major parties held large public rallies and town hall-style meetings that were broadcast live on radio and television and streamed on the internet.

The election campaign materials of the main political parties were seen displayed across the country. There were no reported restrictions on the freedoms vital to a campaign period - that of assembly, association and expression.

Campaigning was conducted peacefully and no major incidents of unrest or election violence were reported, although Commonwealth Observers were informed by political parties that their campaign posters and promotional paraphernalia had been burnt and vandalised in a few areas.

Commonwealth Observers were advised by party representatives and others that slurs and verbal attacks on candidates at political rallies and on talk radio appeared to have increased in comparison to previous elections. Observers noted two reports of threats against candidates.

Towards the end of the campaign, one civil society group publicly urged the large percentage of undecided voters to signal their dissatisfaction with both major political groupings by spoiling their ballots on election day. According to EBC, only 0.33 percent of the ballots were rejected.

Campaign Strategies

Election campaign strategies did not appear to be aimed directly at consolidating support within the parties' ethnic bases. Nonetheless, racist comments were published on one party's Facebook page by supporters following the announcement of the results. Party officials have distanced themselves from the comments, which were promptly removed from the page.

The UNC/PP campaigned mainly on its record and the promise that there was still more work to be done. UNC leader Kamla Persad-Bissessar featured prominently in all advertising of the UNC and PP. Its campaign was branded "Kamla 2015", and urged the electorate to "Back Kamla Persad-Bissessar for Prime Minister. Vote your local People's Partnership candidate." The COP, a member of the PP coalition, branded itself as "Serious People, Serious Politics."

PNM focussed on issues of alleged corruption by the governing party and the lack of action on crime and security. They used slogans such as “Let’s do this together” and “We red and we ready.”

The Trinidad and Tobago Debates Commission attempted to set up presidential-style debates between the leaders of major political parties. However, the Commission was unable to secure agreement from key political leaders and the debates ultimately did not take place. Candidates opted for televised town hall-style interviews with their supporters.

Campaign Funding

The ROP Act sets out a series of requirements limiting the amount any individual candidate may spend in relation to their campaign to TT\$50,000 (US\$7,729). While a regime of accountability is outlined under sections 44 to 49 of the Act in respect of each candidate’s funding and expenditure, it should be noted that there is no similar requirement of accountability established for political parties.

As noted in Chapter 3 above, individual candidates appeared to rely heavily on the campaign strategies and materials supplied by political parties. The amounts of funding received and expended by or on behalf of political parties are unknown, although stakeholders believed them to be significant. Some stakeholders expressed a concern that the lack of transparency over party funding could create opportunities for corrupt practices or the abuse of state resources for political campaigning.

The absence of transparency and accountability of campaign funding is inconsistent with the principles underpinning a strong and open democratic process. We welcome efforts by civil society organisations to encourage political parties to voluntarily disclose their campaign funding sources and to account for campaign expenditure.

There were some allegations of vote buying and the misuse of state resources to induce voters in the campaign period. Commonwealth Observers were unable to substantiate these reports.

Political Conduct

The ROP Act specifies a series of campaign offences. These offences include:

- Causing disturbances at election meetings;
- Hiring or using premises that are licensed for sale and/or consumption of intoxicating liquor or other specified types of premises;
- Making or publishing false statements in relation to the character or conduct of a candidate;
- Corruptly inducing or procuring any other person from being a candidate at an election;
- Printing, publishing posting or distributing campaign materials that do not have the name and address on the printer or publisher; and
- Providing money for illegal purposes.

Aside from the offences specified above, there is currently no legislation to regulate the conduct of political parties and candidates. Observers were repeatedly told by representatives of political parties, civil society organisations and others that legislation was needed to enforce standards of behaviour of politicians and candidates, particularly during the lead up to an election.

In July 2014, members of civil society developed a 'Code of Ethical Political Conduct,' which attempts to regulate the conduct of political parties. Prohibited conduct under the code includes offering financial inducements, abusing a position of power, and making false or defamatory allegations against a party, its candidates, representatives or members. Seven parties in Trinidad have signed the code, although none of the Tobago-based political parties have become signatories to date.

The Council for Responsible Political Behaviour, a civil society organisation, was established in February 2015 to monitor signatories' adherence to the code, although the body has no powers of enforcement under law. Observers welcomed the establishment of the code of conduct, noting this was a recommendation of the 2000 Commonwealth Observer Group.

During the election campaign period, the Council for Responsible Political Behaviour issued a total of six press releases in response to breaches of the code and to encourage improved political behaviour, and deliberated on a range of other complaints. The Council expressed the view that, although there were instances of lapses in behaviour, when the Council brought the issue to the attention of political parties and candidates, there appeared to be genuine efforts to ensure that such lapses were not repeated. Nonetheless, other stakeholders expressed to the Group their views that the code had not yet resulted in a marked improvement in conduct.

Observers note that the EBC is reflecting on proposals that will regulate the registration of political parties. The Council and the EBC should work together with other stakeholders to harmonise frameworks around political conduct.

Media Environment

The media in Trinidad and Tobago is vibrant, competitive and largely independent. Freedom of the press is enshrined in the Constitution and is generally respected in practice. Trinidad and Tobago ranks well on international press freedom indexes. In 2015, Freedom House gave Trinidad a press freedom score of 27, with 0 being the best and 100 being the worst, and ranked it 48 worldwide. Trinidad has a Libel and Defamation Act. Section 9 of the Act was repealed in 2014 to strengthen press freedom, following law suits brought against a journalist in 2012.

