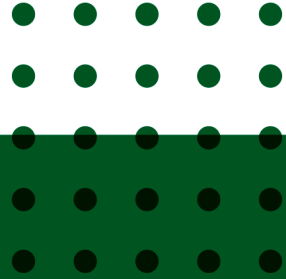




# CECOE

**Coalition of Ethiopian Civil Society  
Organizations for Elections**



# CECOE Policy Brief

**Electoral Grievance Hearing  
Mechanism in Ethiopia**

**July 2023**



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# Executive Summary

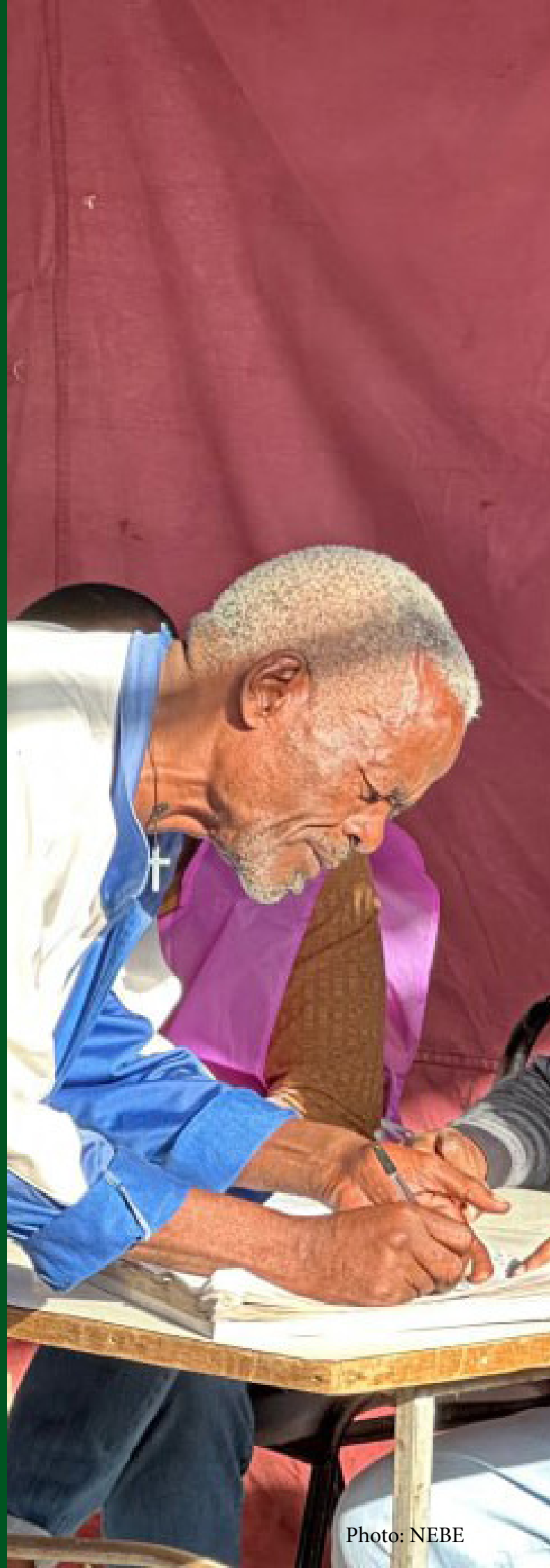


Photo: NEBE



The establishment and functionality of Grievance Hearing Committees (GHCs) is crucial for the timely and appropriate resolution of electoral complaints in every election. Ensuring the effectiveness and efficiency of these GHCs requires putting in place a practical legal framework that balances operational requirements along with the rights of complainants. The Ethiopian election proclamation and the GHCs establishment and operation directive indicate that GHCs are to be established in polling stations, constituencies and regional branch offices with each committee comprising three members.

CECOE's observation of the Sixth General Elections identified that the NEBE was not able to effectively utilize the legally established GHCs. As a result of this, CECOE has gathered that irregularities were faced by complainants (voters, political parties and others). During the Sixth General Elections, complaints related to counting and tabulation of votes, denial of access to political party agents, dismissal of party agents from the counting process, voter intimidation, interference by ruling party members, and limitation posed by authorities to engage in mobile election observation were some of the instances for submission of complaints.

