



PRELIMINARY STATEMENT

Holding of Elections Brings Guinea Bissau Closer to Constitutional Normalcy

Guinea Bissau, 14 April 2014

Summary

- The presidential and legislative elections were peaceful and orderly with a high number of voters freely exercising their franchise in the final stages of an almost incident-free campaign period and election organization process. The elections were the culmination of a process creating the conditions for Guinea Bissau to come out of international isolation and to bring the country closer to constitutional normalcy.
- The EU EOM observed well organized polling and counting processes conducted in a calm atmosphere that was free of tensions. Minor irregularities were noted by the EU observers in their preliminary assessment, such as ballot boxes not always being sealed properly. Political party representatives had a strong presence, ensuring transparency of the process and the integrity of the vote. Observers noted a small number of official complaints although none was formalized. The EU EOM continues to observe the ongoing tabulation process.
- The legal framework offered sufficient basis for democratic elections. International and regional instruments adopted by Guinea Bissau embrace fundamental political and civic rights which are also reflected in the national legislation. Recent amendments to the electoral law incorporated previous EU EOM recommendations, including a new voter register and voter card and the inclusion of voters in the diaspora. Persisting shortcomings, including the lack of supervision of campaign spending rules, contributed, however, to an uneven playing field for candidates.
- The National Election Commission (CNE) administered the election with professionalism and competence, in line with the electoral calendar and reacting quickly to operational and logistic needs throughout the process. Political parties and other stakeholders were satisfied with the new CNE Executive Secretariat being drawn from members of the judiciary. The gender imbalance remained in all levels of the election management body. CNE plenary meetings allowed party representatives ample opportunity for discussion, however plenary decisions were not effectively published and shared with stakeholders. The CNE conducted an effective cascade training for polling station staff and prepared sufficient polling officials to conduct voting operations in more than 3,000 polling stations. The EU EOM evaluated positively the deployment of 1,000 CNE civic education officers across the country.
- EU EOM observers noted a lower than anticipated turnout for advanced voting, when ballots were cast in an orderly and peaceful atmosphere. The process, however, was marked by confusion when for different reasons polling was halted in some regions.

- Through a new voter registration exercise a total of 775,508 citizens were registered, including 22,312 in the diaspora, an increase of 23 percent since the past election. The EU EOM observed some technical errors in printing of the voter lists. Political parties met by the EU EOM were consensual in their general satisfaction with the process. However, several political parties expressed their concern during the final days before elections regarding the non-delivery of voting cards.
- Women constitute 51 percent of the population and despite the lack of legal impediments for political participation, they remain largely underrepresented. Women outnumbered men as registered voters in 2014 but occupy only 8.4 percent of the top positions on party lists. Poor socio-economic conditions, a male-oriented society, illegal traditional practices and lack of public funding for parties, and reduced access to education continue to hinder the empowerment of women.
- An active and motivated civil society engaged in the monitoring of the electoral process with an unprecedented participation of some 680 monitors. Several civil society organizations grouped together and imparted voter education before election day, monitored pre-election campaign activities, and followed incidents and election day events. Monitoring efforts were reinforced by the deployment of over 400 international observers.
- The public and private media covered the electoral process under extremely harsh financial conditions that impacted on their ability to offer a balanced and independent coverage and jeopardized their full enjoyment of the freedom of the press. The media had to compromise their independence in exchange for financial survival.

The European Union Election Observation Mission (EU EOM) has been present in the country since 19 March 2014 following an invitation from the National Election Commission (CNE). The Mission is led by Chief Observer, Krzysztof Lisek, Member of the European Parliament-MEP. In total, the EU EOM deployed 46 observers from 17 EU Member States across the country to assess the whole electoral process against international and regional obligations and commitments for democratic elections as well as the laws of Guinea Bissau. A delegation of the European Parliament, headed by Fiona Hall, MEP, also joined the mission and fully endorses this Statement. On election day, the EU observers visited over 275 polling stations in the nine regions of the country to observe voting and counting. The Mission thanks the collaboration of the observation mission of the British parliament. This preliminary statement is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, in particular, the tabulation of results, and the handling of possible post-election day complaints and appeals. The EU EOM remains in country to observe post-election developments and will publish a public final report containing detailed recommendations within two months of the conclusion of the electoral process. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.

Background

Bissau Guineans went to the polls on 13 April 2014 to elect a new president and the 102 members of the Popular National Assembly (ANP), including the two members representing the diaspora in Europe and Africa. The results of the legislative election will determine the new head of government. Thirteen candidates participated in the presidential election and 15 political parties were on the legislative ballot. The elections were called by a transitional government placed in power by the military after a coup soon after the first round of the presidential elections in April 2012. In fact, the general elections were to be held one year after the empowerment of the transition government but were postponed to 24 November 2013, then to 16 March 2014 and, finally, to 13 April 2014. The elections were anxiously awaited by Bissau Guineans in hopes to allow the country to restore its constitutional normalcy and to create the democratic conditions to bring Guinea Bissau out of international isolation, and to promote the changes and reforms necessary to guarantee stability and economic development as well as to discourage new military adventures.

Legal Framework

In a positive development for the 2014 general elections, amendments to the electoral laws were approved in 2013, enhancing the inclusiveness and transparency of the elections. These comprise the new voter registration and voter card with photo, the extension of the right to vote to the diaspora to include the Presidential vote and the approval of eight new media laws, all in line with previous EU EOM recommendations. Several legal shortcomings persist, such as the lack of normative power of the CNE, a deficiency in legal controls over party and campaign spending, no legal framework for domestic observation, and the inequality of the vote whereby the number of registered voters to elect a member to the ANP varies significantly from constituency to constituency.

Election Administration

The National Election Commission (CNE) administered the election with professionalism and competence, following the electoral calendar and reacting quickly to operational and logistic needs throughout the process. The CNE organized the presidential and legislative elections in the context of two years of a transitional government, with three postponements in the election date and intense pressure from the international community to deliver elections. These elections were implemented with shortened timeframes for the different electoral phases (see Voter Registration). The international community financed the entire electoral process with one-third of the contributions coming from the European Union. The elections had a cost of almost US\$17 per voter, which was on the higher side of the world average and well above the African average of US\$7.¹The new composition of the CNE Executive Secretariat, with four magistrates replacing parliamentary proportional representation, was welcomed by political parties and increased stakeholder confidence in the independence of the election management body. Horizontal communication lines between the CNE Executive Secretariat and the CNE staff and plenary were observed to be satisfactory. However, CNE vertical communication was observed

¹ World average cost are between US\$8.70 and US\$17.30. Source: Center for Transitional and Post-Conflict Governments and ACE-The Electoral Knowledge Network.

to be inadequate. During CNE plenary meetings, the president allowed political party representatives ample opportunity for discussion. EU EOM observers noted that decisions made in CNE plenary meetings were not always effectively communicated to Regional Election Commissions (CREs). As such, lower levels of the electoral authority were often unaware of essential components of the electoral process, including organization and planning for advance voting. The official CNE website was launched late in the process, on 10 April, but in time for publication of last minute information and eventual election results.

Technical and operational preparations were generally carried out on time according to the revised electoral calendar. To ensure the required minimum of three polling station staff, the CNE trained over 12,000 election officials to oversee elections for the 3,020 polling stations. In addition, more than 3,000 civil security agents were trained and deployed by the CNE to assist in organizing queues at polling stations and providing a peaceful voting atmosphere. Women were well represented among polling station staff but few presided over polling stations. Polling staff performance was ensured by the fact that the majority held the same role in previous elections. Non-payment of salaries continued to raise pre-election-day concerns over staff participation. Ballot papers and polling station protocols (*actas*) were printed in South Africa. A member of the CNE Executive Secretariat and a political party representative, selected by the CNE Plenary Assembly, travelled to accompany and observe the printing process. Only four² of the 15 competing parties competed in legislative elections in all 29 national constituencies. Contrary to traditional practice for legislative elections, the CNE Plenary opted to print a single model ballot paper for all constituencies. Supposedly parties had already informed their electorate to cast ballots according to the position associated with the party's ranking in the draw. Regional Election Commission (CRE) staff was challenged to package and deliver ballots for eventual disposition at polling stations, especially given the reduced time frames for electoral logistics and the simultaneous celebration of two elections.

EU EOM observers noted a less than anticipated turnout for advanced voting, when ballots were cast in an orderly and peaceful atmosphere. Electoral law 10/2013 provides advanced voting opportunity for military and other security personnel and marine and aeronautical officials on-duty on election day. Persons in the aforementioned category could present themselves 72 hours before election day to the CRE corresponding to the constituency in which their vote was registered. The EU EOM observed advanced voting in certain regions was marked by confusion when for different reasons polling was halted in some regions. Deployment of 1,000 CNE civic education officers across the country was a positive step, as was production of voter education spots. There was an extensive door-to-door campaign and a strong presence of women officers. In line with national legal provisions and in keeping with previous EU EOM recommendations, the vote was extended to the diaspora in Europe and Africa. Voter registration was undertaken in several countries and voters were issued voter cards. The CNE deployed two trainers along with election materials for the diaspora vote. One trainer each was deployed to Lisbon and Dakar; these locations served as the collection points for the European and African diaspora votes.

Voter Registration

² African Party for the Independence of Guinea and Cape Verde (PAIGC), Party for Social renovation (PRS), New Democratic Party (PND) and the Patriotic Guinean Union (UPG).

The accuracy of voter register was a contentious issue during previous electoral processes. For the 2014 elections, a new voter registration exercise took place, based on an “improved manual registration” to ensure a more accurate final voter list than the previous manual registration. A total of 775,508 citizens³ were registered as voters, including 22,312 in the diaspora. The 21-day exercise got off to a slow start and eventually took 70 days. The whole voter registration process was marked by material, financial and human resource deficiencies and the prolonged registration resulted in delays in subsequent phases of the electoral process. To enable elections on 13 April timeframes in the election calendar were shortened, including publication period for verification of the voter lists, presentation period for candidatures and the period for verification and validation of candidatures by the STJ. Political parties followed the registration process, auditing the acts produced by the Technical Office for Support to the Electoral Process (GTAPE) which worked in collaboration with a technical assistance team from East Timor. The EU EOM observed some technical errors in printing of the voter lists, raising concerns about possible disenfranchisement on election day. However, political parties met by the EU EOM were consensual in their general satisfaction with the process. One of the main concerns faced by political parties during the lead up to elections was the non-delivery of voting cards. Neither GTAPE nor CNE divulged information in relation to the number of undelivered cards.

Registration of Candidates/Political Parties

The majority of constituencies offered a reasonable choice of candidates per seat. The Supreme Court of Justice approved 13 presidential candidates and 15 political parties to stand for general elections. The only female potential candidate for the presidency failed to comply with the legal requirements and her candidature was rejected. Four political parties presented candidates in all 29 constituencies including the diaspora, while Union for Change (UM) and the Democratic Convergence Party (PCD) stood in 27. Three parties stood in less than ten constituencies. In all 29 constituencies at least four candidates stood for legislative elections. Presidential candidates’ and parties registration was conducted by the Supreme Court of Justice, under a reduced timeframe and lacking sufficient human and material resources. The STJ deemed this shorter period insufficient, but still allowed time for parties to rectify deficiencies in their candidatures. Complaints regarding the refusal of candidacies and parties were handled by the Supreme Court of Justice within the legal timeframe.

Campaign Environment

The electoral campaign was carried out in a peaceful and orderly manner, although blurred by a few cases of intimidation and an unexplained delay in releasing campaign materials brought from abroad. The 21 days of campaigning was shortened to 18 to observe a three-day national mourning in memory of former president Kumba Yalá, who died on 4 April. Until then, civil society organizations considered positive the campaigning period “with no violations of the Code of Conduct.” The aim of the Code was to stress the importance of respecting the legal electoral framework during the campaign and to respect the election results. The remaining days of campaigning continued under a peaceful environment with no major incidents reported. According to EU observers, freedom of assembly, expression and movement were not questioned in the nine regions of the country, and there was no evident use of state resources

³ An increase of 181,743 registered voters or 23 percent since the 2012 presidential elections.

reported by or to the observers⁴. However, one candidate⁵ was kidnapped and beaten by armed people and for reasons still unclear; the PAIGC complained of two cases of intimidation by supporters of its adversaries⁶ and had delayed for days a landing permit for an airplane carrying its campaign material, which was distributed to the regions only a few days before the elections⁷. As in past elections, the incapacity of most political parties to run a national campaign (only four have candidates in all constituencies) ended up benefiting those parties with more financial resources and countrywide structures⁸. Another drawback was the inability of most political parties on election day to effectively deploy delegates to all regions, or to all polling stations in those regions where their candidates were running. Campaign in the region was intense in some places but mostly unenthusiastic, and candidates tended to resort often to door-to-door (or *tabanca-to-tabanca*) activities. Candidates and political parties respected in general the rules and times of campaigning; however, the EU observers reported on a few rallies that went well beyond the time and sound limits. As for the female presence, there were women speakers at over half the rallies observed by the EU EOM. However, across campaign events, parties and independent candidates revealed an inconsistent approach to inclusion of women candidates and gender issues. The Youth Parliament and Republic of Children (*República di Mininus*) movement actively lobbied presidential candidates to include the rights of children and youth in their political programs.

Media

The public and private media covered the electoral process under extremely harsh financial conditions that impacted on its ability to offer a balanced and independent coverage and jeopardized its full enjoyment of the freedom of the press. The media had to compromise its independence in exchange for financial survival. Voters had to resort and rely almost exclusively on private and communitarian sources for information about their candidates and the campaign. Both public outlets, *Rádio de Difusão Nacional* (RDN) and *Televisão da Guiné-Bissau* (TGB) faced enormous financial constraints that reduced their coverage of the electoral campaign to the last three and four days, respectively, of the process. RDN also made an effort to offer voters CNE civic education messages. The public outlets' financial limitations also affected the candidates and political parties' free air time which began to be broadcasted six days after the beginning of the electoral campaign. The privately owned radios *Sol Mansi* and *Radio Bombolom* offered an extended and balanced coverage of the electoral process, including interviews and debates with candidates and political parties. Radio *Pindjiguiti* was also active in airing the debates organized by *Universidade Lusófona*; although this radio station used a neutral tone towards the different candidates and political parties, its coverage of the electoral process was clearly biased in favor of independent candidate Nuno Nabiam, who got 52 percent of the station's airtime. *Pindjiguiti* also violated Article 45 of the Electoral law and Article 6 of the

⁴ In Quinara, Republican Party for Independence and Development (PRID) candidate, Afonso Té, had in his convoy three cars without plates and allegedly rented in Senegal.

⁵ Mario Fambé, a PRS candidate to the Popular National Assembly.

⁶ The complaints were made by PAIGC in a letter to the African Union and shared with the international community.

⁷ The delay in the distribution of the campaign material was not exclusively due to the late arrival of the airplane but also to internal party fundraising problems.

⁸ Candidates rely exclusively on party and private funds for their campaign. The law envisages financial support by the State subject to "fund availability."

Directive 1/2014 on the Code of Conduct of Media and Journalists by broadcasting an independent presidential candidate political propaganda. Moreover, *Pindjiguiti* used a speech made by the late president Koumba Ialá as publicity for a candidate breaking the campaign silence decreed by the Council of Ministers. The same was observed with public radio RDN when it broadcasted a candidate's publicity outside his allowed free air time as well as during the campaign silence following Koumba Ialá death. The state-run newspaper *Nô Pintcha* covered the most influential presidential candidates; as for the political parties, the newspaper focused on the PRS and PAIGC that received 24 and 22 percent, respectively of the space offered to political parties. The private newspaper *Expresso de Bissau* showed a clear bias in favor of one independent and PAIGC's legislative candidates. *Expresso de Bissau* and *Dono da Bola* violated Article 33 of the Electoral Law by publishing opinion polls.

Participation of Women

The constitutional recognition of equal rights for women in public life did not translate into equal participation. While there were no unreasonable legal restrictions for the participation of women, Guinea Bissau has yet to take appropriate measures to implement and substantiate *de facto* gender equality. Women are underrepresented in Guinean public life and their representation in parliament has declined from 20 to 10 percent in the last twenty years. The current number of women in government includes only one minister and three secretaries of state out of a total of 34 members. Following the 2012 coup, only one regional governor out of eight was a woman. In the election management body, only one woman is a member of the executive secretariat. At intermediate and regional levels women are absent from leading positions. For the National Popular Assembly elections, women candidates occupy 8.4 per cent of first positions on party lists. The two largest parties – PAIGC and PRS – placed four and one woman respectively in top positions. Political participation of women follows cultural and religious rules. Factors such as persisting male-dominated political party structures and decision-making mechanisms, poverty, traditional illegal practices, illiteracy, the lack of public funding for campaigns and the country's ongoing political instability contribute to the persistent lack of participation of women in politics. The legal framework does not foresee reserved seats for women or quotas.

Civil society organizations and international observers to monitor elections

Civil society organizations in Guinea Bissau are not allowed by law to participate in election observation. Despite this unreasonable limitation highlighted in EU EOM final reports, civil society organizations showed a strong commitment to participate in the electoral process. An unprecedented number of monitors – some 680, participated in these elections following the process from the outside of polling stations, taking note of reported irregularities and centralizing information. Their efforts and strong will to participate has again revealed the need for proper regulation. Civil society monitors, were selected and trained with the help of different groups, including several women's groups. A strong presence of international observer groups also lent transparency to the electoral process. Over 400 observers from various organizations were spread out around the country, observing the performance of the election management body and the participation of political parties and candidates.

Voting and Counting

The EU EOM observed 275 polling stations in urban and rural zones across the country. EU observers evaluated the voting process as very good or good in 96 percent of observed polling stations and noted that polling staff was fully cooperative with observers. Voting activities started on schedule at 07:00 hours and were conducted in a calm, orderly manner, without tensions, and with a high voter turnout estimated at around 80 percent in the polling stations visited by the observers, compared with 55 percent in the 2012 elections. Some essential election materials, including ballot papers, were missing in a few polling stations. However, voting proceeded normally as authorities reacted quickly to reported shortages. Voters almost always marked their ballots in secrecy and the transparency of the process was guaranteed by the strong presence of political party representatives. EU EOM observers reported that across the country and in 20 percent of visited polling stations ballot boxes were not properly sealed. Few significant irregularities or incidents and only a small number of complaints were observed or reported to the EU observers.

Polling stations closed at 17:00 hours in the same quiet and peaceful atmosphere observed during the day. Closing and counting procedures were rated by the EU observers as very good or good in 70 percent of observed polling stations. It was noted polling staff did not perform the necessary cross-check between the number of ballots cast and the number of entries in the manual voters' lists in 18 percent of observed polling stations. Also, it was not observed any organized behavior that compromised the integrity of the vote. Party representatives were also present during closing and counting and there were only few complaints (three during polling and none during counting). In almost all observed cases they signed and received copies of the results which were also posted according to established procedures. The EU EOM continues to observe the tabulation of results at the CREs and CNE and will remain in country to follow the remainder of the election process.

An electronic version of this Preliminary Statement is available on the Mission website www.moeguinebissau.eu. For further information, please contact:

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