The country has good internet services, providing access to approximately 63.8 percent of its population. Most media outlets in Trinidad and Tobago are privately owned. There are three main daily newspapers:

- Trinidad and Tobago Guardian;
- Trinidad Express; and

- Trinidad and Tobago Newsday.

There are also bi-weekly and a weekly newspapers, including:

- TnT Mirror;
- The Sunshine;
- Tobago News; and
- Tobago Today (part of the Guardian Group).

Broadcast is considered the most prolific medium in Trinidad and Tobago, particularly radio. There are approximately 38 radio stations and 11 local TV outlets in Trinidad and Tobago.

The Trinidad and Tobago Publishers and Broadcasters Association and the Media Association of Trinidad and Tobago represent print and broadcast executives and journalists respectively. Broadcast is regulated by the Telecommunications Authority of Trinidad and Tobago and each media outlet is encouraged to have its own code of conduct.

Concerns were raised with Observers about the lack of effective media regulation in general and, in particular, during election campaigns. Observers were advised that efforts are underway to revive a self-regulatory Media Complaints Council and a linked code of conduct.

Election Coverage

The Commonwealth Observer Group found the coverage of the 2015 Parliamentary Elections to be reasonably fair and impartial. Media gave adequate and generally well balanced coverage to the issues and the parties. However, Observers noted complaints by some of the smaller political parties and independent candidates about limited coverage by and access to mainstream and traditional media.

The Group also heard several concerns that state run media had been saturated by pro-Government advertisements. One state media radio talk show host allegedly levelled personal attacks on Opposition politicians and members of the media who criticised the Government. Other stakeholders raised with Observers allegations of bias by the media in favour of the Opposition, and disproportionate coverage of its campaign. They also reported that journalists who expressed views in favour of the Government came under attack by other journalists.

Social media

Commonwealth Observers were informed that social media was a vital component of information dissemination during the campaign period. Social media was increasingly viewed as a strong competitor for traditional media in the campaign and election coverage, and one of the main campaign platforms for parties.

Concerns were raised about the unchecked inflammatory rhetoric that appeared on social media – particularly Facebook. Some political party representatives alleged

that fake profiles had been established and used to attack candidates. We encourage the relevant government institutions to consider ways to address issues around social media and campaigning in future elections.

Campaign Advertising

The levels of advertising by and on behalf of political parties, especially during the last month of the campaign period, were high. Advertisements were placed in the print, broadcast and online media, as well as mounted on billboards and sent by text messages to residents' mobile phones.

Concerns were raised about the significant increase in advertising rates in the run-up to the elections and the challenge this posed for all parties, regardless of size, to effectively promote themselves. Observers were advised that print advertising rates increased between 56 and 111 percent; television between four and 86 percent; and radio between 0 and 163 percent. Publishing and broadcasting representatives advised the group that advertising rates were set in accordance with market value, and in order to enable organisations to recover costs. Nonetheless, some stakeholders expressed the view that the rates limited access to the media for many of the smaller political parties and candidates.

According to figures publicly released by media monitoring organisation Media InSite Ltd, UNC/PP spent 68 percent of the overall campaign advertising, outspending PNM 2.4 to 1, and airing 14,500 more radio advertisements, 1,400 more television advertisements, and publishing 600 more newspaper advertisements than any other party. PNM spent 28 percent of total campaign advertisements. Only four percent of overall campaign advertising was spent by other political parties and independent candidates.

The content of adverts was also a point of contention, with stakeholders calling for clearly defined standards for advertisers and media outlets.

In addition to the advertisements placed directly by the political parties, Commonwealth Observers noted the significant number of advertisements published by state agencies or ministries, detailing the achievements of the Government in the areas of infrastructure development, education and foreign direct investment.

There were also complaints that some election-related advertisements, which were sent by way of text message, were an invasion of privacy.

Women and Youth Participation

During the campaign, women were seen to be involved as supporters and organisers. Stakeholders raised concerns that some of the personal attacks against the Prime Minister were on the basis of her gender. However, the debate generated by the candidacy of a transgender person may encourage greater tolerance and respect for diversity.

The Observer Group also heard from youth representatives. In their view, despite constituting 20 percent of the voting population, campaign strategies failed to cater for the youth and to address the specific issues that affected them, such as education and employment. This, they said, led to disinterest in this election among the youth population.

However, civil society is engaging with both youth and women to enhance their political participation. We are encouraged by the efforts of the Caribbean Women's Institute, which has training programmes for women aimed at greater political empowerment.

Recommendations

- Given the prominent role of political parties in Trinidad and Tobago, the regulation of parties and party campaign financing would improve the transparency and accountability of the electoral process. We are encouraged that the EBC is reflecting on proposals to regulate the registration and campaign financing of political parties. We recommend that the EBC, the incoming Parliament, political parties and all relevant stakeholders prioritise this process.
- We welcome the establishment of the Code of Ethical Political Conduct, and commend efforts by the Council for Responsible Political Behaviour to promote adherence to the code. The Council and the EBC should work together with political parties, civil society organisations and legislators to harmonise frameworks around political party conduct.
- We found the media coverage of the 2015 Parliamentary Elections to be fairly balanced, although we received complaints of bias by some political party representatives. Consideration could be given to the establishment of an independent media monitoring mechanism to examine coverage of the campaign period, election day and post-election reports. This could be linked to an agreed code of conduct for the media in relation to election coverage. Similarly, the Media Complaints Council could be strengthened, and given some authority to enhance media accountability.
- Given the proliferation of social media as a tool of political campaigning and coverage, we encourage the EBC and other stakeholders to consider ways to ensure it is used in accordance with the laws of Trinidad and Tobago, particularly by parties and candidates during elections.

