



# **MOZAMBIQUE**

## **FINAL REPORT**

### **General Elections**

**15 October 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
AJM	Youth Association of Marracuene
AP	Provincial Assembly
AR	National Assembly
AU	African Union
CC	Constitutional Council
CCM	Christian Council of Mozambique
CDE	District election Commission
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CIP	Center for Public Integrity
CNE	National Election Commission
CPE	Provincial Election Commission
CO	Chief Observer
CPLP	Community of Portuguese Language Countries
CSCS	Superior Council of Social Communication
CSO	Civil Society Organization
CT	Core Team
DCO	Deputy Chief Observer
EISA	Electoral Institute for Sustainable Democracy in Africa
EMB	Electoral Management Body
EU EOM	European Union Election Observation Mission
ExM	Exploratory Mission
FRELIMO	Mozambican Liberation Front
GfK	Group for Knowledge
INE	National Institute of Statistics
LDH	Human Rights League
LTO	Long Term Observer
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of Racial Discrimination
MAV	Polling Station
MDM	Democratic Movement of Mozambique
NGO	Non-governmental Organization
OE	Electoral Observatory
ONP	National Organization of Teachers
PJ	Youth Parliament
PLASOC	Civil Society Platform
RENAMO	National Resistance of Mozambique (RENAMO)
STAE	Technical Secretariat for Election Administration
STO	Short Term Observer
UDHR	Universal Declaration on Human Rights

## I. SUMMARY

- The European Union (EU) deployed an Election Observation Mission (EOM), upon invitation from the Mozambican authorities, on 16 September 2014. In total, the EU EOM deployed 110 observers from 19 EU Member States, Canada, Norway and Switzerland, across the country to assess the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Mozambique.
- The EU EOM worked accordingly to the principles enshrined in the Declaration of Principles on International Election Observation, signed at the United Nations in October 2005.
- The general elections of 2014 showed several positive aspects: a new electoral legislation supported by the main political parties, a non-disputed voter register, a generally peaceful electoral campaign, despite some localized acts of violence and political intolerance, and an orderly election day.
- The new electoral legislation adopted in 2014 enhanced the inclusiveness of the electoral process by including representatives of the main political parties at all levels of the electoral administration, and improved the transparency of the process. Previous EU EOM recommendations, such as the new procedures for candidates' registration, were incorporated in the new legislation. However, probably due to the celerity of the legal revision, some inconsistencies remained regarding the protection of the secrecy of the vote, the role of the scrutinizers at the polling stations, the system of complaints and appeals and the presence of observers at all levels and stages of the process.
- The advantage of the ruling party over its adversaries through the use of material and human resources of the state resulted in an uneven playing field. In addition, the non-implementation, at the moment of the elections, of the disarming clause of the peace agreement between the National Resistance of Mozambique (RENAMO) and the government also bore an influence on the election campaign.
- A series of irregularities, attempts to manipulate and fabricate results and restrictions to the movements and access to information of observers and political parties' representatives, many of them publicly recognized by the National Election Commission (CNE), undermined the credibility of the tabulation process, mainly in four provinces.
- The European Union Election Observation Mission (EU EOM) considers that the tabulation process, with all the problems registered, and the unbalanced electoral campaign fall short to meet the commitments set by the Mozambican electoral legislation and the international conventions subscribed by the country.
- Following the elections, the party ruling the country since independence, the Mozambican Liberation Front (FRELIMO), will remain in power and in control of both national and provincial assemblies for another five years. Its presidential candidate obtained 57.03 percent of the votes. Both opposition parties, RENAMO and the Democratic Movement of Mozambique (MDM), rejected the results and filed formal complaints at district, provincial and national election commission's levels. The seven opposition parties' commissioners at the 17-member National Election Commission also formally rejected the results. In December, the Constitutional Council (CC) validated the 15 October 2014 elections.<sup>1</sup>

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<sup>1</sup> The Constitutional Council, however, recalculated the results after rejecting some corrections made by the CNE and found an extra 46,939 valid votes for the different presidential candidates. Also, the CC invalidated 41,150 votes

- It should be noted that results projections made by credible civil society organizations were compatible with official results.
- The National Election Commission (CNE) largely administered the election with professionalism and competence in accordance with the electoral calendar, and with a clear intent to correct mistakes made in the past. The CNE's impartiality was strengthened by the attempts to enhance the inclusiveness of the commission's work. Until and including election day the overall administration of the general election, with three simultaneous polls – presidential, legislative and for provincial assemblies– was assessed to be professional. However, the EU EOM observed a patent deterioration of the election process concerning the partial results tabulations phases at district and provincial levels.
- The CNE acted promptly on requests for clarification regarding observers' access to all stages of the electoral process. A directive (*instrução*) issued four days before the poll displayed CNE's commitment to openness in the conduct of the election. Not all provincial and district election commissions were aware of this directive and instances of non-compliance were observed specially during the stages of the results tabulation process.
- Facing logistical and geographical challenges, the Technical Secretariat for Election Administration (STAE) reacted to operational and logistics needs in an acceptable but sometimes slow manner throughout the process. Stakeholders reiterated doubts regarding STAE's capacity to run the general elections respecting principles of integrity and neutrality. Public distrust regarding STAE implementation remained, with its staff often being perceived as prone to interference and responsive to pressure from the ruling party.
- In the absence of prescriptive regulations, the electoral framework lacks precision, leaving room for interpretation. The CNE was, at times, unable to guarantee the integrity of the process for lacking effective control and leadership during the conduct of elections. Weak institutional knowledge and implementation capacity of lower levels of the election administration impacted negatively on the process, and were often noted instances of divergent degrees of compliance in implementing the legal framework and CNE directives.
- The CNE announced a total of 10,874,328 registered voters, or 89 percent of the estimated electorate, and around one million new voters compared to the general elections of 2009. A disaggregated voter registration data, as a break-down by gender or age groups, was not available, restricting the understanding of the composition of the electorate. Political parties and stakeholders did not formally challenge the voters' lists; however, on election day a number of inaccuracies in the voters' register were observed. A 10 day extension of the registration phase allowed for the RENAMO presidential candidate to register, easing political tensions and contributing to a peaceful election process.
- Political parties and stakeholders expressed satisfaction with the new partisan composition of the election management bodies which allowed parties to participate in the conduct of the election. However, RENAMO and MDM faced a high threshold to recruit representatives for the different levels of the election administration. Cases of repeated hostility and acts of intolerance towards duly accredited party representatives were reported from Gaza and Cabo Delgado provinces. The EU EOM considered that the opposition parties were unprepared and lacked organization and capable party structures to fully implement and benefit from this new arrangement.

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given to FRELIMO for the national assembly but the number of seats allocated to each party remained the same. At the provincial assembly level, however, the CC moved one seat from RENAMO to MDM although it was not clear at the writing of this report what province was affected by the change.

- The EU EOM observed an overall well organized election day. The voting was conducted in a calm atmosphere; however, some inconsistencies were noted in the implementation of procedures by the polling stations' staff. The EU EOM visited 614 polling stations during election day and 90 percent were assessed as good or very good in their overall conduct of the voting. Polling activities started generally on time with voters lining during early morning hours. The secrecy of the ballot was largely upheld and the presence of domestic observers and parties' representatives added transparency to the process. However, limits to the capacity of opposition parties to deploy delegates to the more than 17,000 polling stations and delays in submission and issuing of accreditations for their party agents and civil society organizations jeopardized their ability to observe the entire process in many polling stations.
- Closing of polling stations was quiet and proceeded orderly during the night in the 46 polling stations observed, where parties' agents and members of the polling staff signed or received copies of the results. Polling station results were also posted outside in most polling stations for public view. However, violent protests, demonstrations and acts of vandalism left several people injured and led to the destruction of electoral material in the provinces of Zambézia, Nampula, Sofala and Tete. Although restricted to specific districts in those regions where the opposition parties usually fare well, the protests generated fear and distrust in the population and hampered the efforts of the election officials to project at national level the peaceful and orderly activities of election day in other districts and provinces.
- The new legal system of complaints and appeals introduced the judicial control of the electoral process. However, its implementation was hampered by the lack of clear procedures to complain about tabulation irregularities and of their poor knowledge by judges, electoral managing bodies and political parties.
- Most complaints were rejected on account of procedural flaws. During the electoral campaign, the offenses were mostly related to the destruction of campaign material, and those detained were exclusively followers of opposition parties. EU EOM observers reported 30 official complaints about the polling, counting and tabulation, which related to ballot stuffing, coercion on voters, forgery of polling records and the intentional disappearance of polling records. When the final provisional results were announced, the CNE was still investigating the irregularities reported by the media and the observer missions. RENAMO lodged an official complaint about the final provisional results which was solved by the Constitutional Council.<sup>2</sup> MDM submitted a formal complaint to the Constitutional Council requesting the annulment of the elections in the provinces of Maputo, Gaza and Sofala, and Maputo city.
- Mozambique is party to several United Nations conventions on human rights. EU EOM observers reported several cases of allegedly illegal detention of opposition supporters accused of electoral offenses by the police. The opposition parties claimed that the police and the public prosecutors acted in a biased way. The main human rights NGOs publicly condemned the indifference of the police and the electoral authorities.

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<sup>2</sup> RENAMO's and MDM's complaints were rejected by the Constitutional Council on 4 December 2014 on grounds that most of the allegedly events occurred during the voting process and that there were no records of complaints made at the polling stations. The CC stressed in its ruling the basic principle of "prior impugnation" in the Mozambican law which states that complaints must first be lodged where the alleged irregularity took place.

- Despite a non-discriminatory legislation and a rather high presence of women in relevant political institutions, the political participation of Mozambican women is hampered by discriminatory stereotypes and cultural practices and traditions of a patriarchal nature. There were no official statistics on women participation in the electoral process and gender issues were not debated during the campaign. The final provisional results maintained the previous percentage of around 40 percent of women as members of the National Assembly.

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

- The electoral legislation should be amended to provide a complete and clear system of complaints and appeals, including the mandate and procedures of the Constitutional Council during the validation process to strengthen legal certainty of the complaints and appeals process..
- Reinforce the internal operational and logistics capacity of the CNE and STAE through stronger coordination and communication mechanisms between the central and lower levels of EMB, to attest and guarantee full compliance in the implementation of legal framework, directives and instructions by provincial district structures.
- Consider the reinforcement of STAE's training department capacity; improve the overall quality of training offered to permanent and *ad hoc* (i.e. partisan representatives) election officials throughout the electoral cycle.
- Improvement of communication and coordination mechanisms between CNE/STAE with political parties and civil society organizations to allow for a timely accreditation of party representatives and national observers.
- Development of an adequate and permanent mechanism to maintain and update the voters register; resort to the civil register and the courts to allow the voter register to be purged from deceased and ineligible voters. Allow for timely transfer of voters so that these are included in the main voters' list at polling stations. Consideration could be given to the publication of disaggregated voter registration information regarding gender and age groups.
- The Press Law should include regulatory provisions for broadcasters under a three-tier broadcasting system (public, commercial and community).
- Include legal deadlines both for the presentation of violations of press-related legislation to the *Conselho Superior de Comunicação Social* (CSCS) and for the CSCS to respond to these complaints. Electoral related violations should have a shorter legal deadline.
- To guarantee a fair implementation of the electoral legislation by political parties it is advisable to improve their capacities at all levels by offering them access to training on the electoral legal framework, and specifically on the system of complaints and appeals.
- Publish results per polling station in each tabulation level, district and provincial. The final official results should also include a detailed breakdown of results per polling station.

## II. MISSION BACKGROUND

The European Election Observation Mission (EU EOM) to Mozambique arrived in the country on 16 September 2014 and during 50 days observed the ongoing activities of the electoral process leading to the presidential and legislative elections on 15 October 2014. The presidential election was held in one round after the candidate of the ruling party, the Mozambican Liberation Front (FRELIMO), obtained an absolute majority of votes. The Mission observed 27 of the 43-day electoral campaign, election day, counting and tabulation; it was not present at the registration of voters and candidates and swearing-in of the elected officials.

Mozambique has 13 constituencies (*círculos eleitorais*) composed by its 10 provinces, the capital city of Maputo and the diaspora in Africa and Rest of the World, and voters elected their representatives for the national and provincial legislatures and presidency through closed multi-member lists and three different ballots, two showing up to 30 political parties (not all parties ran in all provinces) and one with the three presidential candidates. Voters in Maputo and in the diaspora elected the president and members of the national assembly only. The estimated 25 million inhabitants live mostly in the central provinces generally in poor conditions, with lack of basic infrastructure, especially in the rural zones. The capital, Maputo, is connected by paved roads and reliable communications to the main cities in the central and northern regions. The main cities are connected by air services offered by the national airline LAM (*Linhas Aéreas de Moçambique*), which is banned by the European Union. Safety in terms of accidents and health hazards, and not security, were the main concern.

All these factors, added to the more than 17,000 polling stations established by the National Election Commission (CNE), through its Technical Secretariat for Election Administration (STAE), to attend 10,874,328 voters (9,871,949 in 2009), 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)<sup>3</sup> developed and implemented the deployment of 20 Long Term Observers (LTOS) and 20 Short Term Observers (STOs). A group of 62 locally-recruited observers from 13 member states and Canada, Norway and Switzerland joined the Mission on election day.

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 signed in 2005 by several international organizations at the United Nations. The EU EOM in Mozambique applied the same methodology used by the European Union in other observation missions and covered all constituencies except the diaspora. This was the fifth general elections in Mozambique observed by the European Union.

The Mission activities were regulated by an agreement signed by the European Union delegation with the government of Mozambique and the National Election Commission after a formal

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<sup>3</sup> Chief of Mission, Judith Sargentini (Netherlands); Deputy Chief Observer, Tony Reis (Portugal); Legal/Human Rights/Gender Analyst, Eduardo Trillo (Spain); Election Analyst, Margarida Alves (Portugal); Observers Coordinator, Gert-Michael Binder (Austria); Media Analyst/ Press and Public Outreach Officer, Silvia Norte (Portugal); and Data Analyst, Constantin Marza (Romania).



invitation addressed to the European Union on 14 April 2014. The agreements defined the context in which the Mission would operate and made reference to the statements to be made by the Mission on the organization, preparation and implementation of the general elections. The agreements also clearly established the freedom of movement of the observers and access to the electoral management bodies and other stakeholders. The Mission provided to the CNE, as required by the agreements, lists of its LTOs and STOs as well as their deployment locations.

### III. POLITICAL ENVIRONMENT

#### *a. The 2014 Elections*

For the fifth time since the establishment of a multi-party political system in the country, Mozambicans went to the polls to elect a new president among three candidates –Filipe Nyusi, representing FRELIMO; Afonso Dhlakama, leader of the National Resistance of Mozambique (RENAMO), and Daviz Simango, of the Democratic Movement of Mozambique (MDM). FRELIMO's win of the four past general elections showed an increase in its support from 53.3 percent of the votes in 1994 to 75 percent in 2009, but fell to 57.03 percent in 2014. RENAMO, though, which has been showing a descending trending since 1999, when it received 47.7 percent and down to 16.4 percent in 2009, recovered and obtained 36.61 percent of the votes with his presidential candidate winning in five of the eleven provinces (excluding the diaspora); such poor performance in the past was possibly due to a period of disbelief in the party and high abstention, and the rising of a third opposition force, MDM, which attracted in its first appearance 8.6 percent of the electorate but now went down to 6.36 percent. RENAMO's recovery may have been the result of an intense electoral campaign made by its charismatic leader who weeks before had signed a second Peace and Reconciliation Agreement with the government<sup>4</sup>.

The peace agreement brought indeed a peaceful environment not only for the region of Gorongosa, in Sofala province, from where RENAMO leaders directed their armed activities, but for the entire country and to the electoral process. And also brought back again to political life RENAMO's leader, Afonso Dhlakama, after boycotting the past municipal elections. RENAMO's return to the electoral process meant important changes to the electoral legislation that politicized the entire electoral structure. Representatives of the three parties with seats in the National Assembly (FRELIMO, RENAMO and MDM) were now members of the CNE, STAE and their representations at provincial and district level. The polling staff in the general elections also had representatives of the three parties among its members. This inclusiveness in the electoral process allowed for more transparency in the decisions and deliberations of the election management bodies but was not enough, however, to dispel the distrust in an electoral history always perceived as fraudulent.

The reflections of this distrust were seen in the failure to motivate the electorate to increase the participation rate, which hovered over the past election percentage at 48.64 percent. The enthusiastic turnout of the first election (87.87 percent) was replaced in the last few years by indifference and apathy; more than half of the registered voters (55.27 percent) ignored the 2009

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<sup>4</sup> The Peace and Reconciliation agreement was signed on 5 September 2014 and included an amnesty law, a cease-fire and reintegration of RENAMO armed men into the armed forces and police. The demobilization and disarmament process was still underway at the writing of this report and some political analysts are skeptical about RENAMO's will to disarm after its electoral performance.

and 2014 elections. After a peaceful and organized start, the electoral campaign went through days of increasing violence and political intolerance before calming down and giving way to an orderly election day. The counting and tabulation processes, however, were a reminiscence of past Mozambican electoral events with opposition candidates denouncing irregularities and perceived fraudulent acts mainly in four provinces considered strongholds of the opposition (Tete, Nampula, Zambézia and Sofala).

The RENAMO leader assured that, even though he did not accept the results, his party would look for negotiations with the government and future action would be taken by peaceful and legal means. The EU EOM observers in those areas had to extend their stay to follow the slow and delayed tabulation and reported several irregularities and suspicious acts which tainted the credibility and reliability of the process in those provinces (*see* section Tabulation). However, the parallel vote tabulation carried out by a civil society organization, considered serious and authentic by local electoral analysts, showed results compatible with the official provisional results announced by the CNE.

Analysts were right when predicting that 2014 would change the overall tendencies: FRELIMO would not sustain the same high levels of support, RENAMO would make a comeback and MDM could broaden its support base if not in the presidential run at least in the National Assembly. And that's what happened.

Presidential Elections				
1994	1999	2004	2009	2014
Joaquim Chissano	Joaquim Chissano	Armando Guebuza	Armando Guebuza	Filipe Nyusi
53.3 %	52.3 %	63.74 %	75 %	57.03 %
2,633,740	2,339,848	2,004,226	2,974,627	2,778,497
Afonso Dhlakama	Afonso Dhlakama	Afonso Dhlakama	Afonso Dhlakama	Afonso Dhlakama
33.73 %	47.7 %	31.74 %	16.4 %	36.61 %
1,666,965	2,134,255	998,059	650,679	1,783,382
			Daviz Simango	Daviz Simango
Source: EISA/CNE			8.6 %	6.36 %
			340,579	309,925

Mozambicans also renewed the 250 seats of the National Assembly where FRELIMO has had total control and a current qualified majority of 191 seats but saw its representation falling to 144 seats despite still controlling the legislature. RENAMO, now 89 seats (51 in 2009) and MDM adding nine seats to its current eight, enlarged their representations, one of the reasons being the concentration of efforts and priority FRELIMO seemed to have given to the presidential run. Furthermore, voters elected the 811 members of 10 Provincial Assemblies. FRELIMO maintained the control of all assemblies after obtaining 485 of the 811 seats (RENAMO 295 and MDM 31).

*b. Electoral History*

The Mozambican Liberation Front fought a liberation war during 10 years (1964-1974) and after Portugal recognized the independence of Mozambique in 1975, FRELIMO installed itself as the sole legal political party in a Marxist-style state and, since then, has been running the country. However, a 16-year civil war (1977-1992) ensued setting the then Soviet Union-allied FRELIMO against RENAMO, backed at the time by the white-minority governments of Rhodesia (Zimbabwe) and South Africa. The war resulted in hundreds of thousands of deaths and displaced people. The FRELIMO leader, military commander and eventual president of Mozambique, Samora Machel, who led the country since independence, died in a suspicious plane crash in 1986 and was replaced by Joaquim Chissano, a reform-minded and moderate within the party. A peace accord was signed in 1992 after the enactment of a new Constitution establishing a market-based economy and a multi-party political system. The first democratic elections were held in 1994 re-electing president Chissano and securing a majority of seats for FRELIMO in the national assembly. The only opposition party, RENAMO, accepted the outcome after transforming itself in a political movement. Despite RENAMO's accusations of fraud, and even threats at a certain point to form its own government in the six northern and central provinces under its control, FRELIMO and Chissano won again the elections in 1999. In 2004, after Chissano's insistence on a two-term mandate, Armando Guebuza won the presidential election and carried on FRELIMO's presence in power until now. The opposition, reinforced in 2009 by a third force, the Democratic Movement of Mozambique (MDM), never fully accepted the results of the elections, deemed credible by the international community, denouncing irregularities and fraudulent acts during the tabulation process.

*c. Key Actors*

FRELIMO and RENAMO are undoubtedly the main political actors in Mozambique with MDM joining as the third force in the 2009 general elections. RENAMO's Afonso Dhlakama has been a presidential candidate since the first multi-party elections in 1994. Political analysts also observed that the 2014 elections were the first with three presidential candidates from the central and northern regions. Filipe Nyusi was for the first time a presidential candidate and, according to political sources, a close ally of two-term president Armando Guebuza. Who managed to beat off a challenge from a rival group supporting former Prime Minister Luisa Diogo. Daviz Simango became popular as three-term mayor of the city of Beira, in the central province of Sofala, and was a presidential candidate for the second time:

- Afonso Dhlakama, 61, a native of the central province of Sofala, joined RENAMO in 1977. In 1979, he became leader of RENAMO after its head, Andre Matsangaissa, was killed by government forces. He was both chief of RENAMO's forces and head of the 12-member executive council and governing body. In 1992, he signed, in Rome, the Peace Agreement with the government, and RENAMO became a legal political party.
- Daviz Simango, 50, a civil engineer and founder of MDM, was three times mayor of the second largest city of the country, Beira; the first term as a RENAMO member, the second as independent/MDM and the third as MDM leader. He is son of Uria Simango, a co-founder and vice-president of FRELIMO (1962-1969). He was born in then Tanganyika, where FRELIMO was headquartered, but lived most of his life in Sofala province.

- Filipe Nyusi, 55, a mechanical engineer named, in 2008, Defense Minister in the government of Armando Guebuza and, ironically, fought Dhlakama during the conflicts of 2013/2014 in Gorongosa. Born in the northern province of Cabo Delgado, he joined FRELIMO in 1973, at the age of 14, and spent most of his professional career working for the National Railways Company in different capacities, from technical positions to member of the board of directors.<sup>5</sup>

#### IV. LEGAL AND ELECTORAL FRAMEWORK

##### *a. Legal Framework*

Mozambique is party to the main human rights conventions. Civil and political rights related to the electoral process are enshrined in its political Constitution and legal framework such as the right to free suffrage and the integral role that transparent and open elections play in ensuring the fundamental right to participatory government.