This policy brief is prepared with the aim of presenting an argument to initiate policy reform discussions among policymakers, more specifically the NEBE, on the Electoral Grievance Mechanisms in Ethiopia. It presents the recommendations to the NEBE, political parties, and civil society organizations (CSOs).

# Key findings

- Despite the legal mandate under the election proclamation and the directive that established GHCs at various levels, the NEBE was not able to fully establish GHCs at the polling station level. During the Sixth General Elections, the NEBE conducted voter registration in 42,585 registration centers and voting in 49,407 polling stations. A total of five hundred fifty-five (555) constituencies were established. As per the law, GHCs, comprising 3 members, were to be established in each of the polling stations (both voter registration and voting day), and constituencies. Be that as it may, the number of GHCs established was not as predetermined under the election proclamation and directive.
- Complaints during the Sixth General Election were entertained at the Federal level. The grievance hearing sessions at the Federal NEBE level saw predicaments related to language barriers in the hearing witnesses, evidence evaluation, time constraints, among other challenges.. In conjunction with this, during the appellate procedure it was observed that most of the appeals to judicial organs were turned down solely on the ground of preliminary objections related to expiry of the 10-day statute of limitation.

## Recommendations

- The NEBE should revisit the existing complaint hearing mechanism, owing to practical limitations, and ensure that the GHC mechanisms put in place during elections are functional and effective.
- Political Parties should enhance their capacity with regard to their understanding of all legal and institutional requirements in bringing up election-related complaints.
- Civil Society Organizations (CSOs) should provide support to NEBE in its efforts to recruit and train GHC members.



Photo: NEBE

# Introduction

The Sixth National and Regional elections of Ethiopia were held on 21 June 2021 and 30 September 2021 respectively. The elections were administered and facilitated by the National Election Board of Ethiopia (NEBE). The NEBE was established by the *National Electoral Board of Ethiopia establishment proclamation No.1133/2019* in accordance with the Federal Democratic Republic of Ethiopia (FDRE) Constitution mainly with the aim of establishing an independent electoral body that enables citizens to exercise their right to self-government through conducting free, fair and peaceful elections.<sup>1</sup>

The *Ethiopian Electoral, Political Parties Registration and Elections' Code of Conduct Proclamation 1162/19* gives the NEBE the power to establish Grievance Hearing Committees (GHCs) at the polling station, constituency and regional levels to address electoral complaints in different levels of the electoral processes.<sup>2</sup> The GHCs are established to pass administrative decisions on election related complaints lodged at polling stations, constituencies, and NEBE's regional branch offices.<sup>3</sup>

In addition to the proclamation establishing the GHCs, their composition and organization at the polling station, constituency, and regional levels and their procedures of grievance hearing are outlined in the *directive on the Organisation and Procedural Framework for Election Grievance Hearing Committees and the Organisation and Procedure of Grievance Hearing Committees Established by the Board at all Levels during Elections Directive Number 10*.

CECOE's observation of the Sixth General Elections identified that the NEBE was not able to effectively utilize the legally established Grievance Hearing Committee (GHC). As a result of this, CECO E gathered that irregularities were faced by complainants (voters, political parties and others).

## Grievance Hearing Committees under the Election Proclamation

Ensuring the effectiveness and efficiency of these GHCs requires putting in place a practical legal framework that balances operational requirements along with rights of complainants. The Ethiopian election proclamation and the GHCs establishment and operation directive indicate that GHCs are to be established at polling stations, constituencies and regional branch offices with each committee comprising three members.

Ahead of the 2021 Sixth Ethiopian National Elections, and with a plan to organize elections at 50,000 polling stations which will run voter registration and vote casting procedures, and 673 constituencies<sup>4</sup> where vote tabulation occurs, the legal requirement of establishing GHCs constituting 3 members in each of the hierarchies would, hypothetically, require the NEBE to recruit, train and deploy a total of 150,000 and 2019 members of GHCs at the polling station and constituency levels respectively. Adding this to the minimum of 3 electoral officials to be deployed across every polling station which are separately recruited, trained and deployed at each polling station would push the total number of election workers to a minimum of 300,000.