CHAPTER 5

Voting, Counting and Results

Trinidad and Tobago held its Parliamentary Elections on 7 September 2015. Voting was scheduled from 0600 to 1800 in 2,199 polling stations across the country.³ The EBC, however, extended the hours of the poll in the island of Trinidad by one hour to 1900 in due to inclement weather.

Polling stations were located in schools and were managed by Presiding Officers. Other officials who assisted the Presiding Officers were the Deputy Presiding Officer; two or more Polling Clerks; an Officer in Charge of the Ballot Box; one or more Information Officers and the Police. Candidates or their agents, as well as accredited international Observers were entitled to observe the process in the polling stations. In addition to the accreditation process, like all other persons entitled to enter the polling stations, Observers were also required to sign a declaration of secrecy.

The Group observed that presiding officers, an overwhelming number of whom were women, were highly organised and vigilant, consistently verifying that persons visiting the polling station, other than voters, were in possession of the declaration of secrecy.

Throughout the exercise, EBC officials, designated 'Roving Officers,' visited polling stations to provide guidance, assistance and additional materials where required. There was also a sufficiently visible but unobtrusive police presence at all polling stations.

Materials were distributed to presiding officers in the days leading up to the poll. While police provided security of materials in the lead up to their distribution, presiding officers were asked to store sensitive election materials, including ballot papers, for up to two days before the election with no security arrangements. In most cases, presiding officers and other officials did not express concern about these arrangements, and Observers were not advised of any alleged abuse of this process. This is a testament to the strong democratic culture that permeates within Trinidad and Tobago society. Nonetheless, these arrangements must be considered to ensure the security of materials are not compromised.

Key Procedures for Opening and Voting

The key aspects of the prescribed procedures for the opening and voting are as follows:

³ Special Voters, or 'Special Electors', voted in designated polling stations mainly located in the offices of the Returning Officers, from 1-6 September 2015 within the hours of 0900 to 1500.

Opening Procedures

- The presiding officer and other polling officials arrive approximately two hours before opening of the poll to ensure all arrangements are in place.
- In the presence of polling officials, candidates or their agents, the presiding officer opens and inspects the ballot box to ascertain that it is empty. They then lock the box with a padlock and place it on the table of the officer in charge of the ballot box in full view of all present.
- The presiding officer inspects the poll card box in the same way as was done with the ballot box.
- The presiding officer records these activities in the polling station diary.

Voting and Closing

- The elector checks with the information officer to establish whether their name is on the list of electors, if they are at the correct polling station and whether they should join the green line (if the elector has their ID card and is on list of electors) or the red line (all other voters including differently abled or incapacitated persons).
- The elector hands their pre-printed poll card, if available, and ID card to the poll clerk who performs a first verification check. The poll clerk records the consecutive number assigned to the elector on the poll card; invites the elector to sign the poll card; hands back the poll card and identification card to the elector and directs them to the deputy presiding officer.
- Where the elector does not present a poll card, the poll clerk will make use of a duplicate copy, which should have been included in the polling station supplies or in form 52 of the ROP Act.
- The deputy presiding officer performs a second verification check of the electors' identity to ensure they are entitled to vote at the election and at the polling station; inspects their fingers to ensure they have not been stained by electoral ink; writes their initials on the poll card; gives the elector the ballot and demonstrates how to fold it after they have marked it.
- The elector goes to voting booth to mark the ballot; returns to the officer in charge of the ballot box, who checks that the folded ballot is the same one that was issued in that station.
- The officer in charge of the ballot box requires the elector to dip their finger in the ink, after which the voter inserts the ballot into the ballot box. The officer then marks the poll card with a 'yes' to indicate that the elector has voted and inserts the poll card in the poll card box. The elector exits the station.

The ROP Act outlines modified procedures to facilitate voting by incapacitated or differently abled voters. The law provides more than adequate flexibility for voters with no ID cards and/or poll cards not to be disenfranchised; for instance, once a voter's name is on the revised list of electors or the unit register, the voter will be allowed to vote if they make the prescribed affirmations.

Assessment of the Opening and Voting Process

The Group's overall assessment of the voting process, based on our observations, is that it was conducted in a peaceful and orderly manner, according to the procedures outlined in the laws of Trinidad and Tobago. The electoral environment on polling day was conducive to the free exercise of the people's franchise and basic freedoms were respected.

Some of the key observations of the Group were:

- On polling day, voting stations opened on time. Presiding officers and polling officials largely observed the prescribed opening procedures. They displayed the empty ballot boxes to candidates and/or their agents and Observers before locking them.
- There appeared to be adequate materials to facilitate voting, and the voting environment and layout generally respected the secrecy of the ballot. EBC officials, 'roving agents' were widely present.
- At the opening of polls, and throughout the day, a steady stream of voters exercised their franchise in a largely smooth process. In areas with larger populations, voting was sometimes slow due to longer queues and the detailed voting procedures polling officials had to comply with. Commonwealth Observers found that presiding officers, with the assistance of the police, managed such queues well. We note, however, that one political party registered several complaints to the EBC about the slow pace of voting in some stations due to limited number of polling officials.
- Observers noted minor variations in the practice of some processes such as the 'inking of voters,' which the law requires should be administered by the officer in charge of the ballot box before the voter inserts his ballot into the ballot box. In a few instances, the voter was inked after they had inserted the ballot paper in the ballot box. These minor inconsistencies are not unusual in most voting processes. In cases observed, we found that they were not of such a gravity as to affect the smooth running of the electoral process.
- In the same vein, while polling officials conducted their duties diligently overall, there were some inconsistencies in practices. For example, many officials failed to require voters to leave their mobile phones outside the polling booth. Some also failed to read aloud the full name, voter ID number, and sequential number when issuing the ballot paper so polling agents could check the name against their copy of the register of electors.