According to article 18 of the Constitution, international conventions legally approved and ratified by the competent organs of Mozambique are part of its legal framework after having been officially published, and they are internationally binding for the state of Mozambique. Internally, international norms have the same consideration as laws. Mozambique signed and ratified most United Nations Human Rights treaties as well as regional human rights conventions and declarations having implications for the electoral process, namely: the International Covenant on Civil and Political Rights (CCPR, 1993), which contains article 25, which enshrines most important standards on free and fair democracy; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1997), the African Charter on Human and Peoples Rights (1990); the Protocol on the Rights of Women in Africa (2003) and the African Union Declaration on the Principles Governing Democratic Elections in Africa.

Regarding regional instruments that deal specifically with elections, within the African Union, Mozambique has signed but not yet ratified the African Charter on Democracy, Elections and Governance. As a member of the Southern African Development Community (SADC), the country is committed to the SADC Principles and Guidelines Governing Democratic Elections. Besides the AU and SADC, Mozambique is a member of the Commonwealth of Nations, the Community of Portuguese Language Countries (CPLP), the Latin Union, the Organization of Islamic Cooperation and an observer at La Francophonie.

The 2014 electoral law is generally in accordance with international and regional standards on democracy and human rights. The Constitution recognizes the political rights of Mozambicans: freedom of assembly, expression, press, political association, and the right to secret and universal suffrage. As part of the agreement between FRELIMO and RENAMO, the electoral legal framework of Mozambique was amended in 2014 addressing many of the concerns expressed by the international community. The new articles reflect some recommendations made by the EU EOM in 2009, such as the legal procedures for candidates' registration, guarantees for the presence of party agents during the tabulation process and the disclosure of numbers of voters per polling station. The main feature of the new legislation was the inclusion of representatives

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<sup>5</sup> Source: Political Context, Mozambique Elections 2014, Miguel de Brito, 2014 EISA.

of the three main political parties in the electoral administration in order to enhance trust in the electoral process.

The main pieces of legislation governing the 2014 electoral process were: the Law 8/2013 on Presidential and National Assembly Elections and the Law 4/2013 on Election of Members of Provincial Assembly, as amended in 2014, the Law 6/2013 on CNE/STAE, as amended in 2014, and the Law 5/2013 on Voters' Registration, as amended in 2014. Nevertheless, due to the celerity of the process to pass the new legislation, some discrepancies and inconsistencies remained between certain articles, which would require a deep harmonization. The secrecy of vote, for example, could be affected by the public announcement of the ballot number during the counting at the polling station (article 90.1 a). Article 42 of the electoral law does not specify the scope of the general prohibition to use administrative resources and civil servants for campaigning purposes, which may be interpreted in a restrictive manner as to permit certain misuse of administrative human resources and others for the electoral campaign.

The polling station staff structure has among its members the first, second and third scrutinizers as representatives of the political parties, but the new law do not protect their rights adequately. The electoral manual for the 2014 elections, in accordance with a CNE resolution of 15 August 2014, recognized the right of all three scrutinizers to have a copy of the polling records; however, the violation of such right by the polling station president is not punished in the law, which may lead to breaches. Moreover, the electoral manual assigned a more important electoral function to the first scrutinizer since s/he is in charge of the voters' list during the voting and certifies the qualification of ballots made by the polling station president. The fact that, according to EU EOM observers, the position of first scrutinizer in all provinces was in general given by STAE to the person proposed by FRELIMO might have given an undue advantage to the ruling party.

Regarding the system of complaints and appeals, and despite the recent amendments, the electoral law contains several flaws: there is no reference to procedures and delays when complaining about irregularities during the provincial tabulation (article 192); no reference is made to the procedures and delays to complaints about irregularities not related to the tabulation process involving CDEs and CPEs (articles 192 and 195); there are no legal deadlines for the Constitutional Council to decide on the validation of the final results of the elections (article 154) and there is no reference to the landmark "power of cognition" created by the Constitutional Council jurisprudence in 2009.

The "power of cognition" means that, after resolving all the pending electoral complaints and appeals submitted by candidates and political parties, it has the competence "ex officio" to analyze all information provided by the media, the political parties and candidates, and the international and domestic observers and use such information to decide on the validation of the official provisional results presented by the CNE. This situation led the Supreme Court to issue a special directive to courts about how to apply the law two weeks only before the end of the electoral campaign. The inconsistency between articles regulating the presence of observers during the tabulation process at its different levels required the CNE to public clarify the issue, a couple of days before voting, to guarantee such access. Just three weeks before the polling, the electoral law was amended to introduce some changes in the internal organization of the CNE,

eliminating the consensus on its decision-making process and the right of the STAE deputy director to participate in the CNE plenary sessions.

*b. Electoral Framework*

Mozambique introduced in 1992 a presidential, multi-party system to replace the one-party system prevailing since independence from Portugal. The president is the chief of state and government and supreme commander of the armed forces. The president appoints the government, the presidents of the Constitutional Council and the Supreme Court, the General Attorney and other members of the executive. The president has a temporary veto on laws passed by the national assembly and the program of the government must be supported by the legislative, otherwise the president must either appoint a new government or dissolve the assembly. The Constitution establishes a decentralized system of government in which executive and representative structures exist at sub-national levels. At provincial level, governors are appointed by the president, while provincial assemblies are elected. All districts have elected governance structures. The Constitution provides for the possibility to establish municipalities and their number have steadily increased from 33 in 1998 to 43 in 2008, and finally to 53 in 2013.

All Mozambican citizens, who are 18 years old are eligible to vote. It is compulsory to be registered in the voter register and have a voter card to be able to vote. The president is elected by absolute majority of the votes in a single nation-wide constituency. S/he can only be reelected once. In case of two consecutive mandates, s/he can only present his/her candidacy for the presidency five years after his/her second mandate. In case none of the candidates obtain an absolute majority, a second round shall take place within 30 days after the validation of the first round results. The national assembly is formed by representatives elected for a mandate of five years by applying a proportional system (d'Hondt) through universal and direct suffrage. Its 250 members represent the 11 constituencies, or 10 provinces and the city of Maputo, and the diaspora, one for Africa and one for Rest of the World. For the election of the members of the provincial assemblies, the country is divided in 143 districts where voters elect a total of 811 representatives for a five year mandate. Besides the election managing bodies there are other institutions involved in the electoral process: the president, who sets the date for the elections, the district courts, which decide on the electoral complaints at first instance, and the Constitutional Council, which is the last instance for all electoral appeals and validates the final electoral results.

The law establishes that the elections must be announced at least 18 months before their holding and on a day during the first fifteen days of October. The date of the voting is decided by the president following a proposal by the National Electoral Commission. For the 2014 general elections, which included presidential, legislative and provincial, the date was 15 October. It was the second time that CNE and STAE organized three elections at the same time on a single day. The logistical challenges of such a task came together with the implementation a new electoral legal framework.

## V. ELECTORAL ADMINISTRATION

### *a. Election Administration*

Two main election management bodies, assisted by the Constitutional Council (CC), are in charge of the conduct of the elections. The National Elections Commission (*Comissão Nacional de Eleições* CNE), an independent body with a six year mandate, holds the overall supervisory responsibility for the conduct of the voters' registration and the electoral process, while the Technical Secretariat for Election Administration (*Secretariado Técnico de Administração Eleitoral* STAE), created under the state administration, is responsible for the technical and administrative implementation of the elections. Elections for the diaspora are conducted by STAE at embassies and consulates.

The 2014 amendments to the electoral law increased<sup>6</sup> the CNE executive body composition to 17 members: a president, two vice-presidents, five FRELIMO representatives, four from RENAMO, one from MDM and three representatives from the CSO's. The government indicates one member who can partake in the plenary sessions, yet without voting rights. The CNE president, proposed by civil society organizations, is elected by the CNE members and sworn-in by the president of the republic. The two parties with highest number of seats in the National Assembly (i.e. FRELIMO and RENAMO) indicate the vice-presidents. The CNE meets in plenary sessions with at least one third of its members, and deliberations are taken by consensus in the presence of more than half of its members. If no consensus is reached, deliberations are taken by a majority vote. A secretariat provides technical support to the commission.

The amendments to the electoral law, a result of a political agreement between RENAMO and the FRELIMO government after 18 months of political and security instability, intended to introduce confidence-building measures to the conduct of the general elections by offering access of opposition representatives to all stages of the process. The amendment introduced partisan membership to the national, provincial, district election management structures and down to the polling station level. This meant the appointment, integration and training of over 54,000 additional staff for the 2014 general elections.

The CNE is represented by non-permanent provincial and district offices throughout the country; provincial commissions (*Comissão Provincial de Eleições* or CPEs) were set up in all 10 provinces, and district or city commissions (*Comissão Distrital de Eleições* or CDE, ou *de cidade* CDC) in the 143 districts. CPEs are established within sixty days after the official announcement of the election date<sup>7</sup>, and close sixty days after the submission of a final report to the CNE and following the CNE's announcement of the official provisional results. Similar rules apply for the district commissions with a corresponding calendar of thirty days. These commissions, previously with 11 members, are now composed by 15 members, headed by a president and two vice-presidents, and include three FRELIMO representatives, two from RENAMO, one from MDM, one member designated by the government and nine representatives from civil society organizations. The president is chosen by consensus among the members proposed by the civil society organizations.

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<sup>6</sup> The Law 6/2013 of 22 February stipulated 13 CNE members including five representatives from FRELIMO, two from RENAMO and one from MDM, three from civil society organizations (CSOs) and two members from the judiciary.

<sup>7</sup> CNE deliberation 14/CNE/2013 proposed the date of 15 October 2014.

The Technical Secretariat for Election Administration, under the supervision of the CNE<sup>8</sup>, is a public service responsible for the implementation of all technical and administrative aspects of the election process. Its main organic structure was not altered by the 2014 amendments to the electoral framework. A general director, based at the central STAE, is assisted by three departmental directors in charge, respectively, of organization and electoral operations, training and civic education, and administration and finance, besides a legal and a communications unit. The general director is recruited by the CNE through a public tender and nominated by its president.

Amendments to the law introduced changes to its central administrative structure which now has 26 members from the three main political during the election period<sup>9</sup>. These are two deputy positions to the general director designated by FRELIMO and RENAMO, six assistant departmental directors and another 18 technical staff appointed by the three political parties with seats in the National Assembly<sup>10</sup>. The general director takes part in the CNE plenary sessions though without the right to vote. STAE is represented at provincial, district and polling station level. During the election period, 14 additional staff are added to the commissions: two deputy directors, six department deputies, and a further six technical staff.<sup>11</sup> Approximately 17,000 polling stations were operational for election day, located mostly at schools and in the same centers where voter registration took place. The polling stations were staffed by seven members, four recruited by STAE through a public tender and the remaining three designated by the political parties with seats in the National Assembly.

The Constitutional Council, a jurisdictional constitutional body composed of seven judges<sup>12</sup> with a five-year mandate, is, *inter alia*, responsible for the review and acceptance of presidential candidatures, for deciding on the legality of the establishment of political parties and coalitions, their symbols and designations, and further decides on electoral appeals and validates and announces final election results.

#### *b. The Administration of Elections*

The CNE expressed a clear intent to improve on mistakes made in the past and showed confidence in carrying out the 2014 general elections. Although facing logistical geographical challenges, operational and logistic activities were mainly on schedule according to the published timeline and the electoral authorities were able to administer an election day that largely guaranteed universal and free suffrage to the electorate. The CNE's impartiality was strengthened by attempts to enhance transparency through the inclusiveness of the commission's structure and work. The CNE acted promptly on requests for clarification regarding observers'

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<sup>8</sup> The Technical Secretariat for Electoral Administration works under the direct supervision of the CNE, and its general director closely coordinates all electoral issues with the CNE President. Article 49, Law 6/CNE/2013 of 22 February, as amended.

<sup>9</sup> The electoral period is designated by law as starting from the day the election date is announced until the announcement of the official election results by the Constitutional Council, article 51, 2, *idem*.

<sup>10</sup> The six departmental directors include three from FRELIMO, two from RENAMO, and one from the MDM party, article 51, *idem*.

<sup>11</sup> Political parties elected to the national assembly indicate: three FRELIMO representatives, two RENAMO and one MDM representative, Chapter VII, Law 6/CNE/2013 as amended.

<sup>12</sup> The Constitutional Council is composed of seven judges. The president of the republic nominates one judge, five judges are designated by the National Assembly in representative proportion to the elected political parties, and one judge is designated by the Superior Council of the Judicial Magistrature, article 242, of the Constitution.



access to all stages of the electoral process. A directive (*instrução*) issued four days before the poll displayed CNE's commitment to openness in the conduct of the election. However, public distrust and suspicion regarding STAE performance remained, with its staff still perceived as prone to interference and pressure from the ruling party.

Cooperation between the two election management bodies was, at times, deficient with the CNE unable to effectively exercise hierarchical control and leadership to guarantee the implementation of the law. EU EOM observers reported weak institutional knowledge and implementation capacity of lower levels of the election administration. Instances of divergent degrees of compliance in implementing the legal framework and CNE directives were often the case as well as a lack of an efficient public communication strategy on relevant stages of the electoral process. The dissemination of public information, the prompt publication of all deliberations, instructions and internal procedures, including CNE procurement procedures could have strengthened the credibility of the process. Also, the poor levels of accountability regarding the electoral management performance further added to citizen's distrust and indifference regarding the process.

The EU EOM considers that the Mozambican political context and civil society are still fragile and that it will be difficult to achieve a non-partisan independent election management body in the near future as recommended by past EU election observation missions. Consideration could be given to maintain the current CNE and STAE structure, with partisan representatives at national, provincial, district and polling station levels thus introducing confidence-building measures for the next general elections.

In practice, the division of labor between the CNE and STAE was ambiguous. In some districts STAE took over most electoral aspects, even acting as supervisors of CNE while in other places CNE had to step in and take charge of operations and logistics management.<sup>13</sup> The central electoral administration offices are permanent structures, but provincial and district commissions operate on a temporary basis and generally in need of sound basic infrastructure. The presence of civil society organizations, through nine representatives at provincial and district commissions, ought to allow for an improved independence of the election process. However, the appointment of their members lacked transparency and, at the end, many were appointed by political parties.

Amendments to the electoral law introduced the requirement to integrate partisan technical staff at CNE and STAE at national, provincial and district levels.<sup>14</sup> Political party's participation within the electoral management structures was considered necessary to introduce a degree of transparency and shared accountability in the conduct of the elections. However, the opposition parties were unable to fully benefit from the amendments to the law after clearly showing unpreparedness and lack of organization to fulfill their part in the electoral process.

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<sup>13</sup> This was observed in Monapo district and Nampula City.

<sup>14</sup> Central STAE, provincial and district offices received approximately 2,180 partisan staff, and the CNE 928. EU EOM observers in Nampula province reported that in the opposition stronghold of Angoche, a RENAMO delegate vice-director said to have no insights regarding important aspects of his work and documents. In the absence of the CDE president and STAE directors, staff had no access to public data and in most cases was not authorized to provide information to observers or citizens.

*c. Polling Stations and Ballots*

The CNE set up logistical arrangements for a total of more than 17,000 polling stations throughout the country, and 191 in the diaspora. Generally located at schools, locations previously used as voter registration centers, these buildings often lacked basic infrastructure such as electricity and adequate space for a good flow of voters and counting. The number of voters per polling station was decreased from 1,000, in 2009, to a maximum of 800 voters ending up in a national average of 640 registered voters per polling station. The CNE is not legally bind to publicly release the voters' and polling stations lists to stakeholders other than candidates' and parties' representatives (*mandatários de candidaturas*), who receive them up to 45 days before election day in electronic format. The stakeholder's unrestricted access to this basic election data could have contributed to strengthen the integrity of the election process. The national newspaper *Notícias* published the full polling station list on 19 September, yet without the voters' registration information.

Ballots for the three elections were printed in South Africa. For the purpose of distribution, election kits containing ballots and protocols were packaged abroad and delivered to provincial commissions. It was unclear how many ballots were allocated to each station, though STAE stated that 800 plus an additional five per cent of ballots would be distributed for the presidential vote. National and provincial assembly ballots would not include a surplus. Non-sensitive election materials such as voting booths, ballot boxes and battery-operated lights were delivered early on allowing for a timely distribution to provinces and districts.<sup>15</sup>

*d. Training of Polling Staff*

The training of approximately 130,000 polling staff was initially considered by the EU EOM to be of good quality in all provinces, yet an assessment of the implementation on election day and counting indicated a generally poor understanding of the regulations and procedures by the polling staff. A polling station manual with detailed duties and responsibilities was used during training sessions. However, the procedures described in the manual lacked essential and specific instructions regarding an efficient organization of counting, on how to overcome mathematical discrepancies and counting incongruence, and on the preparation for the delivery of results forms and their reception at district level. A number of CNE deliberations were published in the weeks prior to the poll. It is unclear whether these procedures and clarifications reached the provincial and district commissions and if and how they were disseminated and implemented.

It was difficult to measure the capacity of RENAMO and MDM in the process of identification and naming of sufficient members to participate in the mandatory training of polling staff. The apparent general unpreparedness of opposition participants when compared to FRELIMO nominated staff certainly caused apprehension in the efforts to reach a more inclusive electoral process. EU EOM observers reported cases of hostility and intolerance towards the presence of these partisan members at polling stations in Gaza and Cabo Delgado provinces. In 2009, the EU

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<sup>15</sup> An incident occurred during the transportation of provincial assembly ballots to the region of Zambézia on the night of 1 October. The CNE informed that 26 election kits containing 22,000 ballots were stolen from a truck during an overnight stay in the vicinity of Inchope, Manica province. Ballots belonged to Namacurra district. The stolen ballots were found and later destroyed by the CNE. Replacement ballots were printed in South Africa and delivered in time. Ballots include a polling station specific serial number, a security element that the CNE introduced in hope to prevent any misuse of ballots during election day. The CNE informed the public prosecutors office about the incident. CNE deliberation 79/CNE/2014, 6 October 2014.

EOM recommended the establishment of effective channels of communication between the CNE and political parties. Efforts were made to set up provincial conflict prevention panels; however these lacked clear CNE priority implementing instructions. Organizational delays persisted throughout the elections in their effective set up and functioning.<sup>16</sup> Political tolerance between the main two parties is still lacking as evidenced during the campaign period. Codes of Conduct for security forces and political parties were issued by CNE and made available to stakeholders.<sup>17</sup>

*e. Accreditations*

Delays in the submission of requests and in the issuance of CNE accreditations to national observers and candidates and parties' agents<sup>18</sup> limited their capacity to organize a timely deployment before election day and in some cases to observe the entire voting process. This was the case of 400 observers of the *Observatório Eleitoral* (OE) who received late their accreditations in Nampula province.<sup>19</sup> Accreditations have to be issued up to three days before election day, and the CNE showed willingness to accept nominations of party agents even after the formal deadline. However, it was clear that the electoral authorities lacked logistical and administrative capacity to respond to credential requests in a timely manner. Political party agents were specially affected by this delay. Each party could designate two agents per polling station.<sup>20</sup>

The CNE accredited a total of 103,359 party agents to scrutinise the election process at the polling stations. The largest number was registered in the provinces of Nampula (30,710), Zambézia (14,992) and Cabo Delgado (10,743). In Gaza province, which registered cases of political intolerance, a total of 2,072 agents were accredited: FRELIMO 1,606, RENAMO 352 and MDM 114. Nationwide, FRELIMO was able to deploy 37,032 candidate and party agents. RENAMO managed to deploy 26,761, and MDM 24,892. Parties such as the Humanitarian Party of Mozambique (PAHUMO) and National Movement for Recovery of the Mozambican Unity (MONARUMO) deployed 6,979 and 7,262 agents. The CNE accredited 9,411 domestic observers and 1,795 journalists, besides 526 international observers, and 85 foreign journalists.

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<sup>16</sup> Conflict prevention panels bring together representatives of political parties, police, civil society organizations, religious leader and electoral administration.

<sup>17</sup> A total of 500 copies of each Code were printed with financial support from UNDP.

<sup>18</sup> In Nampula province, the CPE informed that the political parties submitted incomplete lists. Also a motive of concern was the untimely issuance of accreditations by the CPE to civil society organizations such as the Youth Parliament (*Parlamento Juvenil* - PJ), which ran a parallel vote tabulation (PVT), and the Centre for Public Integrity (*Centro de Integridade Pública* - CIP), publisher of an electoral bulletin.

<sup>19</sup> Observation Bulletin, 15 October 2014, issued by *Observatório Eleitoral*. Requests for domestic observers were submitted to the CNE in Maputo or to provincial commissions, depending on the geographical scope of the observation.

<sup>20</sup> One agent and one substitute.

**POLITICAL PARTY AGENTS**

PROVINCE	FRELIMO	RENAMO	MDM	PAHUMO	MONARUMO	OTHER PARTIES	TOTAL
Niassa	2,154	2,099	2,000	-	559	-	6,812
Cabo Delgado	4,351	2,774	2,297	777	544	-	10,743
Nampula	6,142	6,142	6,142	6,142	6,142	-	30,710
Zambézia	5,839	4,646	4,402	60	-	45	14,992
Tete	3,584	2,708	1,861	-	-	-	8,153
Manica	2,208	2,208	1,468	-	-	-	5,884
Sofala	2,534	2,354	2,414	-	-	-	7,302
Inhambane	2,121	920	930	-	-	-	3,954
Gaza	1,606	352	114	-	-	-	2,072
Maputo Province	4,169	1,820	2182	-	-	388	8,559
Maputo City	2,324	738	1,099	-	-	-	4,178
<b>Total</b>	<b>37,032</b>	<b>26,761</b>	<b>24,892</b>	<b>6,979</b>	<b>7,262</b>	<b>433</b>	<b>103,359</b>

Source: National election Commission (CNE)

By law, party agents can submit complaints at polling station level, a legal requirement for election complaints to be considered by district courts, while partisan polling officers remain restricted to executing polling duties although they can have their protests included in the polling station protocols. Both are entitled to a copy of the polling station results protocol. Furthermore, polling officers were paid by STAE, while parties had to fund the deployment of their agents. Party training of agents on election procedures was assessed by the EU EOM as weak or non-existent. The FRELIMO party was the only party with the capacity to deploy and train officers and agents to all polling stations.

