



COMPLAINTS MECHANISM

ELECTORAL COMMISSION SEYCHELLES

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Complaint Mechanism of the Electoral Commission Seychelles

Objectives:

To

- a) Provide a free and accessible platform for complaints against breaches of the Election Act or relevant articles of the Constitution or defined Codes of Conduct from the Electoral Commission Seychelles
- b) Establish rationales for an EC Complaint Mechanism
- c) Reinforce the strong partnerships between the relevant stakeholders and the ECS HQ in the timely resolution of complaints lodged
- d) Determine complaints that shall be addressed by the EC and those to be addressed by other stakeholders
- e) Define an Election related complaint
- f) Establish timelines for reporting breaches of the Election Act
- g) Provide procedures for lodging an election related complaint to the EC HQ
- h) Provide for timely and professional assessment and determination of complaint lodged
- i) Refresh / Apply procedures for complaint handling from receipt to handing over to other stakeholders if necessary, as follows
 - a) Complaint processing
 - b) Complaint handling
- j) Empowering / Protect the citizens with knowledge of their democratic rights; providing them with an opportunity to air their grievances, be heard and therefore actively participate in our democracy
- k) Promoting transparency
- l) Obliges the Commission to produce and implement processes and procedures that can hold up to scrutiny
- m) Obliges the Commission to officially address breaches of the Elections Act in a transparent manner
- n) As a result of the process, enabling the Commission to identify, evaluate and address its own internal weaknesses and enhance its strengths
- o) Capacity building and trust building opportunities for and in the EC, as well as with its stakeholders

The risks

- 1) Elections all over the world are often held in a potentially volatile atmosphere with sometimes heavily polarized families and communities. In Seychelles, this polarisation, may be perceived as potentially dangerous for some people, thus effectively dissuading them from complaining even about blatant malpractices
- 2) Stakeholders buy –in considering the mechanism is quite a 180-degree deviation from our past election practices

Preparedness Programmes

The EC must run a strong, yearlong campaign in building trust in the mechanism (starting immediately)
e.g.: TV spot: featuring any of offences under the relevant Sections of the Elections Act

Engaging the population in an understanding and appreciation of our individual rights enshrined in the Constitution e.g.

- a) Each citizen of our country has right to his /her own choice as well as
- b) Our right to have a secret ballot. This means you do not have to inform or confirm your choice to any political party but it is however, your choice to tell them if you wish to do so

About the Complaint Mechanism

- 1) must be free of charge and
- 2) accessible to whoever wants to use it.
- 3) Offers multiple ways of submitting complaints (this proposal provides for 4) and for transparent processes.
- 4) provides for ECS' and other stakeholder's respective responsibilities in addressing the complaints
- 5) Rights and protection for complainants
- 6) Advise on how complainants can follow up on their complaints

MAKING AND LODGING A COMPLAINT

About the Complaint Mechanism		
Potential concerns /queries	Explanation	Other Comments
The cost	Free of charge	
How to lodge the complaint	Complete the complaint form	
Where and how to lodge the complaint	a) At the ECS headquarters, SACOS TOWERS or Aarti Chambers Rm 203	
	b) At the Police Station /Police HQ	
	c) In person	
	d) complaints@ecs.sc	
What must be included in the complaint	Follow the cues on the complaint Form	Provide clear /exact details (WHAT, WHO, WHERE, WHEN, HOW...) as much as you can and (you may add/ include any supporting document:
Do I have to state my full name and why?	Ideally you should but you may decide to remain anonymous	
What else should I do after I have lodged my complaint		You may choose to follow up by call or email to the relevant authorities / bodies.
What happens after a complaint has been lodged? /What you should expect after lodging your complaint		A statement from the relevant that they will systematically address all complaints and keep the reporter/complainant updated in a timely manner should the reporter/complainant make themselves known.

Definitions

a) Committing an offence under Section 51 means:

Commission of any of the offences under section 51(1), (2), and (3)

b) What is an Election complaint?