- The Group's attention was brought to pictures of marked ballot papers, taken from polling booths and posted on social media websites.
- We were impressed by the manner in which elderly and disabled voters, particularly those who were visually impaired, were assisted by officials and their designated carers. Visually impaired voters were provided with braille encoded ballot papers.
- Observers found very few cases where voters were disenfranchised due to the absence of their names on two registers, the revised list of electors or the unit register. Most of those who were turned away had reported to the incorrect polling station. When voters did not have a poll card, correct procedures were followed when being issued with a ballot paper.

Key Procedures for Closing, Counting and the Results Process

The key procedures for the count and results process are as follows:

- Immediately after the last elector has voted, the presiding officer announces the close of poll. They record the time of closing in the polling station diary and complete the certificate of the close of the poll.
- The presiding officer first counts the spoiled ballots, if any, and puts them in the correct envelopes. They also count the unused ballots as part of the accounting process.
- The poll box is opened and emptied onto a table, and poll cards counted. These must match the number of those who voted as marked on the register and in the ballot box.
- The ballot box is opened onto a table in full view of polling officials, polling agents and Observers. The folded ballot papers are examined to check that they bear the signature of the presiding officer or the deputy presiding officer, and the number of the polling station, to ensure they were issued at that polling station. As each ballot is checked, it should be placed in the ballot box again.
- After the above procedure, the ballot box is emptied again and the presiding officer proceeds to count the votes given to each candidate. The polling station officials are required to keep a score on their tally sheets.
- The presiding officer enters the results in the statement of the poll, copies of which are made available to the following:
 - o Returning officer;
 - o Chief election officer;
 - o Presiding officer;
 - o Deputy presiding officer;
 - o Candidate or polling agent; and

- o One to each poll clerk.
- The sensitive polling materials, which would include the envelopes bearing completed, rejected, spoiled or unused ballots, are packed into the ballot box. The rest of the materials are packed into the poll card box. Both boxes are locked and sealed and returned to the returning officer.
- The statement of the poll should not be put into the ballot box. It should be handed to the returning officer directly, together with the other copies received from the various polling stations in that constituency, as it forms the basis on which the returning officer will make their preliminary declaration of the result of the poll.
- After the returning officer receives duplicates of statements of the poll from the presiding officers of their electoral district, they announce the total votes recorded for each candidate in the statements of the poll for their district.

Assessment of the Closing Process

In Tobago, polling ended on time at 1800. In Trinidad, the EBC extended polling hours by one hour to 1900 due to inclement weather. The UNC has announced that it will challenge the results of the elections based on the EBC's decision to extend voting hours.

The EBC issued a media release at 1722 on 7 September advising of the extension of polling hours in Trinidad, which was promptly reported widely by media. In the majority of cases where Observers were present, presiding officers first learned of the extension of polling hours by voters, who had received the information from the media. Presiding officers subsequently received official confirmation from roving officers.

In all cases where Observers were present, polling officials complied with the direction and continued polling until 1900. Nonetheless, there were claims that some polling stations were closed at 1800, either at the direction of polling officials or by the police officers present.

Assessment of the Counting, Results Tabulation and Transmission Process

Overall the count process was regarded as transparent. Counting procedures were followed meticulously, with polling officials, party agents and international Observers afforded a clear view of the entire process. The trial of a new protocol for polling officials to send the results to the EBC via text message, in addition to conveying the results by hand, appeared straightforward, and provided the EBC with an early indication of results. Preliminary results were announced throughout the course of the evening of 7 September 2015.

Some key observations of the Group were:

- In conducting the count, polling officials were extremely methodical and diligent. The counting process was transparent.
- It was noted that most the count occurred late into the night due to the extension of polling hours in Trinidad.
- Party agents and international Observers were given full access to observe the counting process.
- Police remained at the polling stations for the duration of the count and escorted presiding officers and ballot boxes to the office of the returning officer.
- The statements of poll were carefully filled out, and carbon copies were given to party agents. In one instance, the polling official did not have sufficient copies of the statements of poll to provide to one party agent, however the official quickly resolved the issue by securing an additional form from a neighbouring polling station.

Special Voting

Special voting took place from 1-6 September 2015 for categories of people unable to vote on polling day, such as: law enforcement agencies, polling officials, flight crew, hospital patients and persons engaged in offshore petroleum operations (Rule 59 of the ROP Act). One political party representative expressed the view that the categories of persons who had successfully applied to be treated as special voters was too broad, and that this could be subject to abuse.

Commonwealth Observers were able to witness some special voting in the offices of the returning officers. We note that where we observed, voting was largely conducted according to the procedures outlined under Rule 82 of the ROP Act, and in an atmosphere of transparency and trust, in spite of the more casual environment within which this exercise was conducted.

Observers also witnessed the counting of special ballots. This involved the intermixing of such ballots with ordinary ballots at designated polling stations, and as outlined in detail from Rule 88 to 99 of the ROP Act.

Where we witnessed the intermixing of special elector ballots with ordinary ballots, it appeared some of the presiding officers and polling staff were not sufficiently familiar with the process. However, where misapplication of procedures were made, they were promptly discovered and rectified. The verification process of the special elector ballots was observed as lengthy, tedious and a repeat of some steps taken during the application and voting processes for special electors.