1 National Electoral Board of Ethiopia. (2019). Establishment Proclamation No.1133/2019. Retrieved from <https://chilot.me/2019/08/21/national-electoral-board-of-ethiopia-establishment-proclamation-no-1133-2019/>

2 Federal Democratic Republic of Ethiopia. (2019). The Ethiopian Electoral, Political Parties Registration and Elections' Code of Conduct Proclamation 1162/19. Article 7. Retrieved from <https://chilot.me/wp-content/uploads/2019/09/The-Ethiopian-Electoral-Political-Parties-Registration-and-Elections-Code-of-Conduct-Proclamation-No.-1162-2019.pdf>

3 Alemu, G. (2021). Ethiopia's 2021 elections: rules, actors, and mechanisms. *African Journal of Democracy and Governance*, 8(1), 1-15. Retrieved from <https://www.ajdg.co.za/index.php/volume-8-issue-1-june-2021/196-ethiopia-s-2021-elections-rules-actors-and-mechanisms>

4 National Electoral Board of Ethiopia. (n.d.). Polling Stations. Retrieved July 4, 2023, from <https://nebe.org.et/en/polling-stations>

Taking note of the scale of operational challenges, the legal aspiration of establishing a 3-member GHCs across all polling stations seems to be over ambitious. Though the stipulation under the Ethiopian Electoral Grievance Hearing Legal Framework is sound in terms of ensuring that citizens right to vote and access to justice is respected and fulfilled, the inability on the part of NEBE to organize the committees during the sixth general election and related referenda at all polling stations has impeded the swift resolutions of electoral complaints.

As a result, and to ensure the functionality of the GHCs which are essential for maintaining the overall electoral integrity requires revisiting the legal framework under the election proclamation and directive which provide that GHC at polling station level must have 3 members.

## **Grievance Hearing Committees: Operations, Procedures and Timelines**

### **GHC Mandate**

The GHC is mandated to receive complaints on voter registration, candidate registration, voting, and vote counting and election results.

### **GHC Operations Regarding Voter Registration Complaints**

Disputes arising in relation to the voter registration process by any person or a political organization having grievance can be presented to GHCs at the polling station. As per the law, GHCs at the polling station are mandated to give decisions in 5 days. In cases where there is failure on the part of GHCs at the polling station level to give decisions within the 5-day window stipulated by the regulations or there are dissatisfactions on the decision of the polling station GHC, the complainant has the right to submit her/his case for GHCs at the constituency level within five days. The appellate GHC at the constituency level is bound to give a written decision in five days. The next procedure, where either the constituency GHC did not give its decision within 5 days or where the complainant is dissatisfied by the decision of the Committee, is an appeal to federal or regional court within 5 days.

### **GHC Operations Regarding Candidate Registration Complaints**

Complaints related to the registration of candidates will be submitted to the GHC at the constituency level. Complainants disputing candidate registration procedures have the right to get a decision from the constituency level GHC in five days after the submission of the complaint. Dissatisfied candidates of a political party or an independent candidate by the decision of the GHC of the constituency can appeal the decision to the regional GHC within seven days. In the case of dissatisfaction by the decision of the regional GHC or the failures of the committee to give a decision within seven days, the aggrieved body can appeal to the regional supreme court which has the duty to give a decision within fifteen days.



## **GHC Operations Regarding Denial of Voting Rights Complaints**

Voters who have a complaint as a result of denial of voting have the right to submit a complaint with the polling station GHC and get a decision. Consequently, the Committee shall investigate the issue at hand and allow the voter to vote, then refer the case to the constituency Electoral Office for a decision. Any person who cast a temporary vote and not satisfied by the decision of constituency GHC shall submit an application to the competent federal or regional court instantly. In addition, any person who has objected to the eligibility of a voting right of a voter can lodge its complaint using the same procedure.

## **GHC Operations Regarding Vote Counting and Results Complaints**

Complaints on the vote counting and results must be submitted to the polling station GHCs. The aggrieved party dissatisfied by the decision of the polling station GHC may lodge its appeal to the constituency GHC and the committee should give its decision within two days. Any complainant objecting to the decision of the constituency GHC shall submit its application to the board within five days, after receiving the committee's decision. The board then should investigate the complaint and give a decision on the issue, within 10 days. On the other hand, in the case of dissatisfaction by the decision of the board, the complainant can lodge its second appeal to the federal supreme court within 10 days after receiving the decision of the board. The court shall give its decision in a time less than a month, after examining the matter.