Lodging of a complaint officially by an individual or a group, related to what has been perceived as potential election offence or an infringement on an individual's rights under the Constitution in relation to an election or referenda

c) Election Offences under section 51(1) consists of:

- Ballot box – tempering with it, taking it out of the polling station/opening it without due authority
- Ballot paper – leaving the station with it (except whereby mistake); issuing without authority; forging, counterfeiting, fraudulently destroying

d) Illegal Practices under section 51(3) consists of:

- Offering, providing, promising, accepting loans, money, gifts, valuable consideration, food, drinks, entertainment, offices/place of employment either by the person himself or by someone on his behalf, for the purpose of causing someone to vote or not to vote
- Sponsoring bribes for paying persons to vote or not to vote or to induce them to vote/not to vote
- Voting twice/attempting to or inducing someone else to

Complaint Handling

1. Complaints lodged at the Police Headquarters

Shall be categorized and dealt with as follows:

- a) Electoral offences and Illegal Practices – shall be investigated by the Police and forwarded to the Attorney General's office (AG's officer) where appropriate. The AG's office will then proceed with prosecution before the relevant Court where appropriate
- b) Media-related – except where the complaint raises a possible offence, the matter shall be forwarded to and dealt with by the Media Commission, with the CEO of the Electoral Commission kept in copy (ceo@ecs.sc)
- c) Relating to a staff or performance of the ECS - except where the complaint raises a possible offence, the matter shall be forwarded to and dealt with by the Electoral Commission (email: ceo@ecs.sc)

2. Complaints Lodged at the Electoral Commission

Shall be categorized and dealt with as follows:

<i>Types of complaints relating to</i>	<i>Forwarded to</i>	<i>Person responsible</i>	<i>Other comments</i>
Offences and Illegal Practices	Police HQ	Members of the public ECS' Complaints officer –	The police shall acknowledge receipt Email address for complaints electionsecretariat@police.gov.sc
Media related complaints –	Media Commission	ECS' Complaints officer –	ceo@seymediacom.sc mediasec@seymediacom.sc
An ECS staff or performance or behavior of the ECS	CEO who will also address it	Police or other staff	complaints@ecs.sc
CEO 's behavior	Addressed to the Chairperson of the The ECS Commission and to be handled by the Board	The Chair and Board members	complaints@ecs.sc

Cases addressed by the ECS Complaint Officer

The ECS Complaint Officer shall:

- a) acknowledge receipt of the complaint within 24 hours.
- b) inform the complainant of the channel through which the Complaint has been put through.
- c) Follow up with the Police/Media Commission/or CEO for feedback and provide the complainant with such regular updates.
- d) Inform complainant of outcome

Complaint Resolution: Complaints that can /should be resolved by the ECS ¹

Team preparation for evaluating the evidence against the allegation facts of the case

The internal team shall

- a) Dissect the allegations to establish the facts of the case (and if further evidence is required?)
- b) Once the misconduct has been confirmed the team shall ensure focus on the following
 - Give the complaint a case number and ensure confidentiality whether the complaint requests this regarding their ID
 - evidence supporting each allegation (if submitted)
- c) Decisions on case assessment shall be communicated in writing to the CEO and from there to the Board
- d) All cases, addressed internally or forwarded to the relevant stakeholders shall be recorded in the EC's Complaints register

Complaint Database

The ECS must keep a complaint database of types of complaints/sections of the Elections Act breached and all actions taken to address the complaints, which ones are referred to the Police/ or received from them and the outcomes etc.

¹ See table on page

ECS complaint register

All complaints must be recorded in the ECS' Complaints Register

ECS' Complaint Register

Date	Complaint type	Details of the complaint	Person lodging the complaint and provide a number too	Section of the Law / Codes	Date resolved	Other comments

Suggested Statistics on complaints lodged

Date	Type pf Complaints lodged	Section of the Act / Code	Availability of evidence	Complainant M/F)	Age of complainant	Time period	Relevant stakeholder who has addressed	Date forwarded to the Police / other stakeholders	Date resolved etc	Date complainant informed of resolution

ECS' report on complaints lodged should contain as much information as possible as per the statistics table above and from there, launch a Voter Education programmes / CIVIC education programme in our schools