We recognise that the elaborate rules for the intermixing of special ballots seek to ensure transparency and accuracy of the process. However, without compromising these democratic standards, we would encourage the EBC to review these processes with a view to exploring how they might be streamlined.

District-specific observations

Commonwealth Observer Group Teams were based in Port of Spain, San Fernando, Eastern Trinidad, and Tobago. Overviews of their observation are as follows:

Port of Spain and Surrounds

- We observed polling in a variety of rural and urban polling stations, including: Arima; La Horquetta/Talparo; Lopinot/Bon Air West; Tunapuna; Oropuouche; Toco/Sangre Grande; D'Abadie/O'Meara; St Joseph; Diego Martin and St Augustine.
- In all the areas we observed, voting was steady, peaceful and orderly.
- We were struck by the overwhelming number of women serving as polling officials. One of them informed us that the training for polling staff, prior to the selection process, was equally dominated by women. Polling staff appeared confident and well-trained. We observed EBC officials, 'roving officers', providing the necessary assistance and materials to polling officials where required. Police officers on duty were helpful, collegial and discreet.
- In densely populated areas in a few clustered polling stations in Arima, voting was slow, especially towards the end of the polls. However, polling staff managed the long queues well in those situations. The presence of 'information officers' who directed voters to the correct polling stations, was helpful.
- We noted some minor variations across locations, for example in some areas mobile phones were in use in close proximity to polling stations.
- The counting process was well organised and managed, with officials following procedures meticulously.

San Fernando and Surrounds

- We observed lively campaigning in the lead up to election day. Despite the spirited campaign, there did not appear to be animosity amongst party supporters.
- Voting was peaceful and smooth and voters were calm and orderly. Polling stations were accessible and well organised.
- The prohibition against taking mobile phones into the polling booth was unevenly enforced from one polling station to another. A photograph of a ballot was posted on Facebook.

Eastern Trinidad

- The elections were conducted in adherence to the laws and regulations of Trinidad and Tobago. Election materials were distributed as scheduled. In all regions visited, special elector voting was conducted smoothly.
- Campaigns were conducted peacefully, with free passage of motorcades and music trucks visible throughout the region. No security incidents were reported to the police or to the Observer team.
- Election day proceeded without incident. Polling stations opened on time and presiding officers and polling officials performed well. Information officers played an important role in directing voters, and in queue management.
- The team observed some variations in the management of polling stations across the region, such as the posting of the reference list in place of the list of electors and inconsistent application of rules regarding mobile phones, however these were not significant enough to impact the credibility of the election.

Tobago

- Polling staff appeared generally well trained and, for the most part, had a strong understanding of their roles and responsibilities.
- The electorate appeared to be well educated about the voting process and most electors did not need additional assistance by polling staff.
- We were pleased to observe a wide cross section of the community, including young people, the elderly and the disabled, exercise their right to vote.
- Very few voters were asked to leave their mobile phones outside of the voting box.
- We observed minor inconsistencies in the management of polling booths, such as in the use of indelible ink and instructions on the folding of ballots, but these were not significant enough to impact the credibility of the election.

Recommendations

- Overall, management of polling and counting was transparent, with procedures followed meticulously by all involved. The intermixing of special ballots was also conducted in a transparent manner, however it appeared that some officials were not sufficiently familiar with the process. The EBC should ensure that adequate training is provided for polling officials who will be involved in the process of intermixing special elector ballots with ordinary ballots at the count.

- The EBC could also consider increasing the number of staff to intermix and count special ballots together with the ballots cast at the polling station to speed up the process without compromising accuracy.
- A review of the special elector verification process conducted at the polling station could be considered, while maintaining the basic principles underlying the process. The EBC may wish to consider the following to improve the process:
 - o the alphabetical sorting, verification and concurrence with the special electors' binder could be conducted prior to delivery at the polling station; or
 - O verification could be done prior to closing of the poll if more staff is provided at the station. All possibilities will require the presence of poll agents at place of verification.

CHAPTER 6

Conclusions and Summary of Recommendations

Trinidad and Tobago has a strong track record of peaceful and credible elections. The 7 September 2015 Parliamentary Elections affirmed this track record, and demonstrated once again the commitment of the people of Trinidad and Tobago to democracy.

The campaign period was lively and festive and, although Observers noted vitriolic and personal attacks exchanged between political parties and candidates, the fundamental rights of candidates, political parties and supporters to assemble and campaign freely were observed.

Polling was well-managed and conducted peacefully and in accordance with the laws of Trinidad and Tobago. At the opening of polls and throughout the day, voters exercised their franchise in a largely smooth process. There were some minor variations in the practice of some processes, however these are not unusual in electoral processes, and were not of such a gravity as to affect the smooth running or impact on the credibility of the election process.

The closing, counting and tabulation of results were in line with the prescribed procedures, and conducted in a transparent manner by polling officials. Polling agents were patient and collegial.

We wish to highlight the exemplary role played by the EBC, an institution that enjoys a high degree of confidence amongst the electorate and all the stakeholders that we met. We further pay tribute to the people of Trinidad and Tobago, who have once again demonstrated their commitment to democracy.