## **Complaints Recorded during the Sixth General Elections**

Various complaints were observed during voter registration, election day and post-election periods during the Sixth General Election. The NEBE after receiving complaints from political parties over the irregularities in the voter registration process in Somali regional state, for example, investigated and suspended the elections in Somali regional state. Following the election day on 21 June 2021, parties contesting in the Wolaita zone's six constituencies lodged their complaints over irregularities in the voting and counting processes in 476 polling stations in the zone. These complaints, however, were neither submitted nor entertained at the polling station level as per the electoral proclamation. The NEBE gave a decision to suspend the result of the election in the Wolaita zone and organized an election during September 2021.

During its post-election environment monitoring, CECOIE observed that the complaint handling procedures were not in line with the procedures set under the electoral legal framework. The NEBE followed a procedure where grievances were entertained at the Federal Level in Addis Ababa City. Complaints related to counting and tabulation of irregularities, denial of access to political party agents, dismissal of party agents from the counting process, voter intimidation, interference by ruling party members, and limitation posed by authorities to engage in mobile election observation were some of the instances for submission of complaints.

Based on the information that it collected from NEBE's legal department, it was revealed that complaints were submitted in 212 constituencies by 31 political parties and six individual candidates during the June election while complaints were lodged in 25 constituencies by 24 independent candidates and six political parties following the September phase of the Sixth general election. After receiving these complaints, the

NEBE dismissed the complaints based on insufficiency of evidence. Moreover, the appellate courts dismissed the appeals submitted before them based on inability to comply with the legally stipulated statute of limitation.

## Recommendations Towards Enhanced and Strengthened Electoral GHCs

The complaint handling process must be taken seriously with effective systems devised so that complaints can be evaluated and addressed in an efficient and timely manner. Given the usually tight time frames during election periods, complaint handling systems for voting activities work better in a simple, quick-response system, following a single hierarchical line.

Proclamation No.1162/19 and the relevant directive have put in place administrative review mechanisms, GHCs, to address complaints related to voter registration, candidate registrations, voting process, vote counting and results management. at different levels with the view to enhancing the acceptability of election outcomes by political participants and the public in general.

What makes the GHCs even more problematic is that recruiting 150,000 GHC members who are capable of understanding the electoral laws and handling complaints consistent with the electoral laws in a country where the bulk of the polling stations are established in the rural setting is a daunting task to say the least. Mobilizing 150,000 people for training and deployment is a logistical nightmare that overstretched NEBE's capacity. Moreover, organizing training to 150,000 GHC members to familiarize them with the electoral laws as well as their duties and responsibilities is another formidable challenge that will compromise the quality of the training. Above all, the resources needed to recruit, mobilize, train, and deploy as well as the stipend to be paid to GHCs members is not affordable. Based on the foregoing analysis CECO recommends the following:

### To the National Election Board of Ethiopia (NEBE):

- Assess and identify legal, institutional, and other challenges including problems related to planning and executions that inhibited NEBE from establishing the GHC across the established polling stations
- Compare reasons behind its success story in establishing close to 50,000 polling stations across the country and its dismal failure to set up GHCs.
- Benchmarking countries with similar level of development, complaint handling mechanisms, size of polling stations and literacy level across the world and draw lessons and use it to the Ethiopian context.
- As the foregoing analysis shows that the existing GHC mechanism is too ambitious to be achievable. Consequently, based on the findings of the exercise outlined above NEBE should initiate legal reform of the existing GHC mechanism.

### To the Political Parties:

- Registered political parties should equip the capacity of their agents through trainings to ensure that they comply with all substantive and procedural requirements for submitting their complaints
- The Ethiopian Political Parties Joint Council (EPPJC) should provide trainings to political parties on the complaint-handling mechanism under the Ethiopian laws

### To Civil Society Organizations

- Support the NEBE in the recruitment and training of members Grievance Hearing Committees

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# Endnotes/ References

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2. Alemu, G. (2021). Ethiopia's 2021 elections: rules, actors, and mechanisms. African Journal of Democracy and Governance, 8(1), 1-15. Retrieved from <https://www.ajdg.co.za/index.php/volume-8-issue-1-june-2021/196-ethiopia-s-2021-elections-rules-actors-and-mechanisms>
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The Coalition of Ethiopian Civil Society Organizations for Elections (CECOIE) Develops Policy Briefs to advocate for a conducive environment for policy, legal, and institutional reform in Ethiopia. By utilizing the evidence-based and policy-focused analysis and recommendations provided in these publications, CECOIE promotes specific recommendations for improving the legal framework for electoral processes and advancing policy reforms.

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