*f. Voters' and Civic Education*

With over 70 percent of the electorate living in rural areas, EU EOM considered, based on their meetings with stakeholders, that the availability of voting information in those areas was insufficient. Previous EU EOM assessments repeatedly referred to the need to improve citizen's participation in the electoral process and to develop awareness regarding political and civil rights while aiming at mitigating instances of electoral violence and intolerance. The use of local languages and targeted messages in promotion of political tolerance, of a peaceful campaign and election, of voting rights and election day procedures are important elements to include in future civic educational planning. For the 2014 elections, STAE conducted a nationwide 30-day voters' education campaign with the participation of up to 5,000 agents. Voter and civic programs were conducted between 12 December 2013 and the start of the electoral campaign on 31 August 2014. The main messages focused on voting procedures and voter participation. Voter education activities were complemented by diverse cultural events such as theatre plays and traditional dances. Voter information spots were aired on the national television channel TVM with particular focus on messages targeting the disabled, women and youth electorate. The CNE spokesperson issued statements up to election day informing voters about procedures and clarifying the electoral law, specially the rights and responsibilities of candidates and party agents. STAE produced an agent's manual, a useful tool to guide their field work.

## VI. REGISTRATION OF VOTERS AND CANDIDATES

### *a. Registration of Voters*

The stakeholders shared the same confidence when considering the voters' register produced by the CNE, despite the reporting on election day of a series of problems related to the register. The EU EOM observers reported cases where supplementary voters' lists with transferred voters, or lists with supposedly double registered voters, were added to the main voters' list at a number of polling stations. The election authorities failed to fully clarify the organizational nature of these additional lists.<sup>21</sup> Also, there were several cases of voter's lists not public displayed at polling stations on election day.

The commission announced a total of 10,874,328 registered voters out of an estimated electorate of 12,203,717.<sup>22</sup> The high percentage of registered citizens, up to 89.11 per cent, reflects the legal requirement of being in the voters' register and holding a newly issued voter card to be able to vote, despite acceptance of other photo identification documents. Registration is not compulsory and voter cards also serve the purpose of replacing identification documents. The CNE, however, did not make available the electoral population breakdown by gender and age, restricting information and analysis of the composition of the electorate. A new voters' registration process took place in two phases: the first registered approximately 3 million voters for the 53 municipal elections held in November 2013<sup>23</sup>; the second phase, between 15 February and 29 April 2014, registered the remainder of the electorate throughout the country. Registration of military personnel was allowed but no special measures were foreseen.

The military could register at the nearest registration center to their location. The final voters' register were provided to political parties in electronic format in anticipation of the deadline of 45 days before election day. An extension of another 10 days allowed for the registration of RENAMO leader, Afonso Dhaklama, in Gorongosa, Sofala province, an area where the precarious security situation had not allowed registration to be completed by the official deadline. This allowed Dhaklama to partake in the presidential race as the main opposition candidate to the FRELIMO presidential candidate. It is not clear whether RENAMO supporters were discouraged from registering as their leader only registered two days before the end of the deadline.

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<sup>21</sup> In Tete province, as explained by the STAE provincial director, the polling stations lists received from the provincial STAE included all lists (*cadernos*) that were automatically generated by the registration electronic systems. Due to an error during the registration, many *cadernos* only had few voters, a mistake which was later corrected. The decision was to consolidate these lists, which affected mainly the largest districts in the province: Tete, Moatize and Angónia. Since not all consolidated lists were correctly displayed on the orientation banner in front of the polling station on election day, a number of voters were unable to find their names, and could not vote. Also, the EU EOM observers noted that some *cadernos* with a number '85 were not included in the STAE's official lists. It seemed these '85 lists were generated during the registration in places where municipal elections had taken place in 2013, and where some voters were automatically put in the system on a 'red alert' list for double registration. Although it was explained that these lists were merged to the main voters' lists, observers found that in Tete district, at Mitsanha polling center, a voters' list was used (- 5003001) supplemented by a second list (- 5003085).

<sup>22</sup> Estimated number of the national electoral population based on projections of an overall population approximately of 25 million inhabitants as published by the National Institute of Statistics (*Instituto Nacional de Estatística* - INE).

<sup>23</sup> STAE announced the registration of 3,059,794 voters for the 2013 Municipal Elections.

Although the voter register had to be exhibited at the same location where the registration took place, amendments to the electoral law stipulated three days for public exhibition, which is insufficient for the electorate to confirm and correct their registration. A number of voters experienced difficulties to identify their polling station, further to the fact that supplementary lists and transferred voters were added to polling stations without timely clarification by the commission. The election in the diaspora had 90,457 registered voters. The largest group was registered in South Africa, with 50,289 voters, and in Tanzania, with 12,276.<sup>24</sup>

**VOTERS' REGISTRATION<sup>25</sup>**

Code	Constituency/ Province	Registered Voters	National Assembly Mandates	Provincial Assembly Mandates
1	Niassa	615,065	14	80
2	Cabo Delgado	964,071	22	82
3	Nampula	2,079,129	47	93
4	Zambézia	1,948,859	45	92
5	Tete	971,644	22	82
6	Manica	712,938	16	80
7	Sofala	926,746	21	82
8	Inhambane	598,276	14	70
9	Gaza	591,194	14	70
10	Maputo Province	757,594	17	80
11	City of Maputo	708,812	16	0
<b>Sub-total</b>		<b>10,874,328</b>	<b>248</b>	<b>811</b>
12	Africa	88,622	1	
13	Rest of the World	1,835	1	
<b>Total</b>		<b>10,964,785</b>	<b>250</b>	

Source: CNE/STAE

#### *b. National Assembly and Provincial Assembly Mandates*

At first, the CNE and STAE voters' registration numbers showed 10,697,245 voters. After closing the registration process at provincial level the final registration number needed to be adjusted to include an additional 177,083 voters, reaching the final number of 10,974,328 voters. After the addition of voters to all eleven provincial constituencies, the CNE adjusted the number of mandates for national and provincial assemblies. The changes in mandates for the National Assembly were: Nampula (from 49 to 47 mandates), Sofala (from 22 to 21 mandates), Gaza (from 13 to 14 mandates) and Zambézia (43 to 45 mandates). The total number of seats in the provincial assemblies was 811.

#### *c. Registration of Candidates*

Eleven presidential candidacies were submitted to the Constitutional Council and three were accepted. No women submitted a candidacy. The main legal requirement to support a candidacy was the submission of 10,000 signatures. The CC identified cases of incomplete lists of signatures and instances of blatantly forged signatures. A draw was held by the CNE placing the candidates on the presidential ballot: 1) Afonso Macacho Marceta Dhaklama 2) Filipe Jacinto Nyusi and 3) Daviz Mbepo Simango. The presidential ballot featured the candidates' picture and

<sup>24</sup> Countries include Germany, Portugal, Kenya, Malawi, Zambia, Zimbabwe, and Swaziland.

<sup>25</sup> Deliberation of the National Election Commission 64/CNE/2014, 3 August, Approval of voters' registration numbers.

party symbol. The Frelimo candidate picture included the party logo as background, while the other candidates featured their pictures against a white background. The electoral law does not provide for clear rules regarding ballot design.

Thirty out of an initial 34 political parties, coalitions and citizens groups were accepted by the CNE to run for the national and provincial assemblies. Non-affiliated candidates could run on a party ticket, while parties could only present one list per electoral constituency. Multiple individual candidacies were not allowed. A separate draw was held placing the parties on the national assembly ballot, changing the precedence of the three main contesters as compared to the presidential ballot.

#### NATIONAL ASSEMBLY BALLOT

Political Party, Coalition,	Ballot position
<b>Democratic Movement of Mozambique MDM</b>	<b>1</b>
<b>National Resistance of Mozambique RENAMO</b>	<b>2</b>
<b>Mozambican Liberation Front - FRELIMO</b>	<b>3</b>
Independent Alliance of Mozambique - ALIMO Party	4
Party for Social Expansion of Mozambique PASOMO	5
Youth Movement for the Restoration of Democracy MJRD Party	6
Independent Party of Mozambique PIMO	7
African Union Party for the Salvation of the Peoples of Mozambique UASP	8
Party for Freedom and Development PLD	9
Popular Democratic Party of Mozambique PPD	10
Social Liberal and Democratic Party SOL	11
Humanitarian Party of Mozambique PAHUMO	12
Party of Social Renovation PARESO	13
United Party of Mozambique for Democratic Freedom PUMILD	14
Ecologist Party Movement of the Earth PEC MT	15
Party of Solidarity and Freedom PAZS	16
Green Party Mozambique PVM	17
National Movement for the Recovery of Mozambican Unity MONARUMO Party	18
Party for Peace, Democracy and Development / Democratic Alliance PDD/AD	19
Party of National Reconciliation PARENA	20
People's Progress Party of Mozambique PPPM	21
Party of the Union for Change UM	22
Group of Voting Citizens Association "Together for the City" JPC	23
Party of Social Democratic Reconciliation PRDS	24
Labor Party PT	25
National Party of Workers and Peasants PANAOC	26
Patriotic Movement for Democracy MPD	27
Electoral Union UE- Coalition of Political Parties	28
Independent Social Democratic Party PASDI	29
Party of the Union for Reconciliation PUR	30

## VII. LEGISLATIVE AND PRESIDENTIAL ELECTIONS

### *a. Campaign*

The skirmishes among supporters of three main parties half-way through and at the end of the 43-day electoral campaign, added to the detention of opposition parties' followers, blemished what was generally a peaceful, orderly and colorful presidential campaign. The escalation in campaign violence and political intolerance in some provinces was reversed, though, by the

intervention of the electoral administration body followed by calls for restraint from government officials, political parties and civil society organizations. Although freedom of expression was never questioned, candidates faced in some incidents restrictions to freely move and assemble as consequence of disturbances and the disorganization of events. MDM's presidential candidate, Daviz Simango, expressed concern over the constant intimidation that his followers were subject to, as seen in Chibuto, Gaza, which might have kept, he argued, his party agents (*delegados*) far from the polling stations on elections day. RENAMO showed the same concerns after its representatives, according to EU EOM, were expelled from several places by supposedly FRELIMO supporters (Massangena, Chigubo and Malabame, all in the province of Gaza). Also, both RENAMO and MDM complained about the absence of the police in some of their marches or rallies. As a positive note, candidates refrained from personal accusations during their speeches, and the exchange of criticism was of a policy nature.

The campaign was intense and enthusiastic with parties resorting more to door-to-door activities than to rallies and marches. Despite the official financial assistance to political parties, it was evident, as reported by EU EOM, the incapacity of opposition parties to replicate the overwhelming national exposure of the ruling party in terms of posters, billboards and campaign materials; the ruling party candidate also benefited from the advantages of incumbency through the inauguration of public works by government officials, the use of official vehicles, a biased public television and press and the structure of a national administration that allowed the presence of public servants in marches and rallies during working hours. The actions of the police were deficient and seemingly biased in favor of the ruling party, according to EU EOM, and all detentions made during the campaign incidents observed by or reported to the Mission were of opposition parties' followers. It should also be noted that RENAMO did not disarm before election day. The unfair advantage of the ruling party over its adversaries and the non-implementation yet of the disarming clause of the peace agreement left the electoral process far from a level playing field.

#### *b. Election Day*

The EU EOM observed 614 polling stations in rural and urban zones across the country and evaluated the transparency of the process as good or very good in 90 percent of the polling stations visited. The other 10 percent showed irregularities and lack of organization in following the voting and counting procedures, like not showing empty ballot boxes or not reading the ballot numbers and not properly announcing the number of voters in the polling stations. Polling staff was in general cooperative but in one case the president of a polling station did not allow the entrance of the EU EOM alleging a lack of a seal on their accreditations.<sup>26</sup> Voting activities started generally on time, around 07:00 hours, and conducted in a calm, orderly manner, although with uneasiness and some tension in a few cases due to unpreparedness or anxiety of the polling staff members. The opening activities were, however, marked by complaints from the opposition parties and civil society organizations regarding the issuing of accreditations for their agents, who in many cases were unable to observe the initial stages of voting. Despite the high number of voters in line during the first hours of voting, turnout was estimated at under 50 percent by the EU EOM and other observation missions, about the same level of the last general elections. Voters almost always marked their ballots in secrecy and the transparency of the process was enhanced by the presence of domestic observers and parties' representatives in most

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<sup>26</sup> Polling Station 05000406 in the city of Tete.



of the polling stations. It was clear, however, the incapacity of the opposition to effectively deploy delegates to all polling stations due to financial constraints, unpreparedness, disorganization or delays in the request and issuing of accreditations or simply incapacity to recruit agents for the more of 17,000 polling stations. Parties' agents from FRELIMO were present in 90 percent of the polling stations observed, 64 percent from RENAMO and 66 percent from MDM. EU EOM observers also noted that STAE assigned, without a legal basis, the position of "first scrutinizer" to the polling station staff member proposed by FRELIMO; the position implied more relevant functions during voting and counting creating a situation contrary to the principle of equality among the political parties.<sup>27</sup> EU EOM also noted a lack of uniformity in procedures among the staff of different polling stations, where ballots received were not always counted, recording of ballots totals not made as well as of special votes.

## VIII. CLOSING AND COUNTING

Closing and counting was quiet and orderly in the polling stations observed by the EU Mission and considered good or very good in almost all of them. In most of observed polling stations the parties' agents and members of the polling staff were present during counting and signed or received copies of the results, which in general were posted outside for public view. However, there were cases of tension outside a few polling stations due to overcrowding of voters during the final hour of voting or illegal attempts by voters afterwards to follow procedures inside the polling centers. The following of procedures allegedly to "protect their votes" and "fraud attempts" were the reasons given for the violent protests, demonstrations and acts of vandalism that left one person dead and several injured and led to the destruction of electoral material in the provinces of Zambézia, Nampula, Sofala and Tete. Although restricted to specific districts in those regions where the opposition parties usually fare well, the protests generated fear and distrust in the population and damaged the efforts of the election officials to project at national level the peaceful and orderly activities of election day in other regions of the same and other provinces.

## IX. TABULATION

The deterioration of the electoral process when compared to the fairly organized election day showed not only a contrast between the two phases of the process but a repetition of the same problems of credibility and reliability in the tabulation process, despite the changes made to the electoral law with the consensus of the main political forces to bring trust to the process. The opposition once again rejected the results even before they were officially announced. RENAMO and MDM also expressed their discontent with the transparency of the process, mainly in four provinces (Nampula, Sofala, Tete and Zambézia), and pointed to several irregularities and suspicious acts of manipulation and fabrication of results both at district and province levels. A RENAMO regional conference rejected outright the results and, after listing innumerable

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<sup>27</sup> According to the *Manual Eleitoral* published for the 2014 general elections by CNE/STAE, the "first scrutinizer" is in charge of the voters' registration list during voting and certifies the qualification of the ballot paper announced by the polling station president.

irregularities, claimed its candidate, Afonso Dhlakama, won the elections in the region with 80 percent of the votes. The MDM, after claiming at the initial phases of the tabulation process the same irregularities and suspicions about the results, remained silent until 4 November when the party introduced a formal complaint and requested the Constitutional Council to annul the elections in the provinces of Maputo, Gaza and Sofala, and Maputo City alleging ballot stuffing, lack of accreditations and coercion.

The EU EOM observers in those four provinces expressed serious doubts about the reliability and integrity of the results and agreed that the tabulation process lost its credibility after the observation of a substantial number of irregularities and unexplained tabulation procedures. They concluded that the tabulation process lost its credibility as a consequence, among other reasons, of the lack of trust in the numbers used for tabulation, temporary restrictions to their access, and that of party agents (*delegados*), to some tabulation centers and information, the confusing use of different results protocols (*actas* and *editais*), the unpreparedness and incapacity of the opposition parties to inspect and oversee the process and unexplained differences in turnout of polling stations and the number of votes given to each of three elections in a same polling station.

When projected at national level the tabulation process shows a concentration of such irregularities and suspicions of fraudulent acts on the central provinces. The independent parallel vote tabulation (PVT) carried out by an authoritative civil society organization showed results compatible with those officially announced by the National Election Commission. While some analysts remained skeptical regarding the official provisional results and the PVT, others recognized the existence of serious irregularities and fraudulent attempts to change results but considered the official results as the reflection of the popular vote. The latter explained the manipulation and fabrication of results as a recurrent attempt of extremely zealous ruling party or electoral official to show a high performance in their districts and impress the hierarchy, noting, at the same time, that such attempts followed a pattern and geography common to past elections.

#### *Observation of the Tabulation Process in the Central and Northern Provinces*

The tabulation process in the northern and central provinces was slow and controversial and required an extension of the presence of the EU EOM observers in the area. In Nampula province, the EU EOM observers reported poor integrity and credibility of the tabulation process due to delays, disorganization and lack of transparency in securing sensitive materials during the delivery and reception of results protocols (*actas* and *editais*) in Angoche, Ilha de Moçambique and Rapale districts, and Nampula city. Party agents (*delegados*), delegates (*mandatários*) and national observers were absent during this phase of the process. A number of protocols were found to be missing in Rapale, Nampula city and Meconta and district commissions requested the parties to provide their agents' copies, as foreseen in the law, to conclude the district tabulation process. This was also the case during the provincial tabulation for Ilha de Moçambique and Nacala Velha.

The districts did not follow a standard and uniform tabulation procedure. In Nampula city, the tabulation data was entered in unprotected Excel sheets with no formulas to challenge arithmetic

inconsistencies; in Rapale and Ilha de Moçambique district, the commissions used calculators or simple handwriting to tabulate results. Also of concern was the high number of invalid votes in Nacala Velha and Ilha de Moçambique, with cases in which the number of invalid votes was higher than the votes obtained by the most successful candidates. The Provincial Election Commission (CPE) in Nampula announced provisional results officially on 21 October, when the results of four districts were still to be entered in the database. The CPE used data sent by the districts which arrived in a variety of formats, many lacking essential information as the number of blank and invalid votes. The access of the EU EOM observers, as well as of the Electoral Institute for Sustainable Democracy in Africa (EISA) and African Union (AU), to the provincial tabulation center was prohibited during the last days of the process, and, despite the observers requests, the CPE did not provide district level results.

The EU EOM observers qualified as incompetent and disorganized the management and supervision by the District Election Commission (CDE) of the number and quality of protocols in the Tete district. The integrity and transparency of this stage of the process was doubtful. EU EOM observers reported a random delivery of materials and poor review and control of results' protocols. Party agents, when present, failed to have an orderly system of control of protocols, hence their presence and work was ineffective. All security plastic bags (tamper proof bags) carrying the protocols were opened at the time of delivery to the CDE. It was observed that a substantive amount of bags carried copies of protocols, not the originals. Also, the district tabulation process did not rely on the original protocols results, as required by law, but on a handwritten summary, which was the base to insert data into a word document on the computer. This system was lengthy and susceptible to increase the number of mistakes of district results. The EU EOM also observed confusion and chaos during the provincial tabulation process due to an accumulation of mistakes which started at the polling stations, mainly owing to polling station staffs tiredness and lack of expertise. These mistakes were inadequately dealt with at district level and ultimately escalated into the provincial tabulation process. Disorder and delays did not impede the provincial commission to make a premature announcement of provisional results under pressure of the CNE.

The provincial commission in Tete announced the results on 22 October. These provisional results were presented as final figures for the province, and did not include 70 polling stations that were destroyed in Tsangano and Macanga districts.<sup>28</sup> Despite the CPE's announcement of provisional results, the provincial STAE data center continued working. Seven days after election day, protocols from Macanga district were still arriving, as well as blank and invalid votes from Mutarara, and additional missing protocols from Chifunde and Zumbo districts. The EU EOM observers noted unexplained discrepancies in the number of voters among the presidential, legislative and provincial elections (Presidential 530,953, National Assembly 543,304 and Provincial Assembly 533,648).

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<sup>28</sup> In Tsangano 12 polling stations were burned and approximately 9,600 voters were unable to vote; in Macanga 26 polling stations were destroyed and as a result 20,800 voters could not cast their ballot. Out of these, 12 ballot boxes were burned (8 in Furancungo, 3 in Zogué and 1 in Cassuffi), four polling station had ballot boxes opened (in Chipeme and Valoté), and in 10 polling stations polling staff were expelled from their posts (Katete and Kavere).

In the province of Zambézia, the EU EOM observers reported a slow tabulation process that lacked in overall transparency. Management and organization of the reception of protocols at district level was poor and did not allow the CDE to keep control of the process. In Gurúè, Mocuba, Milange and Quelimane districts, political party agents were not able to observe the process, including the results data entry process. The commission was secretive and denied full access to the process to opposition party agents and observers during the first two days of the tabulation process, although allowing the presence of the FRELIMO agent. At provincial level, the process improved and was observed by agents and observers. However, the provincial results were announced on 22 October, exceeding the official deadline by one day. By that date, district results were still being processed for eight of the 17 districts in Quelimane. The Quelimane city tabulation was delayed due to discrepancies in 39 results protocols out of a total of 540. Copies held by RENAMO and MDM party agents matched the results, in contrast with copies held by the FRELIMO party agent.

In Sofala province, the EU EOM assessed the tabulation process, both at district and provincial level, as messy and disorganised. In Beira city, almost half (163 of 358) of the results protocols could not be found in due time; they were found later scattered and misplaced over delivered metal boxes in the CPE warehouse. The delays were caused by poor organization and handling of *actas* and protocols rather than by any substantial logistical difficulties. Provisional district and provincial tabulation results were presented at press conferences without open issues to be solved such as missing protocols and signatures.

The EU EOM observers in the province of Cabo Delgado reported that provisional results for the province were announced on 20 October a few hours after the Technical Secretariat for Election Administration (STAE) had announced that only 47 percent of the presidential results had been processed, 32 percent of the national assembly and 39 percent of the provincial assemblies. Consequently, the opposition parties refused to sign the protocols alleging irregularities in the results tabulation for Pemba and Mecufi districts, where some results protocols had a higher number of ballots than voters.

#### *Announcement of Results*

The National Election Commission announced the official provisional results on 30 October 2014, the last day of its legal 15-day deadline. The results were recalculated and validated by the Constitutional Council on 29 December 2014. Filipe Nyusi, the FRELIMO candidate, was the winner of the presidential election with 57.03 percent of the votes, followed by Afonso Dhlakama, the RENAMO candidate, with 36.61 percent, and Daviz Simango, MDM, with 6.36 percent. With a total of 10,964,978 registered voters, turnout was at 48.64 percent, with 4,830,169 valid ballots. The highest turnout was registered in the province of Gaza with 65.73 percent, where Filipe Nysui won with an impressive but dubious 93.77 percent of the votes (Afonso Dhlakama with 3.20 percent and Daviz Simango 3.04 percent). Turnout varied between 65.59 percent in Gaza province and 38.55 percent in Zambézia. Gaza, as in past elections, registered a 91.82 percent vote for the FRELIMO party. Invalid votes accounted for 4.4 percent (213,310) of the total ballots cast, out of which 19.42 percent were re-qualified as valid (41,426). Re-qualified ballots were divided among Nyusi (21,042), Dhlakama (17,350) and Simango (3,034). For the 250 national assembly seats, FRELIMO obtained a total of 144 seats, RENAMO

89 and the MDM party 17 seats. Regarding the 811 seats of the provincial assemblies, FRELIMO gained 485 seats, followed by RENAMO with 295 seats and MDM with 31 seats. FRELIMO had absolute majority in all ten provinces.

Provinces and district had three and five days after election day, respectively, to announce their provisional results. At national level, the CNE was responsible for the review and re-qualification of all invalid and disputed ballots. After meeting in a plenary, the final results were centralized and reviewed and announced later by the CNE president. The validation and proclamation of the official final results falls under the responsibility of the Constitutional Council after considering electoral complaints and appeals. A total of 754,113 invalid ballots (*nulos*) were delivered to the CNE for review and re-qualification; 174,614 were re-qualified and added to the results tabulation, while 579,495 ballots were definitely invalidated. The CNE also received 466 disputed ballots, a comparatively low number when compared to invalid ballots. After review, the CNE decided to admit 323 ballots as valid, and 143 were rejected as invalid.

The re-qualification of ballots was conducted with the participation of party delegates and open to observers. Precise information during the requalification process, such as the numbers of invalid ballots received per province was, however, unavailable. The CNE Deliberation 82/CNE/2014 of 30 October,<sup>29</sup> regarding the announcement of the official provisional results,<sup>30</sup> asserts that the commission was aware that the overall process was not always implemented in a positive way: administrative irregularities, electoral offenses and other criminal offenses were denounced by the media, observers and stakeholders. These irregularities and offenses, some committed by election officers and polling station staff, were examined by commissioners deployed to provinces and districts. Seven commissioners voted against the deliberation on the announcement of provisional results.<sup>31</sup> The deliberation reminded STAE that it should, within a reasonable timeframe, make public all results of the general election including those of every polling station for each electoral constituency.<sup>32</sup>

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<sup>29</sup> The CNE met in assembly, which includes the CNE plenary, with its 17 members and the political parties representatives, coalitions and citizens groups. A member representing the government and STAE general director also participate without vote rights.

<sup>30</sup> Deliberation 82/CNE/2014 of 30 October, National Centralization and Results Tabulation of the Presidential, Legislative and Provincial Assemblies Election of 15 October 2014 ( *Centralização nacional e apuramento geral dos resultados eleitorais presidenciais, legislativos e das assembleias provinciais de 15 de Outubro 2014*).

<sup>31</sup> Seven members voted against the CNE deliberation, including the Second Vice-President nominated by RENAMO party.

<sup>32</sup> Article 4, “...disponibilize ao público, em geral, os resultados eleitorais referentes à eleição...de 15 de Outubro de 2014, a partir da mesa da assembleia de voto por cada círculo eleitoral e tipo de eleição”.

**OFFICIAL PROVISIONAL RESULTS**

National Election Commission CNE Presidential Election					
Registered Voters	10,964,978				100 %
Total Number of Voters	5,333,665				48,64%
Abstention	5,631,313				51,36%
Candidates	Votes	Re-qualified Invalid Ballots	Disputed Invalid Ballots	Total	%
Afonso Dhlakama	1,762,260	21,042	80	1,783,382	36,61
Filipe Nyusi	2,761,025	17,350	122	2,778,497	57,03
Daviz Simango	306,884	3,034	7	309,925	6,36
Valid Votes	4,830,169			4,871,804	100
Invalid Votes	213,310	41,426	209		
Blank	290,186				

Official Provisional Results National Assembly 250 seats	
MDM	17 seats
RENAMO	89 seats
FRELIMO	144 seats

Official Provisional Results Provincial Assembly 811 seats	
MDM	13 seats
RENAMO	295 seats
FRELIMO	485 seats

Complementing the CNE deliberation, the results tabulation protocol stresses that seven commissioners voted against the deliberation of announcement of provisional results. The reasons for voting against the deliberation in the declaration of votes referred, *inter alia*, to voting irregularities regarding the late opening of polling stations, voters holding voters' cards unable to find their names in the register, cases of illicit changes made to results protocols (*editais*) by STAE staff members, the refusal of handing out results protocols to entitled party delegates and partisan polling staff members, and the use made by the CNE and STAE of incomplete, damaged, and adulterated results protocols during the tabulation process at district level. Other reasons were original results protocols missing in Pemba (11), Quelimane (39), Mocuba (7), Angoche (10) and Lichinga (9), adding to cases of results protocols with missing signatures of the polling staff. There were also instances where bags and mobile phones were allowed into the polling stations in breach of CNE regulations.

Also, in Tete province, 26 polling stations in Macanga and 44 in Tsangano were vandalized and voters impeded to cast their ballot. The CNE commissioners referred to the use of disproportionate police violence in Nampula City, Ilha de Moçambique, Angoche, Guro, Dondo, Beira, Tsangano, Angónia, Macanga, and Lichinga districts in violation of the Constitution. Also

referred to what was the lack of CNE accreditation of party agents and domestic observers, cases of results protocols found with one signature validating the seven members of the polling station, and of polling stations where the number of votes for the candidate Filipe Nyusi was higher than the number of voters.

## X. COMPLAINTS AND APPEALS

### *a. Legal procedures*

The 2014 amendments to the electoral legislation transferred the system of complaints and appeals from the electoral body to the judiciary, giving to the district judges, at first instance, the competence to deal with all kinds of electoral offenses and irregularities. The new system also offers two other features: the differentiation between electoral offenses and electoral irregularities regarding the procedures and the intervention of the Constitutional Council as the last instance for appeals, which was limited before to irregularities during voting, counting and tabulation; and the principle of “previous impugnation”, according to which every electoral complaint must be first lodged at the electoral instance where the alleged irregularity happened (polling station, district or provincial tabulation) before turning to district judges. However, the new system of complaints and appeals contained significant inconsistencies: there was no reference to the procedures and deadlines to complain about irregularities during the provincial tabulation (article 192), and about irregularities not related to the tabulation process involving CDEs and CPEs. Moreover, there was also no deadline in the law for the Constitutional Council to announce a decision on the validation of the final results of the elections (article 154); besides, the landmark “power of cognition” created by the CC jurisprudence in 2009 was not incorporated into the law.

The role of the Constitutional Council in the electoral process went beyond being the last instance for appeals to also becoming an investigating body. That new prerogative was used in the municipal elections in 2013 when the council decided to annul the results of one municipality. An issue of concern was the independence of the Constitutional Council. MDM expressed no confidence in the council since none of its members could be proposed by the party. According to the Constitution, five out of seven council judges are elected taking into account the proportional representation of the political parties in the National Assembly. Accordingly, FRELIMO could propose four and RENAMO, one. The other two judges, the president and the vice-president of the council, are appointed by the president of the republic and by the judges’ self-governing body.

The implementation of the new system of complaints and appeals was also difficult. According to the Bar Association, and despite being offered a two-day training, the judges were not ready to apply the new system. Although late for the electoral campaign, the lack of clarity of the new electoral legislation regarding the system of complaints and appeals made the Supreme Court prepare a special directive on its legal interpretation for all district judges. This directive was also sent to the public prosecutors in the provinces. However, neither the electoral management bodies nor the political parties were ready to implement the new system. When there were accusations on irregularities during the counting and the tabulation processes, they still used the old system of resorting to the electoral commissions as judicial bodies. That lack of knowledge by the main electoral actors had negative consequences once most of the complaints filed by the

political parties did not follow the right procedures to be effectively answered in accordance with the law.

*b. Complaints and Appeals*

The EU EOM reported 30 official complaints related to irregularities and electoral offenses committed during the polling, counting and tabulation processes: 18 submitted by RENAMO, nine by MDM, and three by FRELIMO.<sup>33</sup> RENAMO also submitted an official complaint rejecting the final provisional results announced by the CNE on 30 October 2014. The results were also rebuffed by the seven commissioners of the opposition political parties at the 17-member National Election Commission. The complaints were mainly related to ballot stuffing, coercion of voters, forgery of polling records and intentional disappearance of polling records. Considering their possible impact on results due to the high number of ballots involved in the alleged irregularities, some of the official complaints filed by the political parties included: intentional disappearance of polling records (39 polling stations in Zambézia affecting around 31,200 voters<sup>34</sup>; 11 in Sofala affecting 8,800 voters; 10 in Inhambane involving 8,000 voters; 15 in Niassa with 12,000 voters and 13 in Cabo Delgado maybe affecting 10,400 voters) and the destruction of 70 polling stations in Tete where approximately 56,000 voters were registered.

Except for the FRELIMO complaint in Tete, where the repetition of the voting was rejected for some polling stations by the district courts (and appealed to the Constitutional Council), all other complaints by the opposition parties were rejected by the electoral managing bodies and the district courts arguing late submission and/or lack of proofs, showing the unpreparedness of the opposition parties to deal with complaints. According to law (articles 196 and 196A), depending on the alleged incidents, the two ways to redress irregularities and electoral offenses that may affect the results are: the annulment of results in the affected polling station and, consequently, the repetition of the voting, or the recounting of ballots in the affected polling station. However, the annulment of the results and the consequent repetition of the polling can only be decided when the results of the affected polling station may change the overall electoral results<sup>35</sup>, that is the allocation of seats at the national or provincial assemblies, or the presidential election. As for the reconstitution of missing polling record, the CNE could use the copies of the records to solve the problem. If taken as a whole, new elections on those polling stations might affect if not the overall results at least the proportions of votes cast.

Despite claims by the opposition political parties of problems in the accreditation of their agents (*delegados*) in several provinces, only in Maputo city and Maputo province MDM submitted a formal complaint. The no accreditation of party agents by the respective provincial election commissions ended up in the absence of MDM agents during the first hours of voting in around 900 polling stations in Maputo city and an unknown number in Maputo province. The issue of no accreditation of party agents by the CPEs is complex because, although the application documents may have been filed late by MDM, the CPEs did not rejected them and, from that

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<sup>33</sup> The state-owned newspaper *Noticias* reported that, according to the Supreme Court, 374 persons were accused of electoral offenses during the electoral process and ruled on 133 of those cases until, the writing of this report. Most of the offenses took place in Nampula (98), Tete (82), Manica (58) and Zambézia (53).

<sup>34</sup> Calculations made on the basis of 800 voters per polling station.

<sup>35</sup> It is not clear if the irregularities are considered on a case by case basis per polling station or by a group of polling stations.



moment on, they were legally bound to process them on a timely basis. Article 57.4 of the electoral law states that the proved hindrance to rights of party agents affects the validity of the voting at the polling station.

On occasion of the announcement of the official provisional results,<sup>36</sup> the CNE informed that the investigations were still ongoing to clarify the irregularities reported by the observation missions and the media about the late opening of polling stations, the discrepancies between the number of ballots in the results of polling stations, district and provincial tabulations, cases of alleged ballot stuffing, invalidation of ballots by polling station staff members, destruction of polling records and electoral materials, and excessive number of invalid (*nulos*) votes. The results of these investigations will be presented in a CNE special report. However, the conclusions of those investigations would come late to modify the electoral results if those irregularities were accepted. The electoral law does not allow the CNE to carry such investigations when the general tabulation is over and all those claims must have been solved beforehand to clarify any possible doubt about the final provisional results.

It is expected that all these complaints will be reviewed by the Constitutional Council during the validation process when, according to its “power of cognition”, after resolving all the pending complaints and appeals about electoral disputes from candidates and political parties, it has the competence *ex officio* to analyze all the information on the electoral process provided by the media, the political parties and candidates, civil society organizations and the international and domestic observation missions, and use it to decide on the validation of the results.

It should also be noted that the work of EU EOM in observing the implementation of the legal system of complaints and appeals was hampered in most provinces by the lack of full collaboration from the police, the public prosecutors, the district courts and the electoral managing bodies, which sometimes declined to provide them with the necessary information to follow adequately the implementation of the legal system of complaints and appeals.

During the electoral campaign, EU EOM reported around 170 cases of electoral offenses ruled by district courts, mostly related to the destruction of electoral propaganda. All defendants were members or supporters of the opposition parties. Most of these cases took place in opposition strongholds like the provinces of Sofala (20), Zambézia (20), Nampula (28), and in Niassa (43) and Cabo Delgado (30). In Manica, two MDM members of parliament were arrested, and in Sofala, one RENAMO member of parliament was in prison for 15 days. The opposition parties also filed other official complaints; in Gaza and Inhambane, the MDM complained about the inaction of the police to protect them from attacks by FRELIMO followers during their electoral campaign activities; in Tete, RENAMO denounced the refusal by the local authorities to let the party use public places for campaigning. EU EOM also noticed a biased activity by the police and from public prosecutors when dealing with electoral offenses. Despite its legal mandate, the CNE did not inform the General Prosecutor about any electoral offense during the electoral campaign.

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<sup>36</sup> Deliberation 82/CNE/2014, 30 October 2014.

## XI. MEDIA

Since the approval of the Press Law in 1991 and the signature of the peace agreement the following year, the number of media outlets in Mozambique expanded, contributing to a diversification of media and information. Today, there is a vast and dynamic media scenario in the country. According to the Reporters without Borders' Index, press freedom in Mozambique has been decreasing since 2011/12 when the country occupied the position 66 out of 178 countries; in 2013 it was ranked 73 and, in 2014, it went down to position 79, revealing a gradual restriction of press freedom with a direct impact on the level of self-censorship that remains present in the media sector. The state-run media outlets are comprised by *Televisão de Moçambique* (TVM), *Rádio Moçambique* (RM) and Mozambique News Agency (*Agência de Informação de Moçambique*, AIM). The daily newspaper *Notícias*, although operating under an anonymous society label, includes in its main shareholders' public enterprises such as *Banco de Moçambique*, and other state companies like EMOSE and PETROMOC.

According to an audience study made by the Growth for Knowledge (GfK) group during the last semester of 2013, television is the main source of information in the country compared to radio and newspapers. The TVM and RM have the largest geographical coverage, reaching most of the country. The majority of the remaining radios operate on a provincial and community basis; there are around 80 community radios in Mozambique. The GfK Group concluded that during the last semester of 2013, STV had the highest audience of all television channels, 59 percent, followed by TVM with 42 percent. *Televisão Independente de Moçambique* (TIM) and Miramar are also competitors of STV and TVM. There are three daily newspapers (*Notícias*, *Diário de Moçambique* and *O País*) and several weekly newspapers: *Savana*, *Zambeze*, *Canal de Moçambique*, *Magazine Independente*, *Público*, *A Verdade*, *Sol do Índico*, *Público e Domingo*. Internet is accessible mostly to urban population but it has been gradually increasing, reaching today, according to the Internet Society, 5.4 percent of Mozambican citizens.<sup>37</sup> Facebook was the main online application used by the major candidates and political parties as a vehicle for dissemination of propaganda and pictures of their rallies throughout the country. Filipe Nyusi was by far the candidate with more Facebook sympathizers<sup>38</sup> in both his pages<sup>39</sup> with around 91,000 and 61,000 followers. The ruling party's candidate was followed by the Afonso Dhlakama page<sup>40</sup> with around 25,000 followers and MDM<sup>41</sup> showing 21,000 sympathizers.

### a. Legal Framework

The media sector is regulated by the Constitution, the Press Law, specific CNE regulations and a code of conduct for media coverage during electoral periods. The Constitution establishes in article 48 the freedom of expression and of the press and the right to information. The independence and impartiality of the public media is established by the Constitution (article 48.5) and the Press Law (article 11.2). The Press Law regulates the rights and obligations of the media outlets and journalists. However, the law does not include provisions for the community media ignoring an important segment of the media. A new broadcasting law has been debated for

<sup>37</sup> 2014 Global internet report, Internet Society.

<sup>38</sup> Facebook numbers of sympathizers were collected from the 20 to the 25 October.

<sup>39</sup> <https://www.facebook.com/NyusiConfioemti> and <https://www.facebook.com/soumaisnyusi>

<sup>40</sup> <https://www.facebook.com/dlhakama>

<sup>41</sup> <https://www.facebook.com/MDM.Movimento.Democratico.Mocambique>

many years but it has not been presented for approval yet, leaving broadcasters under limited legal provisions protection. A new access to information law has been partially approved but it still needs to be finalized and then regulated.

The Social Communication Superior Council (*Conselho Superior de Comunicação Social* - CSCS) is the body entrusted by the Constitution and the Press Law with guaranteeing the press freedom, the independence of the media, the right to information and the political parties' free airtime. According to the Press Law, the CSCS has the responsibility of being aware of the violations of all press-related legislation, and should take the appropriate measures, including deciding about complaints received by the council<sup>42</sup> and can present judicial actions on the grounds of public interest' protection.<sup>43</sup> Nonetheless, until the writing of this report, the CSCS had not take any concrete action<sup>44</sup> regarding MDM's formal complaint calling for the suspension of a TVM's electoral-related program, after accusing TVM of infringing the Constitution and the Electoral Law. TVM's coverage of electoral campaign did infringe article 11 of the Press Law that mandates the public media to guarantee impartial and balanced news' coverage. Therefore, the CSCS, after conducting a media monitoring, should have reacted promptly to this complaint and present it to the Constitutional Council in order to effectively fulfill its mandate. CSCS's apathy during the electoral process reflected inaction and disinterest on an issue involving a violation of impartiality by a public service, leaving room for criticism on the independence of this seemingly politicized institution. The CSCS board is composed by two members indicated by the president of the republic and four others chosen by the National Assembly.<sup>45</sup>

The Electoral Law and, in more detail, the CNE regulation on free airtime, allocate the free airtime: fifteen minutes per week, with a maximum of three broadcastings, in TVM; five minutes daily and five minutes three days a week, respectively, in the national and provincial RM stations. The law establishes an extra five minutes for each presidential candidate in the last day of the electoral campaign. Article 36 of the Electoral Law requires a two day period of silence before election day, during which political propaganda is forbidden. The media are also interdicted to publish opinion polls since the beginning of the electoral campaign until the presentation of the official results by the CNE.

#### *b. Electoral Coverage*

Press freedom was generally respected during the campaign period, although the EU EOM was informed about a few cases of intimidation among journalists working for private and community media<sup>46</sup> outlets, and one incident during election day with a journalist being physically harassed and his recordings destroyed<sup>47</sup>. Radio *Progresso* in Inhambane had to

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<sup>42</sup> Article 37.1, Law 18/91

<sup>43</sup> Article 37.5, Law 18/91

<sup>44</sup> On the 24 October, the CSCS president informed the EU EOM that it had replied to MDM but that a copy of the document or its content could not be shared with the Mission. The EU EOM had access to the MDM documents and the party had only received a letter, dated 2 October 2014, requesting more facts and details regarding the mentioned complaint.

<sup>45</sup> More than a half of the eleven members.

<sup>46</sup> In Gaza, Nampula and Tete, The EU EOM was requested not to identify names and media outlets for protection-related reasons.

<sup>47</sup> Zambeze's journalist presented a complaint to the Dondo District Prosecutor (Sofala).

suspend its activities due to technical reasons<sup>48</sup> two days before the start of the electoral campaign, but even after proceeding with the required technical changes, the radio was only allowed to broadcast music. The radio resumed later its broadcast of election day but missed the electoral campaign. Citizens received a substantial volume of information regarding the electoral campaign and the main contestants. Community radios had a relevant role in disseminating information on the candidates and political parties in their respective areas but lacked critical analysis. Although some radio stations of the *Fórum das Rádios Comunitárias de Moçambique* (FORCOM) aired programs on civic education and eventually the electoral campaign, most of the community radios managed by the *Instituto de Comunicação Social* were not covering the electoral campaign at all, a regrettable limitation to voters' information. RM and both televisions monitored by the EU EOM (TVM and STV) were effectively used as a platform to disseminate STAE and civil society organizations' civic education spots but few other civic education messages were broadcasted. STV, in partnership with the platform *txeka-lá*, offered a good coverage of election day. There was no presidential debate and the efforts by the civil society to organize it were snubbed by the ruling party's candidate. Abiding by CNE's regulation, public media provided free airtime to the political contestants only used, however, by 18 out of 30 political contestants. In RM, all three main candidates and political parties extended their time slot allocated to each contestant; the same happened with several political parties in TVM but neither the CNE nor the CSCS took action regarding this issue.

### c. Media Monitoring

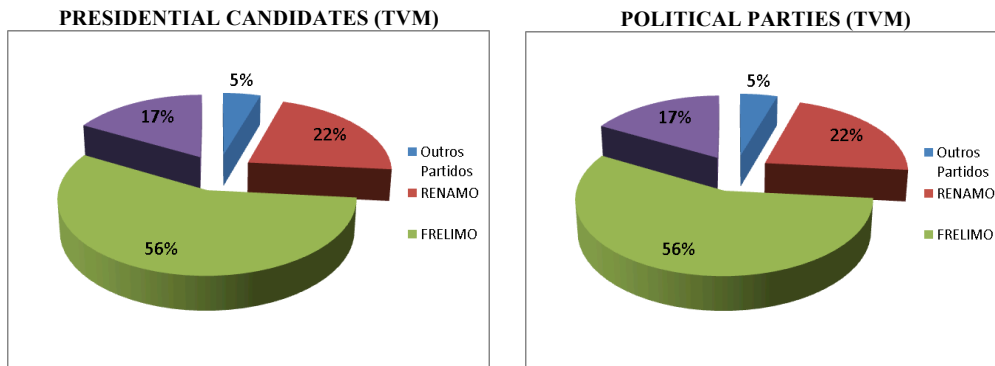
The EU EOM monitored a set of public and private media<sup>49</sup> outlets from 24 September to 15 October 2014<sup>50</sup>, corresponding to the campaign period, the two-day silence period and election day. Radios were monitored during four daily periods<sup>51</sup> between 06:00 hours and 23:00 hours, and the TV stations from 18:30 to 00:30 hours. The EU EOM media unit evaluated the amount of time and space each media attributed to the candidates 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. The public *Televisão de Moçambique* offered a national coverage of the electoral campaign but it was clearly biased in favor of the ruling party candidate, Filipe Nyusi, who received 64 percent of the station's airtime against 19 percent for Daviz Simango (MDM) and 17 percent for Afonso Dhlakama (RENAMO). Although the news' programs on the electoral campaign offered a neutral tone, the talk-shows monitored by the Mission showed a clear favoritism towards FRELIMO's candidate and a negative tone towards Simango and Dhlakama (see graphic in annexes). TVM electoral campaign's news opened and closed recurrently with candidate Nyusi, thus offering him a privileged timing in the news airtime. TVM's political parties' coverage showed also an obvious inclination towards FRELIMO that received 56 percent of the total airtime, followed by RENAMO with 22 percent and MDM with 17 percent. TVM's coverage of the electoral campaign infringed article 11 of the Press Law that mandates the public media to guarantee impartial and balanced news' coverage.

<sup>48</sup> Radio Progreso informed the EU EOM that according to the *Instituto Nacional das Comunicações de Moçambique* the radio activity interfered with the airport control tower.

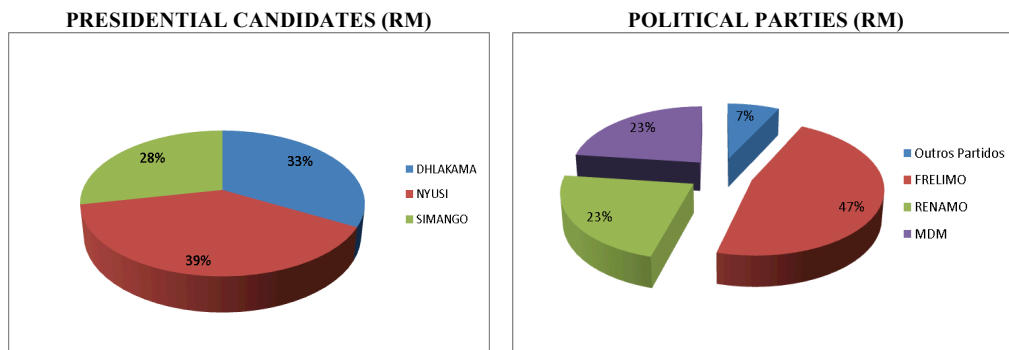
<sup>49</sup> Televisions: public TVM and STV, the state-run RM and newspapers: Notícias, O País, Savana, Zambeze and Canal de Moçambique.

<sup>50</sup> Radio and television started to be monitored as from 30 September 2014.

<sup>51</sup> 06:00 to 09:00, 12:00 to 14.30, 18:30 to 19.30 (free air time) and 21:00 to 23:00 hours.

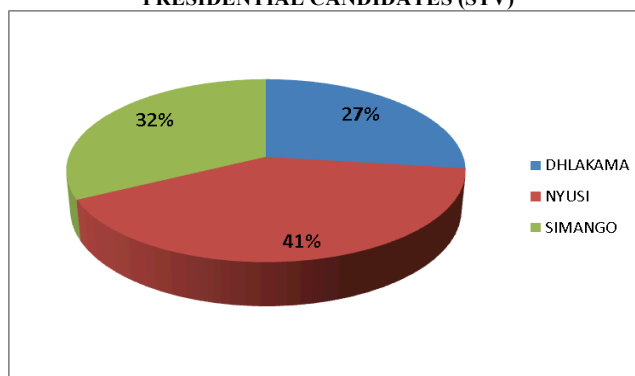


Up to election day, the state-run *Rádio Moçambique* offered a generally balanced coverage of the electoral campaign, granting 39 percent of its airtime to Filipe Nyusi, 33 percent to Afonso Dhlakama and 28 percent to Daviz Simango, and presented the three candidates in a neutral tone. Nevertheless, Nyusi was always the first candidate to be mentioned during the news' program with a privileged space compared to the other candidates. The coverage of the political parties was reasonably balanced, with the ruling party occupying 47 percent of the airtime, while the main opposition parties, RENAMO and MDM, got 46 per cent (each one with 23 percent). The remaining political parties mentioned by RM got seven percent of the total airtime.



The private *Soicos Television* (STV) presented a balanced coverage of the electoral campaign, allocating 41 percent of its airtime to Filipe Nyusi, 32 percent to Daviz Simango and 27 percent to Afonso Dhlakama. The three candidates and political parties were presented in a neutral and balanced tone. STV aired useful round tables on electoral issues and campaign as well as interviews with two presidential candidates thus offering an important contribution to improve voters' information on the electoral process.

PRESIDENTIAL CANDIDATES (STV)



The daily newspaper *Notícias* showed a biased coverage of the presidential electoral campaign by clearly favoring the ruling party candidate, who received 60 percent of its space. The RENAMO candidate was granted 23 percent and MDM's 17 percent (see graphics in Annexes). The tone used was mostly neutral but, in campaign-related articles, Filipe Nyusi and FRELIMO occupied always the most visible page three of the newspaper, while the remaining candidates occupied, all together, page number two. The visibility of this page gave the ruling party and its candidate a privileged position in the newspaper contributing to an unbalanced coverage. A similar biased scenario was shown in the coverage of political parties, with FRELIMO gaining 60 percent of the total space, followed by MDM with 14 percent and RENAMO with 12 percent. The private-owned *O País* offered a balanced coverage of the electoral campaign, allocating 37 percent of its space to Daviz Simango, 33 percent to Filipe Nyusi and 30 percent to Afonso Dhlakama. RENAMO received 39 percent, followed by FRELIMO with 38 percent and MDM with 16 percent. The newspaper covered the electoral campaign on a neutral tone. *Savana* offered more space to Nyusi who got 56 percent of its space, followed by Dhlakama with 26 percent and Simango with 18 percent in an unbalanced coverage of the presidential campaign. As for the political parties, there was a biased approach towards FRELIMO seen in a negative tone in more than 25 percent of the space allocated to this party. The private *Zambeze* and *Canal de Moçambique* presented a clear biased coverage of the presidential and legislative electoral campaign. *Zambeze* allocated 59 percent of its space to Nyusi, followed by Dhlakama with 31 percent and Simango with 10 percent. Moreover, in 20 percent of the space granted to Nyusi and 15 percent of Dhlakama's space the tone used was respectively negative and positive. *Canal de Moçambique* clearly favored Simango to whom it attributed 59 percent of the space, followed by 21 percent to Nyusi and 20 percent to Dhlakama. This weekly newspaper presented a partial approach against FRELIMO and its candidate, who were presented in a negative tone respectively 30 and 20 percent of their space.

## XII. HUMAN RIGHTS AND CIVIL SOCIETY

### *a. Human Rights*

Mozambique is party to the most important United Nations conventions on human rights, namely the International Covenant on Civil and Political Rights. Accordingly, the political constitution clearly states all those fundamental rights enjoyed by every citizen and that, therefore, along the electoral process must be respected for candidates and party militants in any circumstance. However, as a consequence of the increasing violence during the electoral campaign, the situation of civil and political rights deteriorated. Often after clashes between opposition followers and FRELIMO, EU EOM reported the existence of several cases of allegedly illegal detention of opposition supporters, who had been accused of electoral offenses by the police.<sup>52</sup> No FRELIMO follower was ever detained by the police after those incidents. There were also incidents in Manica, Tete, Gaza, Nampula, Tete and Cabo Delgado. Some of these detentions happened at night, which is forbidden by law when the crime is not flagrant.

Both MDM and RENAMO expressed their mistrust in the intervention of the police, public prosecutors and district judges as they all were considered biased. EU EOM followed some of the trials of those accused of electoral offenses in Nampula and Cabo Delgado and reported that in some cases their rights to defense and to a fair trial were not respected. On 2 October 2014, influential Mozambican NGOs –the Human Rights League, the Center for Public Integrity, the Youth Parliament and the Community Radios Forum– made a public statement denouncing the electoral and political violence in Gaza and Nampula, and criticizing the indifference of the electoral authorities and the judiciary towards political violence during the electoral campaign, despite their legal obligation to guarantee the integrity of the electoral process.

### *b. Civil Society*

Civil society organizations have a strong participatory role in the electoral process, observing and monitoring its different stages and assisting in voters' and civic education activities. The Electoral Observatory (*Observatório Eleitoral*), an umbrella institution of civil society organizations, was the most participative and deployed a large number of observers on election day. It was also responsible to carry on a parallel vote tabulation (PVT) with the cooperation of other civil society organizations. The League of Human Rights, the Youth Parliament (*Parlamento Juvenil*), the Mozambican Bar Association and other associations also participate in observation activities. The Center for Public Integrity maintained its subscribers informed about the developments of the electoral process and is one authoritative sources on electoral affairs.

In Mozambique there are around 5,000 non-profit institutions.<sup>53</sup> Over 70 percent of these associations operate in just five provinces. Most of the institutions are concentrated in Nampula province (19.5 percent), followed by Gaza (14.6 percent), Inhambane (14%), Maputo city (12.9 percent) and Maputo province (9.5%). According to a study by the World Bank<sup>54</sup>, Mozambicans are frequently called upon to participate in the exercise of their citizenship rights, but in practice

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<sup>52</sup> The most serious cases took place in Manica, where 19 people were detained, and Nampula with the detention of seven persons.

<sup>53</sup> INE Mozambique 2014.

<sup>54</sup> Francisco A. & Matter, K., Poverty Observatory in Mozambique. Swiss Development Cooperation and World Bank. Maputo. 2007.

their power to influence policies, relevant decisions or even economic and political power ends up being limited.

### **XIII. GENDER**

Mozambique has been party without reservations to the UN Convention on the Elimination of All forms of Discrimination against Women (CEDAW) since 1997, and to the 2003 Protocol on the Rights of Women in Africa. The Mozambican legal system recognizes the equality of women and men in the Constitution and specifically in the legislation on family, land and trade. The country has a ministry for women and social action, a National Council for the Advancement of Women, which is composed of different stakeholders from both government and civil society, and a government policy on gender. According to the UN Committee on the Elimination of Discrimination against Women, there is still not an adequate knowledge about the rights of women in the Mozambican society.

As an example, this year, an attempt to introduce in the new penal code the so-called “marriage effect” clause, which suspended convicted rapists five-year sentence if they married their victims, was only stopped by the intervention of the UN and the NGOs working on women’s rights. The explanation for this situation is the persistence of discriminatory stereotypes and cultural practices and traditions of a patriarchal nature relating to the roles and responsibilities of women and men in the family and in society. Such stereotypes constitute serious obstacles to women’s educational and professional prospects and the enjoyment of their human rights, especially their protection against domestic violence. In rural and remote areas, which represent 75 percent of the country, the situation of women is characterized by poverty, illiteracy and a lack of participation in decision-making processes at community level. Moreover, despite being legally prohibited, early or forced marriage and polygamy are widespread, especially in northern provinces where the Muslim community is larger.

That reality is paradoxical if we take into account that the proportion of women parliamentarian in Mozambique, 43 percent, during the period 2009-2014 was among the highest in the world. In the government, there were six ministers out of 28. In 2011, a reform on the public administration introduced a quota of 30 percent of women’s presence in the local advisory councils, the only quota to favor women in the Mozambican legal system, but these bodies are not democratically elected. In the 2013 local elections, of the 53 presidents of the new municipal assemblies, 18 (34 percent) were women, but only 5 (9 percent) of mayors were women, although the presence of women in local councils is around 30 percent. All were members of FRELIMO; MDM did not have a female council president or mayor in the four cities under its controls. For the 2014 general elections, the political programs of the main three parties contained adequate policies for the enhancement of women, including the inclusion of quotas. Among all candidates to the general elections, women represented 34.8 percent. FRELIMO had the highest presence with 40.4 percent. RENAMO had 31.3 percent and MDM 32.2 percent. The highest number of women candidates was registered in the Nampula and Zambézia provinces, the two largest constituencies, with 42 and 49 candidates on the main lists. However, none of the presidential candidates was a woman and the improvement of the situation of women was an issue absent in their electoral campaign speeches.



According to civil society organizations working on women's rights (*Forum da Mulher*, WLSA Mozambique), there was no real interest among the political class in this matter, women seem unable to influence policies of political parties, and parties did not see the need to give a prominent position to women's issues. Furthermore, for some Mozambican politicians, talking about it might endanger their support. In a recent report<sup>55</sup> about the 2013 local elections, it was noticed that "the rights of women and the improvement of their living conditions (for example informal markets, transport, sanitation, and combating criminality) are never referred to as issues affecting the average women. In the same way, women are not protagonists in the narratives produced during the campaign, and remain simply performing supporting roles as singers and dancers, capturing the votes of men who are the only protagonists in the elections," and this perception did not change for the 2014 general elections. As an evidence of this general lack of interest was the fact that there were no official figures on the electoral participation of women. At the moment of the registration of voters such data could have been very easily obtained but it was not foreseen. Nevertheless, it is considered that abstention was higher among women because of their social situation mentioned above. According to the final provisional results, from the 250 members of the new National Assembly around 39 percent were women, most of them representing FRELIMO.

#### XIV. COLLABORATION WITH OTHER EOMs

The Mission established close contact and shared information with all missions, especially with the observers of the joint mission of the Electoral Institute for Sustainable Democracy in Africa and the Carter Center (TCC)<sup>56</sup>, and with the African Union observers who were in country from the start of the electoral campaign on 31 of August. The Core Team members, including the Chief Observer, participated in several bilateral and joint meetings with heads of mission before and after the elections. The EU EOM, the Southern African Development Community (SADC), the African Union, EISA/The Carter Center, the Commonwealth (of which Mozambique is a member), the Community of Countries of Portuguese Language (CPLP) all presented their preliminary statements on the second day after the elections in a chain of press conferences at different locations. Almost all international observers left the country within the week after the elections; only the EU EOM, the Carter Center and African Union stayed with their core teams to observe the national tabulation and announcement of the final results.

The Electoral Observatory (*Observatório Eleitoral*), the largest domestic observer group, an umbrella institution of civil society organizations, faced problems with their accreditations but managed to deploy around 2,000 observers, and carried out a parallel voting tabulation (PVT) supported by EISA. Another 2,000 observers from the Youth Parliament cooperated with the Observatory. Other domestic observer groups included the Mozambican Bar Association, CIP with 150 journalists reporting and observing from different corners of the country, and a number of other smaller domestic observer groups in the provinces, such as OTM-CS (*Organização dos Trabalhadores de Moçambique-Central Sindical*), Plasoc (*Plataforma da Sociedade Civil*), CCM (*Conselho Cristão de Moçambique*), *Liga dos Direitos Humanos*, ONP (*Organização Nacional*

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<sup>55</sup> Conceição Osorio e Ernesto Macuacua, "Eleições autárquicas de 2013, participação e representação de mulheres e homens", WLSA Moçambique, Maputo, 2014.

<sup>56</sup> The mission was headed by Raily Odinga, a former Kenyan prime minister.

*de Professores*), AJM (*Associação dos Jovens de Marracuene*) or odd groups like the Association of Married Couples (*Associação dos recém casados*). The domestic observer groups also installed a joint observation room (*Sala de observação conjunta*) with media groups, the National Election Commission and some NGOs like the Dutch NIMD and the Swedish Diakonia, and issued some post-election reports, and was visited by the EU EOM chief observer and the election analyst.

The large group of domestic observer was joined by several international observation missions for the 15 October election, of which 110 from the European Union, including 63 Local Short Term Observers from 13 accredited member states embassies and Norway, Switzerland and Canada. There was no delegation from the European Parliament. Besides the European Union, other international observer missions included: the joint EISA/ Carter Center with 84 observers, African Union (41) headed by Ghana's Supreme Court Judge Sophia Akuffo, CPLP (17) led by former Cape Verdean President Pedro Pires, Commonwealth (23) led by former Bahamian Prime Minister Hubert Ingraham, the United States Embassy (30), and SADC (138) headed by South African Minister of International Relations and Cooperation, Nkoana Mashabane, with its different branches from their 15 member countries: SADC-PF (Parliamentary Forum); 40 observers, SADC-ECF (Electoral Monitoring Bodies) 30; SADC-LA (Lawyers) 23.

## XV. IMPLEMENTATION OF PREVIOUS RECOMMENDATIONS

The EU observed the Mozambican elections of 1999, 2003, 2004, 2009 and 2014, offering recommendations aimed at improving the electoral process, 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 years several of these recommendations were either fully or partially implemented.

The EU EOM 2009 recommended the professionalization of the CNE. In 2014, due to the political context of instability in which the elections were prepared, the electoral structure was instead entirely politicized through amendments introduced to the electoral law. The electoral bodies, from polling stations up to the CNE, absorbed partisan members from the main political parties.

The EU EOM 2009 also recommended that the CNE could consider steps to improve the transparency of its operations at all levels. The 2014 mission assessed that the electoral bodies, CNE and STAE, continue to lack effective mechanisms to allow for the conduct of reliable elections, especially concerning the work of the provincial and district commissions. A number of logistic preparations were in place and on track, nevertheless imprecise and vague regulations showed the fragility of the CNE implementation and control of the process. Further basic electoral cycle preparation and support is needed. The reinforcement of the internal operational and logistics capacity remains a crucial area for improvement, combined with a stronger coordination and communication strategy. Also previously recommended was the development of a sound CNE communication strategy, including the prompt and complete publication of all decisions, deliberations and regulations which was found still lacking. The CNE, in its official provisional final results deliberation requested the STAE to make election results fully available, per constituency and polling stations.

The 2009 EU EOM recommended and the present mission reiterates the need for an adequate and permanent mechanism for the update and maintenance of the voters' register resorting to the civil register and the courts to allow for the register to be purged from deceased and ineligible voters. The period of time allowed for the public exhibition of the voters' lists was reduced, contrary to the EU EOM recommendation. The previous 10-day timeframe was reduced to three days, insufficient for a sound inspection of the register by the electorate. The CNE adopted the EU EOM recommendation to lower the number of voters assigned to each polling stations (i.e. from 1000 to 800 voters) and also the amendment that requires the distribution of an electronic copy of the electoral register to candidates 45 days before election day.

As for legal framework, the recommendation to have a consolidated and consistent single act governing all key aspects of the electoral process was not met. The amendments made to the electoral laws in 2014 included areas previously covered by CNE regulations such as observation and the process of nominating candidates. Other areas of improvement in the new legislation were the protection of the rights of party agents during polling and counting and larger and clearer timeframes for the different stages of the electoral process. However, the system of complaints and appeals remains an issue of specific concern: it was reviewed, as recommended, to provide for accountability of irregularities and timely redress of complaints but the new system is not yet clear and contains significant loopholes which affect its implementation by the political parties and the electoral management bodies. The recommendation on the need to incorporate significant jurisprudence by the Constitutional Council, specifically on the "power of cognition," is still pending. Regarding the 2009 media-related recommendations, the National Assembly drafted a new Press Law but just the Law on the Right of Information has been implemented.

## **XVI. RECOMMENDATIONS<sup>57</sup>**

### **LEGAL FRAMEWORK**

1. Attain legal certainty to broaden the content of the general legal prohibition of use of public resources during the electoral campaign. Clarify the unlawfulness of using administrative, human, financial, material and other resources enjoyed by the incumbent and civil servants during electoral processes.
2. Reinforce the balance and transparency of the electoral process by ensuring that the first, second and third scrutinizers are randomly selected to avoid the allocation of the task of the first scrutinizer to a specific party.
3. To allow for legal certainty about the legal system of complaints and appeals during the electoral process and the mandate of the CC, the electoral legislation should be amended to provide a complete and clear system of complaints and appeals, including the mandate and procedure of the Constitutional Council during the validation process.
4. To grant legal certainty and transparency to the electoral system and to avoid misunderstandings between different legal provisions it is advised to review and adjust the electoral legislation so as to harmonize all the provisions related to the right of observers to be present at all stages of the electoral process.

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<sup>57</sup> See Table in Annexes.

#### ELECTION ADMINISTRATION

5. Reinforce the internal operational and logistics capacity of the CNE and STAE through stronger coordination and communication mechanisms between the central and lower levels of EMB, to attest and guarantee full compliance in the implementation of legal framework, directives and instructions by provincial district structures.
6. Consideration could be given to develop an efficient public communication strategy, improve the dissemination of public information, the prompt publication of all deliberations, instructions and internal procedures, and hold regular consultative meetings with political parties. Provincial and district commission to hold period meetings with stakeholders to inform about regulatory framework, directives, election implementation phases and election planning. Measures could be considered to guarantee transparency and public communication regarding CNE procurement procedures.
7. Strengthen specific voter education activities targeting first-time voters, youth, women and people with disabilities; the use of local languages, diversified channels and targeted messages in promotion of political tolerance, peaceful campaign and election, voting rights, and election day procedures could be considered. Collaboration with community leaders could be sought as much as possible. Address the different needs of Mozambican voters; rural areas could benefit from civic and voter education programs during the whole electoral cycle.
8. Consideration could be given to the reinforcement of STAE's training department capacity; improve the overall quality of training offered to permanent and *ad hoc* (i.e. partisan representatives) election officials throughout the electoral cycle.
9. Improvement of communication and coordination mechanisms between CNE/STAE with political parties and civil society organizations to allow for a timely accreditation of party representatives and national observers.

#### VOTER REGISTRATION

10. Development of an adequate and permanent mechanism to maintain and update the voters register; resort to the civil register and the courts to allow the voter register to be purged from deceased and ineligible voters. Allow for timely transfer of voters so that these are included in the main voters' list at polling stations. Consideration could be given to the publication of disaggregated voter registration information regarding gender and age groups.
11. Consideration could be given to the extension of the period of time for the public exhibition of the voters' register.

#### MEDIA

12. The Press Law should include regulatory provisions for broadcasters under a three-tier broadcasting system (public, commercial and community).
13. Include legal deadlines both for the presentation of violations of press-related legislation to the *Conselho Superior de Comunicação Social* (CSCS) and for the CSCS to respond to these complaints. Electoral related violations should have a shorter legal deadline.
14. Consider evaluate the change of the CSCS composition converting it into an independent and apolitical supervisory body.
15. Reinforce and diversify information provided during the campaign period by broadcasting debates and interviews with the political contestants in the public media.

**POLITICAL PARTIES**

16. To guarantee a fair implementation of the electoral legislation by political parties it is advisable to improve their capacities at all levels by offering them access to training on the electoral legal framework, and specifically on the system of complaints and appeals.

**POLLING, COUNTING, TABULATION AND PUBLICATION OF RESULTS**

17. Promote a more effective and efficient training on counting and tabulation procedures, the handling of sensitive election materials, and the first level handover of documents.
18. The results aggregation at district and provincial level need procedural clarifications and streamlining of the implementation steps. Establish clear and specific procedures on the responsibilities of tabulation officials during the different stages of the process.
19. Publish results per polling station in each tabulation level, district and provincial. The final official results should also include a detailed breakdown of results per polling station.

**GENDER EQUALITY**

20. Adopt special measures aimed at accelerating and achieving full equality between men and women in elected offices and public institutions, including the National Election Commission.

**HUMAN RIGHTS RELATED TO THE ELECTORAL PROCESS**

21. Promote trainings of police officers and members of the judiciary and public prosecutors on electoral offenses and basic human rights related to the electoral process.

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# Annex

## Table of recommendations

## 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)
<b>Section LEGAL FRAMEWORK</b>				
<b>1</b>	<b>ICCPR (25)/African Charter (13)</b> The right of every citizen to be elected <b>AUD(4, e)</b> Democratic elections should be conducted by impartial, all inclusive, competent and accountable electoral institutions. <b>SADC(7.5)</b> Take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process.	Attain legal certainty to broaden the content of the general legal prohibition of use of public resources during the electoral campaign. Clarify the unlawfulness of using administrative, human, financial, material and other resources enjoyed by the incumbent and civil servants during electoral processes.	Change in primary legislation required  Implementation by the National Assembly	Article 42 of the electoral law does not specify the scope of the general prohibition to use administrative resources by incumbents and civil servants for campaigning purposes, which may be interpreted in a restrictive manner as to permit certain misuse of administrative human resources and others for the electoral campaign.
<b>2</b>	<b>ICCPR (25)</b> The right of every citizen to be elected at genuine periodic elections which shall be	Reinforce the balance and transparency of the electoral process by ensuring that the first, second and third scrutinizers are randomly selected to avoid the allocation of the task of the first	Change in primary legislation required  Implementation by the National	“1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup> scrutinizers” are proposed by political parties to participate as PS members. The electoral manual for the 2014 elections, in accordance with CNE resolution of August 15 <sup>th</sup> 2014, recognized the right of “1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup>

	<p>by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.</p> <p><b>African Charter (13)</b> Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.</p> <p><b>AUD (4, e)</b> Democratic elections should be conducted by impartial, all inclusive, competent accountable electoral institutions</p> <p><b>SADC (7.5)</b> Take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process</p>	scrutinizer to a specific party.	Assembly	<p>scrutinizers” to have a copy of the polling records. However, the violation of that right by PS presidents is not punished, which may lead to breach it. The electoral manual as well assigned more important electoral functions to the “1<sup>st</sup> scrutinizer” than to the others as he/she is in charge of the voters’ list during the polling and he/she certifies the qualification of ballots made by the PS president. The fact that the position of “1<sup>st</sup> scrutinizer” might be retained only by the PS member belonging to a certain political party would affect the fairness of the electoral process.</p>
<b>3</b>	<p><b>ICCPR (2.3)/African Charter (7)</b> The right to have access to judicial review.</p>	<p>To allow for legal certainty about the legal system of complaints and appeals during the electoral process and the mandate of the CC, the electoral</p>	<p>Change in primary legislation required</p> <p>Implementation by</p>	<p>Despite the recent amendments, the electoral law as regards the system of complaints and appeals, articles 192 to 197, contains several inconsistencies: there is no reference to the</p>



	<p><b>AUD(4,c)</b> Democratic elections should be conducted under a system of separation of powers that ensures in particular the independence of the Judiciary.</p> <p><b>SADC (7.3)</b> Establish competent legal entities including effective constitutional courts to arbitrate in the event of disputes arising from the conduct of the elections.</p>	<p>legislation should be amended to provide a complete and clear system of complaints and appeals, including the mandate and procedure of the Constitutional Council during the validation process.</p>	the National Assembly	<p>procedures and delays to complaint about irregularities during the provincial tabulation (article 192); there is no reference to the procedures and delays to complaint about irregularities not related to the tabulation process involving CDEs and CPEs (articles 192 and 195); there are no legal delays for the CC to decide on the validation of the final results of the elections (article 154); and there is no reference to the landmark “power of cognition” created by the CC jurisprudence in 2009. The “power of cognition” means that after resolving all the pending complaints and appeals about electoral disputes from candidates and political parties, it has the competence “ex officio” to analyze all the information provided during the electoral process by the media, the political parties and candidates, and the International and National observers, and it can use it to decide on the validation.</p>
4	<p><b>AUD (4,e)</b> Democratic elections should be conducted by impartial, all inclusive competent accountable electoral institutions.</p> <p><b>SADC (7.8)</b> Ensure the transparency and integrity of the entire electoral process by accrediting national and/or other observers.</p>	<p>To grant legal certainty and transparency to the electoral system and to avoid misunderstandings between different legal provisions it is advised to review and adjust the electoral legislation so as to harmonize all the provisions related to the right of observers to be present at all stages of the electoral process.</p>	<p>Change in primary legislation required</p> <p>Implementation by the National Assembly</p>	<p>Article 101, 110, 120 and 150 of the electoral law dealing with the tabulation process at district, province and national level do not contain any reference to the presence of observers but only to party agents.</p> <p>Nevertheless, the right of observers to observe all the stages of the electoral process is clearly expressed later in article 245 as a general rule. That discrepancy may lead to misinterpretation.</p>

Section ELECTION ADMINISTRATION				
5	AUD (4,e) “Democratic elections should be conducted by impartial, all inclusive competent accountable electoral institutions”;	Reinforce the internal operational and logistics capacity of the CNE and STAE through stronger coordination and communication mechanisms between the central and lower levels of EMB, to attest and guarantee full compliance in the implementation of legal framework, directives and instructions by provincial district structures.	No change in legal framework required.  Implementation by CNE and STAE.	EUEOM observers reported weak institutional knowledge and implementation capacity of lower levels of the election administration as well as instances of divergent degrees of compliance in implementing the legal framework and CNE directives.
6	ICCPR, article 19: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information...”;	Consideration could be given to develop an efficient public communication strategy, improve the dissemination of public information, the prompt publication of all deliberations, instructions and internal procedures, and hold regular consultative meetings with political parties. Provincial and district commission to hold period meetings with stakeholders to inform about regulatory framework, directives, election implementation phases and election planning. Guarantee transparency and public communication regarding CNE procurement procedures.	No change in legal framework required.  Implementation by CNE and STAE	Public communication with stakeholders and the dissemination of electoral information in a timely fashion as to enhance public confidence in the process was observed to be at times poorly managed. The central CNE and STAE maintain a permanent structure, however at provincial and district levels commissions are made operational for short periods of time during the electoral period, which impacts on the capacity to disseminate information on lower levels on the electoral administration.
7	ICCPR, article 19: “ Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information...”; AUD, III, e:	Strengthen specific voter education activities targeting first-time voters, youth, women and people with disabilities; The use of local languages, diversified channels and targeted messages in promotion of political tolerance, peaceful campaign and election, voting rights, and election day procedures	No change in legal framework required.  Implementation by CNE and Civil Society Organizations.	Almost half of the registered electorate did not participate in the elections and the country’s population is still predominantly rural. Previous EU EOMs assessments repeatedly referred to the need to improve citizens participation in the electoral process and develop awareness in regard to political and civil rights while aiming at mitigating instances of electoral violence;

	<p>“...promote civic and voters’ education on the democratic principles and values in close cooperation with the civil society groups and other relevant stakeholders”;</p>	<p>could be considered. Collaboration with community leaders could be sought as much as possible; Address the different needs of Mozambican voters; rural areas could benefit from civic and voter education programs during the whole electoral cycle.</p>	<p>Follow-up by International Community /Donors</p>	
<b>8</b>	<p><b>AUD, III, c:</b> “establish...competent and accountable national electoral bodies staffed by qualified personnel...”;</p> <p><b>AUD, III, g)</b> “ensure the availability of adequate logistics and resources for carrying out democratic elections...”;</p>	<p>Reinforce the capacity of STAE training department; improve the overall quality of training offered to permanent and <i>ad hoc</i> (i.e. partisan representatives) election officials throughout the electoral cycle;</p>	<p>No change in legal framework required.</p> <p>Implementation by CNE and STAE.</p> <p>Follow-up by International Community / Donors</p>	<p>The CNE and STAE organized a 20 day/ two phased training for 130,000 prospective polling staffs. The training was important due to the amended electoral law which introduced three partisan elements to the polling staff (“<i>escrutinadores</i>”) whose responsibilities included the direct management of election day and counting of votes. EU observers initially assessed the training as adequate, however later it was observed that polling staff’s performance was weak and at times unprofessional, especially during the counting process. During the tabulation processes, (district and provincial levels) it was assessed that election officials were not always aware of legal requirements and procedures were not always fully followed.</p>
<b>9</b>	<p><b>SADC (article 7, 8)</b> “Ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by</p>	<p>Improvement of communication and coordination mechanisms between CNE/STAE with political parties and civil society organizations to allow for a timely accreditation of party representatives and national observers.</p>	<p>No change in legal framework required.</p> <p>Implementation by CNE, STAE and political parties.</p>	<p>Political parties and civil society organization faced challenges in timely deploying their representatives to polling stations partly due to the late issuance of accreditations by the electoral management body, and partly due to the lack of organization in the submissions of requests.</p>

	accrediting national and/or other observers/monitors”;				
<b>Section VOTER REGISTRATION</b>					
<b>10</b>	<b>ICCPR, General Comment to article 25</b> “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right...”;	Development of an adequate and permanent mechanism to maintain and update the voters register; resort to the civil register and the courts to allow the voter register to be purged from deceased and ineligible voters. Allow for timely transfer of voters so that these are included in the main voters’ list at polling stations.  Consideration could be given to the publication of disaggregated voter registration information regarding gender and age groups.	Change in law required / National Assembly.  Implementation by CNE and STAE.	The law stipulates that a voter registration exercise is carried out for each new electoral cycle. A new voter register was produced for the 2013/2014 municipal and general elections and an electronic copy of the register was provided to the contesting political parties in electronic format.  The EU observers reported that supplementary lists with transferred voters, or lists with double registered voters were kept and added to the main voters list at a number of polling stations. The EMB did not clarify the organizational nature of these additional lists. Also, the public display of voter’s lists at polling station on election day was found lacking. A number of voters experienced difficulties to identify their polling station, further to the fact that supplementary lists and transferred voters were added to polling stations without timely clarification by the EMB.	Although the voter register is exhibited at the same location where the registration took place, amendments to the electoral law stipulate three days for public exhibition which seems to be insufficient for the electorate to confirm and correct their registration.
<b>11</b>	<b>ICCPR, General Comment to article 25</b> “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right...”;	Extend the period of time for the public exhibition of the voters’ register.	Change in law required /National Assembly  Implementation by CNE and STAE		

Section MEDIA				
12	<p><b>African Charter on Broadcasting, 2001</b></p> <p>Part I, article 1 - The legal framework for broadcasting should include a clear statement of the principles underpinning broadcast regulation including a three-tier system for broadcasting: public service, commercial and community.</p>	<p>The Press Law should include regulatory provisions for broadcasters under a three-tier broadcasting system (public, commercial and community)</p>	<p>Change in legal framework required – Law 18/91</p>	<p>The Press law does not include provisions for the community media which represents a gap for the several community radios of the country. A new broadcasting law has been debated for many years but has not been presented for approval yet, leaving broadcasters under limited legal provisions.</p>
13	<p><b>Declaration of Windhoek, 1991</b></p> <p>Article 1, 2 – the maintenance and fostering of an independent press is essential to the development and maintenance of democracy in a nation.</p>	<p>Include legal deadlines both for the presentation of violations of press-related legislation to the <i>Conselho Superior de Comunicação Social</i> (CSCS) and for the CSCS to respond to these complaints. Electoral related violations should have a shorter legal deadline.</p>	<p>Change in legal framework required – article 37, Law 18/91 (Press Law)</p>	<p>The CSCS, who conducted a media monitoring, should have reacted promptly to MDM complaint and present it to the Constitutional Council in order to effectively fulfill its mandate of guaranteeing the independence and impartiality of the state-run media.</p>
14	<p><b>Declaration of Windhoek, 1991</b></p> <p>Article 1, 2 – the maintenance and fostering of an independent press is essential to the development and maintenance of democracy in a nation.</p>	<p>Consider evaluate the change of the CSCS composition converting it into an independent and apolitical supervisory body.</p>	<p>Change in legal framework required – article 38, Law 18/91 (Press Law)</p>	<p>CSCS's apathy during the electoral process reflects the absence of this body with a serious impact in the impartiality of the public service that should be provided by the state-run media. Its composition, two members are indicated by the President of the Republic and four others are chosen by the National Assembly (more than a half of the eleven members), together with its apathy, leaves room for criticism on the independence of this</p>

					institution that should be less politicized.
<b>15</b>	<b>Constitution of Mozambique</b> Article 48/4 – State-owned media should guarantee the expression and the exchange of ideas between different currents of opinion.	Reinforce and diversify information provided during the campaign period by broadcasting debates and interviews with the political contestants in the public media.	Enforcement of legal framework- Article 48/4, Constitution of Mozambique.		Citizens had access to a large amount of information regarding the electoral campaign and the main contestants but there were only occasional debates and analysis-related programs, specifically in the state-run media.
<b>Section POLITICAL PARTIES</b>					
<b>16</b>	<b>ICCPR (2.3) /African Charter (7)</b> The right to have access to judicial review. <b>AUD(4,c)</b> Democratic elections should be conducted under a system of separation of powers that ensures in particular the independence of the Judiciary. <b>SADC (7.3)</b> Establish competent legal entities including effective constitutional courts to arbitrate in the event of disputes arising from the conduct of the elections.	To guarantee a fair implementation of the electoral legislation by political parties it is advisable to improve their capacities at all levels by offering them access to training on the electoral legal framework, and specifically on the system of complaints and appeals.	No change in legal framework required.  Implementation by CNE, STAE and International Donors.		The lack of knowledge by political parties' representatives at district and provincial levels about the new legal system of complaints and appeals prevented them to file complaints both timely and at the competent instance to denounce irregularities and electoral offenses during the electoral process.

Section Polling, Counting, Aggregation of Results and Publication of Results					
17	AUD (III, c) “...establish impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel...”;	Promote a more effective and efficient training on counting and tabulation procedures, the handling of sensitive election materials, and the first level handover of documents.	No change in legal framework required.  Implementation by CNE and STAE.	Improve the performance of the elections officials, both permanent and <i>ad hoc</i> staff (partisan nominated); decrease the long hours spent at counting, and decrease the number of arithmetic mistakes on results sheets.	
18	AUD (III, c) “...establish impartial, all-inclusive, competent and accountable national electoral bodies...”; SADC (7.5) “Take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process”.	The results aggregation at district and provincial level need procedural clarifications and streamlining of the implementation steps. Establish clear and specific procedures on the responsibilities of tabulation officials during the different stages of the process.	Change in legal framework required / National Assembly.  Implementation by CNE and STAE.	Procedural steps of the crucial first stage of district aggregation lacked clarity, which contributed to different interpretations on how to prepare and conduct the process.	
19	AUD (III, c) “...establish impartial, all-inclusive, competent and accountable national electoral bodies...”;	Publish results per polling station in each tabulation level, district and provincial. The final official results should also include a detailed breakdown of results per polling station.	Change in legal framework required / National Assembly.  Implementation by CNE, STAE and the Constitutional Council.	The law does not refer to the publication of polling station results other than the one posted outside the polling station after the conclusion of counting.	

Section GENDER EQUALITY				
20	<p><b>CEDAW</b> Article 4, Principle of equality between men and women.</p> <p><b>African Charter</b> 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 administrative measures to guarantee the rights of women....</p>	Adopt special measures aimed at accelerating and achieving full equality between men and women in elected offices and public institutions, including the National Election Commission.	<p>Change in primary legislation required and CNE regulations</p> <p>Implementation by National Assembly and CNE</p>	<p>Despite international and regional commitments and national legislation in support of gender equality, women remain largely underrepresented in all levels of public life, including in elected institutions.</p>
Section HUMAN RIGHTS RELATED TO THE ELECTORAL PROCESS				
21	<p><b>ICPPR(12, 21)</b> The right to freedom of movement and peaceful assembly</p> <p><b>African Charter(11, 12)</b> Every individual shall have the right to assemble freely with others. Right to freedom of movement</p> <p><b>AUD(4, a))</b> Democratic elections should be conducted</p>	Promote trainings of police officers and members of the judiciary and public prosecutors on electoral offenses and basic human rights related to the electoral process.	<p>No change in legal framework required.</p> <p>Implementation by the Government.</p>	<p>The respect of the rule of law and basic human rights by the authorities involved in the electoral process in accordance with the political constitution of Mozambique and the International conventions ratified by Mozambique is crucial for the integrity of the elections. Candidates and political parties must enjoy the right to freely do electoral campaigning in the whole territory during the electoral process.</p>



	freely and fairly <b>SADC(7.4)</b> Safeguard the human and civil liberties of all citizens including the freedom of movement, assembly and campaigning.			
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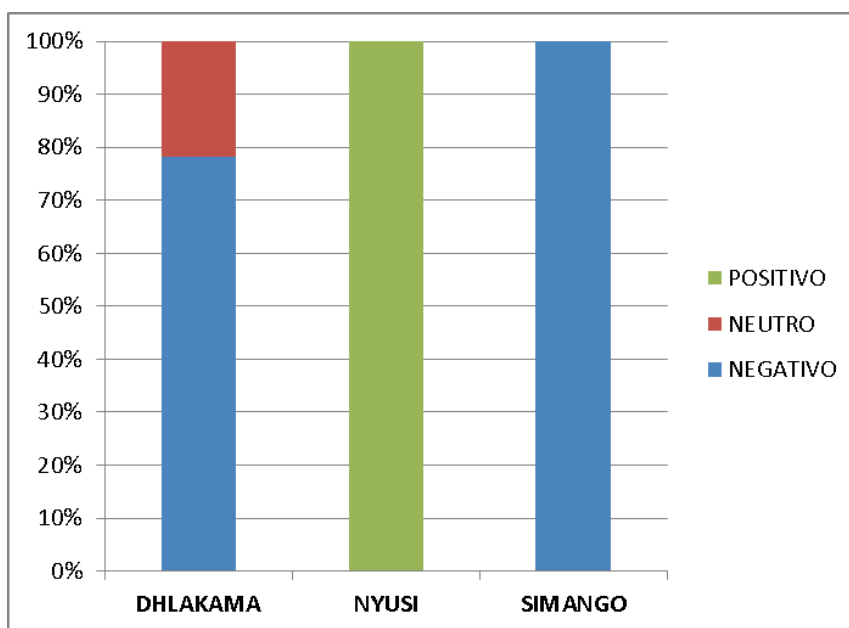
**International and Regional Legal Instruments referred to:**

- ICCPR** – International Covenant on Civil and Political Rights
- CEDAW** – Convention on the Elimination of all Forms of Discrimination against Women
- African Charter** – African Charter on Human and Peoples’ Rights
- AUD** – African Union Declaration on the Principles Governing Democratic Elections in Africa
- SADC** – Principles and Guidelines Governing Democratic Elections

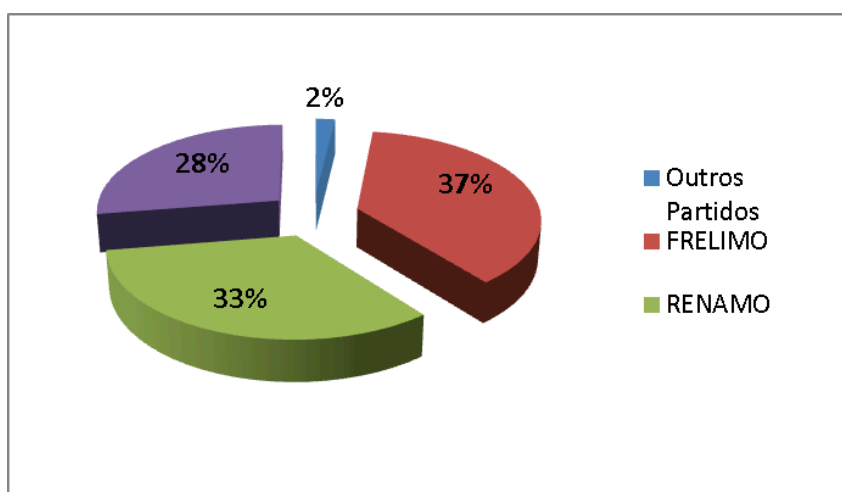
Annex

Media

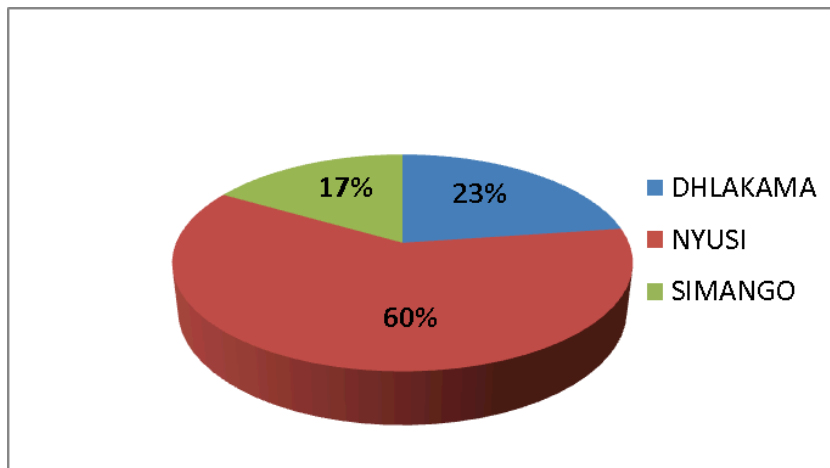
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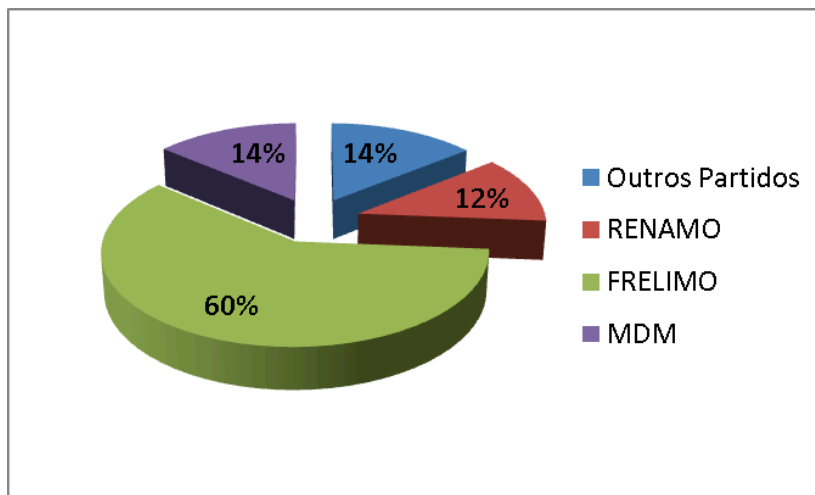
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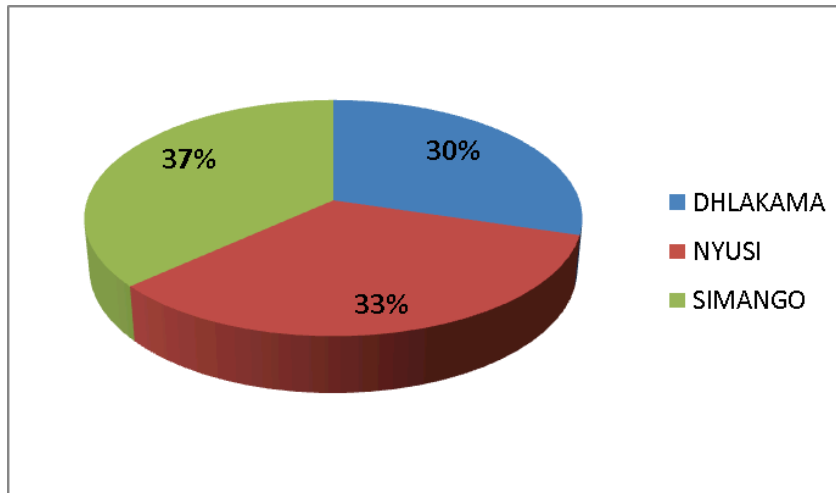
Space devoted by Notícias to the presidential candidates



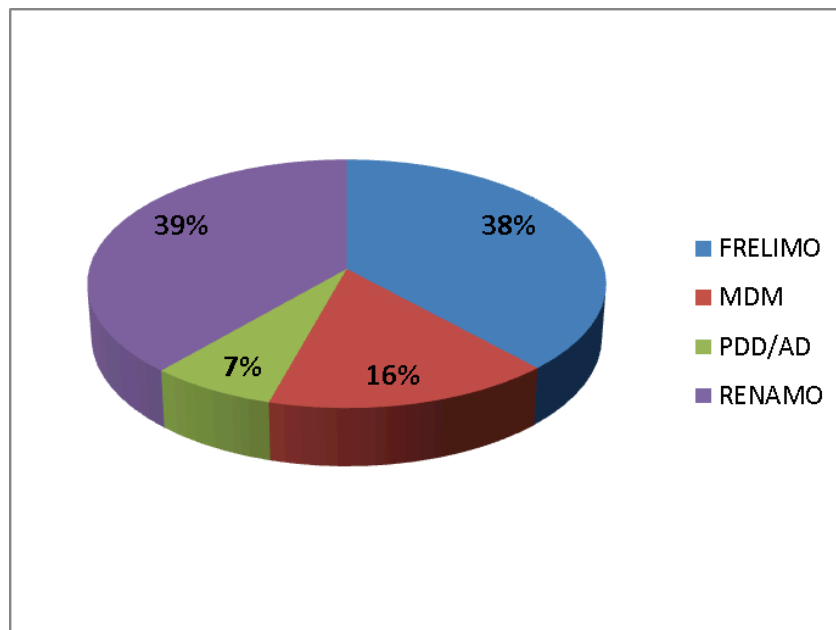
Space devoted by Notícias to the political parties with seats in parliament and the remaining contestants



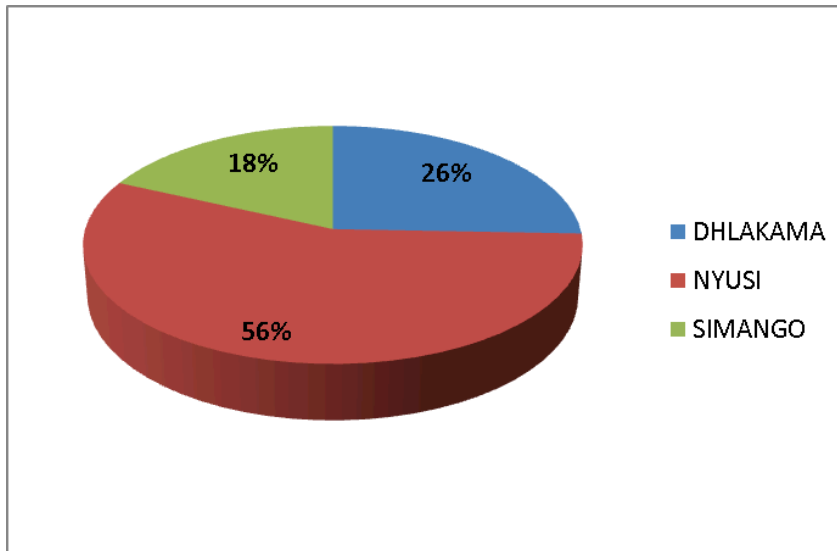
Space devoted by O País to the presidential candidates



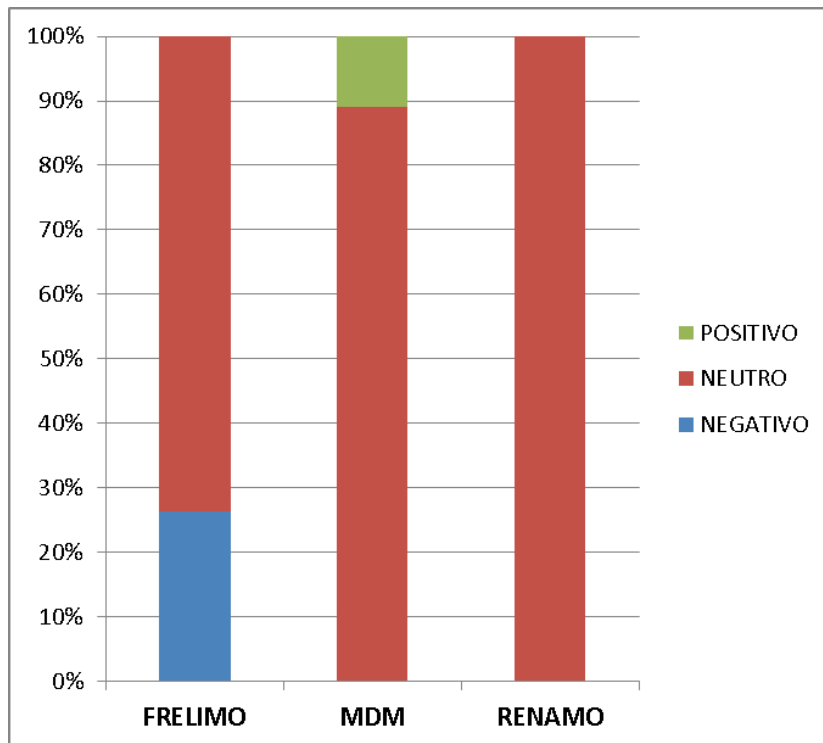
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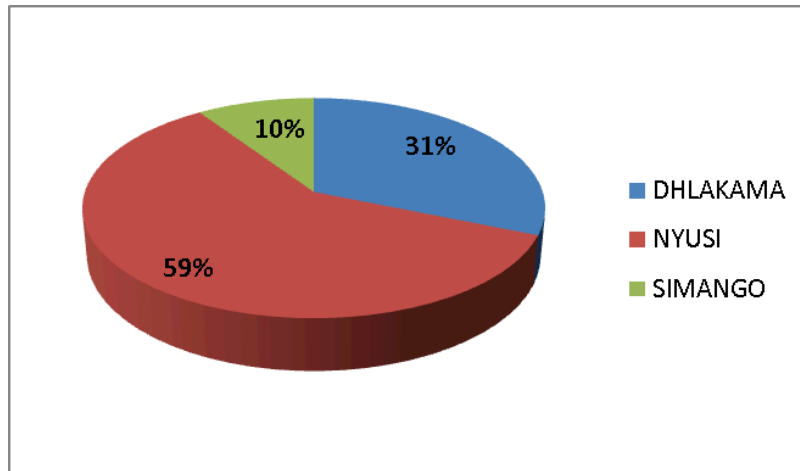
Space devoted by Savana to the presidential candidates



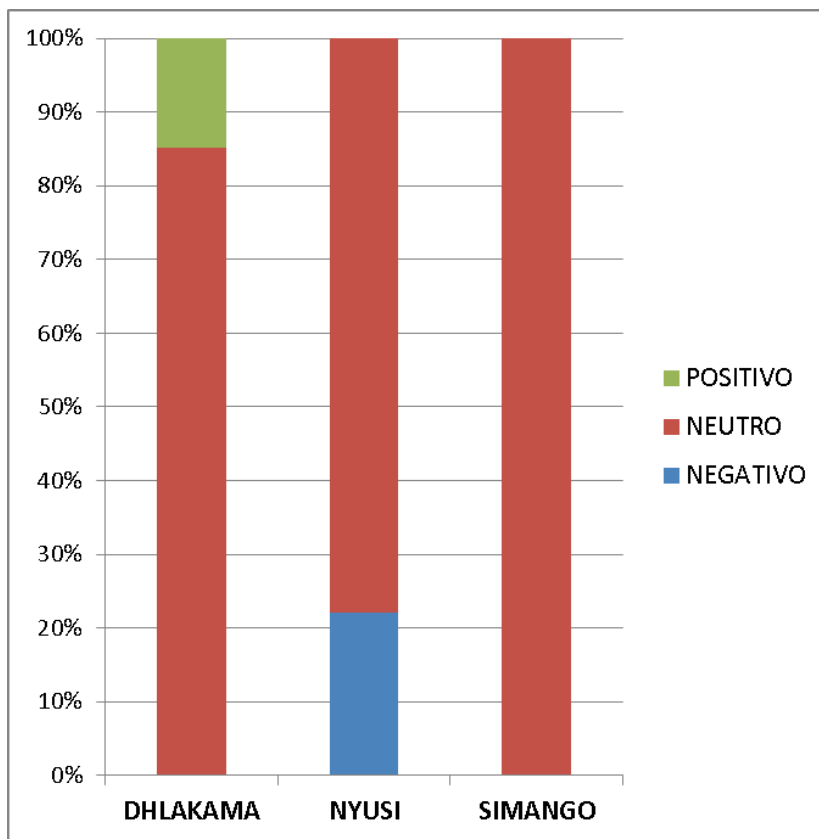
Tone used by Savana towards the political parties



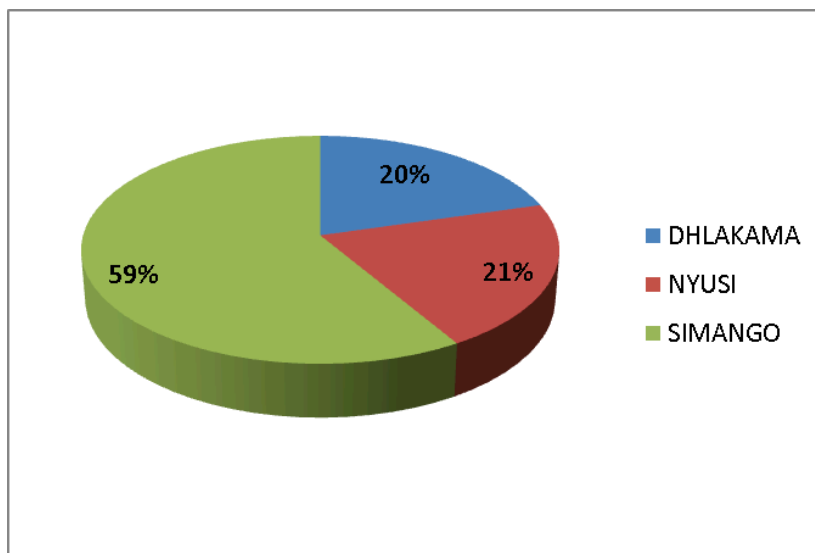
Space devoted by Zambeze to the presidential candidates



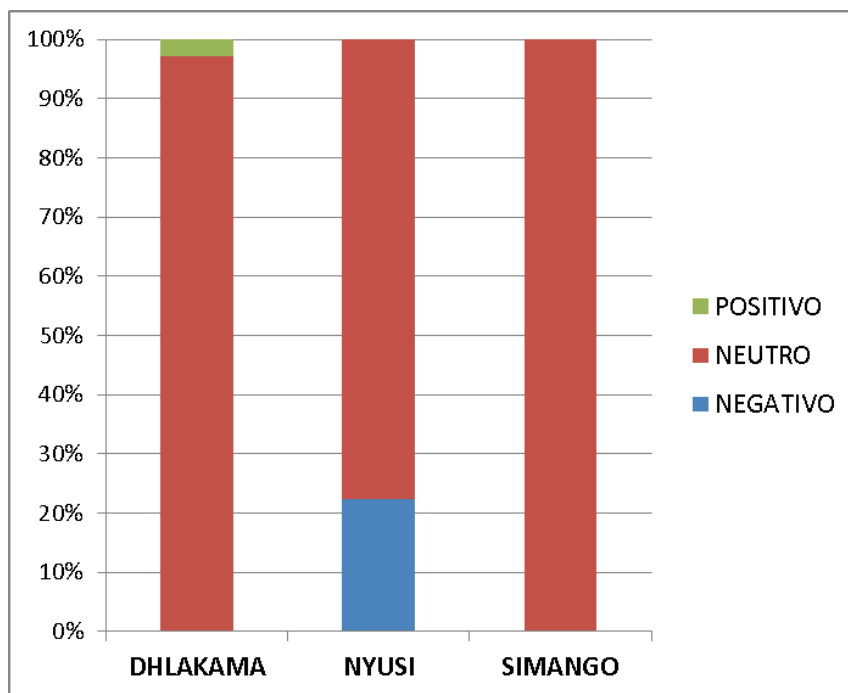
Tone used by Zambeze towards the presidential candidates



### Space offered by Canal de Moçambique to the presidential candidates

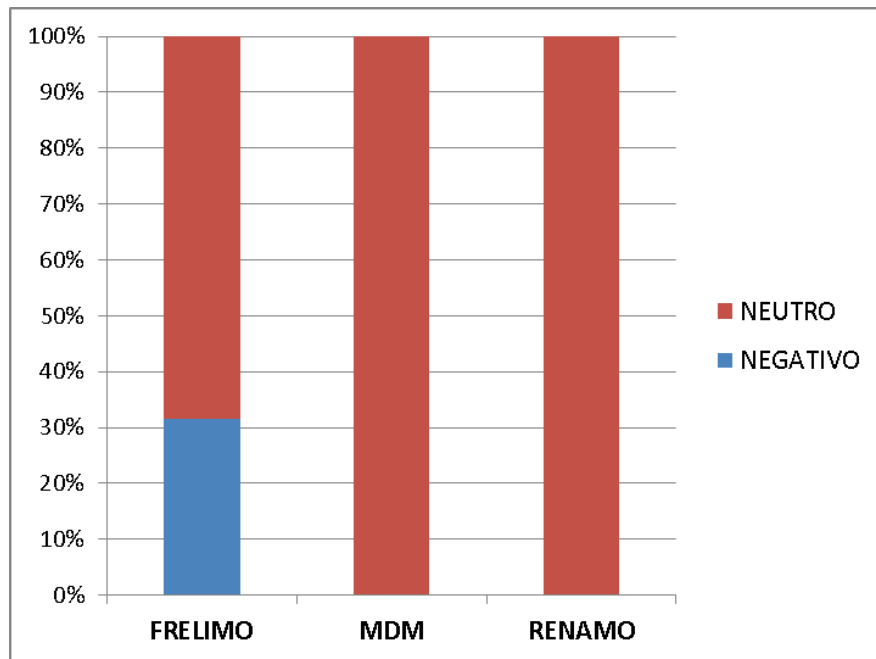


### Tone used by Canal de Moçambique towards the presidential candidates



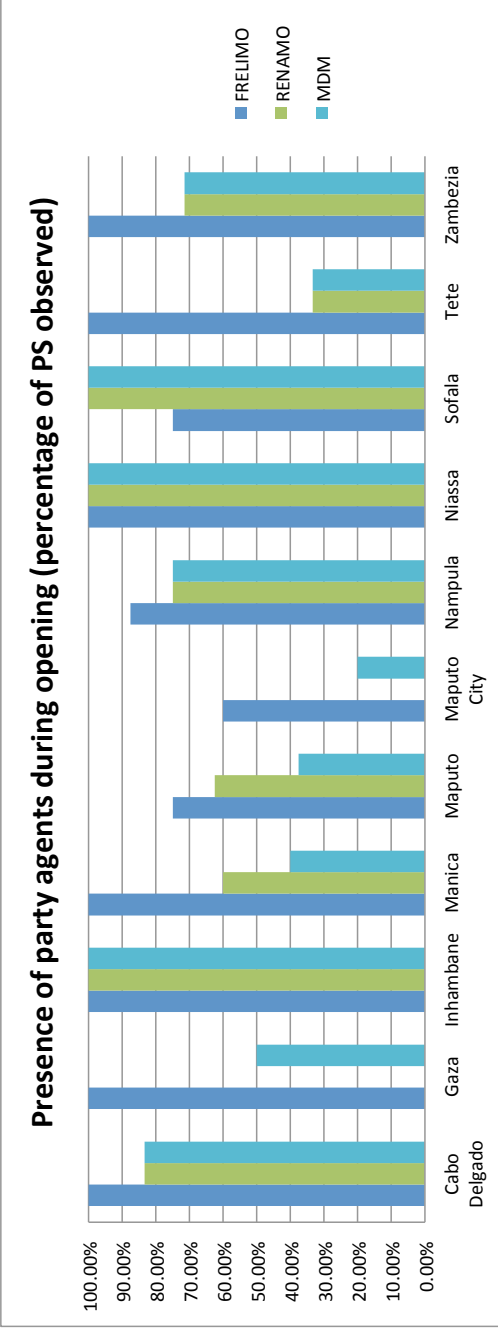
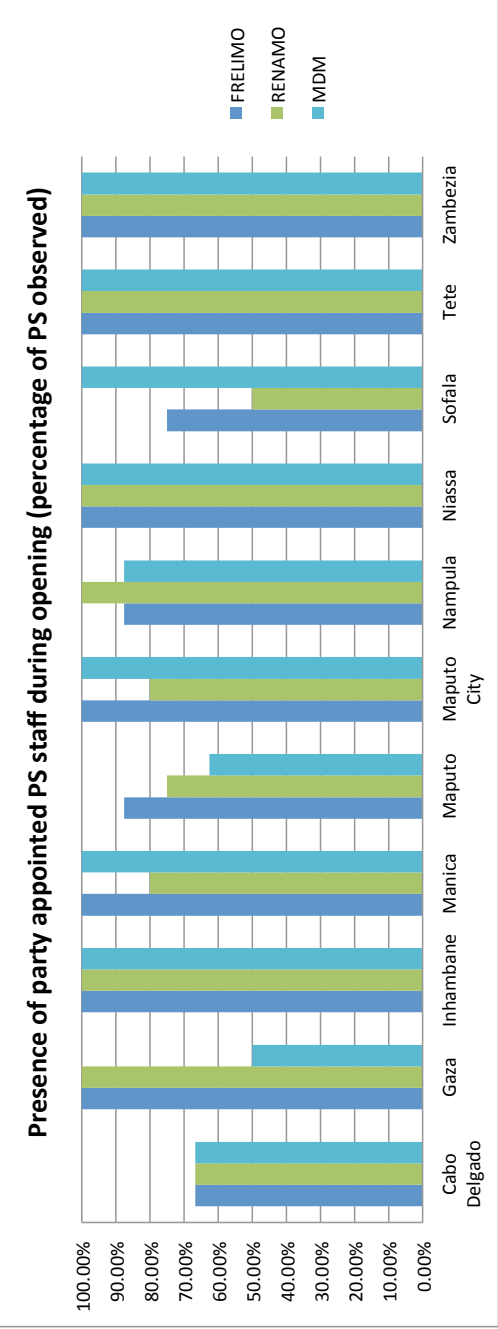


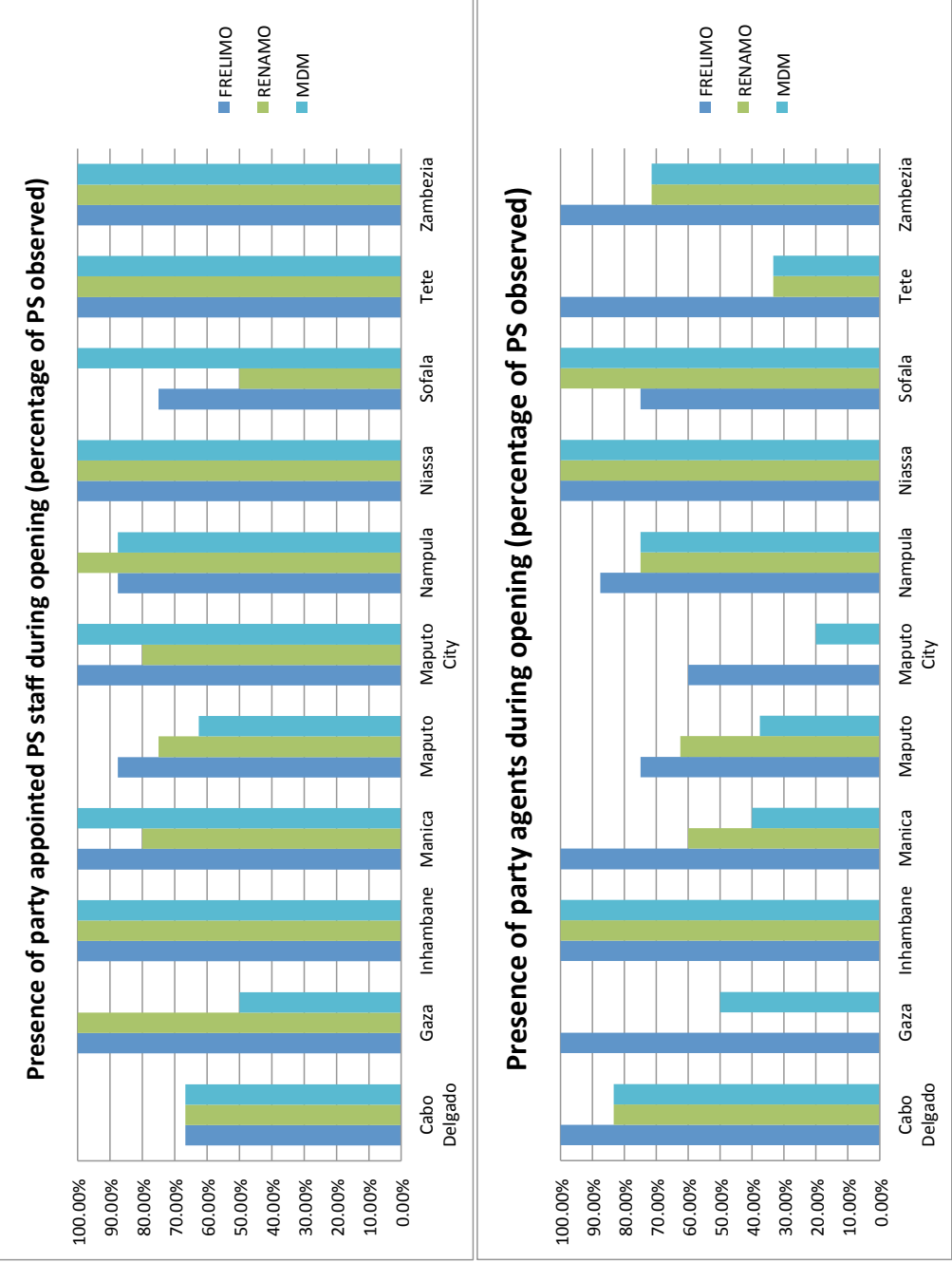
Tone used by Canal de Moçambique towards the political parties with seats in parliament



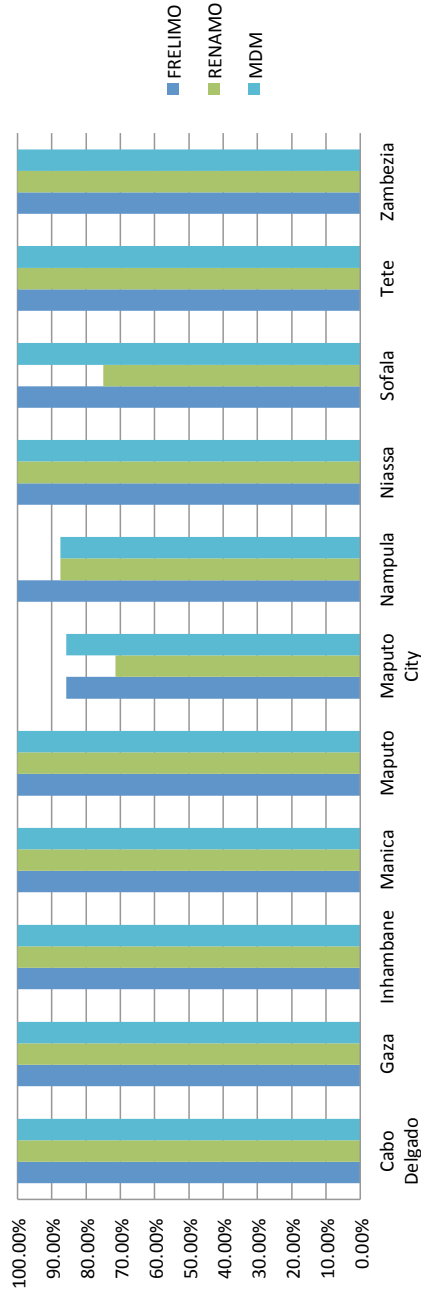
## Annex

Presence of party appointed  
Polling station staff and party agents

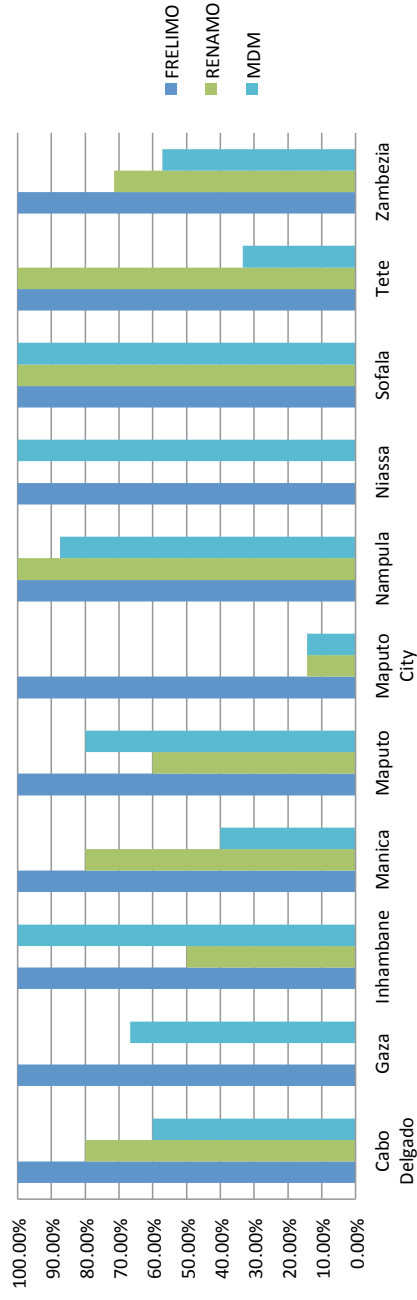


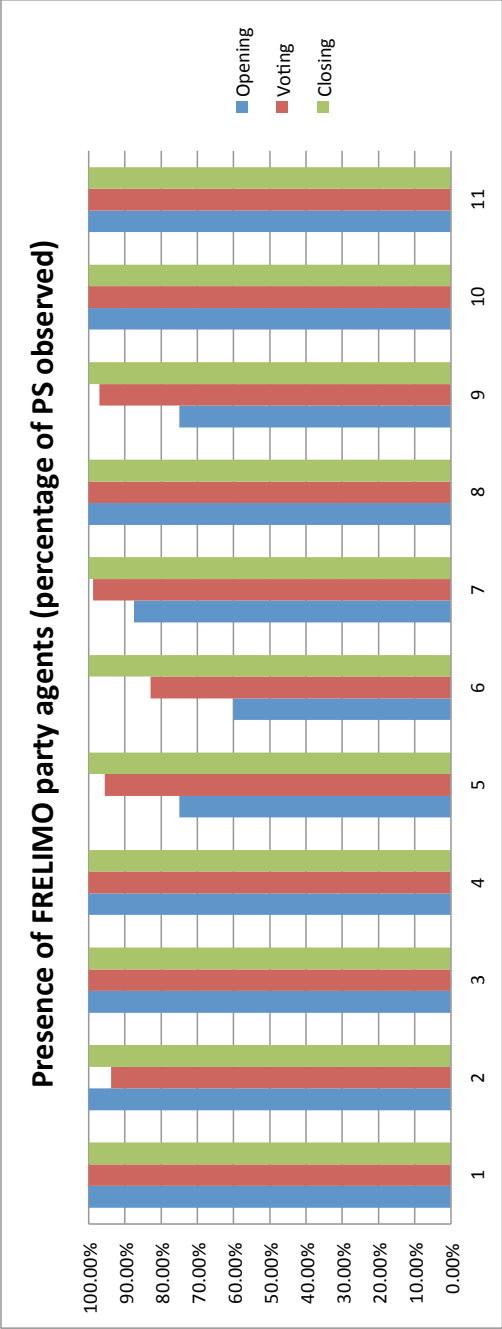
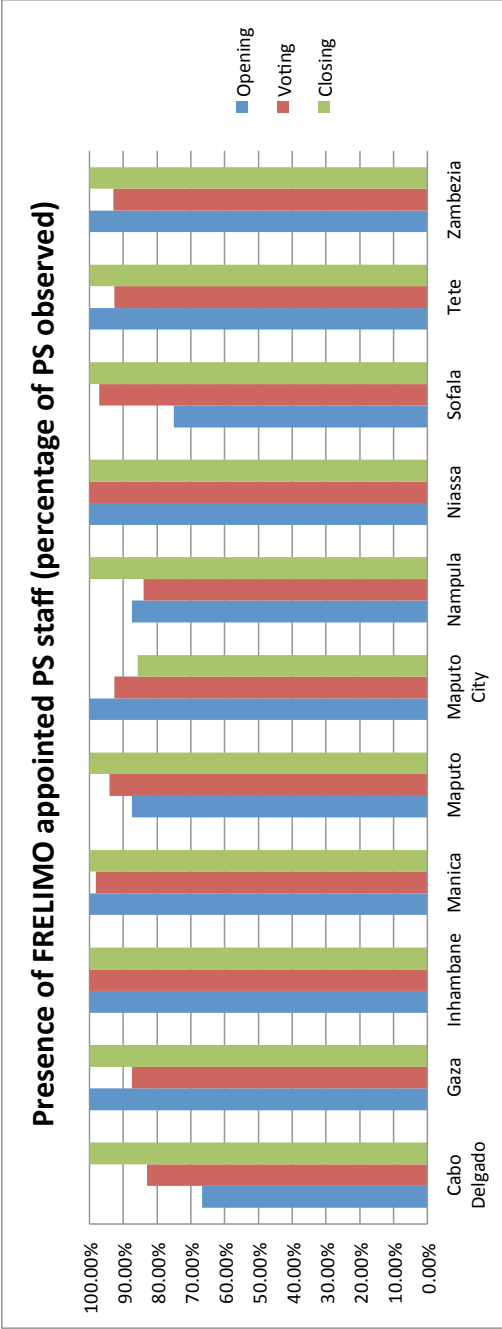


Presence of party appointed PS staff during closing (percentage of PS observed)

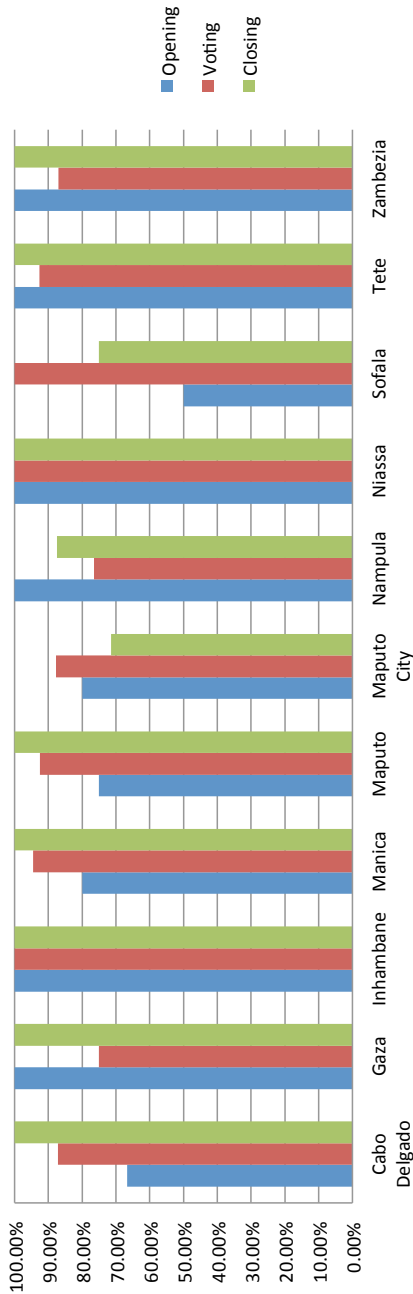


Presence of party agents during closing (percentage of PS observed)

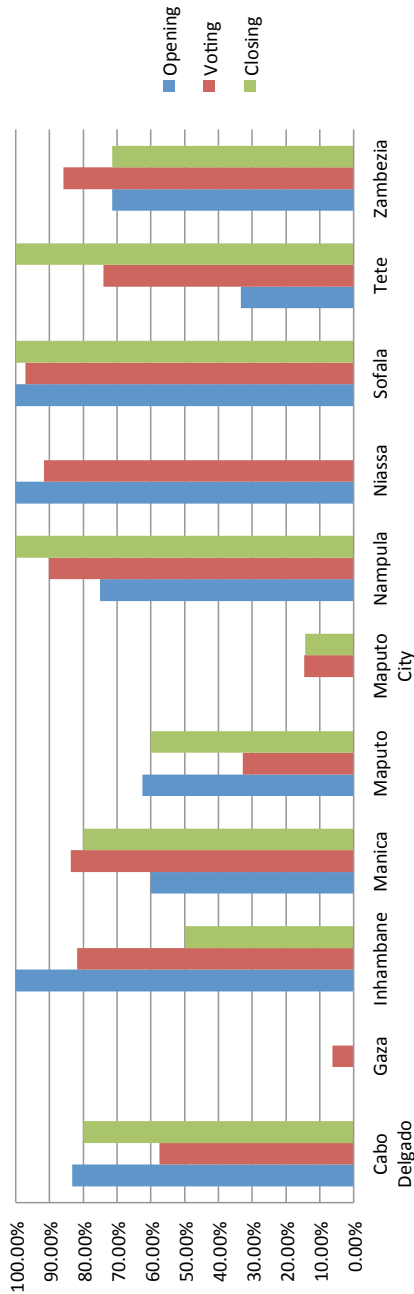


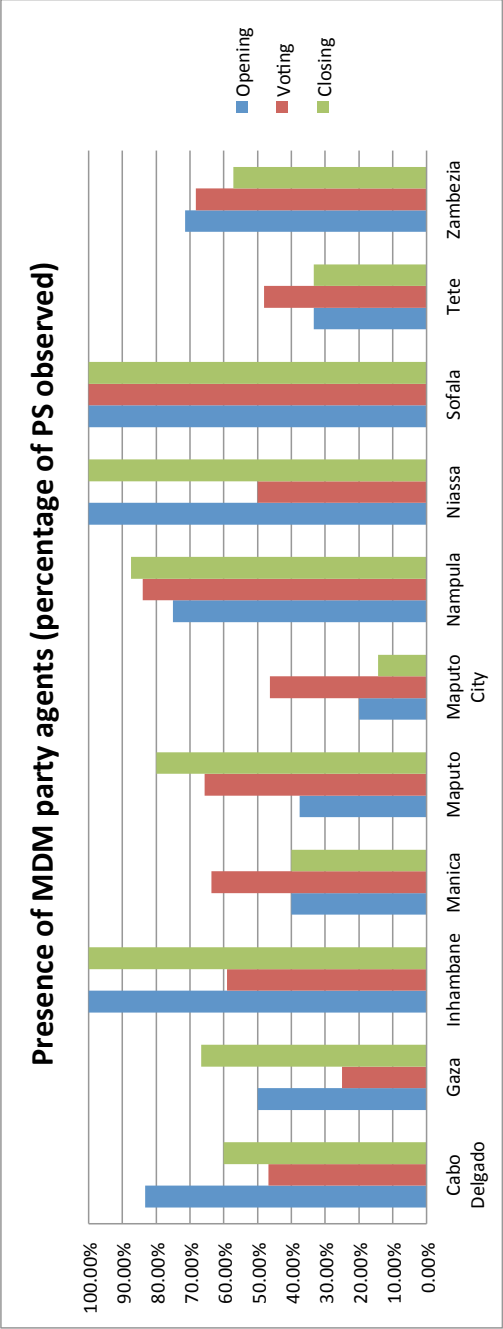
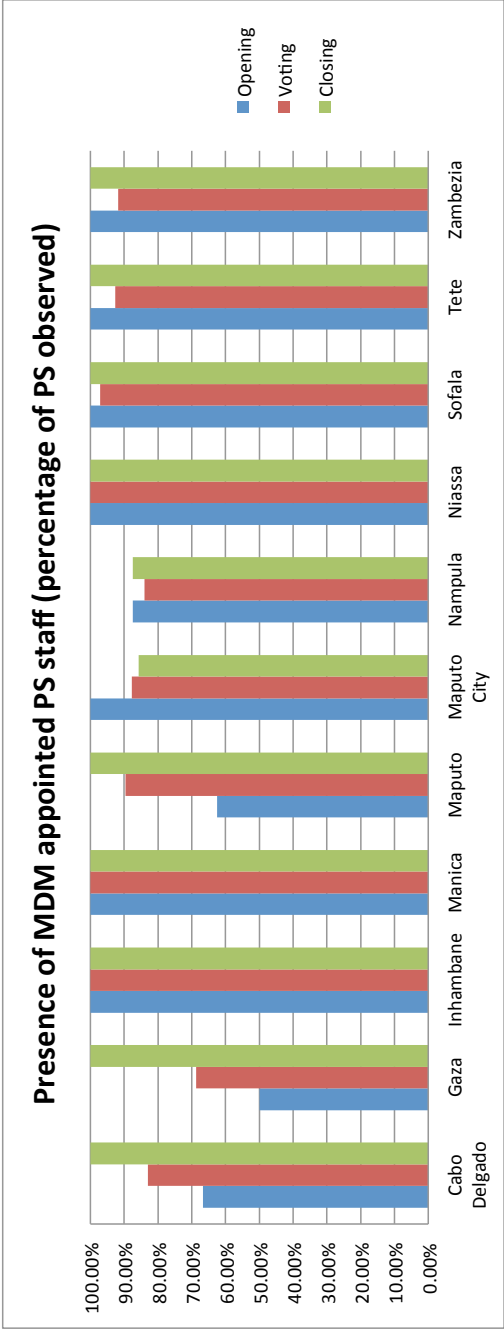


Presence of RENAMO appointed PS staff (percentage of PS observed)



Presence of RENAMO party agents (percentage of PS observed)







**Opening**

Province	PS observed	Party appointed PS staff present						Party agents present					
		FRELIMO		RENAMO		MDM		FRELIMO		RENAMO		MDM	
		Cases	%	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
Cabo Delgado	6	4	66.67%	4	66.67%	4	66.67%	6	100.00%	5	83.33%	5	83.33%
Gaza	4	4	100.00%	4	100.00%	2	50.00%	4	100.00%	0	0.00%	2	50.00%
Inhambane	2	2	100.00%	2	100.00%	2	100.00%	2	100.00%	2	100.00%	2	100.00%
Manica	5	5	100.00%	4	80.00%	5	100.00%	5	100.00%	3	60.00%	2	40.00%
Maputo	8	7	87.50%	6	75.00%	5	62.50%	6	75.00%	5	62.50%	3	37.50%
Maputo City	5	5	100.00%	4	80.00%	5	100.00%	3	60.00%	0	0.00%	1	20.00%
Nampula	8	7	87.50%	8	100.00%	7	87.50%	7	87.50%	6	75.00%	6	75.00%
Niassa	1	1	100.00%	1	100.00%	1	100.00%	1	100.00%	1	100.00%	1	100.00%
Sofala	4	3	75.00%	2	50.00%	4	100.00%	3	75.00%	4	100.00%	4	100.00%
Tete	3	3	100.00%	3	100.00%	3	100.00%	3	100.00%	1	33.33%	1	33.33%
Zambezia	7	7	100.00%	7	100.00%	7	100.00%	7	100.00%	5	71.43%	5	71.43%

**Voting**

Province	PS observed	Party appointed PS staff present						Party agents present					
		FRELIMO		RENAMO		MDM		FRELIMO		RENAMO		MDM	
		Cases	%	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
Cabo Delgado	47	39	82.98%	41	87.23%	39	82.98%	47	100.00%	27	57.45%	22	46.81%
Gaza	32	28	87.50%	24	75.00%	22	68.75%	30	93.75%	2	6.25%	8	25.00%
Inhambane	22	22	100.00%	22	100.00%	22	100.00%	22	100.00%	18	81.82%	13	59.09%
Manica	55	54	98.18%	52	94.55%	55	100.00%	55	100.00%	46	83.64%	35	63.64%
Maputo	67	63	94.03%	62	92.54%	60	89.55%	64	95.52%	22	32.84%	44	65.67%
Maputo City	41	38	92.68%	36	87.80%	36	87.80%	34	82.93%	6	14.63%	19	46.34%
Nampula	81	68	83.95%	62	76.54%	68	83.95%	80	98.77%	73	90.12%	68	83.95%
Niassa	12	12	100.00%	12	100.00%	12	100.00%	12	100.00%	11	91.67%	6	50.00%
Sofala	34	33	97.06%	34	100.00%	33	97.06%	33	97.06%	33	97.06%	34	100.00%
Tete	27	25	92.59%	25	92.59%	25	92.59%	27	100.00%	20	74.07%	13	48.15%
Zambezia	85	79	92.94%	74	87.06%	78	91.76%	85	100.00%	73	85.88%	58	68.24%

**Closing**

Province	PS observed	Party appointed PS staff present						Party agents present					
		FRELIMO		RENAMO		MDM		FRELIMO		RENAMO		MDM	
		Cases	%	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
Cabo Delgado	5	5	100.00%	5	100.00%	5	100.00%	5	100.00%	4	80.00%	3	60.00%
Gaza	3	3	100.00%	3	100.00%	3	100.00%	3	100.00%	0	0.00%	2	66.67%
Inhambane	2	2	100.00%	2	100.00%	2	100.00%	2	100.00%	1	50.00%	2	100.00%
Manica	5	5	100.00%	5	100.00%	5	100.00%	5	100.00%	4	80.00%	2	40.00%
Maputo	5	5	100.00%	5	100.00%	5	100.00%	5	100.00%	3	60.00%	4	80.00%
Maputo City	7	6	85.71%	5	71.43%	6	85.71%	7	100.00%	1	14.29%	1	14.29%
Nampula	8	8	100.00%	7	87.50%	7	87.50%	8	100.00%	8	100.00%	7	87.50%
Niassa	1	1	100.00%	1	100.00%	1	100.00%	1	100.00%	0	0.00%	1	100.00%
Sofala	4	4	100.00%	3	75.00%	4	100.00%	4	100.00%	4	100.00%	4	100.00%
Tete	3	3	100.00%	3	100.00%	3	100.00%	3	100.00%	3	100.00%	1	33.33%
Zambezia	7	7	100.00%	7	100.00%	7	100.00%	7	100.00%	5	71.43%	4	57.14%