Every election can be improved. In this respect, and in line with our mandate, we offer the following recommendations:

A Legal Framework and Election Administration

- The Commonwealth Observer Group that observed the 2000 Parliamentary Elections in Trinidad and Tobago noted that it was widely regarded as acceptable for electors to be registered and their votes cast in places where they no longer maintained continuing residency. The Group recommended that the EBC review the regulations relating to voter registration to reflect this, in order to ensure accuracy and to remove ambiguity. Noting this remains the case in 2015, we echo this recommendation. The EBC could consider developing a mechanism (including possible use of technology) to deregister electors who are deceased, have emigrated or are no longer eligible to vote. The EBC could also consider mechanisms to move voters to different districts when they acquire new residences, as per the powers vested in the Commission.
- Concerns about the risk of 'voter padding' were raised in general terms with Commonwealth Observers. The Group did not observe any instances or

allegations of voter padding in 2015, however the EBC should look to ensure it has adequate measures in place to protect against this practice.

- A number of voters claimed not to have received their poll cards on or in advance of election day. While in almost all instances these individuals were subsequently found on the roll and able to exercise their right to vote, the EBC should give consideration to ensuring poll cards are distributed earlier in advance of the election date. The EBC could also consider the use of other communication mechanisms, such as electronic text, to inform registered voters of their polling station.
- We commend the significant increase of women's political representation in Trinidad and Tobago since 2000, with 40 women contesting and 12 women winning seats at the 2015 Parliamentary Elections, representing 29 percent of the House of Representatives. We welcome the prominent role given to women by political parties, and encourage them to continue to consider ways to ensure the election of more women candidates.
- We commend those political parties that have given young people very significant leadership roles. We were impressed by those young leaders we met during our briefings. Nonetheless, we note that some youth groups that we interacted with expressed some disappointment that political leaders did not seek their views, and were only interested in their votes. We encourage stronger engagement between political leaders and young people, to ensure their views are taken into account in policy making beyond the campaign and election period.

B Election Campaign and Media

- Given the prominent role of political parties in Trinidad and Tobago, the regulation of parties and party campaign financing would improve the transparency and accountability of the electoral process. We are encouraged that the EBC is reflecting on proposals to regulate the registration and campaign financing of political parties. We recommend that the EBC, the incoming Parliament, political parties and all relevant stakeholders prioritise this process.
- We welcome the establishment of the Code of Ethical Political Conduct, and commend efforts by the Council for Responsible Political Behaviour to promote adherence to the code. The Council and the EBC should work together with political parties, civil society organisations and legislators to harmonise frameworks around political party conduct.
- We found the media coverage of the 2015 Parliamentary Elections to be fairly balanced, although we received complaints of bias from some political party representatives. Consideration could be given to the establishment of an independent media monitoring mechanism to examine coverage of the campaign period, election day and post-election reports. This could be linked to an agreed code of conduct for the media in relation to election coverage.

Similarly, the Media Complaints Council could be strengthened, and given some authority to enhance media accountability.

- Given the proliferation of social media as a tool of political campaigning and coverage, we encourage the EBC and other stakeholders to consider ways to ensure it is used in accordance with the laws of Trinidad and Tobago, particularly by parties and candidates during elections.

C Voting, Counting and Results

- Overall, management of polling and counting was transparent, with procedures followed meticulously by all involved. The intermixing of special ballots was also conducted in a transparent manner, however it appeared that some officials were not sufficiently familiar with the process. The EBC should ensure that adequate training is provided for polling officials who will be involved in the process of intermixing special elector ballots with ordinary ballots at the count.
- The EBC could also consider increasing the number of staff to intermix and count special ballots together with the ballots cast at the polling station to speed up the process without compromising accuracy.
- A review of the special elector verification process conducted at the polling station could be considered, while maintaining the basic principles underlying the process. The EBC may wish to consider the following to improve the process:
 - o the alphabetical sorting, verification and concurrence with the special electors' binder could be conducted prior to delivery at the polling station; or
 - o verification could be done prior to closing of the poll if more staff is provided at the station. All possibilities will require the presence of poll agents at place of verification.

ANNEX I: Biographies of Chairperson and Observers

Sir Paul Tovua, KCMG, Chair, Solomon Islands

Sir Paul Tovua, KCMG, is Chairman of the Solomon Islands Political Parties Commission. He was a founding member of the first National Parliament of Solomon Islands, representing the Central Guadalcanal constituency from 1976. Sir Tovua served as Speaker of the National Parliament from 1994-2001, and co-chaired the peace talks between the Malaita Eagle Force and the Isatabu Freedom Movement, which ended the Solomon Islands Civil War. Sir Tovua was appointed Knight Commander of the Order of St Michael and St George in 2014, for services to politics and the community.

Alfred M Sears, Esq, The Bahamas

Alfred M Sears, Esq, is the Managing Partner of the law firm Sears & Co. in Nassau, Bahamas. He is also currently serving as the Chairman of The College Council of the College of The Bahamas, a position held since May 2012. Mr Sears was elected Member of Parliament for the Fort Charlotte constituency in the 2002 General Elections, and served as Attorney General (2002 to 2006) and Minister of Education, Science and Technology (2002 to 2007), and was Chairman of the Caribbean Financial Action Taskforce (2003 to 2004). He holds a Certificate of Legal Education from the Norman Manley Law School; Juris Doctor Degree from the New York Law School; Master of Philosophy, International Relations; Master of International Affairs, International Law and Bachelor of Arts, Political Science from Columbia University, New York. Mr Sears is married to Marion Bethel, and is the father of three children.

Taleya Rehman, Bangladesh

Taleya Rehman is the Founder and Executive Director of Democracywatch, a non-governmental organisation in Bangladesh. The organisation works to strengthen democracy, uphold human rights, political empowerment of women and develop youth leadership. Ms Rehman is a steering committee member of Election Working Group a coalition of 28 NGOs of Bangladesh which observes all elections held in Bangladesh. Having had training on GNDEM from NDIIFES and ANFREL, Taleya observed elections in many countries, including Denmark, Sri Lanka, Nepal, and Pakistan. As a member of the prestigious Commonwealth Observer Group she observed elections in Guyana in 2011.

