



Guinea Bissau

FINAL REPORT

Presidential and Legislative Elections

13 April 2014

EUROPEAN UNION

ELECTION OBSERVATION MISSION

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ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
ACHPR-PW	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
AFIS	Automated Fingerprint Identification System
ANP	Popular National Assembly
AU	African Union
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CNE	National Election Commission
CO	Chief Observer
CNCS	National Council of Social Communication
CPLP	Community of Portuguese Language Countries
CRE	Regional Election Commission
CT	Core Team
DCO	Deputy Chief Observer
ECOWAS	Economic Community of West African States
EU EOM	European Union Election Observation Mission
EU-PAANE	European Union Non-State Actors' Support Program
ExM	Exploratory Mission
GOSCE	Civil Society Organizations Group for Elections
GTAPE	Technical Office for Support to the Electoral Process
INEC	National Institute for Statistics and Census
LGDH	Guinea Bissau Human Rights League
LTO	Long Term Observer
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of Racial Discrimination
ICGB	Guinea Bissau Institute of Communication
IMF	International Monetary Fund
MAV	Polling Station
NGO	Non-governmental Organization
OGE	National General Budget
OSC	Civil Society Organizations
PAANE	Support Project for Non-State Actors
PAIGC	African Party for the Independence of Guinea and Cape Verde
PAIGC-UDEMU	Democratic Union of Women
PCD	Democratic Convergence Party
PND	New Democracy Party
PRS	Party for Social Renovation
PSD	Social Democrat Party
PS-GB	Socialist Party-Guinea Bissau
PT	Workers Party
REMPSECAO	Network on Peace and Security for Women in the ECOWAS Region
SECS	Social Communication State Board
SINJOTECS	Journalists and Social Communication Workers Union
STJ	Supreme Court of Justice
STO	Short Term Observer
UDHR	Universal Declaration on Human Rights

UEMOA	Economic and Monetary Union of West Africa
UM	Union for Change
UNICEF	United Nations Children's Emergency Fund
UNIOGBIS	United Nations Integrated Peace-Building Office in Guinea Bissau

I. SUMMARY

- The African Party for the Independence of Guinea and Cape Verde (PAIGC) is back in power after a two-year hiatus following a military coup that installed a provisional government. Now, it will be replaced by a president and a prime minister both from the historic party. José Mário Vaz (a.k.a. Jomav) won a comfortable 61.9 percent of the votes in the run-off of the presidential election against 38.1 percent for independent candidate, Nuno Nabiam. The party that has governed the country almost uninterruptedly since independence, in 1974, also won an absolute majority in the Popular National Assembly (ANP). PAIGC's president, Domingos Simões Pereira, is the new prime minister and will form the government.
- The general elections of 13 April 2014 were marked by the virtual absence in the electoral process of the traditional political personalities of the country, now replaced by a new generation of politicians. The last charismatic political figure, Kumba Yalá, the founder of PAIGC's main rival party, the Party for Social Renovation (PRS), died a few days before election day after snubbing his party to support independent candidate Nuno Nabiam.
- The electoral process did not replicate the violence of past elections but it was not free either of cases of intimidation and beatings. There were periods of tension especially before and after the second round of the presidential election, when election officials received threats and even were offered cash to manipulate the results. Also, a flier and a statement by the independent candidate, Nuno Nabiam, claiming victory before the official announcement contributed to increase the uneasiness only defused when he finally accepted the results.
- The legal framework for elections generally provides a good basis for the conduct of democratic elections in line with international and regional instruments ratified and agreed to by Guinea Bissau. The recent improvements to the national elections laws enhanced the inclusiveness and transparency of the election process like the extension of the vote for the diaspora to include presidential elections, the new apolitical composition of the National Election Commission (CNE) secretariat and the legal oversight of the Public Prosecutors office during tabulation of results.
- The distribution of mandates for the Popular National Assembly falls short of the requirement that all votes be equal, as established in article 25 of the International Covenant on Civil and Political Rights (ICCPR). The number of parliamentary seats to be elected by each constituency is set in election law 10/2013 article 115 without being recalculated according to the updated number of registered voters and without taking into consideration the demographic changes that may have occurred in the country.
- The National Election Commission administered both rounds of elections with professionalism and competence and reacted quickly to operational and logistic needs throughout the process. The 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. CNE plenary meetings allowed party representatives ample

opportunity for discussion, however plenary decisions were not effectively published and shared with stakeholders.

- The current budgetary arrangement is one of dependence and requires the National Election Commission to request funding from the Popular National Assembly. This hampers the CNE's independence and also has the risk of turning funding into a political issue whereby the ANP may not grant funds and create the potential for not holding elections.
- 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 prolonged voter registration exercise produced delays in subsequent phases of the electoral process and shortened timeframes in the election calendar. Also, several political parties expressed their concern during the final days before elections regarding the non-delivery of voting cards and the EU EOM observed some technical errors in printing of the voter lists. Despite these drawbacks, political parties were satisfied with the overall process.
- The National Election Commission (CNE) prepared for and administered the election days with the same high level of transparency for both rounds. 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, 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. New measures were introduced for the second round to ensure integrity of polling station protocols (*actas*) and the EU EOM observed election administration officials to be impartial and committed.
- Tabulation of first round results was transparent but revealed procedural and technical shortcomings. Many polling station protocols (*actas*) contained calculation errors, especially those from the diaspora. The single model ballot paper for legislative elections had the predictable outcome of a number of valid ballots cast for non-competing parties. Difficulties encountered during first round tabulation were overcome and resulted in less improvisation and an improved organization at all tabulation stages for the second round. The strong presence of party and candidate representatives and of delegates of the Public Prosecutors Office contributed to a highly transparent process.
- The CNE announcement of first round provisional results on 16 April was rushed and incomplete. Political party representatives were critical of the alleged pressures faced by the CNE to announce results early. No formal appeals were lodged against the results. Final election results were announced by the CNE within the legal time frame on 23 April. The CNE president stuck to his commitment to divulge results as soon as possible and announced final definitive results for the second round of the presidential five days after polling on 23 May. The inauguration ceremony for the new president will follow that of the new Popular National Assembly. At the time of writing provisional dates were set for 13 and 17 June.
- The public and private media covered the electoral process in an environment of freedom, using generally a neutral tone. However, the media faced extremely harsh financial conditions that impacted on its ability to offer an independent coverage and limited

citizens' access to information, especially in the first round of the elections. This circumstance also impacted negatively on the ability of the public media to offer a full coverage of the electoral campaign and postponed the start of free airtime programming for the candidates. Private and public media managed to keep the voters informed about the presidential and legislative elections under a neutral tone but with different degrees of balance. Three radios violated the law by broadcasting political propaganda out of the legal free-air time period. Two newspapers published opinion polls, which are also forbidden by law during the campaign period.

- Despite ample legal protection and having outnumbered men as registered voters in 2014, women continued to have weak political participation. Women were underrepresented in political party decision making bodies and only 8.4 percent of female candidates occupied first positions on the closed party lists. Ten women were elected to the Popular National Assembly. Poor socio-economic conditions, a predominantly male oriented society, reduced access to education when compared to men and harmful and illegal traditional practices hindered the full empowerment of women. The recurrent political instability also contributed to distance women from politics.
- Respect for human rights in Guinea Bissau continued to be fragile. The country has adopted and ratified the most relevant international and regional treaties protecting human rights, nevertheless implementation is weak and Bissau-Guinean human rights organizations reported on incidents of kidnapping, beating and intimidation of candidates. Election Commission high officials were reported to have suffered coercion during the election process. Bissau-Guinean security agents, especially the military were identified by human rights organizations to be involved in acts of coercion and violence against politicians. The national security forces were inefficient in the fight against these violations and actions of the military.
- Civil society groups under the umbrella organization, the Civil Society Organizations Group for Elections (GOSCE), deployed a considerable number of monitors to follow the elections and were able, despite the absence of a legal framework for domestic observation, to contribute to the transparency of the process. A high number of women participated in the monitoring efforts.

The EU EOM considers the following key recommendations for priority action:

1. Provide the National Election Commission with administrative and budgetary independence through the inclusion of a specific section and funds allocation in the national budget. In order to strengthen the National Election Commission's independence, the election management body should have direct access to an adequate fixed annual allocation of resources ascribed to the National General Budget (*Orçamento Geral do Estado* - OGE).
2. Review distribution of mandates per electoral constituency to promote equal suffrage by fairly reflecting population distribution with similar number of voters to elected representatives throughout the country.
3. The supervisory competence of the National Election Commission over the voter registration responsibility of the Technical Office for Support to the Electoral Process (GTAPE) requires

further definition to strengthen the electoral authority's oversight and specific involvement in the process to add a further measure of integrity to elections.

4. It is advisable that national authorities adopt temporary special measures such as quotas, aimed at accelerating and achieving de facto equality between men and women in elected office and public institutions including the National Election Commission. Also implement gender quotas in order to promote gender equality within political party structures and their decision-making bodies. Such affirmative action measures could be a legal prerequisite to registration as a political party
5. Consideration could be given to provide legal framework to civil society non-partisan groups to participate in election observation.
6. Allocate funding to public media (TGB, RDN and *Nô Pintcha*) as established in the new press laws.
7. Allow paid political advertising in non-state media during the election campaign period.
8. Organize local elections in conformity with the constitutional provision for local political power through existence of municipal authorities.

II. MISSION BACKGROUND

The European Election Observation Mission (EU EOM) to Guinea Bissau arrived in the country on 19 March 2014 and stayed two and half months in country to observe the already ongoing activities of the electoral process leading to the legislative and presidential elections of 13 April 2014. The presidential election was held in two rounds since none of the thirteen candidates obtained an absolute majority of valid votes (50 percent plus one) in the first election. The Mission observed the periods of campaign, election days, counting and tabulation, but it was not present at the registration of voters and candidates and swearing-in of the elected officials. The general elections were the fifth to renew the Popular National Assembly (ANP) and the seventh presidential election since 1994 when a semi-presidential, multi-party system was introduced to replace the one-party system prevailing since the independence of Guinea Bissau from Portugal, in 1974. This was the fifth electoral process in Guinea Bissau observed by the European Union.

The estimated 1.5 million inhabitants live mostly in the north and south regions generally in very poor conditions, with lack of basic infrastructure both in the urban and rural zones. Many families share what is called *tabancas*, a compound or sole unit housing several families, and gather according to their ethnicity. The capital, Bissau, is connected by tarmac roads and reliable communications to the main cities in the north and part of the south; all regions, however, offer a precarious infrastructure of roads, medical services and transportation. Safety in terms of accidents and health hazards, and not security, were the main concern. All these factors, added to the 3,048 polling stations established by the CNE to attend 775,508 voters (593,557 in 2012), many of them located in remote areas, presented a challenge to the Mission. These were the main points of consideration when the seven-member Core Team (CT)¹ developed and implemented the deployment of 16 Long Term Observers (LTOS), 23 Short Term Observers (STOs) in the first round and 15 STOs in the second round, besides a four-member delegation of the European Parliament that joined the Mission for the legislative and presidential elections on 13 April. There were no locally-recruited observers since diplomats accredited to Guinea Bissau are not allowed to carry out observation activities, although a delegation of the United State embassy in Dakar, Senegal, observed the two rounds.

The mandate of the Mission was to conduct a comprehensive assessment of the electoral process in accordance with local laws, international principles for genuine democratic elections and the Declaration of Principles for International Election Observation commemorated by several

¹ Chief of Mission, Krzysztof Lisek (Poland); Deputy Chief Observer, Tony Reis (Portugal); Election and Political Analyst, Alexander Gray (United Kingdom); Legal, Human Rights and Gender Analyst, Cristina Alves (Portugal), Observers Coordinator, Gert-Michael Binder (Austria); Media Analyst and Press Officer, Silvia Norte (Portugal), and Data Analyst, Andres Canessa (Italy).

international organizations in a meeting at the United Nations in 2005. The EU EOM methodology was applied and the observers covered eight of the nine regions of the country².

The Mission activities during both rounds were regulated by an agreement signed by the European Union Delegation and the National Election Commission (CNE) with the consent of the transitional government after a formal invitation addressed to the European Union on 13 November 2013. The agreement defined the context in which the Mission would operate and allowed for the statements made by the Mission on the organization, preparation and implementation of the two election rounds. The agreement also clearly established the freedom of movement of the observers and their full access to information. The agreement, however, did not address the “privileges and immunities” of observers, which might be introduced as clauses in memoranda for future observation missions and based on the precedents of other non-EU election observation missions; or to clearly include when possible the Mission members in the privileges and immunities normally granted to the contractor or service provider. The Mission provided, as required by the agreement, lists of LTOs and STOs observers and their deployment locations to the CNE. No other information was given besides name, nationality, passport number and area of deployment.

III. Political Environment

a. The 2014 Elections

After being practically uninterruptedly in control of the country since independence from Portugal in 1974, the historic African Party for the Independence of Guinea and Cape Verde (PAIGC) is back again to power. The “liberators” (*libertadores*), as the party is also known, elected the new president and will form a new government after winning the majority of seats in the Popular National Assembly (ANP) in the general elections of 13 April 2014. The PAIGC presidential candidate, José Mário Vaz (a.k.a. Jomav) won 61.9 percent of the votes against 38.1 percent given to independent Nuno Nabiam in a second round of the presidential election, held on 18 May, and after none of the 13 candidates obtained an absolute majority of valid votes (50 percent plus one) in the first round. The elections were called by a transitional government established by the military after a coup in April 2012 that deposed the PAIGC-led government of now exiled Carlos Gomes Junior (a.k.a. Cadogo). The so-far successful electoral process is seen as a crucial step for Guinea Bissau’s return to constitutional normalcy and to fully reintegrate to the international community; it is also a watershed in the political history of the country for being the first election without the traditional and charismatic personalities of the past and introducing a new generation of politicians besides a 23 percent additional names in the voters register. The general elections were to be held one year after the empowerment of the transitional government but were postponed three times until finally held on 13 April 2014. The 102 new members of the Popular National Assembly will serve a four-year term. The president will have a five-year mandate.

² During the general elections of 13 April, a team of STOs was deployed to Bolama, one of the islands of the archipelago of Bijagós and close to the continent. There was no EU EOM observation of the other islands of the region. However, a delegation of British Parliament present in the archipelago collaborated with the Mission by sharing its observations.

The elections did not replicate the same heated campaigns and the violence of past elections, when street clashes between supporters of PAIGC and from their traditional rival, the Party for Social Renovation (PRS), were common in an environment pinpointed by politically motivated killings. Candidates changed their strategy in favor of *tabanca-to-tabanca* (family communities) campaign instead of big rallies. However, despite being generally peaceful and orderly, the 2014 elections also witnessed a few cases of intimidation and of beatings of candidates and party workers. And there were also moments of tension, especially when the presidential independent candidate threatened not to accept the results of the second round and after breaking a commitment not to advance results before their official announcement by the CNE. Nuno Nabiam circulated fliers claiming support of enough voters to win the second round and issued a statement after election day to claim victory in five of the nine regions of the country. The statement seemed to have been boycotted by the media since there was no reference to it in their news. According to authoritative electoral sources, the journalists only recognized the CNE as legally mandated to announce results and refused to break their commitment³. Intimidation, cash offers to voters⁴ and strong pressure to manipulate results, before and after election day, on the president of the CNE, a judge newcomer to electoral processes, added more tension and expectations to the process. However, after intense negotiations involving the main stakeholders, including the international community⁵ and the military, Nuno Nabiam gave a press conference in which he accepted the victory of Jomav “for the good and stability of the country.” The military remained low profile and surprisingly, tried to calm the population with a statement after the announcement of the provisional results by the CNE saying “the armed forces are submissive to the political power” and will “respect the verdict from the ballot boxes.”

Historically, the presidential election has always attracted more attention in Guinea Bissau than the legislative one, which under the semi-presidential system of the country, determines the prime minister in charge to form the government. The power and charisma of past presidents, who by the way never finished their mandates, often was the source of conflict with prime ministers. The political history of Guinea Bissau hovered for a long time over three main personalities: João Bernardo “Nino” Vieira, killed on 2 March 2009 while in the presidency; Malam Bacai Sanhá, who died during his term as president in 2012, and the PRS leader, Kumba Yalá, deposed by a military coup in 2003. The general elections of 2014 were the last to see one of the “three” still in activity and witnessed the political rise enjoyed by Nuno Nabiam after receiving the support of Kumba Yalá, who decided to snub the party he founded in the 1990’s in favor of the independent candidate. The PRS candidate, Abel Incada, was far from obtaining the average of 25 percent his party traditionally controls among the ethnic group *balanta*, receiving a meager 6.9 percent of the votes in the first round. Instead, the party supporters followed their old leader and gave 24.7 per cent of the votes to Yalá’s protégée, who in the run-off with Jomav

³ *Directiva Genérica* 1/2014, Media and Journalists Code of Conduct for Legislative and Presidential Elections of 2014 (Article 7).

⁴ Cash offers were observed by EU EOM observeres in Bafata and reported to the EU EOM by interlocutors.

⁵ The Special Representative of United Nations Secretary General in Guinea Bissau, José Ramos Horta, intermediated the negotiations to reach a breakthrough and to try to please PAIGC, PRS and the independent candidate. The negotiations involved a possible participation of the independent candidate and the PRS in the new government.

managed to increase his acceptance to 38.1 percent, attracting certainly the PRS' 6.9 percent vote of the first round. However, Nuno Nabiam only counted with Yalá's emotional support in the second round; Yalá died a few days before the general elections. The traditional personalities, all members of the PAIGC one time or another, are gone and left no political heirs; politics in the country remains uncommitted to ideology and personal interest still prevails.

After 40 years in power, broken briefly by deaths, military coups and one short time victory by the PRS, the PAIGC maintained its majority in the Popular National Assembly (ANP), winning 57 seats, but could not sustain its ample majority of 67 seats obtained in the elections of 2009. The PAIGC will form the new government but will continue to have the opposition, this time even stronger, of the PRS, with 41 seats, a gain of 13 seats compared to the last election. Domingos Simões Pereira, 50, PAIGC's president and the next prime minister, was the first to recognize the strong position of the PRS and the need for an interparty dialogue, or an "inclusive dialogue" as he said, to reach out not only to other political parties but also the Bissau Guinean society. International and domestic sources told the EU EOM that the country might see non-PAIGC figures collaborating in areas like reform and modernization of the security forces, natural resources or social reconciliation initiatives.

b. Political History

Since Portugal recognized its independence in 1974—one year after "Nino" Vieira, president of the self-declared ANP, unilaterally declared the independence of Portuguese Guinea on 24 September 1973—Guinea Bissau has experienced a series of profound, sometimes violent, political changes. Amílcar Cabral, however, is the reference name in the political history of the country, the founding father of the country. Together with his half-brother, Luis Cabral, and other companions, he created the PAIGC in 1956, a party name reflecting the secular alliance between Cape Verde and Guinea ruled by the Portuguese as a single administrative unit until 1878. Although the armed struggles only started in 1963, the PAIGC is also a reference in the anti-colonial movement in Portuguese Africa. Amílcar Cabral did not live to see independence; he was murdered in Guinea Conakry in 1973. His brother acted as president from 1974 until 1980 when he was deposed by "Nino" Vieira amidst the unpopularity of ideas like a union between Guinea Bissau and Cape Verde. The PAIGC ruled the country as a single party until 1991 when a multi-party system allowed for the first democratic elections in 1994. "Nino" Vieira was elected president in these reportedly first free elections, with 52 percent of the vote against 48 percent given to the PRS candidate, Kumba Yalá. However, "Nino" was ousted after a civil war in 1998 and a military coup in 1999. Malam Bacai Sanhá headed an interim government that turned over presidential power to Kumba Yalá, who defeated Sanhá with 72 percent of the votes in a second round of the 2000 elections. Yalá survived in power until a military coup ousted him in 2003. A transitional government under President Henrique Rosa ensued and legislative elections were called for March 2004. A presidential election followed in June 2005, when "Nino" Vieira, running as independent, was again brought to power after defeating Bacai Sanhá in a run-off election (Kumba Yalá came in third). "Nino" Vieira did not complete his term; he was assassinated in March 2009. The president of the ANP, Raimundo Pereira, became the interim president and called elections for June 2009. Two PAIGC members of the ANP, including one of the presidential candidates, were killed the day before the start of the electoral campaign, and government and judiciary officials, former ministers and a musician were beaten,

arrested or intimidated in actions officially explained as to prevent a coup attempt. It was under such climate of fear and intimidation that Guineans accompanied the electoral campaign, which culminated, though, in an orderly and peaceful election day on 28 June 2009. No candidate obtained an absolute majority and Bacai Sanhá and Kumba Yalá replicated the 2000 election facing each other again in a second round. Malam Bacai Sanhá won comfortably the run-off election with 63.31 percent of the votes against his opponent's 36.69 percent.⁶ Bacai Sanhá died of an undisclosed illness in 2012 and Raimundo Pereira once again became interim president. The presidential election of 18 March 2012 had no absolute winner and Prime Minister Carlos Gomes Junior and Kumba Yalá headed for a second round. Kumba Yalá refused to participate in the second round after not accepting the results and saying that the run-off would never materialize. In fact, the run-off never happened because the military ousted the government on 12 April and installed Serifo Namadhjo, also a presidential candidate, as the president of the transitional government. Bissau Guineans will now have José Mário Vaz as their 10th president since 1994.

c. Key actors

The PAIGC is undoubtedly the main political actor in Bissau Guinean politics and all political debate revolves, directly or indirectly, around its performance and its leaders. The party's congress, held late and just two months before the elections, in the town of Cacheu exposed profound conflicts and splits among its members with some of them accusing the party of religious discrimination when choosing its presidential candidate. The internal divisions were felt in the elections when many PAIGC members seemed to vote for independent candidate, Paulo Gomes, a former director of the World Bank who obtained 10.4 percent of the vote in the first round. Since the establishment of multi-party elections, the PRS has been the only party to offer a real opposition to PAIGC, mainly due to its late leader Kumba Yalá and the support of the *balanta* ethnic community. However, the PRS identification with the *balanta* community also restricted its electoral capacity, which is reflected in the average 25 percent of the vote it obtained almost in each past election. The rise to power of Yalá in 2000 was an exception and consequence of the post-conflict situation and the animosity against the PAIGC leader "Nino" Vieira. Lately, the party has been trying to revert its image as an exclusively *balanta* political organization and was able to elect some non-*balanta* candidates to the ANP. However, its candidate, Abel Incada, suffered with Kumba Yalá's support to independent Nuno Nabiam and came fourth with only 6.9 percent of the presidential votes. The Republican Party of Independence for Development (PRID) ran a strong and costly campaign for the general elections but its candidate, Afonso Té, was the seventh most voted among the 13 candidates. All other candidates had very modest support and little expression in the political life of the country. Among the parties that contested the legislative election, the Democratic Convergence Party (PCD) will occupy two seats in the new assembly, and the Union for Change (UM) and the New Democracy Party (PND) one seat each.

⁶ The formal announcement by the CNE of the official results was on 1 August 2009. Malam Bacai Sanhá was to be sworn-in on 8 September 2009. There is no specific time frame for the swearing-in of the president in cases of early elections like in 2012; for regular presidential elections the candidate elected is empowered the last day of the mandate of the current president.

José Mário Vaz, 56, is an economist and former Finance Minister of the government of PAIGC's Prime Minister Carlos Gomes Junior. He is known as Jomav and as "Mr. 25" for having being able to pay on time (on the 25th of each month) the public workers. He was also credited for negotiating the pardoning of the country's debt with the International Monetary Fund (IMF). However, he has been involved in a scandal and formally accused of embezzling US\$ 12 million during his mandate as Finance Minister. He was also president of Bissau's Municipal Chamber, the equivalent of governor of the region.

Nuno Gomes Nabiam, 47, is well known by Bissau Guineans as president of the Civil Aviation Authority. He started in politics in 1980 as member of the PAIGC but spent most of his life abroad, especially in the United States where he ran a commercial business and was active in the defense of Bissau Guinean emigrants.

Domingos Simões Pereira, 50, a civil construction engineer, is the president of PAIGC and future prime minister. He was executive secretary of the Community of Countries of Portuguese Language (CPLP) and former minister of social infrastructure and of public works.

IV. Legal and Electoral Framework

a. Legal framework

Universal and Regional Principles

The Universal Declaration on Human Rights (UDHR) and Article 25 of the International Covenant on Civil and Political Rights (ICCPR) safeguard the most widely recognized benchmarks for good electoral practise and democratic government. Such principles include: *periodic elections, universal and equal suffrage; the right to stand for public office; the right to vote; and genuine elections allowing for the free expression of the will of the people.* Guinea Bissau has adopted the majority of fundamental international principles as it is signatory to, *inter alia*, the ICCPR (2010), the International Convention on the Elimination of Racial Discrimination (ICERD, 2010) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1985). Regional instruments adopted include the African Charter on Human and Peoples' Rights (ACHPR, 1981), its Protocol on the Rights of Women in Africa (ACHPR-PW 2005) and the African Charter on Democracy, Elections and Governance (2007).

Furthermore, Guinea Bissau signed regional treaties with the Economic Community of West African Countries (ECOWAS) and is committed to its Protocol on Democracy and Good Governance supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (both ratified in February 2012). Regional commitments of the ECOWAS security and economic framework include, among others, the following principles: *every accession to power must be made through free, fair and transparent elections; a zero tolerance for power obtained or maintained by unconstitutional means; popular participation in decision-making, strict adherence to democratic principles and decentralization of power at all levels of governance.* Furthermore it underlines the apolitical nature of the Armed Forces and the necessity of its command to remain under a legally constituted political authority.

National Electoral Legislation

In a positive development for the 2014 general elections, amendments to several electoral laws were approved by the ANP in 2013 following the 2012 coup. These did not take into consideration a draft of the Law for the Election of the President and the ANP prepared by the CNE in 2009 and shared with political parties represented at the ANP at that time.⁷ The 2013 amendments were approved during the period of seven to four months prior to election day and partially changed three core electoral laws⁸ – the Voter Registration Law, the Law for the Election of the President and the ANP and the Law Regulating the National Election Commission (CNE). Some legal changes enhanced the inclusiveness and transparency of the elections such as the extension of the diaspora vote to include presidential elections and the mandatory presence of Public Prosecutors Officers during the tabulation of election results. Additional changes aimed at tackling criticism of political bias of the CNE and resulted in a new and apolitical composition of the CNE Executive Secretariat. The legitimacy of standing as a candidate was limited to exclude the ex-military.

Despite these legislative efforts, several shortcomings and inconsistencies remained in the legal framework. As an example, the legal framework does not provide a clear timeframe to call for elections in special circumstances. In such cases reference is made to a 60 days period in Article 71 of the Constitution, which is considered by several interlocutors as too short to comply with all required steps to organize elections (voter registration update, registration and verification of candidates by the Supreme Court of Justice, etc.). Also unclear is the Constitutional timeframe for the swearing in of the President in extraordinary and special situations, like death or resignation of the incumbent (Articles 67 and 71). Furthermore, inconsistencies result from the Articles on the timeframe to hold presidential and legislative elections, as elections should be held before the expiration of mandates. According to the electoral law 10/2013 (Article 185) the date for Presidential elections should be set within the timeframe of the mandate of the President but Article 3 specifies the Presidential and legislative elections should be held in the period between 23 October and 25 November and within the year of term of office.

Other shortcomings of the legal framework were identified such as a deficiency in legal controls over party and campaign spending, no legal framework for domestic observation and the inequality of the vote. The lack of political will to address these shortcomings contributed to perpetuate the unequal weight of each vote and the uneven playing field for legislative and presidential contesters. The implementation of the electoral laws for the 2014 general election by the CNE and political parties was in general satisfactory. As for the nine Regional Electoral Commissions (CREs), their understanding and implementation of the electoral framework was in

⁷ An *Ad-Hoc* electoral Law Revision Committee tasked by the ANP to review the electoral law, presented a proposal in November 2009. Some alterations were in line with EU EOM recommendations such as to allow the conduct of opinion polls during campaign periods and the requirement for political parties and candidates to declare the origin of funding received and campaign expenses in detail. These changes were not passed by the ANP.

⁸ Electoral laws include: the Law of the CNE 4/2010; the Law for the Election of the President and the Popular National Assembly 10/2013; the Voter Registration Law 11/2013; the Political Party Law 2/1991; the Law on International Election Observation 4/1994; the Law on the Right Meetings and Demonstration 3/1992. The Penal Code establishes additional legal regulations related to elections.

general adequate especially as a result of their experience in previous electoral processes. Nevertheless, on several occasions its application lacked consistency as in the conduct of advanced voting and the transfer of votes of party agents and polling staff. In one region, the CRE did not hold a plenary session for the verification of protested ballots. These inefficiencies committed by the regional election administration did not hamper the transparency of the process or affect final results, but revealed fragilities regarding the respect of the rule of law.

The rule for the announcement of the date of swearing-in of the newly elected members to the ANP, was not respected. According to the electoral law (Article 182 and 183) the announcement of the date is the prerogative of the CNE and the swearing in should take place within a 30 days period following the publication of final results in the Official Gazette. The announced was done by the President of the Transition and slated for the 6 June. The date of the Presidential swearing-in was announced for 17 June. The decision regarding both inaugural dates were the result of political consultations.

b. Electoral framework

The Electoral System

The Constitution of the Republic of Guinea-Bissau provides for a semi-presidential system comprised of a popularly elected president who works alongside a prime-minister and cabinet that are responsible to the 102 member ANP. The democratic republic is founded on periodic elections on the basis of universal, equal, direct and secret suffrage. The president and members of the ANP are elected for five-year and four-year terms of office respectively. A multiparty system was introduced in 1994. Despite the democratic constitutional framework, the military interfered significantly in political affairs and in the leadership of the country since 1994.

Given the strong interventionist history of the military, it warrants highlighting that in Guinea Bissau the president is also the Commander in Chief of the Armed Forces. The president is elected on a two-round system: a candidate must receive more than 50 percent of valid votes. In the event that a candidate fails to reach this threshold, a second round must take place within 21 days after the declaration of the presidential first round results. The second round, with a 15 day campaign period, is contested by the two candidates who received the largest number of votes. Presidential office is limited to two consecutive terms, nevertheless the Constitution allows for a third term in office five years after the last mandate.

For legislative elections, the 102 members of the ANP are elected for a four year term through a proportional representation system on closed party lists comprising 100 mandates for the 27 national constituencies (*circulos eleitorais*) and one mandate for each of the two diaspora constituencies – Africa and Europe. For these general elections, and with alterations to the electoral law, the diaspora participated for the first time in presidential elections and for the second time since 1994 in legislative elections. Electoral constituencies are further sub-divided into sectors and these into electoral districts (*districtos eleitorais*), composed of one polling centre (*assembleia de voto*) which may have one or more polling stations (*mesa de assembleia de voto – MAV*). Although established in the Constitution, local elections were never held in Guinea Bissau.

Distribution of Mandates

The number of parliamentary seats to be elected by each constituency is set in election law 10/2013 article 115 without being re-calculated according to the updated number of registered voters and without taking into consideration the demographic changes that may have occurred in the country. Figures from the new voter registration revealed the number of voters per seat varied greatly, ranging from 4,370 in Gabu to 19,061 in Bissau (Autonomous Sector of Bissau - SAB), meaning the weight of the vote in Gabu was four times that of Bissau. This drew attention to the principle of one electors vote being equal to that of another, falling short of the requirement that all votes be equal, as established in article 25 of the International Covenant on Civil and Political Rights (ICCPR).⁹

V. Electoral Administration

a. Election Administration

Institutions with Electoral Responsibility

Five different institutions intervene in the electoral processes in Guinea-Bissau. The National Election Commission is responsible to conduct all elections and referenda, undertake civic education activities, supervise the voter registration process and announce the date of the swearing-in of the newly elected members to the ANP; the Technical Office for Support to the Electoral Process (GTAPE) under the Ministry of Territorial Administration is in charge of conducting the voter registration and civic education related to the registration of voters; the Ministry of Foreign Affairs is responsible for voter registration and organization of voting in the diaspora; the Supreme Court of Justice (STJ) is responsible for verifying presidential and legislative candidatures and for dealing with appeals related to the electoral process; and the president of the republic is responsible for setting the date for elections.

Election Management Body Structure and Composition

The National Election Commission is an independent permanent body responsible for administering all electoral processes. The CNE does not have normative power, this being a prerogative of the ANP. The lack of normative power impedes the CNE's capacity to update regulations with respect to technical aspects of electoral administration. The current budgetary arrangement is one of dependence and requires the CNE to request funding from the ANP. This hampers CNE independence and also has the risk of turning funding into a political issue whereby the ANP may not grant funds and create a potential situation for not holding elections. The CNE Executive Secretariat is a permanent collegial body composed by four members, including a president, executive secretary and two deputy executive secretaries. A new secretariat took office in June 2013. The new members are judicial magistrates, as a result of the Charter of Transition, and do not reflect the previous composition based on parliamentary proportional representation. The CNE enjoys significant confidence from stakeholders and their members are

⁹ Article 25 states that "...within the framework of each State's electoral system the vote of one elector should be equal to another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group."

perceived as independent as they come from the judiciary. The CNE plenary includes the Executive Secretariat and representatives of the President of the Republic, the government, the National Council for Social Communication and each political party, coalition or candidate. Decisions are taken on consensus. When the plenary cannot agree, the decision passes to the Executive Secretariat, with the CNE President having the deciding vote.

At lower levels the CNE is represented by nine Regional Election Commissions (CREs) and eventually the polling stations. CREs are non-permanent structures and are only operational during electoral periods. They are composed of a president and a plenary arrangement with representatives from the competing political parties, coalitions and candidates. Representatives take up their duties 90 days before elections and finish with presentation of the final report on the electoral process. CRE plenary function with a majority of its members and deliberate by consensus. Where there is no consensus, the president has the deciding vote. Polling stations are composed of six members, including a president, secretary and four staff, but can operate with a minimum of three staff. In practice, and for these general elections, polling stations were composed of a president, secretary and two staff. The composition of the election management body, both at national and local level was dominated mainly by men. At the CNE plenary sessions there was only one woman among its approximately 20 non-permanent members.

b. The Administration of Elections

The National Election Commission administered the elections 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 Registration of Voters). 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\$7.¹⁰ The 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 to be inadequate. During CNE plenary meetings, the president allowed political party representatives ample opportunity for discussion. This positive aspect was somewhat diminished as debates suffered from a lack of orientation or contextual framework, jeopardizing decision-making. EU EOM observers noted that decisions made in CNE plenary meetings were not always effectively communicated to CREs. As such, lower levels of the electoral authority were often unaware of essential components of the electoral process, including introduction of a single ballot for legislative elections and organization and planning for advance voting. The official

¹⁰ World average cost is between US\$8.70 and US\$17.30. Source: Center for Transitional and Post-Conflict Governments and ACE-The Electoral Knowledge Network.

CNE website was launched late in the process, on 10 April, but in time for publication of last minute information and eventual updates from electoral authority.

Technical and operational preparations were generally carried out on time according to the revised electoral calendar. Election administration benefitted from technical assistance from the United Nations Development Program (UNDP). This was especially noticed at the national level with a Chief Technical Advisor, two Logistics Advisors, a Civic Education and Training Advisor and a Finance Officer. The Logistics Advisors played a decisive role in ensuring timely procurement, delivery and transport of all election materials. There were also two Election Field Advisors (United Nations Volunteers, UNV) at each CRE to assist with election preparations. The 18 UNVs also supported the CNE's civic education campaign. At the regional level it was observed and reported to the EU EOM that past trainings resulted in transfer of skills and knowledge. CRE presidents were competent and capable and made sufficient electoral management arrangements for logistics and operations during the different election preparation phases. Nonetheless, they were challenged to package and deliver ballots and other sensitive election materials for eventual disposition at polling stations, especially given the reduced time frames for electoral logistics and the simultaneous celebration of two elections. Some difficulties arose as a result of insufficient funding arrangements for vehicle rentals and fuel shortages to transport election personnel and materials. The EU EOM observed shortfalls in human resource capacities especially at the national level of the administrative structures where information technology, logistic and operational, finance and secretariat departments could benefit from skills building and strengthened management.

Ballot papers and polling station protocols (*actas*) were printed in South Africa. Before the first round, 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 four¹¹ of the 15 competing parties competed in legislative elections in all 29 national constituencies, and in no constituency did all 15 parties simultaneously compete. 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. A single model ballot paper opened potential for voter confusion and an elevated number of invalid ballots as votes could be cast in favor of a party that was not competing in a given constituency (see Announcement of Results).

Polling Stations and Staff

For the 2014 general elections the CNE made logistical arrangements for 3,072 polling stations, including 52 in the diaspora, with approximately 400 voters per polling station. To ensure the required minimum of three polling station staff, the CNE trained over 12,000 election officials to oversee elections. 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 trainees, but not amongst polling station

¹¹ 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).

presidents or secretaries on election day. The CNE polling station staff training manual contained information on the basic steps to follow for opening, voting, closing and counting, however, it did not indicate typical problems that staff might have encountered or describe common electoral offences. Polling staff performance was enhanced by the fact that the majority held the same role in previous elections. As in past processes, payment of fees continued to be problematic and resulted in staff threatening to not work on election day if fees were not increased and paid in advance. The majority of polling stations were located outdoors on verandas or under the ubiquitous mango trees and remained opened from 07:00 hours to 17:00 hours. A small number of electors could not locate their polling station. Military and police had no direct role in protecting polling stations but were on standby.

Voter Education

The electoral authority demonstrated some successes in relation to voter education. Deployment of 1,000 CNE civic education officers across the country before both rounds was a positive step, as was production of voter education spots for television and radio. EU EOM observers noted the extensive door-to-door campaign and the strong presence of women officers. Poor materials might have affected the quality of voter education initiatives and interlocutors indicated they could have been more practical and interactive. The CNE produced materials in both Portuguese and Creole which was positive, however, EU observers noted that in some instances civic education officers were not from the region and did not speak local languages. Political parties were rather critical of observed shortfalls, including logistical elements such as the lack of fuel to transport officers around the field. EU EOM observers highlighted a local initiative undertaken by the Gabu CRE president, who gathered women from all political parties in peace brigades that approached presidential candidates with the strong message that the people wanted peace and collaboration between politicians following these elections. With EU financing through the Support Project for Non-State Actors (PAANE) the Catholic Church engaged in a civic education campaign. EU EOM observers noted a focus on ballot casting and polling station and complaint procedures.

VI. Complaints and Appeals

The electoral law provided ample opportunities for registered voters, candidates and political parties to address their grievances to the CRE, CNE and the courts regarding the different phases of the electoral process¹². A dual electoral complaints system combines a first level of disputes resolution comprising an administrative hierarchical mechanism managed by the CNE, and a judicial mechanism contemplating appeals against CNE decisions to the Supreme Court of Justice (STJ) which acts as an electoral court of appeal. The electoral law clearly stipulates a number of infractions in relation to different stages of the electoral process¹³ – e.g. illegal attempt to register as a candidate, violation of campaign rules, vote buying, election fraud

¹² The Electoral Laws 10/2013 and 11/2013 provided for a general 48-hour deadline to present complaints to the CNE and appeals to the STJ. See Articles 35 and 37 for voter registration, Articles 78 for election day disputes at polling stations and Articles 140 to 150 regarding appeals to the STJ regarding CNE decisions.

¹³ Electoral Law 10/2013, Articles 151 to 176.

perpetrated by polling staff and refusal to accept protests by polling station staff. The law further defines the ensuing penalties, which can be either imprisonment ranging from a minimum of six months to a maximum of eight years or a monetary fine. The Penal Code is applicable in case of more serious infractions and penalizes, in many cases, not only the infraction but also the attempt or intention to commit a transgression.¹⁴ The Public Prosecutors Office is obliged to initiate criminal investigation when in knowledge of electoral infractions.

a. Complaints and appeals

The 2014 general elections were nearly non-contentious. Eight appeals were lodged at the STJ against the rejection of applications for registration of candidates and political parties (more details in the dedicated section of this report). The EU EOM was informed that only an insignificant number of complaints were received during the period for registration of voters, and most related to lack of photo, duplicates or undistributed voter cards. Complaints regarding registration of voters were filed with the registration commissions and decisions could be appealed to the Regional Courts. No appeal reached the regional courts during the registration of voters.

On election day, protests had to be presented at polling stations following the occurrence of the disputed event. Failing to present the protest at the polling station level, precluded the right to complain based on the same facts at a later stage. As in past elections, the EU EOM observed that an insignificant number of formal complaints were presented at polling stations and the majority of them were either solved by polling staff or at the CRE level in plenary sessions with the presence of political party delegates by majority or by consensus vote.¹⁵ The CNE adopted a transparent approach to conflict resolution by taking time to explain presented problems in its plenary sessions. Following CNE's provisional announcement of legislative results per region, several political parties - PAIGC, PRS, PDC and PND - claimed they had won more seats than those officially publicized. The discrepancy allegedly resulted from mathematical errors made by the CNE. PND delivered a formal complaint to the CRE in Bafata and PUSD requested an explanation from the CNE on the high number of blank votes for legislative elections. Some of these complaints were partly the result of CNE's delay in the delivery of tabulation results by constituency as foreseen in the electoral law. Shortly after, protesting parties accepted the official legislative results.

The EU EOM received several verbal complaints from different political parties in the regions, which alleged others tried to influence the choice of the voter by offering food or other goods during the campaign period to voters or to local leaders. In only one such case was an official complaint presented to the court in Quinhamel by a PAIGC representative who accused PRS of trying to buy votes in exchange for fertilizer. Towards the end of the electoral process, the losing presidential candidate in the run-off, accepted official results but publicly claimed he was "robbed of votes". No official complaint or proof was presented to substantiate the verbal claims.

¹⁴ Penal Code, Law 4/1993, Articles 182 to 193.

¹⁵ The number of protested votes during counting and reviewed at CRE, was very low. The CRE of Biombo region received 57 protested votes, the CRE in Quinara 12, the CRE in Bafata only four. All disputes were settled at CRE level in all nine region of the country.

The low level of election-related complaints in the 2014 general elections confirmed the trend verified in former elections observed in the country by EU EOMs. The recurrent political unrest following elections was rooted in political and military power struggle and not the result of alleged fraudulent elections and or unresolved electoral disputes. The lack of tradition in presenting formal complaints, the fear of possible intimidation for denouncing unlawful activities, combined with the formal requirement to present a written statement, which for many voters remains an obstacle due to the high illiteracy rate and a general perception of a weak judicial system, explained the low litigation in the elections. In addition, the general perception was that of a profound wish to move ahead of any type of electoral disputes and inaugurate a phase of peace and stability in Guinea Bissau.

b. Public Prosecutors Office – Legal Oversight of Elections

Following amendments to the electoral law in 2013, the public prosecutor's office (*Ministério Público*) participated for the first time with 37 delegates as legal overseers of election day activities with two delegates at each tabulation center. Delegates reported on shortages of ballot papers at several polling stations due to voting by polling staff and party representatives and polling stations being supplied with only enough ballots to cover registered voters. Delegates also remarked on the poor preparation of polling staff, especially during counting and tabulation. The tabulation of results in Bissau suffered from inadequate physical space at the CREs. The Economic Community of West African States (ECOWAS) financed the public prosecutor's office participation for the two rounds. The prosecutor's office believed their main contribution consisted in pre-empting grievances on election day and enhancing transparency during tabulation.

VII. Registration of Voters, Candidates and Political Parties

a. Registration of Voters

The Right to Vote

There are no unreasonable legal restrictions to register as a voter. Any Bissau-Guinean citizen 18 years old or above by 23 October in an electoral year, residing in Guinea Bissau or abroad, has the right to be included in the voter register for both legislative and presidential elections. According to the voter registration law 11/2013, voter registration should take place annually; however this has not been the standard practice, with the 2008 voter register used for the 2009 and 2012 elections without being updated. A person is disqualified to register if s/he is: a) declared by a court to be of unsound mind; b) is commonly known to be of unsound mind, has not been declared so by a court, but is interned in a psychiatric institution or has been declared of unsound mind by a committee of no less than three medical doctors; c) serving imprisonment for a premeditated crime. The vast majority of Guinean citizens do not hold an identity card or birth certificate. The latter are available against a fee, while voter cards are free. Registration of voters, mainly in rural areas, is generally only made possible with the use of witnesses. A fresh national census would improve the quality of the civil registry and provide more reliable identification requirements for voter registration.

Registration of Voters

Responsibility for voter registration lies with the Ministry for Territorial Administration, implemented by its Technical Office for Support to the Electoral Process (GTAPE). The CNE supposedly supervises voter registration. In practice, shared institutional responsibility between the government and the independent election body for voter registration creates areas of friction and has the potential to impair the CNE's capacity to independently conduct the elections. The CNE, the supervisory body with overall responsibility for organizing elections, does not have the legal mandate to manage the critical voter registration process, which falls under the responsibility of the government. The electoral law provides the first area of CNE responsibility is to supervise and verify voter registration, but does not sufficiently define this supervisory responsibility.

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" comprising a partial biometric registration system to ensure a more accurate final voter list than the previous manual registration. Projections based on the 2011 population census estimated 810,000 eligible voters. A total of 775,508 citizens were registered as voters, including 22,312 in the diaspora. This amounted to an increase of 181,743 registered voters or a 23 percent increase since the 2008 voter registration exercise.

The 21-day voter registration exercise got off to a slow start and eventually took 70 days. Throughout the process, and especially in the beginning, the authorities provided very limited information to the public regarding the process. This resulted in a number of allegations of double registrations and criticism regarding the transparency of the process together with accusations of prioritisation of registration in certain areas of the country based on political affiliations. 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 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. Indeed this was the case in a minor number of polling stations where incomplete voter lists were distributed. However, political parties met by the EU EOM were consensual in their general satisfaction with production of the voter register.

Comparative Summary: Regions, Registered Voters, Polling Stations							
REGIONS	Registered Voters 2012	Polling Stations 2012	Registered Voters 2014	Polling Stations 2014	Variant Voters 2012/14	Variant PS 2012/14	# of MPs
BISSAU	161,854	528	206,097	645	44,243	119	20
OIO	85,221	443	113,915	490	28,694	47	16
GABU	80,083	391	93,212	425	13,129	34	14
BAFATA	78,083	395	97,254	445	19,171	50	14
CACHEU	75,339	339	97,991	389	22,651	50	14
BIOMBO	39,150	183	50,410	189	11,260	6	6
TOMBALI	35,075	200	45,641	204	10,566	4	7
QUINARA	22,729	132	31,624	153	8,895	21	6
BOLAMA/BIJAGOS	15,453	75	17,052	80	1,599	5	3
DIASPORA			22,312	52	181,951		2
	593,557	2,686	775,508	3,072		336	102

Diaspora Vote

In line with national legal provisions and in keeping with previous EU EOM recommendations, the vote was extended to the diaspora in Europe (Portugal, Spain, France) and Africa (Senegal, Gambia, Guine Conakry, Cabo Verde) where the Ministry for International Cooperation estimates the Bissau-Guinean diaspora at 190,141. Voter registration was undertaken in the specified countries and 22,312 voters were issued voter cards. Future voter registration exercises might aim to be more inclusive of the diaspora population. Women represented less than 28 percent of registered voters, this likely due to prevailing immigration patterns. 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.

Outstanding Issuance of Voter Cards

An important outstanding issue faced by political parties during the lead up to elections was the issuance of voter cards. An incompatibility between the different models of printers as well as a critical shortage of toners, resulted in data being collected in the regions for subsequent printing of voter cards in Bissau. Printing of voter cards was ongoing during the period just before elections. Neither GTAPE nor CNE divulged information in relation to the number of undelivered cards. The CNE stepped in to assist GTAPE in issuing cards and mobilized the

1,000 civic education officers to encourage voters to actively seek out their voter cards at the GTAPE in their sector, as well as actually supporting the distribution. On polling day, the only acceptable document was the GTAPE-issued voter card. EU EOM observers reported that in some areas voter cards were distributed on election day.

b. Registration of Candidates and Political Parties

Most political parties and candidates agreed that the verification of candidacies for the presidential elections was conducted in an unbiased manner by the Supreme Court of Justice (STJ). This electoral tribunal verified the authenticity of candidacies for presidential elections and also of political parties for the 2014 general elections. On 14 March 2014, the STJ rejected eight presidential candidates out of a total of 21 and seven political parties out of a total of 15. The STJ had limited human and material resources to conduct a complete and meticulous verification of the authenticity of all documents and signatures as required by law. The timeframe to conduct the verification process was reduced from 17 to 12 days by presidential decree but allowed for parties to rectify deficiencies in their applications. Nevertheless the STJ deemed this shorter period insufficient. The STJ informed the EU EOM that requirements were more rigidly applied in the case of presidential candidates presented by political parties as compared to independent candidates. The STJ limited verification to establishing whether the number of required signatures was fulfilled. It did not go further to check the authenticity of signatures as no cross-check with a data-base of citizens' identification, including signatures and fingerprints was possible. For party lists, if documents were missing and not presented within the legal deadline, applications were rejected resulting in parties being excluded to stand in a given constituency. The STJ leniency towards independent candidates was also partly to compensate for the shortcomings of notaries who failed to certify signatures appropriately.

According to the STJ, the rejected candidacies of Fernando Jorge D'Almada, Tchernó Djaló and Faustino Fudut Imbali failed to present the required legal documentation of birth. Emposse Ié, Ibraima Djaló and Antonieta Rosa Gomes' political parties violated the parties' statutory requirements to call for a convention prior to the selection of candidates. Alage Djimo and Lassana Na Brama's collection of signatures fell short of the 5,000 legally required. All but Ibraima Djaló and Antonieta Rosa Gomes appealed, however the STJ upheld all its former decisions. Despite recognition by the STJ of difficulties in the verification and authentication of candidacies, their decisions did not reflect political bias. In the case of Faustino Fudut Imbali, who stood twice as presidential candidate in previous elections, and attracted most of the media attention following his rejection, the electoral tribunal decision was straightforward and legally based. The STJ, in previous elections, accepted a certified notary declaration of birth, which was irregular and corrected for the 2014 registration process.

During the registration period, the Public Prosecutor filed a petition requesting the STJ to reject PAIGC's presidential candidate's application based on the lack of probity of the candidate. The PAIGC candidate was under criminal investigation by the Public Prosecutors Office, accused of embezzlement of public funds. Initially arrested for a short period of time, the prospective candidate's legal status was downgraded to restrict his liberty of movement to the Bissau area. The STJ rejected the petition based on the principle of presumption of innocence and allowed for

the candidate's registration. Once the candidacy was accepted, the PAIGC presidential candidate benefited from the suspension of the criminal investigation.

Presidential Candidates 2014

Candidate	Political Party or Independent
Arregado Mantenque Té	Workers Party (PT)
Abel Incada	Party for Social Renewal (PRS)
Paulo Gomes	Independent
José Mário Vaz	African Party for the Independence of Guinea and Cape Verde (PAIGC)
Ibrima Sory Djaló	Party for National Reconciliation (PRN)
Jorge Malu	Independent
António Afonso Té	Independent Republican Party for Development (PRID)
Nuno Gomes Nabiam	Independent
Hélder Vaz	Guinea-Bissau Resistance / Bafa-ta Movement (RGB)
Iaia Djaló	New Democratic Party (PND)
Domingos Quadé	Independent
Cirilo de Oliveira	Socialist Party of Guinea-Bissau (PS-GB)
Luís Nancassa	Independent

Source: Supreme Court of Justice (order of candidates as on ballot paper)

Political Parties running for Legislative Elections 2014

Political Parties
Guinea-Bissau Socialist Party (PS-GB)
Social Democratic Front (FDS)
United Social Democratic Party (PUSD)
Patriotic Guinean Union (UPG)
National Reconciliation Party (PRN)
Union for Change (UM)
Party for Social Renewal (PRS)
Democratic Convergence Party (PCD)
Guinea-Bissau Resistance/ Movement Bafa-ta (RGB)
Social Democratic Party (PSD)
African Party for the Independence of Guinea and Cape Verde (PAIGC)
New Democratic Party (PND)
Peoples Manifest (MP)
Workers Party (PT)
Independent Republican Party for Development (PRID)

Source: Supreme Court of Justice (order of parties as on ballot paper)

VIII. Legislative and Presidential Elections

a. Campaign

The EU EOM observed 61 campaign events. The campaign for the general elections of 13 April 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. The Civil Society Organizations (OSC) considered positive the campaigning period “with no violations of the Code of Conduct.” The aim of the Code, signed by the main presidential candidates and almost all political parties, 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 after the mourning of Kumba Yalá 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 reported by or to the observers¹⁶. However, one candidate¹⁷ was kidnapped and beaten by unknown people and for reasons still unclear; the PAIGC complained of two cases of intimidation by supporters of its adversaries¹⁸ and had a landing permit delayed for days for an airplane carrying its campaign material, which was distributed to the regions only a few days before the elections¹⁹. As in past elections, the incapacity of most political parties to run a national campaign (only four had candidates in all constituencies) ended up benefiting those parties with more financial resources and countrywide structures²⁰. 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 regions was intense in some places but mostly unenthusiastic, and candidates tended to resort often to door-to-door (or *tabanca-to-tabanca*) activities. EU observers noted an orderly and incident-free campaign in Quinhamel, but motivating little enthusiasm among local people. The same was the mood in Cacheu, where officials were wrongly concerned about a low turnout as consequence of political apathy (the turnout was a record for elections in the country). In Tombali, stronghold of the PRS, campaigning suffered with a very weak local infrastructure and geographical isolation. At a certain point both in Tombali and Gabu the main concern seemed to be more with the outbreak of Ebola virus in the neighboring Guinea Conakry than with attendance to political rallies; independent Paulo Gomes had its campaign staff offering check-ups and medicines²¹. 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.

¹⁶ In Quinara, Republican Party for Independence and Development (PRID) candidate, Afonso Té, had in his convoy three cars without plates, allegedly rented in Senegal.

¹⁷ Mario Fambé, a PRS candidate to the Popular National Assembly.

¹⁸ The complaints were made by PAIGC in a letter to the African Union and shared with the international community.

¹⁹ 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.

²⁰ Candidates rely exclusively on party and private funds for their campaign. The law envisages financial support by the State subject to “funds availability.”

²¹ EU Observers said the medical teams might be from the Ministry of Health.

Vote Buying or Gifting

The offering of gifts by candidates to voters and chiefs of *tabancas*, although prohibited by the election law, seems to follow a cultural trait of officials or visitors always offering presents when visiting *régulos* or *homi grandis* or other officials and people in general, making it very difficult to draw a line between vote buying and gifting. It has been a common practice in all elections held in the country and it was no exception this time. In Gabu, EU observers confirmed the distribution of solar panels to the mosque of Tabadjan. In the capital, Bissau, the two main parties, PAIGC and PRS, attracted voters with huge rallies and parties during which caps and t-shirts were distributed as well as food and drinks; billboards, posters, convoys of car and trucks with live music kept the city colourful and noisy, with voters showing off their t-shirts, caps and banners. At PRID's headquarters, a giant TV screen (jumbo-tron) lured hundreds of people every evening. A common denominator for all regions was that rally participants seemed not committed to any party or candidate and would participate in any political event in their *tabancas* or villages where food, caps, t-shirts and other goodies were distributed; EU observers photographed one presidential candidate truck full of bicycles, and there were frequent reports of cash, motorcycles, construction material or rice bags being offered to community leaders all over the country.

b. Voting, Counting and Tabulation

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 compared with 55 percent turnout 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. Despite recent introduction of new voter cards that will be used by electors also for future elections, article 73(4) of electoral law 10/2013 provides for perforation of the voter card. Voter cards were not perforated in the 2014 general elections. As in past electoral processes, EU EOM observers continued to note confusion about how and when to use ballot box seals and reported that across the country and in 20 percent of visited polling stations ballot boxes were not properly sealed. The electoral law allows vulnerable groups and persons with disabilities to request help at the polling station in order to vote, indicating a person of their choice. At the same time, CNE trained polling station staff to permit elderly, disabled voters, pregnant women and women with children priority access in order to vote. Few significant irregularities or incidents and only a small number of complaints were observed or reported to 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 63 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 16 percent of observed polling stations. Although counting was mostly

carried out according to established procedures, minor inconsistencies in the closing procedures were observed: spoiled or contested ballots were not put in the envelopes, manual voters' lists were not closed and signed by the polling staff and party delegates, and sensitive materials were not properly packaged for transport to the CREs. The law provides that an 'X' is the only valid way to mark a ballot. Electoral authorities accepted other marks that clearly demonstrated the intention of the voter. Allowing voters to mark the ballot with their fingerprint might violate the secrecy of the vote under a biometric system. 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 few complaints were observed during counting. There is no provision in the electoral law for transferred ballots. Votes cast by polling staff and party delegates were counted in the same constituency where the vote was cast and not the constituency where they reside. Moreover, there were no standard procedures for treating transferred ballots from advanced voting; *ad hoc* methods were applied across the regions. In almost all observed cases party representatives signed and received copies of the results, which were also posted at polling stations according to established procedures.

EU EOM observers described tabulation of results to be largely transparent, but signaled a visible disorganization and improvisation at all stages that had the effect of slowing the process. A lack of written procedures resulted in an inhomogeneous tabulation process across the country. EU observers witnessed polling station results being altered in 83 percent of observed tabulation centers. In all cases this was due to valid procedural errors. Despite EU observers noting such irregularities, the transparent conduct of electoral authorities led observers to rate the tabulation process as either very good or good in 83 percent of observed tabulation centers.

The tabulation of results process was marked by three main shortcomings. The first was the presence of numerous but minor calculation errors made by polling station staff when completing polling station protocols (*actas*). These protocols were subsequently corrected through CRE plenary consensus.

The second shortcoming was results input software that disallowed introduction of a number of voters that was superior to the number of registered voters at the polling station. This was problematic at polling stations with small numbers of registered voters, a high voter turnout and the addition of polling staff and party representatives (as these votes were not transferred). In such cases, and where possible, data input officers reduced the number of blank or invalid ballots in order to allow the software to accept the inputted results. If the numbers did not allow such a solution, votes were transferred to another polling station. This did not change the final result at the constituency level, but raised concerns about the legality and advisability of such *ad hoc* solutions.

The third shortcoming was the inclusion in polling station protocols of valid votes for parties that were not competing in legislative elections in a given constituency. This error was in relation to the predictable technical repercussions of a single model ballot for all constituencies. The error affected all 29 constituencies, as there was no constituency in which all 15 parties competed. During counting procedures these votes were counted and included in polling station protocols. Confusion arose at tabulation centers during the digital introduction of results, as the software

application did not allow introduction of results for non-competing parties. Data input officers consigned these valid votes to the invalid count. Digitalized polling station results were consequently different from results reflected in polling station protocols. This practice opened the possibility for parties to challenge results. Delegates of the Public Prosecutors Office requested clarification on these procedures to the CREs during tabulation. No official complaint was presented.

Evidently the tabulation software designers foresaw the inherent challenges of a single model ballot paper and took appropriate measures to account for this in the software application. Unfortunately, the CNE did not take practical measures to mitigate this problem of votes cast for non-competing parties. CRE and polling station staff were largely unaware of the introduction and implications of the single model ballot paper.

c. Announcement of Results

On the day following elections, the CNE President addressed the nation to congratulate citizens for demonstrating through a historically high participation (89 percent) their strong desire to lift the country out of instability and underdevelopment. The electoral law provides for the CNE to announce final results between seven to ten days after election day. The announcement of provisional results and the period for appeals must take place within that timeframe. Provisional results were released three days after election day, following lively debate at a CNE plenary meeting when results were announced by region, except Tombali and the diaspora. Contrary to legal provisions, the CNE President did not announce results by constituency. The CNE felt pressured to come out as early as possible with provisional data. As such it ended up announcing incomplete results that lacked the breakdown by constituency. Political party representatives voiced their protests at the unnecessarily rushed announcement. Party representatives insisted on copies of tabulation protocols from the constituency level, these were subsequently published on the CNE website. From the time of announcement of provisional results, parties had 48 hours to lodge official complaints. As the d'Hondt seat allocation is based on constituency results, parties were initially disadvantaged without official access to this data. Results of the diaspora vote were released on 19 April. Final results were announced on 23 April and published in the official gazette (*boletim oficial*) on 29 April, which was a few days beyond the deadline for publication. The date for the second round was set for 18 May, which was within the established legal parameters.

The African Party for the Independence of Guinea and Cape Verde (PAIGC) maintained its majority in the ANP, winning 57 seats, including the two seats allocated to the diaspora, but could not sustain its ample majority of 67 seats obtained in the elections of 2009. The PAIGC will form the new government but will continue to have the strong opposition of the Party for Social Renovation (PRS), with 41 seats. The remaining three parties in the new ANP will be the Democratic Convergence Party (PCD) with two seats, the Union for Change (UM) with one seat and the New Democratic Party (PND) with one seat.

Legislative Elections - National Results *		
	Total of Votes	%
Turn out rate (%)	-	88.57%
Registered Voters	775,508	-
Voters	686,876	-
Blank Ballots	64,405	9.38%
Invalid Ballots	35,947	5.23%
Disputed Ballots	0	0.00%
Valid Ballots	586,524	85.39%
PARTIES	Total of Votes	%
Guinea-Bissau Socialist Party (PS-GB)	3,480	0.59%
Social Democratic Front (FDS)	1,710	0.29%
United Social Democratic Party (PUSD)	4,048	0.69%
Patriotic Guinean Union (UPG)	10,919	1.86%
National Reconciliation Party (PRN)	7,903	1.35%
Union for Change (UM)	10,803	1.84%
Party for Social Renewal (PRS)	180,432	30.76%
Democratic Convergence Party (PCD)	19,757	3.37%
Guinea-Bissau Resistance/ Movement Bafata (RGB)	9,502	1.62%
Social Democratic Party (PSD)	2,302	0.39%
African Party for the Independence of Guinea and Cape Verde (PAIGC)	281,408	47.98%
New Democratic Party (PND)	28,581	4.87%
Peoples Manifest (MP)	4,101	0.70%
Workers Party (PT)	3,659	0.62%
Independent Republican Party for Development (PRID)	17,919	3.06%

*See Annexes for comprehensive results.

In the presidential election, the PAIGC candidate, José Mário Vaz, received 40.98 percent of the votes (far from the 49.2 obtained by the PAIGC candidate during the first round of elections in 2012), the independent Nuno Nabiam came in second with 25.14 percent, followed by independent Paulo Gomes (9.87 percent) and PRS candidate Abel Incada (7.03 percent). The other nine candidates divided the almost 15 percent remaining votes. The results seemed to reflect the internal conflicts both in PAIGC and PRS with many of PRS sympathizers following its late leader Kumba Yalá, and with Paulo Gomes, a former PAIGC member and running as independent, attracting many PAIGC voters. The turnout was almost 90 percent, which was well above the 55 percent in 2012.

Presidential Elections (1st Round) - National Results *		
	Total of Votes	%
Turn out rate (%)	-	89.29%
Registered Voters	775,508	-
Voters	692,440	-
Blank Ballots	39,532	5.71%
Invalid Ballots	22,982	3.32%
Disputed Ballots	0	0.00%
Valid Ballots	629,926	90.97%
CANDIDATES	Total of Votes	%
Aregado Mantenque	7,269	1.15%
Abel Iamedi Incada	43,890	6.97%
Paulo Fernando Gomes	65,490	10.40%
José Mário Vaz	257,572	40.89%
Ibraima Sori Djaló	19,497	3.10%
Jorge Malú	6,125	0.97%
António Afonso Té	18,808	2.99%
Nuno Gomes Nabiam	156,163	24.79%
Helder Jorge Vaz G. Lopes	8,888	1.41%
Mamadú Iaia Djaló	28,535	4.53%
Domingos Quadé	8,607	1.37%
Cirilo Augusto de Oliveira	2,070	0.33%
Luís Nancassa	7,012	1.11%

*See Annexes for comprehensive results.

Analysis of blank and invalid ballots

Application of aforementioned *ad hoc* solutions to overcome shortcomings in the tabulation process resulted in an elevated number of invalid ballots. The CNE published information on the invalid ballots, but did not differentiate between those considered invalid at the polling station level and those invalidated at tabulation due to the party not running. An estimate of the number of invalid ballots due to the single model ballot paper was derived considering the difference between invalid ballots for the legislative and presidential elections. The estimate revealed that only 2.1 percent of invalid ballots derived from the single ballot format.

Blank and invalid ballots accounted for 9.0 percent of cast ballots in the presidential polls and 14.6 percent in legislative polls. The regional differences were pronounced for legislative polls where blank and invalid ballots in Bissau accounted for 6.0 percent and in the diaspora 25.3 percent. Bafata and Gabu had 21.7 and 20.2 percent respectively with Cacheu close behind at

19.0 percent. In all cases blank ballots accounted for almost double the number of invalid ballots. There seemed to be no technical answer for this high number and EU EOM interlocutors pointed to poor voter education. No sample ballot papers were used during voter education activities and the presidential ballot paper had photos of the candidates while the legislative had the party symbol and flag. The last time Bissau-Guineans cast two ballots simultaneously was for the 2000 general elections.

IX. Presidential Election Second Round

a. Campaign

The EU EOM observed 58 campaign events. The fifteen day campaign period for the second round started on 2 May and ended on 16 May, with a one day campaign silence period. The campaign period was again peaceful, noisy, and colourful but less intense compared to the first round; the two candidates showed the same strategy concentrating their efforts on a *tabanca-to-tabanca* campaign instead of big rallies. The reason seemed to be both due to a lack of financial resources as well as result of a planned strategic approach to directly attract with personal messages and small encounters the votes of those groups who preferred other candidates in the first round. The ongoing cashew harvest also made it difficult to reach out the voters in some regions like Tombali and Quinara. According to EU observers in the regions, the candidates also changed their generally conciliatory and collaborative speeches of the first round with one of promises of jobs and better days ahead. However, this time the speeches were mixed with direct personal accusations involving, among others, a supposed embezzlement of state resources by the PAIGC candidate and an apparent participation in the dilapidation of natural resources by the independent candidate. Both candidates committed themselves to respect the results to be announced by the CNE during a ceremony with the transitional president and the international community. However, the PAIGC candidate, José Mário Vaz, was the only candidate present to reaffirm his commitment to a code of conduct in an initiative by civil society and also the only candidate to attend a debate organized by the *Lusófona* University. In fact, the independent candidate, Nuno Nabiam, was virtually absent from public events during the first five days of the campaign period for supposedly personal reasons but never officially explained. Jomav and Nuno Nabiam finally met during a debate promoted by the state-run TGB (*Televisão da Guiné Bissau*) a few days before election day. It was a very well conducted debate in which both candidates had the opportunity to answer several questions about their credentials and programs, and the opportunity to support and explain to the public the accusations they traded during the campaign. The EU observers reported only minor incidents during the campaign, such as the excessive force by the security detail of the PAIGC candidate during certain rallies in the regions. Vote buying continued to be widespread with offerings by both candidates of cash, bicycles, motorcycles, food, construction material, fertilizers and even prayer rugs.

b. Voting, Counting and Tabulation

The EU EOM observed 232 polling stations in urban and rural zones across the country. Similar to the first round, EU observers evaluated the voting process as very good or good in 97 percent of observed polling stations. Voting activities started on schedule at 07:00 hours and were conducted in a calm, orderly and transparent manner, without tensions, and with a strong voter turnout. There was a second day of voting at one polling station in Farim after the polling staff

reported the voter list was incomplete. Polling stations were observed to have sufficient quantities of essential election materials and no shortages were reported. Voters almost always marked their ballots in secrecy and the transparency of the process was guaranteed by the strong presence of candidate representatives. As in the first round of elections, EU EOM observers continued to report that across the country and in over 20 percent of visited polling stations ballot boxes were not properly sealed. Polling stations observed by the EU EOM were normally staffed by youth and continued to be presided over mostly by men. No significant irregularities or incidents and no 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. In an improvement compared to the first round, closing and counting procedures were rated by the EU observers as very good or good in all observed polling stations. Polling staff did not always follow established closing procedures or perform the necessary cross-check between the number of ballots cast and the number of entries in the manual voters' lists. The EU EOM did not observe any organized behavior that compromised the integrity of the vote. Candidate representatives were also present during closing and counting and there were few disputed ballots or complaints. In almost all observed cases candidate representatives signed and received copies of the results, which were also posted according to established procedures.

The CNE surmounted difficulties encountered during first round tabulation when, despite the transparent conduct of electoral authorities, the EU EOM observed a visible lack of organization and improvisation at all stages that slowed the process. Two shortcomings persisted but they were much less pronounced, including minor calculation errors made by polling station staff when completing polling station protocols (*actas*) and results input software that disallowed introduction of a number of voters that was superior to the number of registered voters at the polling station. EU observers considered the tabulation process was well-administered by electoral authorities and rated it as very good or good in all observed regional tabulation centers. Transparency of the process was again guaranteed by the presence of party and candidate representatives and of delegates of the Public Prosecutors Office.

c. Announcement of Results

Following a CNE plenary meeting on 23 May and sticking to his commitment to divulge results as soon as possible, the CNE president announced final definitive results for the second round of the presidential run-off. Complete comprehensive results were not yet published in the official gazette at the time of writing. With no official complaints against provisional results, and expiration of the legal timeline for complaints, the CNE proceeded with the announcement of final presidential results well within the legal timeline of seven to ten days after closing of voting. In the second round of the presidential election held on 18 May, Nuno Nabiam obtained 38.1 percent of the votes against 61.9 percent given to the PAIGC candidate, José Mário Vaz. Nabiam at first challenged the results but announced his acceptance on 22 May during a press conference. The inauguration ceremony for the new president will follow that of the new ANP. At the time of writing provisional dates were set for 13 and 17 June. The missed legal deadline for swearing in of the newly elected members to the ANP was 29 May. The CNE explained that the 30-day period within which the ANP should be empowered should count from the final announcement of the presidential results and not of the general elections.

Presidential Elections (2 nd Round) - National Results *		
	Total of Votes	%
Turn out rate (%)	-	78.21%
Registered Voters	775,508	-
Voters	606,536	-
Blank Ballots	7,884	1.29%
Invalid Ballots	10,025	1.65%
Disputed Ballots	144	0.02%
Valid Ballots	588,483	97.02%
CANDIDATES	Total of Votes	%
José Mário Vaz	364,394	61.90%
Nuno Gomes Nabiam	224,089	38.10%

*See Annexes for comprehensive results.

X. Media

Since approval of the Press Law in 1991, the number of media outlets in Guinea Bissau increased. The media scenario became more diversified, with a high proliferation of private and community radios and also newspapers. The public and private media's lack of technical and financial resources remains the key obstacle to an independent, ethical and impartial media and contributes to limit citizens' access to information. Covering events in exchange for financial or logistical contribution has been common practice for many years and has gradually lessened the reporters' self-initiative and the possible areas of journalistic investigation. According to Reporters without Borders, press freedom in Guinea Bissau has been decreasing since 2011/12²². The 2012 coup explains in part this fact but in 2013 the position of Guinea Bissau in the press freedom index was even lower than the previous year. A few cases of threats and intimidations to journalists when reporting on drug trafficking state corruption or illegal commerce of natural resources were registered and may explain such position. Radio is the main source of information and also the most readily available. Given the high levels of illiteracy in the country and the low cost of radio, it has a major influence among the Bissau Guinean population. There are more than 30 radio stations in the country. At present, the radio with the broadest national coverage is *Rádio Sol Mansi*, followed by the state-owned *Rádio de Difusão Nacional* (RDN). *Rádio Bombolom*, *Rádio Pindjiguiti*, *Rádio Nossa* and *Rádio Jovem* have a more restricted coverage reaching Bissau and parts of some neighboring regions. Most of the radio stations operating in the country are community radios. The state-run media are composed by RDN, the *Televisão da Guiné-Bissau* (TGB), the newspaper *Nô Pintcha* and the news agency *Agência de Notícias da Guiné* (ANG). TGB does not have full national coverage, being mostly watched in

²² From 2010 to 2013, according to Reporters without Borders' Press Freedom Index, Guinea Bissau occupied respectively the positions 67 out of 178 countries, 75 and 92 out of 179.

Bissau and some regional capitals. Its serious financial and technical conditions and the frequent power cuts limit the impact of TGB. The state news agency ANG maintains its premises and a group of journalists but it has lost its relevance as a source of information with the establishment of a network of regional correspondents for some radios and the expansion of community radios. There is no daily newspaper in the country. The seven weekly newspapers (*Nô Pintcha* and private-owned *Expresso de Bissau*, *Última Hora*, *O Democrata*, *Bantaba de Nobas* and *Os Donos da Bola*) are mostly distributed in Bissau. Internet access is mostly accessed by a limited young urban population due to its high cost and frequent power outages. The blog <http://novasdaguinebissau.blogspot.com> and the website <http://www.gbissau.com> have kept their audiences updated on political and electoral-related developments. *Rádio e Televisão de Portugal* (RTP), Voice of America, *Deutsche Welle* and the Portuguese News Agency (LUSA) have a permanent presence in the country.

a. Legal Framework

In Guinea Bissau the media are regulated by the Constitution, Press Laws, the Electoral Law and by specific recommendations and guidelines for media coverage of elections as published by the press regulatory agency, the *Conselho Nacional de Comunicação Social* (CNCS), or National Council for social Communication. The Constitution (Article 56) guarantees freedom of the press and stresses that state media must be independent from economic and political powers.

The 1991 Press Law (Law 4/1991) was replaced by a package of eight laws promulgated in 2013 that comprise the new Press Laws, the Written Press and News Agencies Law, Press Freedom Law, TV Law, Radio Law, Journalists' statutes, Publicity Law, Free Air Time Law, and the CNCS Law. There are no substantial developments in the new laws regarding press freedoms. The new laws maintained provisions for freedom of expression and protection of journalists, including prohibition of censorship, the right of access to official sources and the right to professional non-disclosure. Although once again the new laws did not mention explicitly the community radios and TV stations, there is a clearer division of categories, national, regional and local, according to geographical coverage. Nonetheless, as for the establishment of new TV and radio stations, the government could regulate the current new laws and approve a plan of frequencies and required technical conditions. This could be one of the new government's priorities regarding the media. The rights and responsibilities of the media during elections are established in the TV and Radio Law (Law 3/2013 and Law 4/2013) and in the Law of Free Air Time during Elections as well as in the Electoral Law. Both Article 37 of the latter and Article 14 and 15 of the Law of Free Air Time during Elections establish the right of political parties to daily free air time in the state-run media during the campaign period (10 minutes for each political party on the radio and 5 minutes on TV). Although the electoral law does not specify whether the free air time is to be applied to public or /and private media, the new Law of Free Air Time specifies this provision for the public media in Article 17 as recommended by previous EU EOMs. According to this clause, the government compensates state media for free air time services provided during the electoral campaign period, and in line with a rate framework to be determined by a specific Commission. This clause was not implemented for the 2014 electoral process. The sequential order for free air time is set by a draw conducted by the CNE at least a week before the start of the campaign period. The law also establishes the line-up order to change on a daily basis, allowing political contestants to have different timetables. Article 33 of the Electoral Law prohibits publication of opinion polls during the campaign period and until one

day after polling day. Article 45 prohibits political propaganda on private media during the campaign period. The legal provisions for the CNCS in Law 4/1991 were replaced by Law 8/2013, otherwise known as the CNCS Law. The law shapes the composition and competences of the CNCS as an independent body whose main role is to assure the right to information, press freedom, the right to free air time and media independence. The law has minor changes and the decisions taken by the CNCS continue to be non-binding, thereby limiting effective tools for the CNCS to fully accomplish its main role.

b. Electoral Coverage

The public and private media covered the electoral process under extremely harsh financial conditions that impacted on its ability to offer an independent coverage and limited the citizens' access to information. In the first round, voters had to resort to and rely almost exclusively on private and communitarian sources for information about their candidates and the campaign. During the second round, however, and after receiving external financial and material support that alleviated the tight financial conditions faced in the first one, the media managed to keep voters informed about the electoral process. The media outlets covered elections in an environment of freedom. Public and private radios played an important role by airing CNE-produced electoral and civic education programs and advertisements contributing for a better understanding of the electoral process and to increase the confidence in the CNE. Community radios had a similar role at the local level, reaching remote *tabancas* (family communities). The campaign period became more dynamic and informative with the debates and interviews organized by civil society during the first round and aired by *Radio Sol Mansi*, *Rádio Bombolom* and *Rádio Pindjiguiti*. Several media tried a similar format during the second round but the absence of one or both candidates hindered the impact of the events. Eventually, TGB managed to air the only presidential candidates' debate of the second round, allowing voters to experience an exchange of ideas, arguments and political ideas between the two contestants. In a pro-active initiative, *Rádio Sol Mansi* broadcasted the live TGB debate the following day. The media had a remarkable conduct that contributed to the smooth and appeasing development of the electoral process by deciding not to air the statement released by the independent candidate, Nuno Nabiam, announcing his victory in five regions before the CNE published the official provisional results, and also by broadcasting the appeals of different national and international stakeholders for the acceptance of the results. The media also contributed to the transparency of the electoral process by airing the declarations of the election observation missions. Nonetheless, *Rádio Pindjiguiti*, RDN and *Rádio Bombolom* violated Article 45 of the Electoral law and Article 6 of the Directive 1/2014 on the Code of Conduct of Media and Journalists by broadcasting propaganda of the independent candidate (*Pindjiguiti* and RDN) and political advertising for both candidates (*Bombolom*). Moreover, *Pindjiguiti* used on the day before election day a speech made by the late president Kumba Yalá as publicity for the independent candidate, breaking the campaign silence decreed by the Council of Ministers. The same was observed with the public radio RDN when it broadcasted a candidate's publicity during the campaign silence period following Kumba Yalá death. Political advertising is prohibited by law and has been published and broadcasted in several private media during previous electoral processes; in the 2014 general elections some of these advertisements were even disguised as information. The newspapers *Expresso de Bissau* and *Donos da Bola* violated Article 33 of the Electoral Law by publishing opinion polls.

The CNCS showed its appreciation of the first round of the electoral process by concluding that journalists behaved according to the press ethics and the media complied with the legal framework, despite punctual shortcomings and the scarce technical and financial conditions. However, the CNCS did not describe those shortcomings and the responsible media outlets, nor did it identify the newspapers that published the opinion polls. Although according to the current law (Law 8/2014) CNCS deliberations are not binding, the CNCS could have issued specific recommendations to improve the conduct of the media during the second round. On 15 May, the newspaper *Donos da Bola* published once again an opinion poll. The CNCS' release on the conduct of the media during the electoral process reflects the lack of visibility, power to influence and institutional strength of the Guinea Bissau media regulatory agency and did not contribute to guarantee the media independence as it is mandated by law.

Within the EU-PAANE (European Union Non-State Actors' Support Program) framework, the European Union financed training on the role of media during elections in December 2013 and organized the first national conference on media and elections that allowed journalists to discuss the class key problems and priorities. Besides, the EU financed 19 grants for a total of €200,000 to an equal number of newspapers and national and community radios whose aim was to improve the quality of information in the social, political and economic areas. Under a partnership between the United Nations Integrated Peace-Building Office in Guinea Bissau (UNIOGBIS) and the Social Communication State Board (*Secretaria de Estado da Comunicação Social*, SECS), UNIOGBIS donated professional equipment to 23 media outlets three days prior to the first round of elections. The equipment included motorcycles, laptops, printers, digital recorders, microphones, headphones and cameras as well as a financial contribution for the payment of per diems, fuel and mobile recharge units. The Civil Society Organizations Group for the Elections (*Grupo das Organizações da Sociedade Civil para as Eleições*, GOSCE), supported by the British organization One World, carried out a media monitoring including public, private and community radios. According to its report, 80 percent of the radios monitored were considered neutral and 84 percent of the messages were broadcasted in a pacific tone. The project was financed by the European Union.

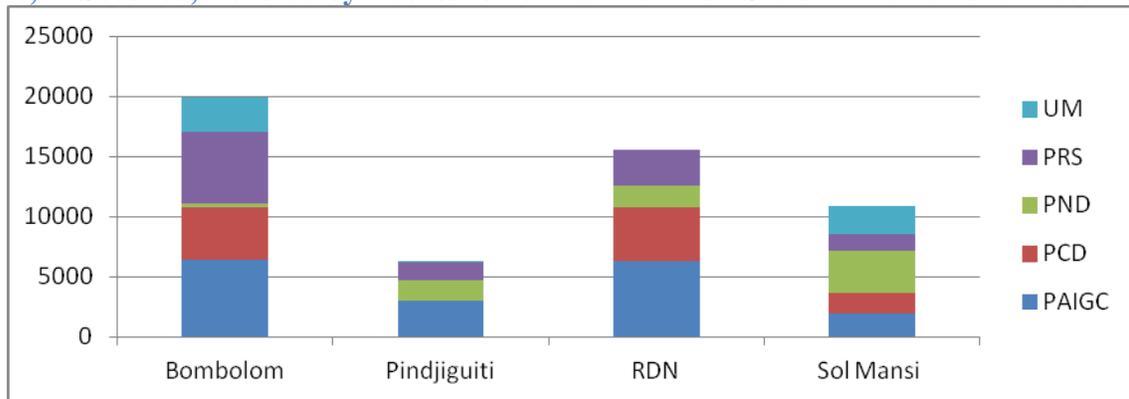
c. Media Monitoring

The EU EOM monitored a set of public and private media²³ outlets from 28 March to 13 April 2014 and from 5 to 18 May 2014, corresponding to the campaign periods for the two electoral rounds. Due to EU EOM technical constraints, TGB was only monitored during the second round. Radios were monitored during three daily periods between 08:00 hours and 22:30 hours, and the TV station from 07:30 hours to 23:30 hours. The EU EOM media unit evaluated the amount of time and space each media attributed to the candidates and to voter education, and assessed the degree of impartiality used (neutral, positive or negative). It also analyzed the media fulfillment of national regulations for media coverage of the elections. The results were based on TV and radio recordings and copies of newspapers. Both public outlets, *Rádio de Difusão Nacional* (RDN) and *Televisão da Guiné-Bissau* (TGB) faced enormous financial constraints

²³ Radios: public RDN and private *Rádio Bombolom*, *Rádio Pindjiguiti* and *Rádio Sol Mansi*; Newspapers: state-run *Nô Pintcha* and private *Expresso de Bissau*, *Última Hora* and *O Democrata*, and television station TGB.

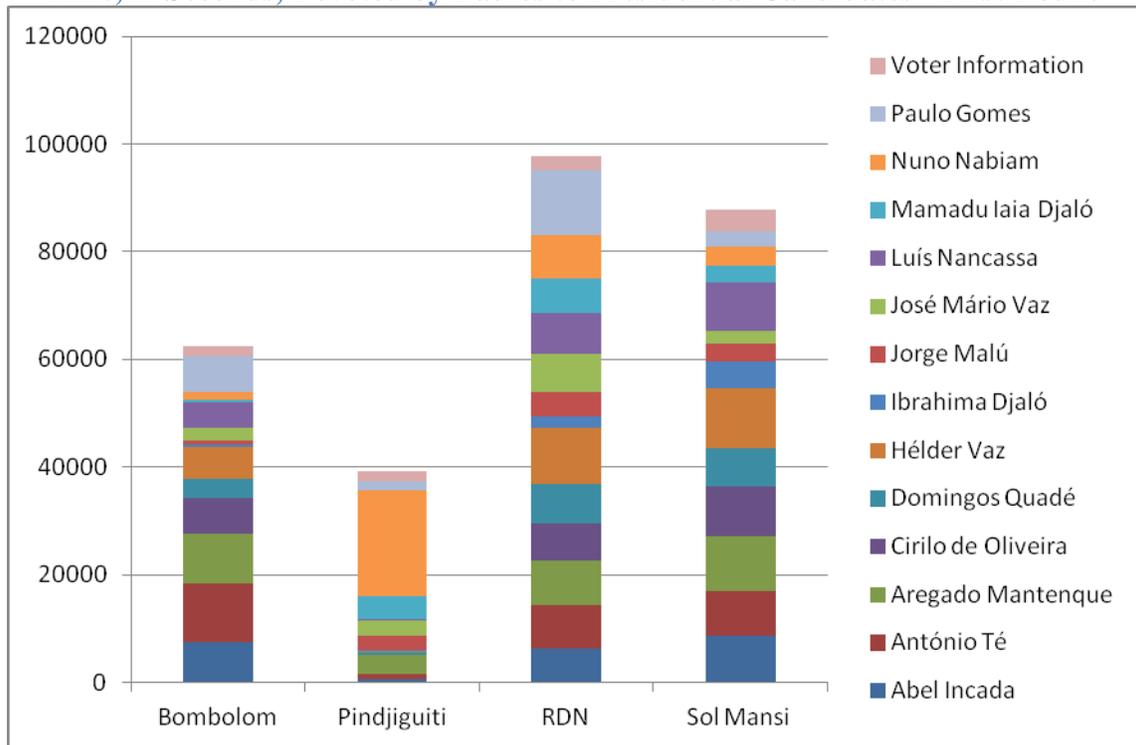
that reduced their coverage of the electoral campaign to the last three and four days, respectively, of the two rounds. The public outlets' financial limitations also affected the candidates and political parties' free air time which began to be broadcasted six days after the beginning of the first electoral campaign. Nonetheless, during the second round, RDN and TGB covered the entire electoral campaign and provided contestants with the legally established free airtime. The private radios *Sol Mansi* and *Bombolom* offered the most extensive coverage of the process, including interviews and debates with candidates and political parties representatives as well as daily election news programs. For the second round, RDN also broadcasted daily election news. All the radio stations had a generally balanced coverage of the legislative elections. Radio *Sol Mansi* presented, however, the most balanced legislative-related information.

Time, in Seconds, Devoted by Radios to Parties that Won Seats in the National Assembly

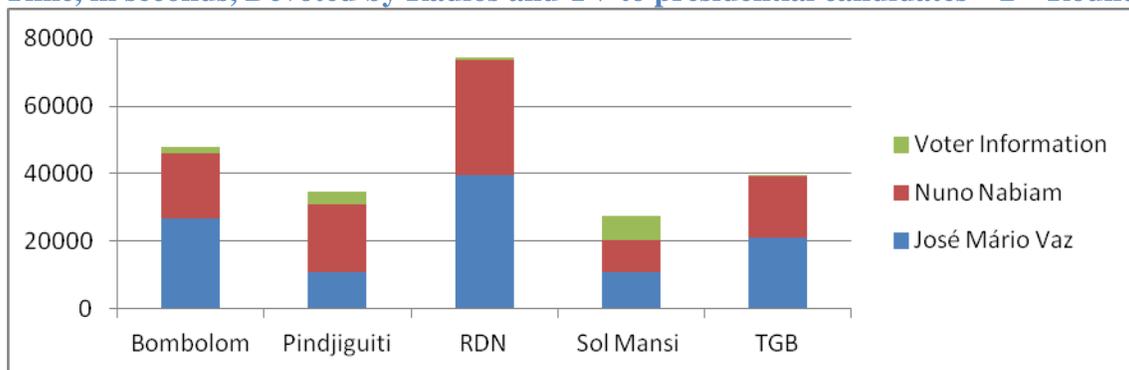


Rádio Sol Mansi, *RDN* and *Radio Bombolom* offered a balanced coverage of the presidential election, attributing a fair amount of time to all contestants, while *Rádio Pindjiguiti* presented a clearly biased coverage in favor of independent Nuno Nabiam, who received 51 percent of the station's airtime during the first round and 58 percent against 32 percent for José Mário Vaz during the second round.

Time, in Seconds, Devoted by Radios to Presidential Candidates -First Round

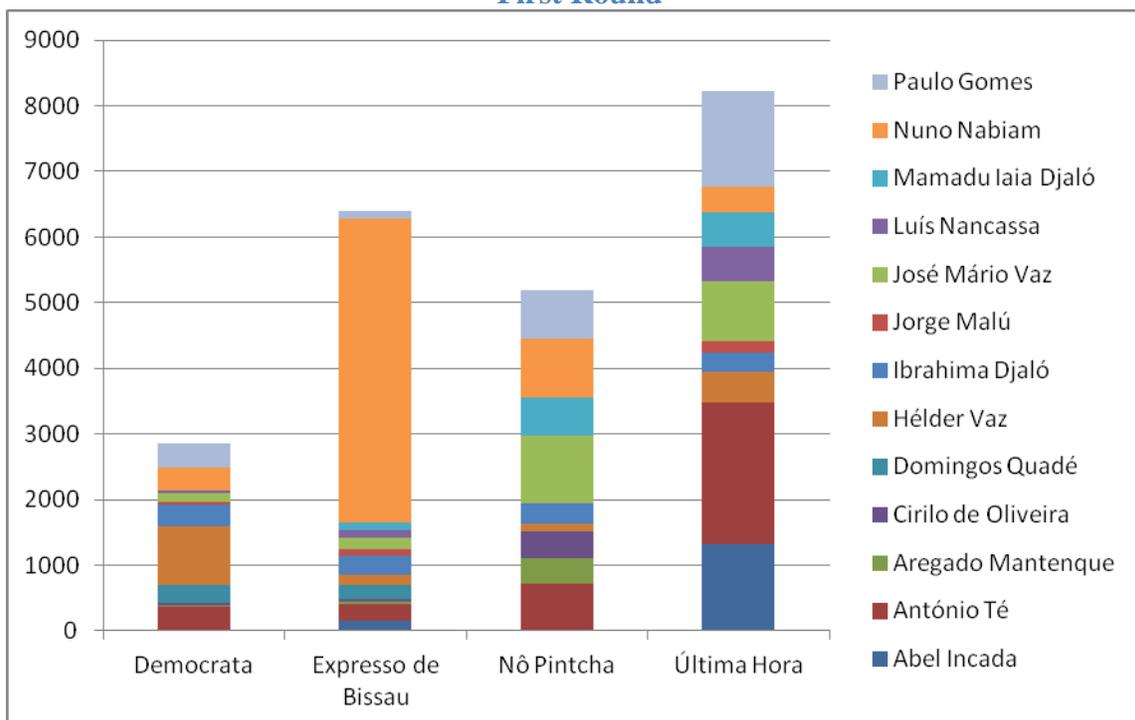


Time, in seconds, Devoted by Radios and TV to presidential candidates – 2nd Round



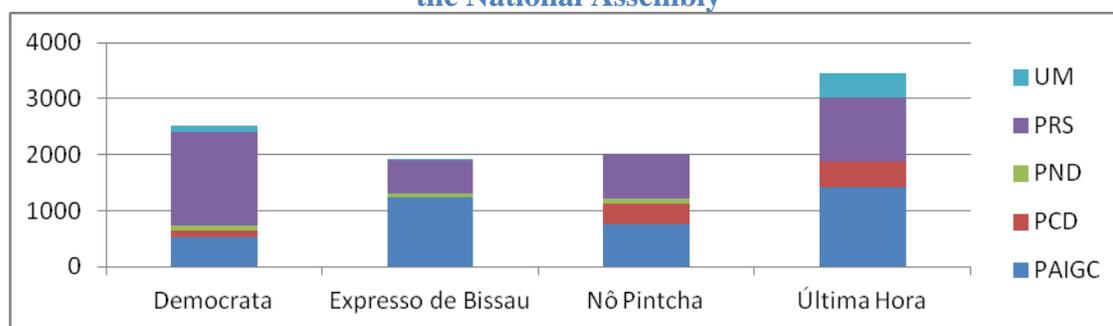
During the first round, all newspapers had a generally balanced coverage of the presidential election, except for *Expresso de Bissau* that showed a clear bias in favor of independent Nuno Nabiam, who received 72 percent of the space offered to the candidates.

Space, in Square Centimeters, Attributed by Newspapers to Presidential Candidates First Round



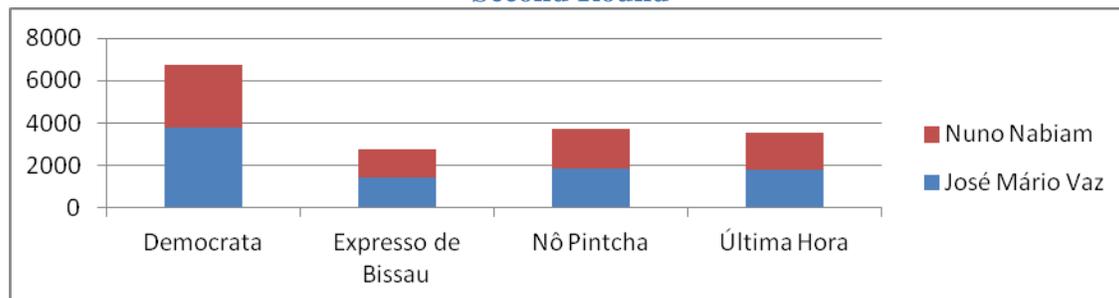
As for the legislative elections, *O Democrata* presented a biased coverage, granting 40 percent of its space to PRS, followed by 13 percent to PAIGC; *Expresso de Bissau* also had a biased conduct attributing 49 percent of its total space to PAIGC.

Space, in Square Centimeters, Attributed by Newspapers to Five Parties that Won Seats in the National Assembly



The state-run newspaper *Nô Pintcha* and the private *Última Hora* had a balanced coverage of the legislative elections as did all the public and private newspapers monitored by the EU EOM during the second round of the presidential elections, offering almost the same percentage of space to each presidential candidate.

**Space, in Square Centimeters, Attributed by Newspapers to Presidential Candidates
 Second Round**



TGB offered a balanced coverage, also motivating voters during the last days of the campaign with a live debate between the presidential candidates. All media outlets monitored used generally a neutral tone towards the different political contestants. Rádio *Sol Mansi* led other media in the broadcast of civic education-related information.

XI. Human Rights and Civil Society

a. Human rights

Respect for human rights in Guinea Bissau continues to be fragile. Increased awareness and implementation by state actors, national protection forces, judicial structures and courts is required. The country adopted and ratified the most relevant international and regional treaties protecting human rights, such as the UDHR, ICCPR and the ACHPR (see Legal Framework section of this report). The Constitution protects fundamental human rights and freedoms and guarantees equal rights to all Bissau-Guineans without discrimination of race, social status, intellectual level, cultural and religious beliefs or philosophical views. These rights extend to Bissau-Guineans living in the diaspora and to foreigners on a reciprocity basis. The Constitution recognizes the UDHR as the source for the interpretation of human rights as embedded in the Constitution and other national laws. Restrictions to human rights can only be made following the Constitution and in the exceptional cases of state of siege and or emergency situations. The Constitution forbids the death penalty, torture and degrading penalties.

The Guinean Human Rights League (LGDH), the most active human rights organization in Guinea Bissau, followed the electoral process closely and denounced violations on its web page and in the media. The LGDH reported incidents of kidnapping, beating and intimidation of candidates shortly before the start of the campaign for the first round and the two political parties affected, the PMP and the PRS, denounced intimidation and violent acts perpetrated against their leaders and candidates. Faustino Imbali, president of Peoples Manifest Party and former Minister of Foreign Affairs, complained that security agents intimidated high ranking party official including himself. Mário Fambé, member of the National Council of PRS, was held and beaten by unknown perpetrators and later released. The 2012 PAIGC presidential frontrunner, Carlos Gomes Junior, remained in exile for security reasons despite his interest to be involved in the country’s politics. A popular journalist and blogger was beaten after the 2012 coup and fled the country. Both asked the international community and LGDH to help secure conditions for their

safe return to the country. On the eve of the second round of elections, PAIGC militants were beaten in Bafata. In another case, the PAIGC chief of campaign was threatened in Bissau. CNE high officials, suffered coercion during the electoral process and were under the protection of the international ECOMIB forces stationed in the country.

Guinean security agents, especially the military, are faulted by human rights organizations as the probable instigators if not perpetrators of indiscriminate intimidation and violence against politicians. The motives are not always clear and can be either connected to political or economic reasons. The police were ill-prepared and helpless in the fight against impunity and abuse of power by the military.

b. Civil Society

Guinea Bissau's active civil society was well organized and, as in previous elections, contributed significantly to enhance citizens awareness and participation in the electoral process. Civil society was involved in voter education activities and in the training and mobilization of a significant number of monitors to oversee the electoral cycle. Despite the existing legal prohibition for nationals to act as election observers, civil society contributed to enhance the transparency of the process. The current lack of legal framework for domestic observers was detrimental to the full participation of civil society in public and political affairs. Legislative initiatives in the future could consider the approval of rules defining the independent nature, the criteria for registration, rights and responsibilities of domestic observation groups and their activities.

The Group of Civil Society Organizations for Elections (GOSCE), created in 2012 following the coup, acted as the umbrella organizations for over 20 civil society groups including the LGDH, the National Youth Council, the Women Political Platform, TINIGUENA, Voice of Peace (*Voz di Paz*) and the Guinea-Bissau chapter of the ECOWAS Women's Peace and Security Network (REMPSECAO-GB²⁴). In collaboration with the NGO One World UK and with support from the EU, a national monitoring activity regarding the campaign, the media and elections was developed based on reports from monitors and sms messaging to follow elections from outside polling stations and report to the CNE and the public. A dedicated web page – www.bissau.vote – was made operational over the elections periods. In addition the GOSCE promoted the signing of a Code of Conduct by political parties and candidates and monitored its implementation during the process.

The UNICEF initiative “*República di Mininus Hoje*” mobilized Guinean children and youth, mostly in the capital, and lobbied presidential candidates to include children and youth's agenda on their political platforms.

XII. Gender

a. Women's Participation

²⁴ With the support of UNDP, UNIOGBIS and UN Women.

While there were no legal restrictions for the participation of women, Guinea Bissau has yet to take appropriate actions, such as temporary special measures in order to implement and substantiate *de facto* gender equality. Guinea Bissau has signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1985) and the Protocol on the Rights of Women in Africa (ACHPR-PW 2005) of the African Charter on Human and Peoples' Rights which recommend the introduction of temporary special measures. The Constitution recognizes equal rights for women and men in all areas of political, economic, social and cultural life and establishes prohibition of gender discrimination.

Women's participation in public life and in particular throughout the electoral process was limited, except at political rallies where the EU EOM observed women were well represented and their numbers sometimes exceeded that of men. Several political parties interviewed declared women as equal to men. However, they highlighted difficulties identifying suitably prepared women to stand as candidates. A reduced number of parties claimed to have voluntarily adopted internal quota for women – New Democratic Party (PND) 49 percent, PAIGC 35 percent, PRID 25 percent, PRS 25 percent – but admitted they fell short on implementation. Only Patriotic Guinean Union (UPG) adopted a voluntary statutory quota of 40 percent. Other political organizations claimed positive discrimination towards women was unnecessary as women could easily conquer space within the parties. This position was refuted by the women's groups of the two main political parties, PAIGC and PRS, who pointed to persisting male dominated political party structures and decision-making mechanisms and the lack of recognition of women's role in society. Some political parties created women mass organizations such as the 49 year old PAIGC Democratic Union of Women (UDEMU) or the more recent PRS Women's Secretariat. Leaders from both organizations were frustrated with women's underrepresentation in their parties' decision making bodies.

As for leading female candidates in legislative elections, 27 (8.4 percent) candidates occupied first positions on the closed party lists, while 167 placed second and 241 were substitute candidates. UPG led with six women topping the closed candidate lists; PAIGC, which is the biggest party in the country, and Workers Party (PT) came next with four each; United Social Democratic Party (PUSD) had three and National Reconciliation Party (PRN), Union for Change (UM) and Peoples Manifest (MP) each had two. The strongest opposition party, PRS, presented only one woman in a top position. The same for PRID, Democratic Convergence Party (PCD) and New Democratic Party (PND) with only one woman candidate at the top of a list. The Social Democratic Front (FSD), led by Helena Barbosa, ironically failed to place a woman at the top of any list. In the 2014 parliamentary election only ten women were elected – nine from the PAIGC and one from PRS which confirmed the trend of recent elections. No women stood as presidential candidate²⁵. *Plataforma Politica das Mulheres*, a women's organization, reported it engaged in negotiating efforts with political parties to move women up on the closed lists. For

²⁵ Former president "Nino" Viera's wife, Nazareth de Pina Vieira, announced her candidacy but did not present it officially. The Supreme Court of Justice rejected the only female candidate, Antonieta Rosa Gomes, for not holding a national convention of the party as foreseen in the party's statutes.

these elections, the UNDP offered financial support in the form of training and campaign materials for women candidates who topped legislative lists.²⁶

The political instability of the past two years, high levels of illiteracy, a male dominated society and the absence of public funding for parties may have contributed to women's continued underrepresentation. In addition, persisting harmful traditional and illegal practices and reduced access to education, when compared to men, further undermined girls and women empowerment.

Women's parliamentary representation over the past years has declined from 20 percent in 1988, to 11 percent in 2004, and to 10 percent in 2008. Women were underrepresented in the post-coup government structure with only one minister and three secretaries of state out of a total of 34 members. As for governors following the 2012 coup, only one governor out of eight is a woman.²⁷ In the election management body, only one woman occupies a high ranking position of Deputy Executive Secretary at the Executive Secretariat. At intermediate and regional levels women are absent from leading positions. As a paradox, in the past women constituted the majority of polling station presidents and registered for the 2014 general elections in higher numbers than men.

XIII. Collaboration with Other EOMs

The Mission established close contact and shared information with all missions, especially some African Union (AU) Long Term Observers who were at the same hotels as some EU observers in the regions. The Core Team members, including the Chief Observer and MEPs participated in several bilateral and joint meetings with heads of mission before and after the elections. The EU EOM, the Economic Community of West African States (ECOWAS), the Community of Countries of Portuguese Language (CPLP) and AU all presented their preliminary statements on the day after the general elections. The EU, however, issued its preliminary statement for the second round two days after the election. All international observers left the country within the week after the first round, and ECOWAS remained with a modest presence represented by its deputy special representative in Guinea Bissau. The EU EOM was the only international observation mission with observers in the regions following the electoral activities between the two rounds and was the last EOM to leave the country.

The law forbids the accreditation of domestic observers as well as of diplomats accredited to Guinea Bissau. Nevertheless, 20 observers from the United States embassy in Dakar, Senegal, observed both election days (apparently only the ambassador was accredited to Guinea Bissau and was not a member of the delegation). Local civil society organizations had 400 monitors in the first round and 380 in the second round deployed throughout the country assisting in the electoral process and monitoring activities outside the polling stations. They shared information

²⁶ Electoral Law, article 46/2. The electoral law does not forbid indirect financing of the campaign by foreign organizations.

²⁷ Source: UNIOGBIS study on the "Participation of women in politics and in decision making in Guinea-Bissau" published in 2013.

with the EU EOM on incidents observed in the regions and their monitors in the field were in contact with the Mission observers. Their situation room in one of Bissau's neighborhoods was visited by the EU EOM where they shared their findings and other information. As in the first round of the elections, civil society organizations showed a strong commitment to participate in the electoral process and deployed again a large number of monitors across the country prior to election day of the second round. Several women groups trained women to engage in election monitoring. Both their presence and those of the international observation groups greatly contributed to the transparency of the electoral process.

A record number of more than 400 international observers were deployed for the 13 April election, of which 51 from the European Union, including a four-member delegation of Members of the European Parliament (MEPs). Besides the European Union, other international observer missions included: 214 observers from the ECOWAS led by former President of Interim Government of National Unity of Liberia, Amos Sawyer; 57 from the AU led by former Mozambican President Joaquim Chissano; a 22-member delegation from Asian countries, including Timor Leste and New Zealand; 21 observers from CPLP led by former Mozambican Foreign Minister Leonardo Simão; 13 members from the Economic and Monetary Union of West Africa (UEMOA), and a four-member representation from the British parliament. However, the number of international observers for the second round was sharply reduced and about half or around 200 observers from the same organizations were deployed throughout the country a few days before election day to observe voting and counting at polling stations.

a. Joint Statement

The EU EOM joined other election observation missions and had a strong participation in drafting a call to all stakeholders to refrain from premature declarations of the outcome of the second round elections, and recognizing that the CNE was the only legally mandated authority to announce the results. The seven observation missions (AU, CPLP, ECOWAS, the International Francophone Organization – IFO, UEMOA, and the delegation of the United States of America) also urged the candidates and political parties to respect the results and to resort exclusively to legal and constitutional means in seeking redress to any grievances. The statement, signed by all chiefs of missions, was read in Portuguese by former President Chissano and widely reported in the local media.

XIV. Implementation of Previous Recommendations

The EU observed elections in Guinea Bissau in 2005, 2006, 2008, 2009 and 2012²⁸ and offered recommendations aimed at improving the elections, covering different areas of assessment such as the legal and electoral framework, the election administration, voter registration, candidates and party registration and media. Over the past nine years several of these recommendations were either fully or partially implemented.

²⁸ EU missions in 2005, 2006, 2008, 2009 and 2014 were full-fledged Election Observation Missions. In 2012, the EU sent an Electoral Experts Mission comprised of two political and electoral/legal experts to follow the election process.

As for legal framework, the Guinea Bissau ratified the International Covenant on Civil and Political Rights and also adopted the International Convention on the Elimination of Racial Discrimination, both in 2010.

All EU EOMs since 2005 recommended registration of voters in the diaspora. For the 2014 general elections, the vote was extended to the diaspora in Europe (Portugal, Spain, France) and Africa (Senegal, Gambia, Guine Conakry, Cabo Verde) where the Ministry for International Cooperation estimates the Bissau-Guinean diaspora at 190,141. Voter registration was undertaken in the specified countries and 22,312 voters were issued voter cards. This constituted a positive step; future voter registration exercises might aim to be more inclusive of the diaspora population. With the revised electoral law 10/2013 diaspora voters were allowed for the first time to also vote in presidential elections.

Since 1998 EU EOMs have recommended nomination of a non-partisan National Election Commission (CNE) Executive Secretariat, instead of one that reflects the parliamentary proportional representation. In June 2013, and as a result of the Charter of Transition, the new CNE Executive Secretariat is comprised of judicial magistrates. The CNE currently enjoys increased confidence from stakeholders as the members coming from the judiciary are perceived as independent.

EU EOMs have consistently recommended since 2008 that the CNE strengthens internal management and operational skills. BRIDGE training was conducted for high election officials through the PRO PALOP/TL programme funded by the EU under the 2010-2013 framework. However, due to the complete renewal of the CNE Secretariat in 2013, the residual influence of the training activities was greatly diminished.

Since 2008 EU EOMs recommended revision of the electoral law to establish clearer provisions on access of political parties to free airtime. Although in practice the access to free airtime programs was only applied to the public media (RDN and TGB), article 37 of the old electoral law did not make this distinction, indicating only that political parties had access to airtime “on radio and TV”. Although the new electoral law does not specify whether the free air time is to be applied to public and/or private media, the new Law of Free Air Time (Law 7/2013) specifies this provision for the public media in Article 17 as recommended by previous EU EOMs.

Several other relevant recommendations remain nevertheless unimplemented. The EU EOM 2014, based on its observation methodology and following consultations with national stakeholders, including the CNE, CRE, civil society groups and political parties, offers a set of recommendations for future discussion among election and political stakeholders which aim at promoting election transparency, inclusiveness, participation and integrity in line with Guinean Bissau’s international and regional commitments.

XV. Recommendations²⁹

LEGAL FRAMEWORK

1. With the aim to attain legal certainty and to avoid political negotiations traditionally used to overcome legal inconsistencies, it is advisable to introduce clear timeframes and eliminate contradictions in the electoral laws.

ELECTION ADMINISTRATION

2. Return to system of differentiated legislative ballot papers to reflect the number of parties competing in a given constituency to ensure voters have confidence in the security of the ballot and the counting of votes.
3. Attribution of regulatory and/or interpretative authority to the National Election Commission. The CNE could benefit from the competence to adapt and update technical electoral procedures, clarify omissions in the law and streamline organizational management aspects.
4. Provide the National Election Commission with administrative and budgetary independence through the inclusion of a specific section and funds allocation in the national budget. In order to strengthen the National Election Commission's independence, the election management body should have direct access to an adequate fixed annual allocation of resources ascribed to the National General Budget (*Orçamento Geral do Estado* - OGE).
5. Review distribution of mandates per electoral constituency to promote equal suffrage by fairly reflecting population distribution with similar number of voters to elect representatives throughout the country.
6. Develop a coherent internal communication strategy to improve National Election Commission operational and management capacities. All National Election Commission deliberations and decisions could be comprehensively and routinely shared with lower levels of the EMB. These could also be made immediately public via the National Election Commission website and through the media.
7. National Election Commission administrative structures (i.e. departments of logistics and operations, IT, voter education, secretariat, administration and finance) require human resources strengthening. It would be desirable to conduct joint training sessions for different departments at regional and especially at national level in cooperation with (inter)national technical assistance.
8. Civic and voter education efforts require a more practical and interactive approach. Consideration could be given to incorporating sample ballots in voter education activities. Activities could also include comprehensive programs in schools and media pertaining to issues of civic and political rights and understanding of the democratic process.
9. Results tabulation could improve transparency and would benefit from on-line publication of all polling station results enabling stakeholders to verify polling station results with published results at the national level.

²⁹ See table in Annexes.

VOTER REGISTRATION

10. The supervisory competence of the National Election Commission over the voter registration responsibility of the Technical Office for Support to the Electoral Process (GTAPE) requires further definition to strengthen the electoral authority's oversight and specific involvement in the process to add a further measure of integrity to elections.
11. A fresh national census would improve the quality of the civil registry and provide more reliable identification requirements for voter registration. Consideration could be given to creating a voter registry on the basis of the civil registry.

GENDER EQUALITY

12. To implement the Constitution provision of equal rights, it is advisable that national authorities adopt temporary special measures such as quotas, aimed at accelerating and achieving de facto equality between men and women in elected office and public institutions including the National Election Commission.
13. Implement gender quotas in order to promote gender equality within political party structures and their decision-making bodies. Such affirmative action measures could be a legal prerequisite to registration as a political party.

CIVIL SOCIETY

14. Consideration could be given to provide legal framework to civil society non-partisan groups to participate in election observation.

MEDIA

15. Allocate funding to public media (TGB, RDN and *Nô Pintcha*) as established in the new press laws.
16. Allow paid political advertising in non-state media during the election campaign period.
17. Endow the National Social Communication Council (*Conselho Nacional de Comunicação Social* –CNCS) a pro-active role to supervise application of the media-related legislation, including the capacity to issue binding deliberations and the enforcement capability. Enforce the prohibition of government agents as members of the CNCS.

DEMOCRATIZATION

18. Organize local elections in conformity with the constitutional provision for local political power through existence of municipal authorities.

ANNEXES

Recommendations

No	Key international principle, International Obligations and Commitments	Recommendation	Change in legal framework Primary responsibility for implementation	Context (Reference to section in Final Report)
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Section LEGAL FRAMEWORK

1	<p>African Charter Article 4 - ...state parties to promote the respect for the rule of law.</p>	<p>With the aim to attain legal certainty and to avoid political negotiations traditionally used to overcome legal inconsistencies, it is advisable to introduce clear timeframes and eliminate contradictions in the electoral laws.</p>	<p>Change in primary legislation required Implementation by Popular National Assembly</p>	<p>The legal framework does not provide a clear timeframe to call for elections in special circumstances. In 2012, the elections were called based on article 71 of the Constitution which was considered by the EOM and several interlocutors as too short (60 days) a timeframe for completing all necessary legal requirements (voter registration update, registration and verification of candidates, etc.). Further inconsistencies result from the Articles on the timeframe to hold presidential and legislative elections, as elections should be held before the expiration of mandates. (Final report, chapter IV, page 15)</p>
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Section ELECTION ADMINISTRATION

2	<p>ICCPR Article 25 General Comment: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service.</p> <p>African Charter Article 2 - Promote best practices in the management of elections for purposes of political stability and good governance.</p>	<p>Return to system of differentiated legislative ballot papers to reflect the number of parties competing in a given constituency to ensure voters have confidence in the security of the ballot and the counting of votes.</p>	<p>No change in legal framework required Implementation by National Election Commission</p>	<p>Valid votes for parties that were not competing legislative elections in a given constituency were included in polling station protocols. This error was in relation to the predictable technical repercussions of a single model ballot for all constituencies. The error affected all 29 constituencies as there was no constituency in which all 15 parties competed. (Final report, chapter VIII, page 29)</p>
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Recommendations

No	Key international principle, International Obligations and Commitments	Recommendation	Change in legal framework Primary responsibility for implementation	Context (Reference to section in Final Report)
3	<p>ECOWAS Protocol on Democracy and Good Governance Article 3 - ... the bodies responsible for organizing elections shall be independent or neutral and shall have the confidence of all the political actors.</p> <p>African Charter Article 2 - Promote best practices in the management of elections for purposes of political stability and good governance.</p>	<p>Attribution of regulatory and/or interpretative authority to the National Election Commission. The CNE could benefit from the competence to adapt and update technical electoral procedures, clarify omissions in the law and streamline organizational management aspects.</p>	<p>Change in primary legislation required.</p> <p>Implementation by Popular National Assembly</p>	<p>The CNE does not have normative power, this being a prerogative of the ANP. The lack of normative power impedes the CNE's capacity to update regulations with respect to technical aspects of electoral administration. (Final report, chapter V, page 17)</p>
4	<p>ICCPR Article 25 General Comment: An independent electoral authority should be established to supervise the electoral process... State reports should indicate what measures they have adopted to guarantee genuine, free and periodic elections...</p>	<p>Provide the National Election Commission with administrative and budgetary independence through the inclusion of a specific section and funds allocation in the national budget. In order to strengthen the National Election Commission's independence, the election management body should have direct access to an adequate fixed annual allocation of resources ascribed to the National General Budget (<i>Orçamento Geral do Estado</i> - OGE).</p>		<p>The current budgetary arrangement is one of dependence and requires the National Election Commission, a permanent independent body, to request funding from the Popular National Assembly. This hampers National Election Commission independence and also has the risk of turning funding into a political issue whereby the ANP may not grant funds if members do not want to see elections held. (Final report, chapter V, page 17)</p>
5	<p>ICCPR Article 25, General Comment: ...Equal suffrage... equality of the</p>	<p>Review distribution of mandates per electoral constituency to promote equal suffrage by fairly reflecting population distribution with similar number of voters to</p>	<p>Would require change in primary legislation - article 115 election law 10/2013.</p>	<p>The vote of one elector should be equal to the vote of another. Current distribution ranges from 4,370 electors per mandate to 19,061. Redistributing mandates would be necessary to bring about a more</p>

Recommendations

No	Key international principle, International Obligations and Commitments	Recommendation	Change in legal framework Primary responsibility for implementation	Context (Reference to section in Final Report)
	<p>vote ... principle one person one vote.</p> <p>Universal Declaration of Human Rights Article 21(3) The will of the people ... shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage</p>	<p>elected representatives throughout the country.</p>	<p>Implementation by Popular National Assembly and National Election Commission.</p>	<p>proportionate weighing of votes.</p> <p>Redistribution of mandates would ideally be based on fresh census results. (Final report, chapter IV, page 16)</p>
6	<p>African Charter Article 2 – Promote best practices in the management of elections for purposes of political stability and good governance.</p> <p>Guarantee transparency of the electoral process and access to public information.</p>	<p>Develop a coherent internal communication strategy to improve National Election Commission operational and management capacities. All National Election Commission deliberations and decisions could be comprehensively and routinely shared with lower levels of the EMB. These could also be made immediately public via the National Election Commission website and through the media.</p>	<p>No change in legal framework required.</p> <p>Implementation by CNE.</p>	<p>Decisions made in CNE plenary meetings were not always effectively communicated to Regional Election Commissions. As such, lower levels of the electoral authority were often unaware of essential components of the electoral process, including introduction of a single ballot for legislative elections, organization for advance voting and the appropriate implementation of the administrative-judicial electoral complaint mechanism. (Final report, chapter V, page 18)</p>
7	<p>African Charter Article 2 – Promote best practices in the management of elections for purposes of political stability and good governance.</p>	<p>National Election Commission administrative structures (i.e. departments of logistics and operations, IT, voter education, secretariat, administration and finance) require human resources strengthening. It would be desirable to conduct joint training sessions for different departments at regional and especially at national level in cooperation with (inter)national technical assistance.</p>	<p>No change in legal framework required.</p> <p>Implementation by National Election Commission and (inter)national technical assistance.</p>	<p>The EU EOM observed shortfalls in human resource capacities especially at the national level of the administrative structures where information technology, logistic and operational, administrative, finance and secretariat departments could benefit from skills building and strengthened management. (Final report, chapter V, page 19)</p>

Recommendations

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8	<p>ICCPR General Comment 25 -positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty... specific methods, such as photographs and symbols, should be adopted...</p>	<p>Civic and voter education efforts require a more practical and interactive approach. Consideration could be given to incorporating sample ballots in voter education activities. Activities could also include comprehensive programs in schools and media pertaining to issues of civic and political rights and understanding of the democratic process.</p>	<p>No change in legal framework required. Implementation by National Election Commission.</p>	<p>Deployment of 1,000 National Election Commission civic education officers across the country was a positive step, as was production of voter education spots for radio. However, a high number of invalid and blank ballots in the legislative polls likely resulted from voter confusion. Voter education activities did not lead voters to understand there would be two simultaneous elections or the drawback of a single model ballot. (Final report, chapter V, page 20)</p>
9	<p>ECOWAS Protocol on Democracy and Good Governance Article 6 - ... announcement of results shall be done in a transparent manner.</p> <p>African Charter Article 2(13) - Promote best practices in the management of elections for purposes of political stability and good governance.</p>	<p>Results tabulation could improve transparency and would benefit from on-line publication of all polling station results enabling stakeholders to verify polling station results with published results at the national level.</p>	<p>Would require change in primary legislation. Implementation by Popular National Assembly.</p>	<p>The National Election Commission announced results by region and not by constituency as provided for in the election law 10/2013. To allow even greater transparency all polling station results could be published (both the original protocols and digitalized versions). Also results tabulation software could be adjusted to:</p> <ul style="list-style-type: none"> a) facilitate provision of constituency results; b) foresee the possibility of additional voters to the existing number of registered voters at a given polling station. Or use the manual voters list <i>'lista propria dos votantes'</i> to sum the number of voters. <p>(Final report, chapter VIII, page 29)</p>
Section VOTER REGISTRATION				
10	<p>African Charter Article 2(13) - Promote best practices in the management of elections for purposes of political stability and good governance.</p>	<p>The supervisory competence of the National Election Commission over the voter registration responsibility of the Technical Office for Support to the Electoral Process (GTAPE) requires further definition to strengthen the electoral authority's oversight and specific involvement in the process to</p>	<p>Regulation of CNE law 12/2013 article 11 required. Implementation by Popular National Assembly (or National</p>	<p>Shared institutional responsibility between the government and the independent election body for voter registration creates areas of friction and has the potential to impair the National Election Commission's capacity to independently conduct the elections. The National Election Commission, the supervisory body with overall responsibility for</p>

Recommendations

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		add a further measure of integrity to elections.	Election Commission in case it acquires regulatory capability)	organizing elections, does not have, however, the legal mandate to manage the critical voter registration process, which falls under the responsibility of the government. The electoral law provides the first area of CNE responsibility is to supervise and verify voter registration, but does not sufficiently define this supervisory responsibility. (Final report, chapter VII, page 23)
11	ECOWAS Protocol on Democracy and Good Governance Article 4 (1) - ... establishment of a reliable registry of births and deaths.	A fresh national census would improve the quality of the civil registry and provide more reliable identification requirements for voter registration. Consideration could be given to creating a voter registry on the basis of the civil registry.	No change in legal framework required Implementation by National Statistics Institute	The vast majority of Guinean citizens do not hold an identity card or birth certificate. Registration of voters, mainly in rural areas, is generally only made possible with the use of witnesses. (Final report, chapter VII, page 22)
Section GENDER EQUALITY				
12	CEDAW Article 4, Principle of equality between men and women. African Charter Article 2(11) - promote gender balance and equality in the governance... Article 3(6) - promotion of gender equality in public... institutions. Article 8(2) ...adopt legislative and	To implement the Constitution provision of equal rights, it is advisable that national authorities adopt temporary special measures, aimed at accelerating and achieving de facto equality between men and women in elected office and public institutions including the National Election Commission.	Change in primary legislation required Implementation by Popular National Assembly	Despite international and regional commitments and national legislation in support of gender equality, women remain largely underrepresented in all levels of in public life, including elected institutions. (Final report, chapter XII, page 45)

Recommendations

No	Key international principle, International Obligations and Commitments	Recommendation	Change in legal framework Primary responsibility for implementation	Context (Reference to section in Final Report)
	administrative measures to guarantee the rights of women...			
13	African Charter Article 2(11) – promote gender balance and equality in the governance... Article 8(2) ...adopt legislative and administrative measure to guarantee the rights of women...	Implement gender quotas in order to promote gender equality within political party structures and their decision-making bodies. Such affirmative action measures could be a legal prerequisite to registration as a political party.	Change in primary legislation required Implementation by Popular National Assembly	In line with constitutional requirements, political parties reported to have adopted gender quotas for women in their internal statutes. However, women remain largely underrepresented within parties as quotas are not fully implemented. (Final report, chapter XII page 44)
Section CIVIL SOCIETY				
14	African Charter Article 22 - State parties shall create a conducive environment for independent and impartial national monitoring or observation mechanisms.	Consideration could be given to provide legal framework to civil society non-partisan groups to participate in election observation.	Change in primary legislation required Implementation by Popular National Assembly	Civil society groups have been actively monitoring elections for the past including the 2014 general elections but operate in a legal vacuum with no definition regarding responsibilities and scope of action. (Final report, chapter XI page 43)
Section MEDIA				
15	Universal Declaration of Human Rights Article 19 - The right of everyone to receive information. TV Law 3/2013 Article 13/1 – State-run TV funds are included in the	Allocate funding to public media (TGB, RDN and <i>Nô Pintcha</i>) as established in the new press laws. Public and private media could create new alternative sources of income.	No change in legal framework required Implementation by the government, media outlets and the international community	The new press laws 3/2013 and 4/2013 already include this provision (for TGB and RDN); it is now crucial to proceed with its implementation in order to cover payments of salaries and per diems, as well as to create the technical, logistical and financial conditions that allow the public media to fulfill the right of Guineans to be properly informed. The financial and logistical limitations faced by the Guinea Bissau media sector jeopardize their

Recommendations

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	<p>State Budget.</p> <p>Radio Law 4/2014 Article 12/1 - State-run Radio funds are included in the State Budget.</p>			<p>independence and neutrality. (Final report, chapter X, page 37)</p>
16	<p>African Charter Article 2/10- Promote the establishment of the necessary conditions to foster freedom of the press.</p>	<p>Allow paid political advertising in non-state media during the election campaign period.</p>	<p>Change in legal framework required - article 45, Law 10/2013 (Election Law) - article 6, Directive 1/2014</p>	<p>Political advertising has been published and broadcasted in several private media during previous electoral processes and the 2014 general elections representing an infringement to the law; some of these advertisements were disguised as information. To define by law a maximum quantity (minutes/hours) of paid advertising each political contestant is entitled to purchase and the amount of propaganda airtime media are allowed to broadcast daily; to clearly identify propaganda airtime and to regulate the media obligation to offer the same price to all contestants would guarantee equal conditions to all contestants. (Final report, chapter X, page 37)</p>
17	<p>The respect for the law/media independence.</p>	<p>Endow the National Social Communication Council (<i>Conselho Nacional de Comunicação Social</i> –CNCS) a pro-active role to supervise application of the media-related legislation, including the capacity to issue binding deliberations and the enforcement capability. Enforce the prohibition of government agents as members of the CNCS.</p>	<p>Change in legal framework required - article 6, Law 8/2013 (CNCS Law)</p> <p>Enforcement of legal framework: - article 11/2, Law 8/2013 (CNCS Law)</p>	<p>The CNCS has the responsibility to supervise the media independence; nonetheless, the CNCS Law does not provide effective tools to enable the CNCS to fully accomplish that task and to apply the legally established mechanisms that guarantee the independence of the CNCS. (Final report, chapter X, page 37)</p>

Recommendations

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Section DEMOCRATIZATION				
18	<p>ICCPR General Comment 25 – ...citizens...taking parties in popular assemblies which have the power to make decisions about local issues...</p> <p>African Charter Article 34 and article 3(7) – Effective participation of citizen in democratic and development processes and in governance of public affairs.</p> <p>ECOWAS Protocol on Democracy and Good Governance Article 1(d) - ... decentralization of power at all levels of governance.</p>	Organize local elections in conformity with the constitutional provision for local political power through existence of municipal authorities.	No change in legal framework required. Implementation by National Election Commission	Although established in the Constitution, local elections were never held. The implementation of the first local elections could be carried out with the financial and technical support of the international community. (Final report, chapter IV, page 16)

International and Regional Legal Instruments referred to:

African Charter – African Charter on Democracy, Elections and Governance (2007)

ECOWAS - Protocol on Democracy and Good Governance - Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (2001)

CEDAW – Convention on the Elimination of all Forms of Discrimination Against Women

ICCPR – International Covenant on Civil and Political Rights