Aaron Hape, New Zealand

Aaron Hape is the founder and Executive Director of Commonwealth Youth New Zealand, a national initiative that provides opportunities for young people to become the next generation of global leaders and engages them with Commonwealth values. He has worked in New Zealand's civil service as an adviser and currently works in New Zealand's Parliament. Aaron sits on the board of The Queen's Young Leaders Programme and is a member of the Asia New Zealand Foundation Leadership Network.

Mawethu Mosery, South Africa

Mawethu Mosery is a Provincial Electoral Officer of the Electoral Commission of South Africa, responsible for the province of KwaZulu Natal. He has been in election management responsibility for 18 years including a year with the first democratic elections of South Africa in 1994. Prior to election management, Mr Mosery worked with human rights NGOs in the promotion of democracy and human rights with Lawyers for Human Rights and the National Street Law program. He also has measurable experience in observing elections in various countries including, Mozambique, Malawi, Zimbabwe, Nigeria, and Namibia.

Clare A Keizer, St Vincent and The Grenadines

Clare A Keizer is Editor-In-Chief of Searchlight newspaper of St. Vincent and the Grenadines and Chief Executive Officer of Interactive Media Ltd., the company that publishes Searchlight. Ms Keizer holds a Bachelor of Science degree in Computer Science and Physics from the University of the West Indies, a Master of Science degree in Computer Science from the University of Western Ontario, Canada, and holds certificates in journalism from the University of the West Indies, the Commonwealth Press Union and the Commonwealth Trust. Prior to working in the media, Ms Keizer worked for several years as the director of technology at a large data processing company and before that as a project manager and a teacher. Ms Keizer is Chairman of IM Holdings Inc, Deputy Chairman of Invest SVG (the national investment promotions agency), a Director of Interactive Media Ltd. and Company Secretary and Director of SVG Publishers Inc, the company that prints all three national newspapers in St Vincent and the Grenadines.

Commonwealth Secretariat Staff Support Team

Ms Yvonne Apea-Mensah	Head, Africa Section, Political Division (Team Leader)
Ms Sarah Linton	Political Officer, Caribbean/Pacific, Political Division
Mrs Natricia Duncan	Communications Officer, Communications Division
Mrs Madonna Lynch	Programme Assistant, Political Division

ANNEX II: Deployment Plan

Regions	Team Members
Port of Spain (and East-West corridor)	Sir Paul Tovua (Chair) Ms Yvonne Apea-Mensah
Port of Spain (and East-West corridor)	Ms Natricia Duncan Ms Madonna Lynch
San Fernando (and North-South corridor)	Mr Alfred Sears QC Ms Taleya Rehman
Eastern Trinidad	Mr Mawethu Mosery Ms Sarah Linton
Tobago	Mr Aaron Hape Ms Clare Keizer

ANNEX III: Arrival Statement



Statement by Sir Paul Tovua Chair of the Commonwealth Observer Group

2 September 2015

I am honoured to serve as chair of the Commonwealth Observer Group for the 2015 Trinidad and Tobago General Elections.

Trinidad and Tobago has a track record of credible elections, and the Commonwealth is committed to continuing its support of the country's democratic processes. Commonwealth Observers were deployed to the country's General Elections in 2000.

Our six-member Group was constituted by the Commonwealth Secretary-General Mr Kamallesh Sharma, following an invitation from the Government of Trinidad and Tobago and the findings of an assessment team which was in the country last month. The Group is supported by four professional members of staff from the Commonwealth Secretariat.

Observers were selected from across the Commonwealth and include legal, media and election experts, as well as members of youth and civil society organisations. Our mandate is to examine the factors relating to the credibility of the electoral process as a whole. This includes observing and evaluating election day as well as the pre-election and post-election periods.

We will assess whether the elections have been conducted according to the standards for democratic elections to which Trinidad and Tobago has committed itself, including the constitutional framework and national legislation as well as Commonwealth and other international commitments. We will be objective, independent and impartial.

Since our arrival in the country on 31 August we have met with political parties, the Elections and Boundaries Commission, the police and members of the media. Later today and over the next two days we will continue our engagement with relevant stakeholders, including CARICOM Observers, civil society and youth representatives. The aim is to ensure we gain a clear and comprehensive understanding of the election process and the electoral environment.

On 4 September, our teams will be deployed to San Fernando, Mayaro, Port of Spain and Tobago to observe the election environment and preparations for election day. On 7 September we will observe the opening and closing of the polls, the polling itself, counting of votes and transmittal of results.

Our Group will issue an Interim Statement of key findings shortly after the elections. Thereafter and before our departure from Trinidad and Tobago on 11 September, we will prepare our final report.

This report of our assessment will be submitted to the Commonwealth Secretary-General, who will forward it to the Government of Trinidad and Tobago, the Elections and Boundaries Commission, the leadership of political parties, and then to all the Commonwealth Governments. The report will then be made publicly available.

The Commonwealth Observer Group stands in solidarity with the people of Trinidad and Tobago as they exercise their democratic right to vote for the leaders of their choice. We urge political parties, voters, the media and all involved to do their part to ensure that the country maintains its reputation for holding peaceful and credible elections.

ANNEX IV: Interim Statement



Statement by Sir Paul Tovua Chair of the Commonwealth Observer Group

8 September 2015

The Commonwealth Observer Group commends the people of Trinidad and Tobago for the peaceful and orderly manner in which they exercised their right to vote on 7 September.

The Group has been present in the country since 31 August. During this period, we met with the Elections and Boundaries Commission (EBC), political parties, civil society, including women and youth groups, media representatives, the Police, Commonwealth High Commissioners and the CARICOM electoral observer mission.

On 4 September, Commonwealth teams deployed throughout Trinidad and Tobago to observe the election environment and preparations for the elections. Ahead of election day, teams met electoral officials and police at the district level to build up a holistic picture of the electoral process and environment. The teams also met political party representatives and observed campaign events around the country.

The following is an initial assessment of the critical aspects of the elections process and the electoral environment. We will issue a final report on the entire process at a later stage.

Key findings

Pre-election environment

Overall the campaign period was peaceful and rallies were festive. We appreciated the carnival spirit that characterised the rallies, against the background of a tightly contested election. The fundamental rights of candidates, political parties and supporters to assemble and campaign were observed. We did not witness any incidence of campaigning on election day.

In our briefings, however, attention was drawn to the surge of vitriolic and personal attacks exchanged between political parties on the campaign platform. We note that while major parties were signatories to the voluntary Code of Ethical Political Conduct, they did not fully demonstrate their commitment to its tenets.

Concerns were also raised about the lack of transparency and accountability regarding the financing of political parties. We note that, while there are rules governing the expenditure of candidates, these do not apply to political parties. We

were informed of significant spending by parties during the campaign. There were also concerns that the lack of campaign finance rules gave the incumbent party an undue advantage.

We were, however, encouraged that there was broad support for reform in this area and were pleased to hear from stakeholders that the EBC is reflecting on proposals that will regulate the registration of political parties, as well as campaign finance. We recommend that the EBC, the incoming Parliament, political parties and all relevant stakeholders prioritise this process.

Media environment

The media in Trinidad and Tobago is vibrant and largely independent. Generally coverage during the campaign was balanced and fair, with features and opinions that represent the perspectives of the contesting parties. However, smaller parties complained about their limited access to the media. Concerns were also raised about significant increases in advertising rates in the run-up to the elections and equal opportunities for all parties, regardless of size, to effectively promote themselves.

The content of adverts was also highlighted as a point of contention, with stakeholders calling for clearly defined standards for advertisers and media outlets. We recommend consideration be given to establishing an independent media monitoring mechanism during elections.

The voting process

Prior to election day we observed Special Voting across Trinidad and Tobago. We were satisfied that the voting was conducted according to the processes outlined by the EBC.

On polling day, 7 September, our Observers reported that voting stations opened on time. Presiding Officers and polling officials largely observed the prescribed procedures. At the opening of polls and throughout the day, voters exercised their franchise in a largely smooth process.

We found very few cases where voters were disenfranchised due to the absence of their names in the Unit Register. In our briefings, however, concerns were raised about the need to clean the register of deceased persons and those who may no longer reside in the constituencies where they originally registered. The EBC briefed us on how the Commission cleans the register. We urge that these efforts be strengthened.

In a few cases, voters were unable to vote because they had been registered as 'special electors,' although they informed polling officials that this was done without their knowledge. We take note of this and will reflect on it in our final report.

We witnessed the participation of elderly and disabled voters and were encouraged by the professionalism and confidence of the young people, mainly women, who constituted the presiding officers and polling officials.

Our overall assessment of the voting process, based on our observations, is that it was conducted in a peaceful and orderly manner, according to the procedures outlined in the laws of Trinidad and Tobago. The electoral environment on polling day was conducive to the free exercise of the people's franchise and basic freedoms were respected.

Closing, counting and the results process

The EBC extended the hours of the poll by one hour to 7:00pm in Trinidad due to inclement weather.

The closing, counting and tabulation appeared in line with prescribed procedures and were conducted in a transparent manner by polling officials. Polling agents were patient and collegial. Most polling stations closed on time, and in some stations, assigned police officers assisted polling staff in setting up the polling stations in a manner conducive for the counting of votes.

The accounting process for all ballots received was complied with. We note that there were very few spoilt ballots. Rejected ballots were decided amicably in most instances.

Where we observed the intermixing of special elector ballots with ordinary ballots, it appeared some of the presiding officers and polling staff were not very familiar with the process. However, we note that where misapplication of procedures were made, they were promptly rectified. Although this resulted in a lengthy and arduous process, we were satisfied that polling officials were carefully following the prescribed rules for accuracy and transparency.

We conclude that the closing and vote-counting was conducted according to the laws of Trinidad and Tobago. These rules incorporate a number of rigorous checks that safeguard the integrity of the process.

We recommend the EBC ensures that adequate training is provided for polling officials who will be involved in the process of intermixing special elector ballots with ordinary ballots at the count.

Conclusions

The Parliamentary Elections of 7 September affirmed the country's track record of peaceful and credible elections and demonstrated the commitment of the people of Trinidad and Tobago to democracy. Based on our observation and consultations with a broad range of stakeholders, our preliminary conclusion is that the poll was inclusive, peaceful and well conducted.

The minor shortfalls observed to date by members of the Group are not significant enough to question the credibility of the outcome.

We would be remiss not to highlight the exemplary role played by the EBC, an institution that enjoys a high degree of confidence amongst the electorate and all the stakeholders that we met.

Above all, the Group commends the people of Trinidad and Tobago for the peaceful and orderly manner in which they exercised their franchise.

In our final report, we will reflect further on possible areas for improvement. This report will be submitted in due course to the Secretary-General of the Commonwealth, who will subsequently share it with relevant stakeholders before it is made public.

Declaration of Principles for International Election Observation

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct.