



European Union  
Election Observation Mission

# São Tomé e Príncipe 2022

Final Report



Legislative, Local and  
Regional Elections

25 September 2022



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*The Election Observation Missions are independent from the institutions of the European Union.  
The views and opinions expressed in this report are those of the authors and do not necessarily  
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## TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY.....	5
II.	INTRODUCTION .....	8
III.	POLITICAL BACKGROUND.....	8
IV.	IMPLEMENTATION OF PREVIOUS EU EOM RECOMMENDATIONS .....	10
V.	LEGAL FRAMEWORK.....	11
VI.	ELECTORAL ADMINISTRATION.....	15
VII.	VOTER REGISTRATION .....	19
VIII.	REGISTRATION OF CANDIDATES .....	19
IX.	CAMPAIGN ENVIRONMENT .....	23
X.	MEDIA.....	25
XI.	SOCIAL MEDIA AND DIGITAL RIGHTS .....	28
XII.	PARTICIPATION OF WOMEN.....	30
XIII.	PARTICIPATION OF PERSONS WITH DISABILITIES.....	31
XIV.	CITIZEN AND INTERNATIONAL ELECTION OBSERVATION .....	32
XV.	ELECTORAL DISPUTES.....	33
XVI.	POLLING, COUNTING AND TABULATION OF RESULTS.....	34
XVII.	RESULTS AND POST-ELECTION ENVIRONMENT.....	36
XVIII.	RECOMMENDATIONS.....	40
	ANNEX 1 - ELECTION RESULTS .....	52
	ANNEX 2 - MEDIA MONITORING FINDINGS.....	53
	ANNEX 3 - SOCIAL MEDIA MONITORING FINDINGS .....	56
	ANNEX 4 - COMPARATIVE OVERVIEW of WOMEN REPRESENTATION.....	61

## LIST OF ACRONYMS

AAD	<i>Assembleia de Apuramento Distrital</i> / District Tabulation Assembly
AAG	<i>Assembleia de Apuramento Geral</i> / General Tabulation Assembly
ACEP	Association for the Cooperation among Peoples
AD	<i>Assembleias Distritais</i> / District Assemblies
ADI	<i>Acção Democrática Independente</i> / Independent Democratic Action
AJS	<i>Associação dos Jornalistas Santomenses</i> / Association of Santomean Journalists
AN	<i>Assembleia Nacional</i> / National Assembly
ANPDP	<i>Agência Nacional de Protecção de Dados Pessoais</i> / National Agency of Personal Data Protection
AR	<i>Assembleia Regional</i> – Regional Assembly
Basta!	<i>Basta! - Novo Horizonte para Desenvolvimento Sustentável</i> / Enough! – New Horizon for Sustainable Development
CED	<i>Comissão Eleitoral Distrital</i> / District Election Commissions
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEN	<i>Comissão Eleitoral Nacional</i> / National Electoral Commission
CEN-SAD	Community of Sahel-Saharan States
CER	<i>Comissão Eleitoral Regional</i> / Regional Electoral Commission
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CNJ	<i>Conselho Nacional de Juventude</i> / National Youth Council
CPLP	<i>Comunidade dos Países de Língua Portuguesa</i> / Community of Portuguese Speaking Countries
CRPD	Convention on the Rights of Persons with Disabilities
CSI	<i>Conselho Superior de Imprensa</i> / High Council of Press
DTA	District Tabulation Assemblies
ECCAS	Economic Community of Central African States
EEM	Election Expert Mission
EOM	Election Observation Mission
EU	European Union
FB	Facebook
FNF	Foundation New Future
Fong-STP	Federation of NGOs
FPTP	First-Past-The-Post
GTE	<i>Gabinete Técnico Eleitoral</i> / Technical Electoral Cabinet
ICCPR	International Covenant on Civil and Political Rights
LTO	Long Term Observers
LSTO	Locally-recruited Short Term Observers
MCI/STP	<i>Movimento de Cidadãos Independentes de São Tomé e Príncipe</i> / Movement of Independent Citizens of São Tomé e Príncipe
MDFM	<i>Movimento Democrático das Forças da Mudança</i> / Democratic Movement of the Forces of Change

MLSTP/PSD	<i>Movimento de Libertação de São Tomé e Príncipe – Partido Social Democrata / Liberation Movement of São Tomé e Príncipe – Social Democratic Party</i>
MS	Member States
MVDP	<i>Movimento Verde para o Desenvolvimento do Príncipe / Green Movement for the Development of Príncipe</i>
NTA	National Tabulation Assembly / <i>Assembleia de Apuramento Geral</i>
PCD/GR	<i>Partido de Convergência Democrática-Grupo de Reflexão / Party of Democratic Convergence – Reflection Group</i>
PDHEG	Platform for Human Rights and Gender Equality
PP-PN	<i>Movimento Para o Progresso - Partido Novo / Movement for the Progress – New Party</i>
PS	Polling Station
PTOS	<i>Partido de todos os Santomenses / Party of all Santomeans</i>
PUN	<i>Partido da Unidade Nacional / Party of National Unity</i>
PwD	Persons with disabilities
RAP	Autonomous Region of Príncipe
RNSTP	<i>Radio Nacional de São Tomé e Príncipe / National Radio of São Tomé e Príncipe</i>
ROJAE	<i>Rede dos Órgãos Jurisdicionais e de Administração Eleitoral / Network of Electoral Administration and Judicial Bodies of CPLP</i>
RSTP	<i>Rádio Somos Todos Primos</i>
RRP	<i>Rádio Regional do Príncipe / Regional Radio of Príncipe</i>
SJS	<i>Sindicato de Jornalistas e Técnicos da Comunicação Social / Trade Union of Journalists and Communication Technicians</i>
STO	Short Term Observers
STP	São Tomé e Príncipe
TC	<i>Tribunal Constitucional / Constitutional Court</i>
ToT	Training of Trainers
TVS	<i>Televisão de São Tomé / Television of São Tomé</i>
UDD	<i>União dos Democratas Para a Cidadania e Desenvolvimento / Union of Democrats for Citizenship and Development</i>
UMPP	<i>União para Mudança e Progresso do Príncipe / Union for Change and Progresso of Príncipe</i>
UNCAC	United Nation Convention Against Corruption
UNDP	United Nations Development Programme

## I. EXECUTIVE SUMMARY

On 25 September, the voters of São Tomé e Príncipe went peacefully and in an orderly manner to the polls to elect the 55 members of the legislative body *Assembleia Nacional* (AN), 68 members of six *Assembleias Distritais* (ADs) and the nine-member *Assembleia Regional* (AR) in the Autonomous Region of Príncipe (RAP). These elections were an important test for the democratic stability of the country and the credibility of the electoral and judicial authorities after the disputes that followed the first round of the 2021 presidential elections and the 2018 legislative elections.

The legislative, local and regional elections took place in a context of general respect for fundamental freedoms and nominally independent democratic institutions. At the same time, the process was characterised by some politicised interpretations of the legal-electoral framework, a limited role for the civil society due to the legal prohibition of citizen observation, a weak capacity from the state institutions to make information accessible to stakeholders and the public and a reduced participation of women in the highest political positions.

The legislative elections endowed for the second time since the introduction of a multi-party system an absolute majority to *Ação Democrática Independente* (ADI) that won 30 out of 55 seats, followed by *Movimento de Libertação de São Tomé e Príncipe – Partido Social Democrata* (MLSTP-PSD) with 18 seats. The *Movimento de Cidadãos Independentes/Partido Socialista-Partido da Unidade Nacional* (MCI/PS-PUN) and *Basta!* won five and two seats respectively. In the local elections, the new majoritarian system resulted in 41 seats for ADI, 13 for MLSTP/PSD, 10 for MCI/PS-PUN and 3 for *Basta!*. In the RAP, the ruling *União para Mudança e Progresso do Príncipe* (UMPP) received six seats and the opposition *Movimento Verde para o Desenvolvimento do Príncipe* (MVDP) gained three seats in the AR.

São Tomé e Príncipe is a signatory to all major international and regional treaties that uphold key principles for democratic elections, and its legal framework provides sufficient guarantees for their protection. However, the implementation of the elections was not always grounded in the law, opening the space to potential political manipulations. Some examples are the non-implementation of a mandatory voter register update; the *de facto* introduction of a majoritarian system for the local elections; and the variable number of polling staff allowed in polling stations.

The legal reform of the electoral framework that took place in 2021, prior to the presidential elections, brought about some amendments of varying significance, but did not clarify some crucial ambiguities and gaps that continue exposing the system to political manipulations, such as the definition of the responsible body for conducting the voter register, the unclear timelines for registering electoral coalitions and the length of local and regional assemblies' mandates.

The electoral management body, the *Comissão Eleitoral Nacional*, (CEN) is a short-term ad hoc body weakened by structural limitations. Its temporary and politicised nature dilutes its effectiveness, prevents a timely mobilisation of resources and the development of an institutional memory. Its own technical support body, the *Gabinete Técnico Eleitoral* (GTE), is, oddly, permanent, but it is not resourced to execute its mandate and remains without any electoral guidance outside the CEN's period of activity.

Voter registration is an active, mandatory and permanent act for citizens who have attained 18 years of age. The absence of a voter register update for the legislative, local and regional elections is in breach of the national laws and against international and regional obligations on participation and inclusiveness. The belated timing of the CEN appointment by the AN, and the unclear primary

responsibility to carry out voter registration prevented the mandatory holding of the voter register update. A significant number of potential first-time voters were consequently disenfranchised.

The candidate registration process was inclusive and largely uncontroversial, but marked by cumbersome and time-consuming procedures, especially for the local elections at the District Courts level. The different courts in charge of the process at the various electoral levels do not have a specific and common regulation for an activity that is essentially administrative and should not be regulated by the traditional rules of judicial procedures. The lack of an effective filing system for the applications delayed the screening and verification of the candidatures.

The 30 per cent gender quota introduced by the 2021 reform lacked a systematic interpretation to place women in eligible positions at all electoral levels. Despite having attained 36 per cent of the overall number of candidacies, only eight women were elected to the AN. During the campaign, the time dedicated to women candidates by state owned media was not reflective of the overall percentage of women candidatures.

The electoral campaign was conducted intensively and peacefully in full respect for fundamental rights. Political parties were able to campaign freely and openly, though without presenting clearly defined political programs. The absence of campaign expenditure ceilings, and the lack of enforcement of the ban on foreign funding generated significant disparity among contestants: only the parties who were able to spend considerable amounts were able to obtain seats in the legislative bodies.

The Santomean media landscape is small-scale, and its development is thwarted by a very limited advertising market, reportedly high-level licensing fees, outdated technical equipment, low salaries and limited capacity of media professionals. Freedom of expression is granted by the Constitution: however, libel and defamation are criminalised and envisage prison sentences. The existing legal provisions do not grant sufficient independence to the media regulatory authority. There are no legal provisions to ensure independence of state-owned media, whose senior management is directly appointed by the government.

The EU EOM media monitoring revealed that while prior to the elections, the state-owned *Televisão de São Tomé* (TVS) coverage was biased in favour of the government, during the election campaign, both state TV and radio provided equal free airtime access to all contestants as required by the Law, and were fairly balanced in offering campaign news coverage. In a positive development, *TVS* organised for the first time one election debate for legislative elections and one in the RAP for regional elections.

Facebook is the most popular social media platform in the country and positively represented an alternative to the small-scale legacy media environment for producing and sharing election-related information. Facebook was not considered as one of the main ways for campaigning, and only the two major parties consistently campaigned online. A Law on Cybercrime protects personal data online, and spreading fake news online falls under defamation crimes.

The CEN conducted adequate electoral preparations throughout the country, with significant and critical international technical support. EU EOM observers assessed the polling station staff training as efficiently delivered and of good quality. All polling stations material was prepared on time but some distribution delays were observed. Voting operations were evaluated by EU EOM observers as largely satisfactory, with a good level of confidence in the overall transparency and integrity measures. The counting was orderly and transparent, and evaluated positively in all the polling stations observed, with results protocols posted outside the polling stations in almost all cases.

The EU EOM observed the preliminary tabulation process, which was conducted transparently by the CEN. However, preliminary results were only announced with global aggregate figures in the evening of 26 September, without polling station or electoral district breakdowns. This unusual decision raised tensions as it diverged from past CEN practices, and was different from parallel vote tabulation projections published earlier by the major parties.

The EU EOM was able to follow all other tabulation phases, until the final proclamation of seats by the general tabulation assembly (*Assembleia de Apuramento Geral*, AAG). The days preceding the final tabulation stages were marked by uncertainty and confusion, with rising political tension due to a belated and implausible request by the parties *Basta!*, MDFM-UL and UDD to register an electoral coalition after the elections, allegedly agreed at an earlier stage, and a consequent demand to the AAG to allocate seats on its basis, which could have changed the outcome of the elections.

The AAG eventually dismissed the electoral coalition request and announced the results for the 55-seat AN in the evening of 3 October as per district tabulation results. The District Courts followed suit on 4 October with the AD and AR seat allocation. Following the AAG announcement, the outgoing majority coalition conceded defeat and congratulated the winning party. Results were posted outside the TC headquarters on 5 October and then published in hard copy on the Official Gazette on 7 October.

### Priority Recommendations

1. Eliminate the existing inconsistencies and ambiguities left in the electoral laws through their systematic and rigorous harmonisation, with the aim of enhancing legal certainty through all the stages of the electoral process.
2. Turn the National Electoral Commission into a permanent body to enhance professionalism, integrity and accountability throughout all stages of the electoral process and allow for its organic and progressive institutional growth. Clarify the supporting responsibilities and competences of the GTE.
3. Attribute clearly the responsibility to start and conduct voter registration to the CEN, and establish a reliable and cost-effective mechanism to update the voter register, for example by using other existing and reliable data sources, such as the civil register.
4. Enforce the existing funding prohibitions from foreign individuals and companies. To ensure transparency and oversight, consideration might be given to allowing limited and transparent funding from foreign partner political parties or associations.
5. Empower an oversight body, for example the CEN, to carry out a monitoring and enforcement function to review and audit campaign expenditure reports. Introduce and enforce clear campaign expenditure limits, requirements for periodical expenditure reports for parties and candidates, including in-kind donations. Introduce proportionate enforcement rules.
6. Ensure the independence of state media from political influence by introducing a legislation granting a transparent selection process of its senior managers as well as a clear and effective funding mechanism.

## II. INTRODUCTION

Upon invitation by the Government of São Tomé e Príncipe, the European Union (EU) deployed an Election Observation Mission (EU EOM) to observe the 2022 legislative, local and regional elections. The EU EOM was led by Maria Manuel Leitão Marques, a Member of the European Parliament from Portugal, appointed by the EU High Representative/Vice President of the European Commission Josep Borrell Fontelles. The mission comprised a Core Team of eight analysts who arrived in São Tomé e Príncipe on 25 August, 10 Long Term Observers (LTOs) who were present from 5 September to 5 October, and 18 Short-Term Observers (STOs) who joined the mission from 21 to 28 September to observe polling and counting. In addition, the mission was reinforced with three Locally recruited Short Term Observers from the EU Member States' diplomatic community accredited to São Tomé e Príncipe. Observers were drawn from 20 different EU Member States and Norway.

The EU EOM assessed the whole electoral process against international obligations and commitments for democratic elections as well as the laws of São Tomé e Príncipe. The EU EOM remained in country until 19 October to observe the final phases of the electoral process. The EU EOM was independent in its findings and conclusions, followed an established methodology for their elaboration and adheres to the Declaration of Principles for International Election Observation, endorsed at the United Nations in October 2005 and now adopted by over 50 electoral observation organisations.

The EU EOM enjoyed full freedom of movement and actions in São Tomé e Príncipe, and very open and cordial cooperation with all the national and local counterparts. The EU EOM wishes to extend its heartfelt thanks to the Ministry of Foreign Affairs, the *Comissão Eleitoral Nacional*, all the national authorities, the judiciary, the civil society and entire Santomean population for the kind cooperation and availability afforded throughout the duration of its mandate.

## III. POLITICAL CONTEXT

On 25 September, voters of São Tomé e Príncipe went to the polls to elect the 55 members of the national unicameral legislative body *Assembleia Nacional* (AN), 68 members of the six local *Assembleias Distritais* (ADs) and the nine-member *Assembleia Regional* (AR) in the Autonomous Region of Príncipe (*Região Autónoma do Príncipe*, RAP).<sup>1</sup> In São Tomé e Príncipe, parliamentary elections are a key element of the system of government enshrined in the Constitution, since the executive powers is appointed in accordance with the AN political make-up and depends upon its political confidence.

Since the introduction of the multi-party system in 1990, the country has regularly held competitive elections that frequently brought about alternation in government between the two main political forces. Namely, the historic party *Movimento de Libertação de São Tomé e Príncipe – Partido Social Democrata* (MLSTP/PSD) which led the country into independence and ruled it subsequently for 15 years as one-party government; and the *Acção Democrática Independente* (ADI), established in 1992 by the first directly elected President Miguel Trovoada. Between 2002 and 2010, ADI was replaced in this bipolar dynamic by the party *Movimento Democrático das Forças da Mudança* (MDFM) led by then President Fradique de Menezes.

The last two elections of 2018 and 2021 were marked by post-electoral controversies that revealed institutional fragility and signs of growing political influence on the judiciary. The 2018 legislative

<sup>1</sup> The 2022 elections were the ninth legislative and sixth local multi-party elections since 1990.

elections brought an end to the one-party government of Patrice Trovoada. His party, ADI obtained most seats (25) in the AN but the preliminary results indicated that the main opposition party MLSTP/PSD led by Jorge Bom Jesus with 23 seats could reach, together with the electoral alliance PCD-MDFM-UDD a narrow majority of 28 seats.<sup>2</sup> The remaining two seats went to the newly established *Movimento de Cidadãos Independentes de São Tomé e Príncipe* (MCI/STP). With a view to obtain an additional seat and thus to muster a new coalition with MCI/STP, ADI called for a recount of the invalid votes. A recount was controversially granted by the competent first instance judge and sparked a protest outside the District Tabulation Assembly, revealing signs of emerging political influence over the judiciary. The recount did not, however, lead to a change in the seat allocation, and ADI went to the opposition<sup>3</sup>.

The first round of the 2021 presidential elections resulted as well in a serious institutional crisis that was sparked by the erroneous publication of the preliminary results by the *Comissão Eleitoral Nacional* (CEN) in which over 5 per cent of votes had not been accounted for. The third most voted candidate Delfim Neves challenged the preliminary results demanding a full-scale recount or an annulment of the polls. The *Tribunal Constitucional* (TC) called upon to resolve the dispute, issued two contradictory rulings on the matter with the same decision number<sup>4</sup>. After an intervention of the then President of the Republic and the Superior Council of Judicial Magistrates, the recount was finally rejected by the TC, the results were corrected and the original ranking of presidential candidates was confirmed.<sup>5</sup> In the second round, the ADI candidate won with 58 per cent of valid votes.

In the run-up to the 2022 elections, both principal parties re-elected their leaders: while Jorge Bom Jesus (MLSTP/PSD) won against two other candidates, Patrice Trovoada (ADI) was elected unopposed while voluntarily exiled in Europe. At his re-election, Trovoada set out the objective of winning an absolute AN majority as the single condition for his continued involvement in Santomean politics. This goal permeated the whole campaign and turned out to be the main theme of the elections.<sup>6</sup> The MLSTP/PSD, attempting to prevent Trovoada's return, assumed a similar stance and also campaigned for an absolute majority.

Two new relevant forces emerged on the country's political scene. Namely, the movement *Basta! - Novo Horizonte para Desenvolvimento Sustentável* (Basta!) and the MCI/STP. *Basta!*, established in May 2022 around the outgoing AN Speaker Delfim Neves, the main PCD/GR representatives and a handful of former prominent ADI politicians, aimed to capture the potential dissatisfaction with the country's two-party dynamics and the rising living costs while capitalizing on Neves' personal visibility. The rising MCI/PS (formerly MCI/STP) was led by three popular former MLSTP/PSD members and advocated for a discourse of identity and interest preservation for the plantation-based rural population. For these elections, the MCI/PS ran with their coalition

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<sup>2</sup> The electoral alliance PCD-MDFM-UD was composed of the *Partido de Convergência Democrática-Grupo de Reflexão* (PCD/GR) and the fused *Movimento Democrático das Forças da Mudança-Partido Liberal* (MDFM-PL) that had previously merged with the *União dos Democratas Para a Cidadania e Desenvolvimento* (UDD). The alliance obtained five seats.

<sup>3</sup> The MLSTP-led majority in 2020 attempted an electoral legislation overhaul which, among others, introduced provisions that would effectively bar Patrice Trovoada from running for President in 2021 for being resident abroad. The legislation was vetoed by the then President Evaristo de Carvalho (ADI) and was passed again in February 2021, without those controversial provisions, less than six months before the elections. The outgoing coalition, after surviving a no-confidence vote in 2020, managed to serve the full term - for the second time in country's history.

<sup>4</sup> The initial rejection was replaced two days later by a decision to grant the recount signed by the two AAG judges considered as close to the complainant.

<sup>5</sup> This institutional crisis was further compounded by subsequent allegations of a planned coup d'état attributed to the Minister of Defence who was swiftly dismissed by the Prime Minister.

<sup>6</sup> Trovoada had previously led two short-lived coalition governments (2008 and 2010) as well as a one-party government backed by an absolute majority in the AN (2014-2018).

partner *Partido da Unidade Nacional* (PUN). In total, 10 political entities and one coalition contested the legislative elections.

In the RAP, the legislative elections were overshadowed by the battle for regional hegemony. The citizens' movement *União para Mudança e Progresso do Príncipe* (UMPP), in control of the AR for the last 16 years, was challenged by another citizens' movement *Movimento Verde para o Desenvolvimento do Príncipe* (MVDP) created by a group of former prominent UMPP members before the 2018 elections.<sup>7</sup> For the first time, none of the national level parties ran for the regional elections: instead, they provided support to the two regional forces in exchange for their backing in the AN elections. Regional stakeholders often evoked in the campaign the notion of a “double insularity” for the RAP, i.e. their dependency on the main island, and the country's own marginalisation from regional politics, to illustrate the depth of their political and fiscal abandonment by the central government.

In contrast to the RAP, the local elections for the 68 members of the six ADs received much less attention among political stakeholders mainly because of the incomplete fiscal decentralisation and the resulting limited powers vested in the ADs.

The 2022 elections took place in a context of general respect for fundamental freedoms and nominally independent democratic institutions. At the same time, the process was characterised by some politicised interpretation of the legal framework for elections, a limited role for the civil society with the prohibition of citizen observation, a generalised state institutions' incapacity to make information accessible to stakeholders and the public, and an insufficient participation of women in top political positions. The situation was further compounded by the country's chronic dependency on foreign funding, especially with rising food and energy prices due to the COVID-19 pandemic and the Russia-Ukraine war.

#### IV. IMPLEMENTATION OF PREVIOUS EU RECOMMENDATIONS

This was the first EU EOM deployed to São Tomé e Príncipe. In the past, the EU only deployed an Election Expert Mission (EEM) for the 2018 legislative elections. In line with usual practice for EEMs, the EEM Final Report and its recommendations were not published, and shared only with the Ministry of Foreign Affairs, and therefore were not a factor in the ensuing legal reform of 2021.<sup>8</sup>

Nonetheless, the 2021 legal reform introduced a number of amendments that had been also covered in the EEM recommendations, such as the requirement to print ballots only after the final candidates lists' approval; improvements in the ballot design; introduction of out-of-country voting for the legislative elections; the permission to observe the preliminary results phases for party agents and accredited observers; the introduction of a 30-day moratorium period for governmental inaugurations and donations before the electoral campaign; the explicit reference to an equitable treatment for all parties and candidates by state media during the electoral campaign; the reactivation of the Press Council (*Conselho Superior de Imprensa*); the organization of political debates with electoral candidates by state media and the active promotion of measures to ensure

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<sup>7</sup> The outgoing AR in Príncipe was composed of five UMPP and two MVDP members. However, MVDP refused to take up their seats leaving UMPP to govern unopposed for the past four years.

<sup>8</sup> The CEN, not being a permanent body, was already dissolved at the time the EEM Report had been delivered to the Ministry of Foreign Affairs of São Tomé e Príncipe. During its stay, the EU EOM noted lack of awareness among interlocutors about the EU EEM recommendations and their content.

gender equality in party structures and candidates lists. The legal amendments introduced in 2021 that played a role in the 2022 electoral process are analysed to in the course of this Report.

## V. LEGAL FRAMEWORK

*An inclusive framework often not rigorously applied and with several lacunae*

### Constitutional Fundamental Rights

The Constitution defines the Republic of São Tomé e Príncipe<sup>9</sup> as a democratic state based on fundamental human rights and the rule of law. Universal, equal, direct and secret suffrage is guaranteed and the principles of citizen and gender equality, and non-discrimination based on social origin, race, sex, political thought, religion or philosophical beliefs are enshrined, in addition to fundamental freedoms of expression, information, press, assembly, and association. Furthermore, civil and political rights to participate in public life, access to public office and the establishment of political parties are foreseen. However, an Ombudsperson office, recommended by the most recent Universal Periodic Review for the effective protection of fundamental rights, is not established yet.<sup>10</sup>

### International Obligations and Principles

As a member of the United Nations, São Tomé e Príncipe ratified a series of international and regional treaties for the protection of human rights and the guarantee of fundamental democratic freedoms. The country ratified the Covenant on Civil and Political Rights (ICCPR) in 2017, the Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 2017, the Convention on the Rights of Persons with Disabilities (CRPD) in 2015; and it ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2003. The country signed optional protocols for the ICCPR and CEDAW accepting individual complaints procedures, and in addition for CEDAW, accepted inquiry procedure. São Tomé e Príncipe also ratified the United Nation Convention against Corruption (UNCAC) in 2006.

As for regional commitments, São Tomé e Príncipe is member of the African Union and signatory of the African Charter of Democracy and Governance, of the African Charter of Human and Peoples Rights and its Protocol on the Rights of Women. It is also a member of the Economic Community of Central African States (ECCAS) and the community of Sahel-Saharan states (CEN-SAD).<sup>11</sup> In addition, São Tomé e Príncipe is a member the Community of Portuguese Speaking Countries (CPLP), a multilateral forum for diplomatic consultation and cooperation among its members.

### Electoral Legislation

The legal framework for elections offers sufficient guarantees for an inclusive and transparent electoral process, but some lacunae and inconsistencies in the laws provided, at times, ground for ambiguous interpretation that undermined the certainty of the electoral process. Overall, the

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<sup>9</sup> The first Constitution of the independent São Tomé e Príncipe dates back to 1975. In 1990 a referendum approved a new Constitution introducing a multi-party system and was last reviewed in 2003. The AN is exceptionally entitled to review it with a three-quarters majority within five years from enactment. However, amendments may be adopted by a two-thirds majority (articles 151 and 152) after the five-year term.

<sup>10</sup> United Nations Human Rights Council, Universal Periodic Review 3<sup>rd</sup> cycle, 37<sup>th</sup> session.

<sup>11</sup> ECCAS has several Commissions, including for the Promotion of Gender and Political, Peace and Security. CEN-SADs provisions of the Security Charter and the Niamey Declaration Peace, support peace, security, stability and governance in the Sahel-Saharan region.

implementation of the electoral framework was challenged by the temporary electoral management model in place.

Six electoral laws, dating back to the 1990s, were reviewed by the AN before the 2021 presidential elections upon PCD-GR initiative and with the support of MLSTP/PSD, but without involving the opposition. The amendments, while contributing to enhance overall transparency and inclusiveness, were not thought out systematically, nor were they adopted consensually. As a result, they did not eliminate previously existing gaps and left crucial aspects of the electoral process unclear and open to criticism.<sup>12</sup>

Some amendments of the Electoral Law as amended in 2021<sup>13</sup> provided minor procedural improvements, such as the earlier PS closing hours (brought forward to 17:00 from the previous 18:00); the clarification of categories of individuals authorised to enter the PS (including observers), and the clear prohibition of Defence and Security Forces' presence inside the PSs. Other more significant amendments included new details on votes reconciliation procedures at PS level, updated the fines range for electoral infractions, introduced a 15-day moratorium before the start of the campaign for Government inaugurations and donations, and established two new electoral districts for out-of-country voting in Africa and Europe for the legislative elections.

Another set of 2021 amendments which are potentially useful were not put into practice for the 2022 elections: these included the ambiguous amendment to the National Election Commission Law which allowed for the transfer of competencies from the *Gabinete Técnico Eleitoral* (GTE) to the CEN in the eventuality the GTE was found under operational constraints at a time where the voter register update was due, or the announcement of the electoral calendar was made. Additionally, the amended Voter Registration Law streamlined the voter registration process, shortened the display and the “freeze” period for the voter register as well as the deadlines for complaints and appeals' adjudication. Further, it simplified the voter registration commissions' composition (from three to two members), and included out-of-country voter registration duties for diplomatic or consular representations.

The 2021 amendments introduced to the Political Party Law centred on gender representation. Legislative lists were required to include at least 30 per cent quota for both sexes, considering all positions on the list to be eligible, but also a restrictive definition of eligible positions now rendered obsolete by the new Parity Law. They also introduced a formula to calculate the number of supporters necessary to register a political party proportional to the number of registered voters, with a 0,5 per cent threshold of votes introduced as a condition to remain registered after the elections.

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<sup>12</sup> Amendments were passed with the approval of the governing coalition MLSTP/PSD PDC/UDD/MDFM while the main opposition party ADI voted against. The revised laws were the following: Electoral Law No. 06/2021, National Election Commission Law No. 07/2021, Voter Registration Law No. 08/2021, Framework and Electoral Law on Local Municipalities No. 09/2021, Technical Electoral Office Law No. 10/2021 and the Political Party Law No. 11/2021. The applicable laws further include the 2003 Constitution, Law No. 04/2010 on the Political and Administrative Statutes of the Autonomous Region of Príncipe, the 2010 Regulation on International Observation for Voting and District Tabulation approved by CEN and the Regulation on the CEN published in *Diário da República* nr.57/2008.

<sup>13</sup> The then President Evaristo de Carvalho vetoed the draft law at first with the demand to the AN to withdraw the proposal for a requirement of permanent residence for presidential election candidates and to reintroduce the article allowing groups of citizens (*grupos de cidadãos*) to run for the legislative elections. Groups of citizens were reintroduced in the law while the residence requirement was reduced to three years.

Overall, the 2021 reform introduced several positive but incohesive and unimplemented amendments and left a substantial lack of clarity on some other aspects of the process that gave rise to political tension and legal uncertainty. For example, the unclear definition of the primary responsibility to conduct voter registration activities contributed to the non-implementation of the mandatory voter register update in 2022 that disenfranchised several thousands of first-time voters.

In another example, article 26 of the Electoral Law sets out no clear timing for the registration of political party coalitions and does not define clearly the notion of coalitions with the purpose of running in an electoral context. The ambiguity of this article, despite being of common knowledge, was not clarified in the 2021 reform. Another example of confusing provisions concerned the CEN deadline for electoral districts review, set out in the Framework Law on Local Administration as up to five days after the calling of the elections by the President. In practice, this was impossible to meet, as the CEN was constituted only on 25 June 2022, almost three months after elections had been called.

A significant instance where the practical application of the Law diverges from its letter that was also not addressed in the 2021 reform concerns the three-year mandates for regional and district assemblies that have been, *de facto*, extended to four years over time, allegedly due to chronic financial constraints and lack of political will to review the related article 141 of the Constitution.

***Recommendation: Eliminate the existing inconsistencies and ambiguities left in the electoral laws through their systematic and rigorous harmonisation, with the aim of enhancing legal certainty through all the stages of the electoral process.***

### **Electoral System and Constituency Delimitation**

The 55 members of the unicameral AN are elected for a four-year renewable mandate through a proportional system based on multi-member, closed candidate lists proposed by parties, coalitions or citizens' groups. The seat allocation formula set out in the Law is the D'Hondt, or Highest Average Method, within each electoral district. The 2021 amendments created two separate out-of-country constituencies for the diaspora voters in Africa and Europa each electing one AN member; this reduced the number of seats to be elected in country to 53. For the legislative elections, each of the six administrative districts on the island of São Tomé and the one in the RAP constitute a separate electoral constituency that is automatically assigned four seats, while the remaining ones are distributed in proportion to the number of registered voters in the various districts. Despite the existence of such an obligation in previous legislation, the TC reallocated the number of seats for the 2022 elections for the first time after two decades, but on the basis of the 2021 voter register update.<sup>14</sup>

For the local elections, the Framework Law on Local Administration as amended in 2021 defines the number of delegates of each AD in relation to the size of their electorate, ranging from 9 to 15 (previously their size varied from 7 to 11) and assigns (as in the original Law of 1992) the boundary delimitation prerogative to the CEN. Traditionally, the administrative districts were sub-divided into low-magnitude electoral constituencies (*círculos*) electing two to four AD delegates under the same proportional system as used for the AN. The amended law however, deleted the explicit

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<sup>14</sup> The number of seats allocated to districts ranged from 5 to 14, in the following order: Caué and RAP five seats, Cantagalo and Lemba six, Lobata seven, Me-Zochi 10 and Água Grande (the capital) 14 seats.

reference to the proportional system.<sup>15</sup> The CEN then decided to redelimit the electoral constituencies within each administrative district in a number equal to the number of AD members to be elected within the same administrative district, creating in practice single-member constituencies.<sup>16</sup> In doing so, the CEN *de facto* changed the electoral system from a proportional to majoritarian one, namely to a single-member plurality system, with the sole variation of including substitute candidates. Such a fundamental electoral system change has a significant impact on the distribution of elected seats and would have required a more explicit reference in the Law accompanied by a thorough cost-benefit study, stakeholders' consensus and adequate voter information efforts. In this case, the CEN decision did not entail any of the above and was not sufficiently explained to the electorate.<sup>17</sup>

***Recommendation: Should the stakeholders decide to maintain the changes to the electoral system introduced by the CEN for the local elections, primary legislation reflecting these changes should be introduced, including the principle of the equal weight of the votes, and an adequate voter information campaign on the topic.***

In addition, especially in majoritarian systems the number of registered voters per seat should be as equal as possible within each elected legislative body, in this case, the different ADs. For the local elections the electoral constituency boundaries were however delimited very inconsistently, and in most administrative districts the number of voters within their largest electoral constituencies was over five-times higher than those in the smallest constituencies. This is at odds with the principle of the equality of the vote;<sup>18</sup> in the Cantagalo district the variation range reached almost a one to nine ratio.<sup>19</sup>

While the election of the RAP's nine-member AR is nominally governed by the same Framework Law as the local elections to ADs on the main island, article 14.2 of the 2022 "Administrative and Political Status of the Autonomous Region of Príncipe" explicitly orders the safeguarding of the principle of proportional representation. The CEN in this case increased the electoral constituencies in the RAP from two to three, each electing three members to the AR, while the seats were distributed with a proportional system as per the legislative elections. By law, regional councillors are elected for a three-year renewable mandate; however, in practice their mandate as well as that of the district councillors has always been *de facto* prolonged to four years.

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<sup>15</sup> Most other applicable provisions remained unchanged, including the reference to multi-member candidate lists (Article 80 of the Law No.09/2021) or the obligation to follow the order of precedence on the candidate lists when allocating seats (Article 83 of the Law No. 09/2021) which appeared to be, in line with the country's tradition, components of a proportional system

<sup>16</sup> The Law does not provide any indication on the number of constituencies to be defined, thus it permits both single-member constituencies as well as a single constituency covering the whole district (as in the legislative election).

<sup>17</sup> The CEN maintained with the EU EOM that the presence of substitute candidates was sufficient to meet the notion of "multi-member candidate lists" set out in Article 80 of the Law No. 09/2021 (Framework and Electoral Law on Local Municipalities), and prevented the need to call for by-elections in case of death or withdrawals. Further, the CEN advocated that single-member constituencies fostered the connection between the elected councillors and their territory.

<sup>18</sup> CCPR, General Comment 25, Paragraph 21: The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one voter should be equal to the vote of another.

<sup>19</sup> The ratio in Cantagalo district, the range interval between one electoral district to another is 228 votes to 2014 vote (almost 1 to 9). In the administrative district of the capital (Água Grande) this variation range between the widest and smallest electoral district is 1469 to 4959 (one to three).

## VI. ELECTORAL ADMINISTRATION

### *An ad hoc institution weakened by its temporary nature and structural limitations*

The electoral management body is the *Comissão Eleitoral Nacional* (CEN), mandated to organise elections and referenda with the support of a technical body, the *Gabinete Técnico Eleitoral* (GTE).<sup>20</sup> An independent ad hoc institution, the CEN was appointed by the AN for the legislative, local and regional elections only 90 days before Election Day, the latest possible date, and remained active until one month after the announcement of final results. The Election Law as amended in 2021 had introduced the possibility for the AN to establish the CEN 180 days before Election Day to conduct the update of the voter register, a provision that was however not put into use.

Unlike its supervisory body, the GTE is a permanent structure mandated to support the CEN when the latter is functioning.<sup>21</sup> The EU EOM noted that the GTE's support to the CEN was much less significant than what is mandated by the law, despite the 2021 legal amendments that had in principle strengthened its role. The GTE is kept constantly underresourced by the AN and is practically prevented from implementing its electoral support mandate, with a number of operational tasks falling in practice on the CEN's shoulders. For the organisation and implementation of the electoral tasks, the GTE depends exclusively on the CEN, and when the CEN is not in place, the GTE remains dormant. During this time, it is the AN who approves the GTE budget, makes organisational and operational decisions and provides clarifications and interpretation in case of gaps in the law. This direct functional dependence from the AN raised concerns among opposition forces and various interlocutors regarding potential interference in the preparation and execution of its electoral tasks.<sup>22</sup>

For the 2022 elections, the CEN Board included eight members with an overwhelming representation for the outgoing ruling coalition, a circumstance that negatively impacted its already limited credibility. The chair was a judge, three members were appointed to represent the main political parties and coalitions within the AN, and three members appointed to represent the Ministries of Foreign Affairs, Media, and Territorial Administration. The CEN Secretary was appointed from the senior ranks of the Ministry of Finance. Each member oversaw an electoral district including the RAP and the out-of-country voting ones. The CEN organs included the plenary, the secretariat, the district election commissions, the regional election commission in the RAP, and the out-of-country voting commissions. The district, regional and national tabulation assemblies are separately established bodies, appointed ad hoc from within the ranks of the District Courts and the *Tribunal Constitucional* (TC) in their administrative capacities respectively.

Despite the previous individual electoral experience of its members, the CEN suffered from weak institutional authority, mostly stemming from its temporary and politicised nature. Its structural and political dependency from the AN and the dispersion of responsibilities with the nomination of political parties' representatives throughout its structure diluted its capacity to fully manage the

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<sup>20</sup> The electoral management model, with partisan membership, is inspired by the Portuguese mixed system model, where the electoral process is implemented by a governmental agency and supervised by an independent permanent electoral commission. In São Tomé e Príncipe, the CEN takes office only three months prior to the election, while the technical unit GTE, attached to the AN, is permanent but does not work on electoral matters outside the CEN lifespan.

<sup>21</sup> The GTE is headed by a director, recruited by the AN through a public tender, for a period of five years, which can be renewed consecutively only once for an equal period. The Director of the GTE sits in the CEN sessions without voting rights

<sup>22</sup> Law No. 10/2021 on the *Gabinete Técnico Eleitoral* lays out wide competences in the areas of organization, studies training and communication services, legal support and administrative, logistical and financial services that remain widely unimplemented.

electoral process in an independent and transparent manner. The short timeframe afforded to the CEN to operate did not allow for the proper implementation of all different stages of the electoral cycle. In this context, the international technical assistance played a crucial supporting role, but it could be mobilised only very late in the process, following the nomination of the CEN members by the AN, and the start of the CEN's activities on 25 of June.<sup>23</sup>

***Recommendation: Turn the National Electoral Commission into a permanent body to enhance professionalism, integrity and accountability throughout all stages of the electoral process and allow for its organic and progressive institutional growth. Clarify the supporting responsibilities and competences of the GTE.***

The CEN lacked proper regulations covering all the different component of the process: further, it did not pass specific rules of procedures for the legislative, local and regional elections, applying by default some old rules of procedures of a previous CEN. The institution worked through in-camera plenary sessions, convened by the President or at the request of a majority of its members and effectively meeting to deliberate only when the majority of its members were present. When consensus was not reached, decisions were taken by majority, with the President holding the casting vote. Its decisions were rarely made public, and they were usually not posted on CEN institutional channels, limiting considerably the transparency of the process. CEN's deliberations were normally communicated only to political parties and district electoral commissions.

***Recommendation: Enact and publish comprehensive and specific procedures for all stages of the electoral process, including but not limited to voter registration, electoral campaign, voting, counting and preliminary tabulation phases well ahead of elections.***

For example, the decision to enlarge polling station staff to include political parties not represented among the five first members legally nominated to each polling station was not made public. Transparency measures could include the physical and digital publication of regulations, decisions, plenary minutes and electoral procedures, allowing political representatives, civil society and observer groups to access the information. As per law, postal voting, which would allow inclusive participation of voters, remains not implemented due to the poor postal services in the country.

The CEN's official website offered only basic and mostly outdated general information: it included institutional data, a national list of polling station locations, outdated information on political parties, old electoral certificate application and observer credential request forms, a Q&A list on voter registration, and provisional and final election results. Important public information on the 2022 elections, such as the 2021 revised legal framework, the electoral calendar, voting procedures, the out-country-voting locations, sample ballots, clarifications of contesting political entities at district and regional level, and polling and counting regulations could not be found online.

Throughout the electoral process, the CEN demonstrated sufficient capacity to coordinate with different stakeholders, such as security forces, magistrates, media, and political parties, with a commitment to maintaining a minimum level of integrity. The CEN's President gave several interviews on the electoral process, and the CEN spokesperson informed about electoral developments mostly by posting short messages on CEN's Facebook page. However, the CEN's

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<sup>23</sup> The 2022 Electoral Support Basket Fund was established with financial contributions from Japan (1,2 MUSD), Nigeria (500,000 EUR), EU (120,000 EUR), France (50,000 EUR), and UNDP (160,000 USD). Bilateral support offered by Portugal includes ballot paper printing, results protocols, indelible ink pens, ballot box security seals and the provision of three short-term results management experts for the tabulation of provisional election results. The entire process was initially budgeted at 1,413,509 EUR.

overall public communication strategy, such as the holding of regular press conferences, public meetings or simply systematic information dissemination on its electoral preparations was deficient on important stages of the electoral process and in particular during the post-electoral phase of preliminary results tabulation.

***Recommendation: Establish an institutional communication strategy to enhance transparency and accountability of the electoral process, developing public confidence building measures. Information sharing activities, in particular for the key phases of the electoral process, should be an integral part of such strategy.***

At district level, the CEN established six temporary District Offices (CEDs) in Água Grande, Mé Zóchi, Cantagalo, Caué, Lembá, and Lobata, and one Regional Office in the Autonomous Region of Príncipe (RAP). For the out-of-country voters, ad hoc electoral commissions were established for Europe and Africa, mainly in embassies and consulates. The CEDs were composed of a coordinating CEN member, a chairperson, a secretary, and three staff, all appointed by the central CEN upon proposals of political parties or coalitions with parliamentary representation. Polling station (PS) staff was nominated by the contesting political parties and coalitions. To have an equal distribution of political representatives in each PS, the GTE prepared a national grid that assigned PS staff in a transparent manner to all 11 contesting entities. Some stakeholders, including the CEN President, alluded to the problem of smaller parties selling their PS staff allocation to other parties, thus defeating the purpose of a diversified representation.

The *Tribunal Constitucional* (TC) oversaw candidate registration for the legislative elections and campaign expenditure. It was also the last instance body for all electoral appeals. For the AN results process, the TC also performed a crucial administrative role through an ad hoc chamber called *Assembleia de Apuramento Geral* (AAG) which convenes eight days after polling. The AAG conducts the verification of the district tabulation based on the district tallying sheets. Political entities' representatives attend the tabulation process and submit complaints and appeals. The presence of observers and media is not regulated, but also not forbidden by the Law. The EU EOM, after an initial denial, was allowed to observe the final tabulation process, as was the media.

### **Administration of the Elections**

The CEN conducted sufficient electoral preparations throughout the country, with significant international technical assistance. The CEN and the GTE carried out adequate arrangements for polling stations preparations and voting material production. Ballot papers and sensitive materials were produced on time in Portugal and shipped to Embassies for out of country voting.<sup>24</sup> PS sites and related voters lists, as used for the 2021 presidential elections, were made public 35 days before Election Day.

EU EOM observers were present during the CEN training of trainers (ToT) events, organised with the UNDP support in the capital São Tomé. Overall, the observers assessed the ToT sessions as comprehensive and interactive, with a good level of engagement of participants and adequate organisation. Among the 40 trainees, only six were female. Special emphasis was given to recent changes in the Electoral Law and to previously unimplemented aspects such as the obligation to file complaints at the PS level. EU EOM observers also assessed satisfactorily the three-day

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<sup>24</sup> As part of the cooperation agreements signed between Portugal and São Tomé and Príncipe, the Portuguese Ministry of Internal Administration (MAI), through the Electoral Administration of the General Secretariat, collaborated with CEN in the holding of legislative, regional and municipal elections. This included a total of 240,500 ballot papers produced and delivered by the Portuguese Electoral Administration with an extra 5 per cent of ballots assigned to each district, in addition to 2,885 polling station protocols and some 4,000 security seals.

training seminars on Election Day procedures held for CEDs and some 1,300 PS staff that culminated the cascade training programme. The training events were simulation-based and included basic knowledge exit tests for participants to be approved as PS staff. Apart from the voting and counting simulations, the training touched aspects such as priority access to persons with disabilities, and the role of the security forces, party delegates, international observers and the media.

EU EOM observers assessed the CEDs as conducting local preparations in a timely manner, and overall as well organised and experienced. There was no GTE support at district and regional level; the CED hired extra temporary staff for Election Day, most of whom were employed as PS trainers. Women were only 17 per cent of CED members (six out of 35). In case of challenges and doubts at the CED level, issues were raised with the relevant CEN coordinator. Some logistical challenges were noted in the RAP due to its isolated status. Its Regional Electoral Commission (CER) members were unable to participate to the ballot paper verification and stamping organised in the capital, due to limited flight options. EU EOM observers enjoyed good cooperation with all the central and local structures, holding cordial and open meetings with national and district officials throughout the country.

There were cases of CED members found to be candidates for the local elections, leading to late replacements. Reportedly, some CED members declared of not being aware of their candidate status, and the CEDs stated to the EU EOM that they had not been informed of the final candidates lists approved in their respective districts for the 11 political entities.<sup>25</sup>

By article 57 of the Election Law, each PS was staffed by five officials appointed on a rotational basis by the 11 contesting entities: a chairperson, vice-chairperson, secretary, and two clerks. The system in the RAP was instead based on the alternance between the two local parties. At the request of the *Basta!* Movement, and with a new loose interpretation of the article in question, the CEN decided, without publicising the decision, to allow the designation of additional PS officials from the six contesting parties currently not holding an AN seat. However, it remains unclear how these extra party representatives were accredited and identified at the PS on Election Day. MLSTP and ADI decided not to appoint additional representatives, rather they relied on their party agents. The usefulness of this measure was questionable as contesting parties were also officially represented already by party agents, and the identification measures at the PS level were not uniform.

A total of 262 in-country PS, with additional 46 for the out-of-country voters in Africa and Europe, were identified and prepared in advance, catering for a maximum of 600 registered voters each. PS were set up in public buildings, mostly schools. In the absence of suitable public buildings, tents were prepared, as well provisions to use private buildings in case of need.

### **Voter Education**

The CEN has the obligation to implement voter education activities through the media for both voter registration and electoral activities, and the GTE is mandated to propose the activities to the CEN. With the 2021 reform, the GTE is to be equipped with a new unit in charge of training, electoral studies and voter information, but such unit was not established.<sup>26</sup> Further, the three-month timeline available prior to Election Day was not conducive to the design and

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<sup>25</sup> Cases were observed in Lembá and Lobata. A candidate in Lembá for local elections from the ADI was replaced on 12 September in its CED functions, while the CED president, contesting in Lobata for the legislative elections for the *Basta!* movement, was replaced on 9 September. In Água Grande the CEN received a complaint that the ADI member appointed for the CED was also a substitute candidate in the legislative elections on the ADI list, and a replacement was requested.

<sup>26</sup> Article 7 of the Law on GTE

implementation of a comprehensive plan by the CEN. The activities relied heavily on international assistance to ensure a basic coverage of the process: they started in July and were mostly conducted in the capital; they comprised of training events and workshops for civil society organisations, security forces, women and youth associations, journalists and magistrates, mostly with UNDP support. The CEN made use of its institutional communication channels, mainly its Facebook page, to advertise these activities; however, it did not publish voter information material such as sample ballots, ballot-marking or instructions on general information about the electoral systems in use for the different electoral levels. Some CEN voter information videos were aired by the state TV ahead of elections, while most of its voter information audio messages were aired by the state radio only on the eve of elections. Inclusiveness of the vote and women's participation were the main messages disseminated by the CEN.

***Recommendation: Organise comprehensive and longer-term voter education activities covering the dissemination of information on changes in the law, regulations, procedures and decisions, including through civil society organisations, and with the support of local radio stations.***

EU EOM observers reported that voter education activities at district level were not part of the CEDs' operational plans, and actions were solely executed by central CEN personnel. EU EOM observers received information from stakeholders that during previous elections mobile CED teams informed the local communities on ballot-marking modalities and polling hours, an activity that was not carried out for these elections.

In the framework of the project "Youth Counts", the National Youth Council (CNJ), in partnership with CEN and with the support of UNDP, carried out a youth campaign of civic awareness to counter poor turnout. EU EOM observed these activities in the RAP, with youth-based training events for around 100 participants for peaceful, more inclusive elections conducted in cooperation with the Regional Electoral Commission.

## VII. VOTER REGISTRATION

### ***Political inertia and limited means excluded first-time voters***

#### **The Right to Vote**

The Law on the Right to Vote and Voter Registration, as amended in 2021, defines voter registration as a mandatory activity for Santomean citizens above 18 years of age. Voter registration entries are permanent, with deletions requiring proof of death or legal suspension of political rights.

The right to vote is partially restricted in São Tomé e Príncipe. A blanket ban on individuals serving prison sentences prevents them from voting, a provision that is at odds with international principles. Mentally disabled persons are entitled to vote unless they are confined to a mental health facility or officially certified as mentally incapable by a medical examination and judicial decision. It remains unclear how many mentally incapable citizens were affected by this restriction.

***Recommendation: Eliminate the blanket ban on voting rights for citizens serving prison sentences.***

Legal requirements for citizens to be registered to vote include the presentation of an identification card, or any other officially signed document that includes a recent picture or a fingerprint proof. Voter registration is an active process, with citizens required to register in their area of residence.

Registration is also compulsory for citizens living abroad, to be organised with ad hoc commissions by the diplomatic and consular representations.

### **Voter Registration Procedures**

The legal framework leaves it unclear the determination of the primary responsibility to initiate the voter registration process. According to article 14 of the Voter Registration Law, voter registration is organised by the CEN, and article 19 states that it is to take place in the first quarter of every year. However, article 4 of the Law on GTE (as amended in 2021) attributes to the GTE the responsibility to ensure that voter registration takes place and that the voter register is regularly updated. In the past, it has always been the CEN that has initiated voter register updates once established and functioning.<sup>27</sup>

Further, the Law on CEN as amended in 2021 allows for a competence transfer from GTE to the CEN in case the GTE lacked concrete capacity to carry out a timely update, a confusing provision that does not add to the existing CEN mandate<sup>28</sup>. For this purpose, the reformed framework additionally permits, when necessary, for the CEN to be appointed 180 days before Election Day, a provision that the AN decided not to use for the 2022 elections. When the President of the Republic called the elections on 31 March, the AN set out the entry-into-force date for the CEN only for 25 June. The short timeline did not leave room for the voter register update to be implemented. Further to that, the Voter Registration Law prescribes that, in an election year, voter registration must be carried out at least six months prior to the election date to accurately reflect the country's electorate<sup>29</sup>.

This combination of provisions from different laws leaves room for a variety of different interpretations and practices, especially considering that the timing of the CEN appointment remains totally at the discretion of the AN.

In terms of procedures, the Law foresees standard identification requirements.<sup>30</sup> In the absence of a national identity card, a citizen may register with a different official document, provided it has an updated photograph, signature or fingerprint. Voter registration can also take place if CEN officials recognise the applicant, or through presentation by two registered voters from the same electoral district vouching for the applicant's identity. Citizens are registered in their places of residence by CEDs, CERs or ad hoc out-of-country commissions, which can also set up mobile registration units for less populated areas. The central updates are processed by GTE permanent staff (when the CEN is functioning) who receives official information regarding deceased voters and citizenship status changes from the Central Civil Registration Department, hospitals and mental health institutions, as well as Courts updates on sentences entailing political rights restrictions.

The Santomean Civil Register, which has been modernised in recent years, also contains updated information on citizens reaching voting age and deceased voters. This available database, in synergy with other governmental databases, could be used in the future for a reliable, automatic

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<sup>27</sup>With the 2021 reform, the CEN acquired the prerogative, under exceptional circumstances, to carry out voter registration updates in a different time period, but the provision was not used in 2022. For the 2021 presidential elections, the CEN conducted a voter register update from 7 March to 25 May. For first-time registrants including for those residing in Angola, Cabo Verde, Gabon, Equatorial Guinea, BENELUX, United Kingdom, France and Portugal, the official window ran from 21 March to 25 May, with a cut-off date of 3 July 2021 for those turning 18 years of age.

<sup>28</sup> Article 15, part of the transitory provisions of the Law 8/2021 on CEN.

<sup>29</sup> Article 10 of Law 08/2021

<sup>30</sup> At the moment of registration, every eligible citizen must normally provide, name, gender, marital status, professional occupation, national identity card number, parents' names, date and place of birth and residence

and systematic update of the voter register, allowing for considerable procedural simplification and savings.

***Recommendation: Attribute clearly the responsibility to start and conduct voter registration to the CEN, and establish a reliable and cost-effective mechanism to update the voter register, for example by using other existing and reliable data sources, such as the civil register.***

As a measure of transparency and legal certainty, the Voter Registration Law set out an eight-day public display period for the provisional voter lists. The register is then closed eight days prior to each election at the latest. Written objections to omissions or improper entries can be made to the CEN, and CEN decisions may be appealed to the TC. The procedure is free of charge and treated with priority by the TC.

For the 2022 elections, there was no voter register update, allegedly due to lack of resources in the GTE and the absence of an established CEN to manage it. The voter register used for these elections was therefore based on the 2021 update, which included a total of 123,302 voters, of which 50.8 per cent women.<sup>31</sup> Voters registered abroad amounted to 14,693. The EU EOM estimated the number of potentially disenfranchised eligible youth voters to be around 6,500.<sup>32</sup>

The absence of a voter register update in 2022 was in breach of the law and violated international and regional obligations on political participation and inclusiveness. Some parties were vocal in calling for a shortening of the traditional voter register update calendar and making extra efforts to include first-time voters in the lists. The CEN President admitted that political inertia prevented the update, and that the GTE could not have done it alone without a CEN in place.

## VIII. REGISTRATION OF CANDIDATES

### ***Inclusive nomination process, despite cumbersome procedures***

The requirements for candidate registration are aligned to international principles. Political parties, coalitions and groups of citizens could present candidates up to 45 days before Election Day.<sup>33</sup> Candidates could not run in more than one constituency or on more than one candidate list and all nominations included the substitute candidates.<sup>34</sup> Applicants were required to produce full name, age, name of parents, residency, ID and voter registration number.<sup>35</sup> The signatures required in the application process needed to be certified by a notary. In the absence of gender-specific

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<sup>31</sup> The GTE statistics detailed a 33 per cent of registrants between 18 and 30 years of age, and 42,4 per cent of the 30-to-50 age group.

<sup>32</sup> According to the figures that were shared with the EU EOM, the Civil Register gives the number of births for Years 2003 and 2004 at 5.483 and 5.853 respectively. In the EU EOM projection, the number of births for each year was adjusted to account for the infant mortality rate, estimated at 50 per thousand as provided by the Statistical Institute. Assuming a uniform distribution of births within a calendar year, the final number was calculated by considering people born after 18 July 2003 (those born before had a previous chance to register for the 2021 elections) and before 25 September 2004 (those born after not being yet eligible).

<sup>33</sup> Political parties must be previously registered for which they have to prove, at the moment of registration and also annually, to have a number of associated members or activists equivalent to or higher than 0.5 per cent of all registered voters. As of September 2022, there were 21 parties and two coalitions on the register held by the TC; this includes four new political entities (parties, movements and coalitions) registered for the purpose of the 2022 elections. The Law does not specify possible differences or specificities applicable to candidate lists proposed by citizens' groups for legislative elections.

<sup>34</sup> For the AN and AR elections the closed lists included primary and substitute candidates. For AD elections, the political entities presented individual primary and substitute candidates for each single-member constituency.

<sup>35</sup> The TC accepted the candidate lists of *Basta!*, *Partido de todos os Santomenses* (PTOS) and *Movimento Para o Progresso - Partido Novo* (PP-PN) despite featuring merely the candidates' names without the additional required data.

legislation, political organisations were called to observe the principle of gender parity with at least 30 per cent of women on the lists as introduced in 2021.<sup>36</sup>

Depending on the type of election, application papers were submitted at different entities. The TC was the competent body to review candidatures for the AN. After the submission deadline, the TC was required to display the candidates lists for a public scrutiny period. Party representatives were given two days to submit challenges to the process or question the individual eligibility of the potential candidates. The TC had then 10 days to correct the lists by removing ineligible candidates ex officio or by asking the proposing political organisations participating in the process to correct the applications.<sup>37</sup> Dissatisfied party representatives could dispute the rejection or approval of candidates to the same TC. No appeals were received by the TC on the candidate nomination process.

District courts were the competent authorities to review candidates' applications for the local and regional elections, with procedures somewhat similar to the ones described for the TC, but with some variations. The absence of district courts in Caué, Cantagalo, Mé-Zóchi and Lobata obliged candidates to file their applications at the São Tomé District Court. Despite procedural inconsistencies on submission procedures and deadlines, and overall lack of accuracy, that put at risk the principle of equality of treatment, candidates and parties managed to register freely, with transparency and with sufficient time to allow for ballot design and production.

Two appeals against candidate rejections for local elections were submitted to the TC. They were ruled in the plaintiffs' favour, as the TC established improper interpretations of the correction period timeline by the competent District Courts.<sup>38</sup> The practical procedures for candidate registration at the District Courts were cumbersome and time-consuming: the District Courts had no specific administrative procedures for the screening of paper-based applications, and each candidate application had therefore to be treated as a separate judicial case submitted to the Court.

***Recommendation: Introduce standard administrative procedures for the candidate registration process and provide equal registration conditions for all electoral levels. Introduce an effective filing system to guarantee legal certainty and increase overall transparency.***

Overall, the TC approved 581 principal and 511 reserve candidates for legislative elections from 11 political entities. The parties complied with the gender requirement, though women were noticeably less frequently placed on top positions on the lists. For the local elections, the District Courts approved around 740 candidates (including deputies) from seven parties and one coalition.

In the RAP, the Regional Court verified the nomination process in a timely manner. Only the two movements – UMPP and MVDP – registered as citizens' groups after collecting the required three per cent of voters' signatures. No complaints regarding this phase of the process were filed by any of the two movements standing for the regional elections.

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<sup>36</sup> Political Party Law No. 11/2021, art. 28

<sup>37</sup> If the TC evaluates a list as to include ineligible candidates, the entire list is to be rejected if, following the candidates removals, the list cannot be completed for lack of substitute candidates.

<sup>38</sup> Ruling No.36/2022, on the appeal presented by MDFM/UL party and Ruling No.37/2022, on the appeal presented by CID-STP.

## IX. CAMPAIGN ENVIRONMENT

*A peaceful and lively campaign with insufficient funding regulations was dominated by the two major parties*

### Election Campaign

The Constitution and the Election Law guarantee all fundamental freedoms as well as equal opportunities and neutral treatment of parties and candidates by state authorities, without any excessive or unreasonable restrictions imposed. All parties were able to campaign freely and enjoyed equitable access to public spaces and premises on a first-come-first-served basis. The campaign was conducted in a peaceful and cheerful manner throughout the country: there were no reported or observed instances of election-related violence or use of inflammatory discourse.

The official campaign period lasted from 10 to 23 September, leaving one day for reflection prior to Election Day. However, a number of outdoor campaign materials featuring party presidents or short slogans, not directly appealing to vote, had been observed by the EU EOM in most districts before this period.<sup>39</sup> The recently introduced 30-day moratorium for government inaugurations was generally respected; however, previously recorded footage featuring the Prime Minister or other ministers inaugurating a series of public works and projects was aired by the state TV during this moratorium period.

Parties relied on lively small-to-mid-scale rallies, motorcades and truck parades, beach parties, and especially door-to-door canvassing. The only large events featuring popular artists were held by ADI upon Trovoada's return to the country, and by MLSTP/PSD in the capital and ADI/UMPP in the RAP for their campaign closure. In general, parties did not present elaborated programmes or plans for government; some drafted brief manifestoes featuring a few major points, but most, including the two principal parties, presented their promises only orally during campaign events. The ruling MLSTP/PSD promoted the government's achievements emphasising the need to continue with the ongoing social and infrastructural projects; the opposition ADI focused on the need to combat poverty and the enduring water and power shortages, create jobs and reduce living costs. Among the emerging parties, while *Basta!* generically promised to put an end to unspecified discrimination, exclusion, disorganisation or injustice, MCI/PS focused on the target messages to the disadvantaged communities of predominantly Cabo Verdean origin living on former plantation estates. Overall, candidates formulated their messages in a positive and forward-looking manner. Only the two major parties used social media (Facebook) regularly for campaign purposes, posting candidates interviews, pictures and video clips from their activities. The EOM observed 52 campaign events in which women accounted for 43 per cent of participants and 21 per cent of speakers. Women empowerment themes were raised in seven observed rallies. The campaigning for the legislative and local elections was usually merged.

In the RAP, the ruling party UMPP dominated the campaign, followed by the MVDP. EU EOM observers noted a frequent use of regional government vehicles by the UMPP which, having access to state fuel provisions, was the only force that could organise their motorcades and transport people in the first week of the campaign, marked by persistent fuel shortages. In the last week of the campaign, the two main national parties, ADI and MLSTP, rallied behind UMPP and MVDP respectively, in exchange for potential support for the AN elections. The campaign themes were primarily centred on sustainable and green development and Príncipe-specific issues of insularity

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<sup>39</sup> These pre-campaign outdoor materials were used largely by ADI, MLSTP/PSD and *Movimento Social Democrata – Partido Verde São Tomé and Príncipe* (MSD-PVSTP)

(higher costs of living, limited access to education and health care, and a lack of affordable connection to the main island).

The long-lasting and illegal practice of handing out small amounts of money, gifts or drinks (collectively referred to as *banho* – a bath) before and on Election Day was widely expected by the electorate and was often reported to the EU EOM in all districts by voters and admitted by parties. Its impact on voters' choices was regarded by most stakeholders as diminishing compared to previous elections. The playing field appeared nevertheless tilted towards the few affluent political forces that were able to back their promises with *banho* distributions; and precisely these parties managed to gain seats in the AN. The EU EOM observed numerous instances of use of state resources for campaign purposes, which was rendered illegal by the 2021 legal reform, without defining corresponding sanctions or a competent oversight body.<sup>40</sup>

***Recommendation: Introduce applicable sanctions for the abuse of state resources and for violations of the 30-day moratorium for public works inaugurations and state vehicles' use prohibition. Define and empower the oversight body for campaign violations.***

### **Campaign Finance**

Campaign funding is regulated by articles 100-103 of the Election Law as amended in 2021, while political party finance by article 27 of the Law on Political Parties as amended in 2021. The main permissible sources of campaign funding are parties' own resources, unspecified products of campaign activities and individual voters' contributions. There are no ceilings for contributions, nor for campaign spending; further, the Law does not contemplate in-kind donations or expenditure.

Public party funding is envisaged in the Law, but not implemented. Private funding is limited to donations from São Tomé e Príncipe's nationals. Any funding from abroad, as well as by national private entities and public institutions ad hoc donations, is explicitly forbidden. Given the country's dire economic situation, the legal limitation to individual donations appears overly restrictive. This limitation leads, in practice, to a circumvention of the rules: a number of interlocutors, especially from the two major parties, provided indications to EU EOM observers of having received funding from foreign sources. This illegal and undocumented funding of parties, as well as the absence of an expenditure cap, had a negative impact on the transparency and accountability of the process. A limited assessment by the EU EOM of the resources employed in all districts during the campaign revealed a clear-cut separation between the major parties (MLSTP/PSD and ADI followed at a distance by *Basta!* and MCI/STP-PUN; as well as the UMPP and MVDP dominating in the RAP) and all the remaining parties disposing of very modest means only.

***Recommendation: Enforce the existing funding prohibitions from foreign individuals and companies. To ensure transparency and oversight, consideration might be given to allowing limited and transparent funding from foreign partner political parties or associations.***

By Law, parties are required to publish annual incomes and expenditure reports in the Official Gazette, an obligation that has been widely neglected. Similarly, the parties are obliged to submit

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<sup>40</sup> The use of state vehicles for campaigning was practiced mainly by the MLSTP/PSD and UMPP and was witnessed in Agua Grande, Mé-Zóchi, Lobata and Príncipe. The EU EOM was also informed that civil servants were paid their October salaries in advance - a few days before election day.

their campaign finance reports within 90 days from the announcement of results to the TC.<sup>41</sup> The TC has admittedly no capacity to follow up and monitor on campaign expenditure and requires the establishment of a separate monitoring and oversight section to be able to follow up on this component: the TC President declared to the EU EOM he did not consider this function should be part of a constitutional court mandate, but rather be entrusted to an electoral body.<sup>42</sup> Further, no guidelines, training or templates for campaign finance reporting were provided to the stakeholders. No pre-election or campaign finance reporting deadlines are also envisaged in the law, only the generic requirement to submit a report 90 days after the results publication.

***Recommendation: Empower an oversight body, for example the CEN, to carry out a monitoring and enforcement function to review and audit campaign expenditure reports. Introduce and enforce clear campaign expenditure limits, requirements for periodical expenditure reports for parties and candidates, including in-kind donations. Introduce proportionate enforcement rules.***

Overall, the legal framework on campaign finance and party funding does not provide for sufficient transparency and accountability, nor for a periodic and independent oversight of campaign expenditure as required by international principles for democratic elections.<sup>43</sup>

## X. MEDIA

***State media provided equal free airtime and organised two inclusive electoral debates***

### Media landscape

São Tomé e Príncipe media landscape is limited, with only one TV channel, eight radio stations and five online news media; newspapers are no longer published in the country. The state-owned *Televisão de São Tomé* (TVS) and the *Radio Nacional de São Tomé e Príncipe* (RNSTP) are traditionally controlled by the government that appoints their directors and approves their budget. The regional government in the RAP maintains a similarly tight control over the *Rádio Regional do Príncipe* (RPP). The only news agency in the country, *STP-Press*, is also state-owned. Private media include two religious radio stations, an online generalist radio, four community radio stations and a handful of news websites, with *Tela Non* being the most prominent. The international media *RTP África TV* and *RDP África* radio are also easily accessible to citizens and offer an additional and alternative source of information.<sup>44</sup>

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<sup>41</sup> In the past year the perceptions of TC's impartiality and credibility was seriously damaged for its handling of the challenged first round results of the 2021 election, as well as for the subsequent exorbitant blanket fine (€15,000) imposed on all candidates for a belated or failed submission of campaign finance reports; this was the first time a sanction concerning campaign finance was issued, however, it was issued without taking into account of the different violations committed (i.e. the use of wrong reporting format was equalled to the non-submission).

<sup>42</sup> The TC President, in the EU EOM exit interview on 10 October stated that campaign oversight is the "weakest link" for the TC and that would require a "completely new structure, not necessarily permanent, inside the TC" to be able to follow up on it, while the function "might as well naturally fit within the CEN competences".

<sup>43</sup> CCPR, General Comment 25, Paragraph 19: "Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined, or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party." UN Convention Against Corruption, article 7.3: "Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."

<sup>44</sup> *RTP África TV* and *RDP África* radio belong to the Portuguese public broadcaster and operate in Lusophone countries in Africa.

Media development is thwarted by a very limited advertising market, reportedly high level licensing fees, outdated technical equipment, low salaries, limited professional capacity of journalists and technicians, as well as political pressure. These conditions affect media ability to fulfil their information and watchdog role in the society, including during elections. Indeed, media largely limit their work to reporting official information and declarations without further analysis or fostering the public debate on national current affairs. Moreover, these conditions hamper the undertaking of investigative journalism activities from the outset and, on the contrary, EU EOM interlocutors reported a tendency towards self-censorship.

The *Sindicato de Jornalistas e Técnicos da Comunicação Social* (SJS) and the *Associação dos Jornalistas Santomenses* (AJS) are, according to some interlocutors, generally not very active. Nevertheless, prior to the elections they contributed to the organisation of an election-related training for journalists, and the SJS organised a roundtable inviting political party representatives and media professional to discuss causes, consequences and possible solutions to the influence of politics over media.

### Legal Framework for the media

The Constitution and the Press Law guarantee freedom of expression and information.<sup>45</sup> Nevertheless, libel and defamation are criminalized by the Penal Code and foresee prison sentences, while the Press Law foresees heavier administrative fines for libel and defamation towards public figures as compared to ordinary citizens.<sup>46</sup> Although journalists have never been sentenced to prison, these provisions are at odds with international principles and curtail freedom of expression and freedom of the media.<sup>47</sup>

***Recommendation: Amend the Penal Code to repeal prison sentences for defamation crimes in favour of reasonable financial and administrative sanctions to restore the harmed reputations. Amend the Press Code to repeal heavier sanctions for defamation cases against public figures.***

Broadcast media are regulated by the Law on Television and the Law on Radio stations.<sup>48</sup> There is no specific law on state media, and the existing laws do not include provisions regulating the appointment of state-owned TV and radio management positions, nor do they detail their funding mechanism. The absence of provisions allowed the governmental practice of directly appointing state TV and radio directors at every change of ruling coalition, thus hindering the independence of public media, which tend to reflect and support the governmental line.<sup>49</sup> While a draft law to

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<sup>45</sup> Constitution articles 29-30, Press Law N. 2/93 Art.1

<sup>46</sup> Penal Code Law N.6/2012, articles 185-196. Press Law N.2/93 Art. 37. In case of recidivism, libel and defamation are generally punishable with a fine equivalent to three months of salary of the media professional, while if libel and defamation are towards “Head of State, Deputies, members of the Government and Magistrates” the fine is equivalent to six months of salary.

<sup>47</sup> ICCPR, GC 34, paragraph 47: “States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.” CCPR, GC 34, paragraph 13: “(...) The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint (...)” CCPR, GC 34 paragraph 42: “The penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression.”

<sup>48</sup> Law N.1/2001 and Law N.2/2001

<sup>49</sup> CCPR, GC 34, paragraph 16. «States parties should ensure that public broadcasting services operate in an independent manner. Actions to ensure independence may include the setting out of the mandate of such broadcasters in law and the provision of legislative guarantees of independence and editorial freedom, as well as the provision of funding in a manner that does not undermine independence.

turn the state media into a public service was discussed over the years and widely viewed as a necessary reform, no concrete steps were taken to enact it.

***Recommendation: Ensure the independence of state media from political influence by introducing a legislation granting a transparent selection process of its senior managers as well as a clear and effective funding mechanism.***

The *Conselho Superior de Imprensa* (CSI) is the broadcast media regulatory body. It was foreseen and established in the Press Law, and its functioning is outlined in a specific law.<sup>50</sup> The appointment system of CSI board members does not grant its independence from the ruling majority, nor its operational and financial independence.<sup>51</sup> The CSI does not have the necessary financial, technical, and human resources to fulfil its regulatory role, nor has it effective sanctioning powers.<sup>52</sup> All EU EOM interlocutors regarded the CSI as an ineffective body. During the election period, the CSI remained inactive and received no complaints related to the electoral coverage.

***Recommendation: Ensure the independence of CSI and strengthen its technical and financial capacity to oversee broadcast media, including during the election campaign.***

The broadcast media coverage of the election campaign is mainly regulated by the Election Law with additional provisions in the Press Law, Law on Television and Law on Radio Stations. The framework requires the media to offer a balanced coverage of the contestants, forbids political advertising and establishes a 24-hour silence period prior to election day. State-owned media are required to provide contestants with CEN-defined free airtime. For these elections, the CEN decided to allocate to each contestant a daily five-minute slot on *TVS*, and a daily ten-minute slot on *RNSTP* and *RRP*.

## Media monitoring findings

The EU EOM conducted a qualitative and quantitative media monitoring exercise for the two state-owned media, *TVS* and *RNSTP*, and the privately-owned Catholic *Rádio Jubilar*, as well as a qualitative monitoring of five online media.<sup>53</sup> During the monitored period, freedom of expression was respected.

In the pre-campaign period, *TVS* showed a clear bias in favour of the government. For instance, between 1 and 9 September 2022, in addition to the extensive government's coverage in the news,

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<sup>50</sup> Law N.4/96 on the functioning of the *Conselho Superior de Imprensa* (CSI).

<sup>51</sup> Out of the seven CSI board members, four are directly or indirectly appointed by the ruling majority: one from the government, two by the AN, one representing the civil society, but all interlocutors reported that also this member is indicated by the ruling majority. Moreover, the three years mandate of the current board expired on 15 February 2021 and no new appointments or renewal of members took place, leaving the board members at their place without legitimate and legal mandate. Since its appointment in 2018, the current board did not produce any annual report of activities, as required by the Law. Board meetings are often replaced by telephone consultations and decisions communicated orally to the interested counterpart. The CSI website present very limited and outdated information, for instance, there is no information on its current composition and activities.

<sup>52</sup> CCPR, GC 34, paragraph 11 "... to guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas... This right includes political discourse, commentary on one's own, and on public affairs...". UN Human Rights Council Resolution 19/36, 2012, paragraph. 16 [The Human Rights Council] "calls upon States to make continuous efforts to strengthen the rule of law and promote democracy...".

<sup>53</sup> *TVS* was monitored from 1 to 9 September 2022 daily from 12:00 to 22:00. From 10 to 25 September 2022, *TVS* was monitored daily from 18:00 to midnight; for *RNSTP* and *Rádio Jubilar* the EU EOM monitored all news and election-related programs daily from 7:00 to 20:00. The EU EOM also conducted a qualitative monitoring of the following online news media: *STP-Press*, *Tela Non*, *RSTP*, *Jornal Transparencia* and *Jornal Tropical*.

*TVS* aired twenty-four editions of the program “*Factos e Factos*” for a total of 6 hours and 18 minutes relaying information on the achievements and inaugurations of governmental projects. On 8, 9 and 10 September, therefore also during the first day of the election campaign, *TVS* aired a one-hour interview with the Prime Minister recalling projects launched over the last four years and eventually calling out citizens to vote and let the current government to continue its action.

During the election campaign period, in line with the law, state-owned media provided equal free airtime access to all contestants and were fairly balanced in offering campaign news coverage. *TVS* offered 6 to 9 per cent of its news coverage to each of the eleven parties running for legislative elections and *RNSTP* offered 4 to 12 per cent to each of the parties. In a positive development, *TVS* organised and aired for the first time one election debate for legislative elections and one for regional elections in the RAP, inviting all contestants. The debates were simultaneously aired by *RNSTP*, the primary source of information in the country. On Election Day, the PM breached the silence period by calling to renew the confidence in his government.

The private Catholic *Rádio Jubilar* covered the elections mainly by inviting contestants for interviews, though major parties did not show interest in participating. Among community radio stations, *Radio Tlacha* in Neves extensively covered the elections and was the only one to organise a debate among candidates for local elections. During the election campaign, the online news media *Rádio Somos Todos Primos (RSTP)* played a positive role by organising an election debate for the diaspora voters and live video interviews with parties and candidates. Due to their limited capacity, news websites such as *STP-Press*, *Tela Non*, *Jornal Transparência* and *Jornal Tropical* offered election coverage limited to one or two news articles daily and did not publish any interviews with candidates.

The international media *RTP África TV* positively contributed to widen the information offer, through interviews with party leaders, electoral stakeholders and covering thoroughly the post-election developments.

## XI. SOCIAL MEDIA AND DIGITAL RIGHTS

*Social media represented an alternative platform for information dissemination, with the two major parties campaigning consistently online*

### Social media environment and legal framework

Internet penetration is limited to 32 per cent of the population, with most citizens using smartphones to access it.<sup>54</sup> Facebook (FB) is by far the most popular online platform; Instagram and TikTok have very limited audience and Twitter is almost negligible. Facebook Messenger and WhatsApp are widely used among mobile phone users for information exchanges.

The Law on Cybercrime protects personal data online.<sup>55</sup> The *Agência Nacional de Protecção de Dados Pessoais (ANPD)*, responsible for receiving relevant complaints, is active but without investigative and enforcement capacity. In general, public awareness about the potential abuse of personal data online appears to be rather low and *ANPD* is making efforts to raise citizens awareness. Spreading fake news online falls under defamation crimes.

<sup>54</sup> Data as of February 2022, <https://datareportal.com/reports/digital-2022-sao-tome-and-principe>

<sup>55</sup> Law N. 15/2017

Digital media literacy is very limited and affects also public figures and institutions. For instance, neither the CEN nor political parties underwent the Facebook page certification process to obtain the “blue badge”, a risk-mitigation mechanism to counter fake reproduction of FB pages. There were no CSOs engaged in monitoring or fact-checking initiatives. Neither the government nor the CEN sought Meta/FB support to enhance transparency, mitigate disinformation and hate speech or disseminate voter information on FB.

### Social media monitoring findings

Facebook (FB) positively represented an alternative platform to the small-scale media environment for quickly producing and sharing election-related information.<sup>56</sup> For instance, during the election campaign, a FB page by the name *Príncipe TV* constituted the only alternative media to the regional government leaning *Rádio Regional do Príncipe* and succeeded in organising an election debate among the two main contestants for the regional electoral race in the RAP. More importantly, during the sensitive post-electoral period, when the state media did not cover live any of the key events, the online private media *RSTP* provided a welcome public service by attending all relevant tabulation and post-electoral events and broadcasting them live on its FB page. Despite the generally positive use of this platform to inform the public, the EU EOM observed as well instances of FB pages with unclear ownership and at times similar visual identity, presenting themselves as media and information pages, but clearly supporting one or the other of the main competitors.

Facebook was not considered as one of the main ways for campaigning by political parties: not all political leaders had a public FB page and most candidates at local level informed the EU EOM that they were not using FB to campaign, leaving to the parties headquarters to campaign on this platform. ADI, MLSTP, as well as UMPP in Príncipe, were the only competitors that consistently used online platforms to campaign. ADI-related FB pages enjoyed the highest number of followers and were by far the most active on campaigning. Newly established political parties created FB pages but struggled to gain followers ahead of elections. As the campaign unfolded, new and smaller parties also started posting videos of campaign events and free airtime footage, though generating limited engagement. The FB Ad Library was only partially available in São Tomé e Príncipe to the detriment of transparency in elections and political-related advertising. However, it appeared that parties were not interested to invest in paid ads, preferring to reach out to voters through parties’ supporters that were actively campaigning in the most popular FB groups. While isolated instances of personal attacks against candidates were observed, the general political discourse remained free of hateful content.<sup>57</sup>

The CEN used its FB page mainly to document its workshops with civil society groups before the elections, while it provided very limited information on the electoral preparations and no voter information on voting procedures. The EU EOM detected two additional FB pages showing the same visual identity of the already existing CEN FB page, created by CEN members to inform voters in Portugal and in the United Kingdom. While these two pages proved to be effective in independently informing diaspora voters, the absence of a “blue badge” and a confirmation that were “official” CEN pages might have created confusion among them. The EU EOM observed

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<sup>56</sup> The EU EOM focused its monitoring on Facebook, the only relevant social platform in São Tomé e Príncipe with some 65,000 users.

<sup>57</sup> Personal attacks targeted mainly the two major parties’ leaders Jorge Bom Jesus (MLSTP-PSD) and Patrice Trovoada (ADI) by means of memes making fun of them and doctored images portraying them as the devil.

that on 3 October 2022, the day the final results were to be announced, a voter information message by FB related to the first round of Brazilian elections held on 2 October, appeared at the bottom of posts related to Santomean elections. The FB message was out of context and misleading.<sup>58</sup>

***Recommendation: Establish a cooperation mechanism with relevant online platforms to enhance transparency, prevent and mitigate disinformation and foster voter information ahead of elections.***

## XII. PARTICIPATION OF WOMEN

***The implementation of 30 per cent gender quota lacked a systematic approach to place women in effectively electable positions***

The Constitution enshrines the principle of equal rights and non-discrimination based on gender. While there are no legal obstacles to the participation of women in all spheres of public life, women in São Tomé e Príncipe continue to be discriminated against, as the cultural perception of traditional gender roles remains strongly rooted in society. In addition, the reportedly high rate of domestic violence against women and girls affects their lives and development.

Despite the difficulties many women face for a more meaningful political participation, the need for an effective inclusion in the public life and decision-making positions has been recognised. Several governmental policies and initiatives aim at introducing mechanisms to promote gender parity and increase women participation: a National Institute for the Promotion of Equality and Gender Parity, a Network of Parliamentarian Women, a Network of Women Ministers and Parliamentarians, and a Commission for Human Rights, Citizenship and Gender within the AN. Women remain underrepresented in many state institutions such as the CEN, the Supreme Court of Justice, and the TC.<sup>59</sup> As for party structures, the two main political parties - ADI and MLSTP - have elected a woman Deputy Secretary General and Secretary General respectively.

For the 2022 legislative elections, a compulsory 30 per cent gender quota on party lists was introduced with the 2021 legal reform, and this facilitated an overall 36 per cent representation of women among AN candidates. However, such reform did not include any specific ranking order for gender alternation, a mechanism that would have facilitated the election of more women. Instead, an incoherent and restrictive interpretation of the quota requirements by political parties resulted in a total of 15 women heading party lists compared to 73 men, and with only eight women being elected to the AN (out of a total of 55 seats) compared to the 10 in the previous legislature.<sup>60</sup> As a further example of limited practical opportunities for enabling equal representation, EU EOM observed that the proportion of women candidates was not reflected in the overall coverage and direct access received by state media. Namely, *TVS* granted to women candidates only eight per cent of their news coverage and five per cent of direct speech; *RNSTP* granted them 13 per cent of both total coverage and direct speech in its news programmes during the election

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<sup>58</sup> The FB message, which was inviting users to look for elections results on the websites of the Brazilian *Tribunal Superior Eleitoral*, appeared at the bottom of Santomean election-related posts, including at the bottom of a FB Live video showing the Santomean Tribunal Constitutional discussion and results announcement, that had more than 10k views and hundreds of shares.

<sup>59</sup> There is only one woman as CEN member, one woman as *Tribunal Constitucional's* judge and one at the Supreme Court of Justice.

<sup>60</sup> The AN has seen an unsteady increase of women representation from 9,1 per cent in 2000, to 18,2 per cent in 2015, and down to 14,5 per cent in 2018. Data from the Inter-Parliamentary Union.

campaign. For District Assemblies (ADs), out of 58 members to be elected, only 16 women were elected, with the highest number of female representation registered in Cantagalo district.

A new parity law, including a 40 per cent gender quota for all elected and appointed positions, was promulgated after the candidate registration period to enter into force in November 2022 and should be applied to the new government composition. The new law includes already the zipper rule for future legislative elections. However, women organizations, while welcoming the adoption, maintained publicly and to the EU EOM that the goal should be 50 per cent.<sup>61</sup>

Female party sections leaders considered social and family pressure exerted on women to constitute the main obstacle to a more inclusive political participation. In addition, lack of political preparedness and lack of political willingness to open space within parties to women still represent a challenge. Women leaders anticipate that the 2026 elections will require a wide pool of women to come forward and to be trained to stand as candidates to meet the legal requirements, demanding a substantial investment from parties over the coming years.

***Recommendation: Increase affirmative measures to ensure that at least 40 per cent women representation in all elected positions can be fully implemented. Complement the application of the zipper rule for the next legislative elections with a horizontal alternation placement rule, should a plurality-majority system be chosen at any electoral level.***

Civil society has been actively promoting the empowerment of women. In particular the EU-funded initiative “More Participation, More Citizenship”, supported by a wide range of NGOs, developed and implemented projects for the improvement of democracy and civic participation, including for these elections.<sup>62</sup>

### XIII. PARTICIPATION OF PERSONS WITH DISABILITIES

***Practical advances in the political participation of Persons with Disabilities call for more ambitious regulations***

According to the 2012 Census, the overall number of persons with disabilities (PwD) was 6724, of which 2300 were women. This number is likely higher now. São Tomé e Príncipe ratified the UN Convention on the Rights of Persons with Disabilities, however, a specific law on access to public positions for PwDs has stalled in the AN for two legislatures and the overall attention to this community remains very low. No declared PwDs held elected or governmental positions during this electoral cycle, unlike previous ones where there were PwDs in the AN secretariat and in governmental appointed positions. For these elections, there was only one declared PwD candidate to the AN, who did not gain a seat, and there was no information available on any PwD candidates for the local elections.

There are four associations active over the Santomean territory to promote respect for PwDs and their inclusion in political life.<sup>63</sup> In advance of the 2022 elections, they conducted PwD mapping

<sup>61</sup> Conversation held with women organization on EU EOM exit interview on 10 October 2022. Also see public statements at <https://www.telanon.info/politica/2021/03/09/33770/mulheres-querem-paridade-de-genero-de-50/>

<sup>62</sup> Association for the Cooperation among Peoples (ACEP); the Federation of NGOs (Fong-STP); the Platform for Human Rights and Gender Equality (PDHEG); the Santomean Association of Journalists (AJS); and the Foundation New Future (FNF).

<sup>63</sup> São Tomé e Príncipe Association of the Blind and Visually Impaired, Association of the Deaf and Mute of São Tomé e Príncipe, Association of Disabled People, Santomean Association of Support to Persons with Albinism.

and opinion polls in districts (except for the RAP) to determine the number of PwD people who held voter cards. The associations worked to remove some of the main obstacles for a higher PwD participation that were found in previous elections, such as the absence of special needs voting procedures, limited electoral information, the absence of access ramps and priority queues at polling stations. In a positive development, the UNDP supported the CEN to train polling stations staff on PwD access facilitation to polling stations, and to develop a targeted PwD voter education campaign.

Despite the practical operational improvements for the 2022 elections, the electoral legislation remains silent on ways to ensure and facilitate the exercise of political rights by PwDs. There is no provision that compels the CEN to take special measures other than assisted voting, by which a PwD can choose another voter to receive help for ballot marking. Following Election Day, PwDs associations still reported to the EU EOM facing many hindrances, firstly reaching the polling stations, and secondly, casting their ballot in secrecy. The CEN should have in place procedures enabling PwD to vote independently and unassisted to ensure the secrecy of their vote. Printing of ballot papers jackets in Braille and the use of sign language interpreters could be considered in the future.

***Recommendation: To continue facilitate inclusion, bring legislation in line with international commitments by including provisions to ensure lasting participation of persons with disabilities in the electoral process and to allow them to effectively exercise their voting rights independently and in secrecy. The CEN should include specific measures in the regulatory framework.***

Some transport to polling stations was provided in the districts organised by the PwDs associations, with international support. On Election Day persons with disabilities were given priority to vote in two thirds of the polling stations observed by the EU EOM. Two projects supported PwD participation: advancing the ratification, internalisation and implementation of the African Union Treaties within the framework of the African Charter on Democracy, Elections and Governance, supported by the Kingdom of Sweden and the African Union, and the UNDP-managed basket fund.

#### **XIV. CITIZEN AND INTERNATIONAL ELECTION OBSERVATION**

##### ***The prohibition of domestic observation deprives the process of an important component***

Citizen observation is not envisaged in the Electoral Law, which is at odds with international principles. Civil society groups could therefore not engage effectively to promote transparency in the elections, depriving the process of an important component. The introduction of domestic observation is a debated issue in São Tomé e Príncipe, as it was considered already for the 2021 electoral laws amendments and then withdrawn from their final version. All major political parties stated to the EU EOM their agreement in principle for a future legislative change in this regard.

***Recommendations: Amend the provisions on election observation to allow national civil society groups to observe elections, and allow observers and media to follow all stages of the electoral process, including tabulation phases.***

International observation included missions of the Commission of the Economic Community of Central African States (ECCAS) that deployed a 22-member short-term mission from 23 to 27 September and of the Community of Portuguese Speaking Countries's (CPLP) that deployed 20 observers from 19 to 28 September. The EU EOM held information-exchange meetings with both missions throughout their presence in the country. The ROJAE (*Rede dos Órgãos Jurisdicionais e de Administração Eleitoral dos Países de Língua Portuguesa*) of CPLP also deployed a five-member mission for Election Day. The CEN also accredited as international observers diplomatic missions from the United Kingdom and United States embassies to Luanda (seven- and 11-member diplomatic watchers respectively) and the Nigerian Embassy to São Tomé e Príncipe (six members).

## XV. ELECTORAL DISPUTES

### ***A negligible number of cases indicates broad results acceptance***

The electoral laws include administrative and judicial mechanisms for dispute resolution in different phases of the electoral process, providing effective legal means for restoring potential violations of electoral rights. For voter registration, appeals against CEN decisions can be filed at the TC within two days from the decision and must be adjudicated within three. The process is free of charge and priority for TC; and any legal uncertainty or gaps are to be resolved by the AN before the TC rulings.<sup>64</sup> Similarly, the candidate registration process foresees complaints and appeals to the TC with similar procedures and short deadlines.<sup>65</sup>

Irregularities occurring at PS level and during tabulation phases may be object of appeals to the TC, provided they were filed in writing at the time of their occurrence and the plaintiff submitted evidence of its recording. For the 2022 elections, political parties received training on complaint submission at PS.<sup>66</sup> The adjudication timeline is four days, except in the RAP which has six days, due to longer distances. Appeals must be lodged within the day after the concerned tabulation results are publicly posted at the TC, and the latter has one day for parties notification and two days for the final ruling. For the 2022 elections, a negligible number of complaints were filed at PS and tabulation level, and none of them was then appealed to the TC.

In a complaint submitted on 4 August by ADI, the party contested the CEN voter education campaign, claiming that the symbol and slogans that were used were too similar to the MLSTP-PSD's and could thus be interpreted as an indication on how to vote. The TC ruled on the claim on 8 August, dismissing it on procedural grounds for not having been lodged first to the CEN.

### **Electoral Offences**

Reference to electoral offences are dispersed in several laws and are specific to different stages of the electoral process. On voter registration the law stipulates eight electoral offences including fraud during registration, refusal to register as a voter, illegal changes to the voter register and the absence of a public display period. Offences are punishable with imprisonment to up to eight years

<sup>64</sup> Voter Registration Law No. 08/2021, articles 34 to 36; 42 to 55 and 59.

<sup>65</sup> Two appeals regarding candidates' registration were lodged at the TC and decided in favor of complainants. See section on Candidate Registration of this report.

<sup>66</sup> *Basta!* prepared pre-filled complaint forms for its party agents but this did not impact the number of submitted complaints.

and pecuniary fines. Any imprisonment sentence resulting out of voter registration offences entails the restriction of political rights between five to ten years.<sup>67</sup> As for the electoral process, the Electoral Law lists 35 offences with 13 types of campaign offences and 22 election-related ones. The infractions of electoral corruption or vote buying (*banho*) mentioned by several EU EOM interlocutors as a widespread practice, were not denounced or investigated by the responsible authorities. The Public Prosecutors Office did not receive any formal complaint in relation to the 2022 election process.

## XVI. VOTING, COUNTING AND TABULATION OF RESULTS

### *A peaceful and orderly process, despite shortcomings in polling staff composition*

#### Overview of Voting

Election Day took place in a peaceful and orderly environment. Most Polling Stations (PS) visited by EU EOM observers opened on time, with some delayed by lack of materials or by polling staff's unpreparedness.

During voting hours, EU EOM observers visited 137 PS belonging to 117 polling centres in all districts, including in the RAP, covering more than 50 per cent of the total PS number. Voting procedures were largely applied, and integrity measures respected. EU EOM observers noted that the gender composition in the observed PSs was balanced, with 53 per cent men and 47 per cent women; however, only one third of the PS chairpersons were women. The observed PSs were mostly accessible to voters with reduced mobility, who were given priority in the voting queue, together with pregnant women and mothers with children.

EU EOM observers noted that in many observed locations the PS members' party affiliation did not entirely correspond to the nominations decided by the CEN. Seventy-two staff members from 19 observed PSs declared to be unaware of their party affiliation, or refused to specify it. This lent credibility to the allegations that PS staff positions had been traded by small parties to large ones. Party delegates, of which 30 per cent were women, were present in all the observed PSs. In the RAP, delegates from the two main regional parties were present in all observed PS. In addition to party delegates, party representatives allowed by the CEN decision to extend party presence among the PS staff were present in 89 of the observed PSs, occasionally interfering with the work of the originally appointed PS staff. This caused at times unnecessary confusion in the PSs, as the different roles were blurred.

***Recommendation: Ensure and enforce that election officials, and any other persons allowed in the polling stations on Election Day, be duly accredited and identified by CEN, and their role and mandate clearly defined in the law. Ensure that on Election Day polling officials designated by the contesting political entities reflect effectively the CEN nominations.***

The presence of police and army was observed inside the observed PSs or at less than 100 m in 16 cases; however, security forces were not seen as to be interfering with the process. Queues of voters were observed in one third of visited PSs. Overcrowding was observed in 19 PSs, which occasionally led to tension.

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<sup>67</sup> Voter Registration Law No. 08/2, article 46.

The EU EOM assessed the overall conduct of voting operations as satisfactory in 124 out of 137 observed PSs, expressing a high level of confidence in the transparency of the process and the voters' ability to cast their ballots freely.

In an isolated episode of obstruction, two PSs in Água Grande did not open due to a road blockade prompted by protests related to persistent water shortages. Although initially expected to order a repeat election, the CEN surprisingly did not reschedule it, arguing that the boycott was not included among the causes for a repeat. The CEN decision disenfranchised 1,099 voters in the two PS. Consequently, the winning candidate won the AD district seat with 109 votes only.

### Counting

Closing and counting was observed in 16 PSs and evaluated positively in all of them. The observed counting events started on time and were managed in an orderly and transparent manner. Discrepancies between the number of ballots and the number of voters were observed in six PSs and promptly resolved. Invalid ballots were not always identified in line with procedures, resulting in one observed formal complaint. Result protocols (*editais*) were posted outside 15 of the 16 observed PSs. In an exercise of transparency, the state-owned TVS broadcast PS results all night as tallying operations had been completed and results posted around the country.

### Tabulation of Results

District tabulation started slowly on the morning of 26 September, due to a district court judges' strike for the unremunerated 2021 result tabulation fees. EU EOM observers were present in all six district tabulation centers, called *Assembleias de Apuramento Distritais* (AADs), and in the regional tabulation assembly in the RAP, following the proceedings from start to completion. Legislative and municipal results were tabulated simultaneously, by separate ad hoc assemblies chaired by judges. The major parties' delegates were present in all districts throughout the process. Once underway, the tabulations were assessed as transparent, consensual, and methodical in most districts. However, different judges interpreted the role of the DTAs in different ways, correcting PS inconsistencies *ex officio* or only when a complaint was filed at PS level. EU EOM observers assessed the procedures as generally followed,<sup>68</sup> and only one complaint over the validity of a ballot was reported.

In Cantagalo district, EU EOM observers reported disagreements over the qualification of invalid ballot papers, problems with inaccurate PS tally sheets, and inconsistencies in following remedy procedures. The AAD in Cantagalo went on to annul one PS result for the legislative elections (number 16), and three PSs for the local elections (10A, 21 and 23), for tally sheets inaccuracies. While the Cantagalo AAD proceedings were assessed as transparent, observers reported at times a confused and disorganised environment. In Lobata the AAD annulled one PS in Bairro Benga (*circunscrição* 3 D) due to a seemingly altered and incomplete PS tally sheet where MLSTP votes were not introduced.

District tabulation activities were completed within 48 hours with results posted outside the AAD offices for public display. Copies of the results were then sent to the CEN, and to the TC for the final tabulation phase of the legislative elections. Results for local and regional elections were shared with the District Courts for the formal decisions on results.

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<sup>68</sup> Some of the problems detected by EU EOM observers in Cantagalo, Caué, Me-Zóchi, Lobata, and Lembá districts concerned incoherent tabulation protocols, missing seal numbers, unregistered abstention figures, exchanged ballot boxes lids and incoherences between seal numbers and protocols

The out-of-country voting AAD began its work only on 1 October at the CEN. Polling station materials from all ten out-of-country PSs were shipped to the CEN for final tabulation. EU EOM observers assessed the process as transparent and methodical, noting however missing instructions regarding the packaging of sensitive materials, and incomplete PS materials mostly from the Europe constituency. ADI, MLSTP and *Basta!* delegates were present.

## XVII. RESULTS AND POST-ELECTION ENVIRONMENT

### *Lack of established procedures left room for differing interpretations and unnecessarily raised political tension*

#### **Preliminary Results Tabulation by CEN**

According to the Electoral Law, PS chairs are to inform their respective electoral commissions in a timely manner of the results made public at each PS. The Law is however silent on how the preliminary results tabulation is to be set up by the CEN. For the 2022 elections, the CEN repeated a more transparent procedure introduced for the 2021 presidential second round. An initial sorting team (*Gabinete de Triagem*) was set up within CEN to trace and organise PS tally sheets from national and out-of-country voting. Tally sheets were verified for arithmetical consistency (i.e. number of votes for political parties, blank and invalid votes, the total number of voters, and the number of registered voters). In case any unreadable or manifestly erroneous tally sheet was found, the matter was to be promptly deferred to the relevant CED.

In the tabulation room, two separate data entry teams operated, one directed by GTE staff, and another by the results management staff seconded by the Portuguese Electoral Administration. The GTE staff received all the PS tally sheets from the sorting office and proceeded to enter the results. The process was then replicated by the second data entry team as a safeguarding measure. An excel sheet was used to enter the PS figures, while a screen projection allowed political party delegates and accredited observers to follow the data-entry process. The exercise ended with a data cross-check by the two teams to spot and resolve any eventual inconsistency. EU EOM observers noted difficulties with several poorly filled out tally sheets that delayed the process, with the tabulation teams working uninterruptedly for over 24 hours to reconcile them.

The Law does not prescribe a definite timeline to complete and announce preliminary results, nor does it regulate the content and manner for such publication. Past CENs traditionally announced preliminary district results and provided figures on the distribution of the AN mandates through press conferences. In the evening of 26 September, the CEN plenary decided for a different strategy. In an impromptu press conference, and without any form of publication, the CEN president announced the legislative elections preliminary results with just the global number of aggregated votes assigned to the political entities, without reference to district and polling station breakdowns, and without the customary projection of the AN mandate distribution. The announcement was confusing and controversial, as unexpected and poorly communicated, contrary to established previous CEN traditions and to international good practices.

***Recommendation: Define clearly the content and manner for preliminary results publication, including by requiring results to be broken down by polling station.***

The unusual CEN announcement did nothing to ease the political tension, as it did not bring any clarity to the differing result projections that had been announced earlier in the day by the two major political parties who had conducted parallel vote tabulation earlier. This resulted in a small protest of ADI supporters on Monday night in front of their headquarters (which is less than 20 m

from the CEN headquarters) and in another impromptu announcement, on the afternoon of 27 September, by the ADI-nominated CEN member, who published on FB the informal seat distribution that had been prepared and not communicated the day before by the CEN at the time of the preliminary results announcement.<sup>69</sup>

The confusing situation was followed, in the next days, by a series of appeals for patience and a peaceful wait for the final results both by the ADI president and the Prime Minister/ MLSTP president. While the former urged the CEN to publish the disaggregated results by district and the PM to ensure the international observers' presence at the final tabulation stages, the latter pointed to numerous irregularities that needed to be verified, and stressed the government's determination to suppress any disturbance to public order. In the meantime, on 28 September, the various district tabulation results that were posted throughout the day confirmed the seat allocation as claimed by ADI.<sup>70</sup>

Pending the final national tabulation, the political pressure raised further. On 30 September, a request from *Basta!*, MDFM/PL and UDD to the TC to register a new electoral coalition for seats allocation began to circulate on social media. In a document dated 29 September, the mentioned parties demanded that their votes be counted together based on an improbable reading of article 26 of the Election Law (which is inter alia, silent on the deadline for registering such coalitions) and a previously unknown pre-electoral agreement dated 7 September. In response, ADI published a legal opinion to argue the unconstitutionality of such post-electoral request<sup>71</sup>, and its leadership undertook a series of diplomatic initiatives to draw foreign attention to the potential political implications of admitting an electoral coalition not registered before the elections, to the seat distribution process. Following this, a FB post signed by a leading Portuguese constitutionalist circulated on social media in the early hours of 3 October, just before the opening of the final tabulation process, qualifying the request for the post-electoral coalition as outright fraud if it were to be accepted by the General Tabulation Assembly, the *Assembleia de Apuramento Geral* (AAG) that was to be established by the TC for the process.<sup>72</sup> The combination of these events contributed to clarify the illegitimate interpretation of article 26 of the Election Law that was at the basis of the post-electoral request of a coalition registration, and the gross disrespect of the will of the voters that such a registration would have entailed, as the coalition had not been registered before the elections and voters had marked single political entity-lists ballots.

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<sup>69</sup> Those CEN results broadly coincided with those published by the ADI and the final results, with a difference of one ADI seat being assigned to MCI/PS-PUN in the district of Cantagalo. The CEN officially published on their website the preliminary seat allocations only on 3 October, the same day as the final tabulation by the TC.

<sup>70</sup> On Tuesday 27 September, the ADI nominated CEN member published on Facebook the seat distribution prepared the day before by the CEN which its president allegedly refused to announce (the CEN results broadly coincided with those published by the ADI and with the final results later proclaimed by the TC, with a difference of one ADI seat being assigned to MCI/PS-PUN in the district of Cantagalo). The CEN President later declared to the EU EOM that such decision had been taken in a plenary session where the ADI-appointed member had participated and voted for. The district tabulation assemblies collated also the results of the local elections.

<sup>71</sup> See the AD legal opinion at the following link:

<https://www.facebook.com/ADIacaoDemocratICAIndependente/posts/pfbid02NAGBkKXwDDcQCs5wxFDKBPnLR9sLf66YSmMBymCue8sgSMHP5Zvm1U93ddRbBcXRI>

<sup>72</sup> The opinion of a well known Portuguese constitutional law expert, José Bacelar Gouveia, was posted on Facebook on the eve of the final tabulation phase on 2 October. It circulated widely on the Santomean press and social media on the early morning hours of 3 October:

<https://www.facebook.com/jorgebacelargouveia/posts/pfbid06QZsPTKSDPnjTfWGopL6gS2ZK5h28ddFNbNTfwskzDjhoxQrTYouoethFF7i9Zxml>

### Final tabulation process

It was against this tense backdrop that the final tabulation session was set to take place on 3 October. The responsibility for the final results and seat allocation for the legislative elections was legally entrusted to an ad hoc chamber called *Assembleia de Apuramento Geral* (AAG), which it is called by the TC President and convenes within the TC premises. The TC President chaired the AAG proceedings, accompanied by two other TC judges, one secretary (with no voting rights), and three mathematicians whose nomination by the government had been changed just the day before, without a public explanation. The session was open to political parties and coalition mandataries, observers and media. The parties ADI, MLSTP, *Basta!*, MCI, MDFM, CID, MUDA sent their representatives.

Before tabulation and seat allocation, the AAG was called to resolve two complex procedural issues: the acceptability of the electoral coalition request submitted after the elections by *Basta!*, MDFM-UL and UDD and the request from the *Basta!* delegate to deny EU EOM observers access to the proceedings. On the first case, the AAG Chair evaluated the post-electoral request as beyond the legal deadline for coalition registration, and therefore ungrounded. A second TC judge qualified the request unconstitutional, as against the respect of the will of the voters. On the *Basta!* request to exclude the EU EOM from the observation of the AAG proceedings, the matter had been the subject of a previous denial by the TC, later withdrawn by the TC through a verbal communication with the EU EOM. The AAG Chair then explained to the parties that EU EOM presence throughout all electoral stages had been agreed upon by the Ministry of Foreign Affairs and the CEN in an Administrative Arrangement with the EU. The AAG plenary concluded by adding that other observer missions and the media as well had been consequently invited in respect for the principle of transparency of the tabulation process.

Following the AAG's approval of the Chair's motions, the actual tabulation work could begin, with the reading of the provisions governing the various phases. The mathematicians were instructed to enter the district tallies (*actas do apuramento distrital*) into a national tally sheet after their verification. The tabulation process was transparent, allowing the expert mathematicians the necessary time to allocate the seats without any time constraints.

In the evening, the AAG verbally announced the results for the 55-seat AN as follows: ADI 30 seats (absolute majority), *Basta!* 2 seats, MCI/PS-PUN 5 seats, and MLSTP/PSD 18 seats. Results were posted outside the TC building and published in hard copy in the Official Gazette on 7 October.

### Final Tabulation process by District Courts

EU EOM observers were also present during the final tabulation of the local elections and the regional elections in the RAP conducted by the competent District Court judges in separate assemblies. The proceedings were efficient and transparent, even though not identical in the various courts, and concluded within a day, on 3 October and 6 October respectively.

The new majoritarian system in place for the election of 68 members of six district assemblies awarded in total 41 seats to ADI, 13 to MLSTP/PSD, 10 to MCI/PS-PUN and 3 to *Basta!*.<sup>73</sup> Thus, ADI gained absolute majority in the districts Água Grande, Mé-Zóchi and Lembá; and MCI/PS-PUN in Caué.

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<sup>73</sup> Due to annulled election results in one polling station, one seat in the AD of Cantagalo remained vacant.

Results for the RAP Regional Assembly were as follows: UMPP obtained overall 54.7 per cent and MVDP 45.3 per cent of the valid votes which after the seat allocation within the three constituencies translated into six seats for UMPP and three seats for MVDP.

***Recommendation: Establish clear and precise procedures for the consistent tabulation of final results, including step-by-step activities, throughout the different stages and for the different institutions involved in the result tabulation process.***

### **Appeals Relating to the Election Results**

There were no appeals against the election results. Both provisional and district tabulations showed very similar results which contributed to the acceptance of the final results.

### **Post-election developments**

In the aftermath of the final results announcement, all political forces that won AN seats conceded the results and congratulated the winning party.<sup>74</sup> Most of the national stakeholders referred to the EU EOM presence during all tabulation stages as a crucial deterrent against potential violent demonstrations, rising political tension, as well as a potential unconstitutional interpretation of the seat allocation provisions.

On 4 October, as per the new provision introduced in 2021, the four parties that failed to meet at least 0.5 per cent of valid votes in the 25 September legislative elections were declared automatically extinct by the TC: *Movimento Social Democrático/Partido Verde São Tomé e Príncipe* (MSD/PVSTP), the *Partido de Todos os Santomenses* (PTOS), the *Movimento de União para o Desenvolvimento Amplo de São Tomé e Príncipe* (MUDA-STP) and the *Movimento para Progresso – Partido Novo* (MPP-PN).

On 5 October, a new dispute arose around the date for the new AN swearing-in ceremony. The competent committee of the outgoing AN set the event for 22 November, the exact date for the expiration of its four-year term.<sup>75</sup> ADI refused that date and insisted the swearing-in should take place on 2 November, within 30 days from the declaration of final results, as per article 22 of the Election Law. Among the parties to be represented in the future AN, this position was also held by MCI/PS-PUN. Following an ADI letter dated 10 October demanding the AN Secretary General to call the inaugural AN session for 2 November, a compromise was found during the session of the mixed parliamentary committee of 14 October, and the new date of 8 November was unanimously approved for the swearing-in ceremony.

From the 55 members of the new AN, 36 have been members of parliament before - 18 of them in the outgoing AN, while 19 are first-timers.

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<sup>74</sup> The only public resignation following the declaration of results was that of the MDFM/UL which failed to win a seat.

<sup>75</sup> The committee reasoned in accordance with the article 102 of the Constitution which stipulates that the term of AN is four years. Following the 2018 and 2014 legislative elections, the resulting ANs were sworn in on 22 November: however, those elections had been held later, on 7 and 12 October, respectively.

**XVIII. RECOMMENDATIONS**

The EU EOM formulated the following twenty-two recommendations for potential improvements of the way elections are regulated, managed, and conducted in São Tomé e Príncipe. They are offered to the national authorities and the Santomean citizens in a spirit of cooperation and partnership.

NO.	FR page #	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
<b>LEGAL FRAMEWORK</b>						
1	13	The EU EOM noted that the 2021 legal reform of the package of six “electoral laws” left many loopholes and incoherent provisions that open the room to unnecessary manipulations. Page 13 of the Final Report captures the following inconsistencies that have been identified in the course of the mission: <b>1.</b> The unclear definition of the primary responsibility to conduct voter registration activities; <b>2.</b> The lack of definition for political entity coalition running for an electoral process; <b>3.</b> The CEN deadlines for electoral districting reviews, set out in the Framework Law on Local Administration as up to five days after the calling of the elections by the President. <b>4.</b> The three-year mandate for local and regional assemblies that is <i>de facto</i> extended to four.	<i>Eliminate the existing inconsistencies and ambiguities left in the electoral laws through their systematic and rigorous harmonisation, with the aim of enhancing legal certainty through all the stages of the electoral process</i>	Laws No. 6/2021, 7/2021, 8/2021, 9/2021,10/2021 and 11/2021	National Assembly	<p><b>States Must Take Necessary Steps to give Effect to Rights/Right and Opportunity to Participate in Public Affairs and Hold Office</b></p> <p>ICCPR Article 2.2 CCPR-GC 34, paragraph 25 HRC Resolution 19/36/2012 (A/HRC/RES/19/36) paragraph 16 ACDEG, Chapter 1,Articles 2.2 and 11; Chapter 9, Article 27.3 and 32.8</p>

2	14	<p>“..In doing so, the CEN <i>de facto</i> changed the electoral system from a proportional to majoritarian one, namely to a single-member system, with the sole variation of including substitute candidates.”</p>	<p><i>Should the stakeholders decide to maintain the changes to the electoral system introduced by the CEN for the local elections, primary legislation reflecting these changes should be introduced, including the principle of the equal weight of the votes, and an adequate voter information campaign on the topic.</i></p>	Law No.8/2021	National Assembly	<p><b>Equal Suffrage/Freedom from Discrimination</b></p> <p>ICCPR, Article 2.2, 2.3 and 25. CCPR- GC Article 25, paragraph 21</p>
<b>ELECTORAL ADMINISTRATION</b>						
3	15-16	<p>“Despite the previous individual electoral experience of its members, the CEN suffered from weak institutional authority, mostly stemming from its temporary and politicised nature. Its structural and political dependency from the AN and the dispersion of responsibilities with the nomination of political parties’ representatives throughout its structure diluted its capacity to fully manage the electoral process in an independent and transparent manner.”</p> <p>Th GTE support to CEN was in practice much less significant than what mandated by the Law, and the GTE was kept constantly under-resourced by the AN.</p>	<p><b><i>Turn the National Electoral Commission into a permanent body to enhance professionalism, integrity and accountability throughout all stages of the electoral process and allow for its organic and progressive institutional growth. Clarify the supporting responsibilities and competences of the GTE.</i></b></p>	Law No.7/2021 on the National Electoral Commission	National Assembly	<p><b>States Must Take Necessary Steps to Give Effect to Rights.</b></p> <p>ICCPR, Art. 2.2 ICCPR- GC 25 paragraph 20 UNCAC, Article 1 ACDEG, Articles 15 and 17.1</p> <p>AU Declaration on the Principles Governing Democratic Elections in Africa</p>
4	16	<p>“The CEN did not pass specific rules of procedures for the legislative, local and regional elections,</p>	<p><i>Enact and publish comprehensive and specific procedures for all stages of the</i></p>	National Electoral Commission	National Electoral Commission	<p><b>States Must Take Necessary Steps to Give Effect to Rights/Transparency and</b></p>

		applying by default some old rules of procedures of a previous CEN. Further, it lacked proper regulations covering all the different components of the process”	<i>electoral process, including but not limited to voter registration, electoral campaign, voting, counting and preliminary tabulation phases well ahead of elections.</i>			<b>Right to Information</b> ICCPR, Article 19.2, 25.2 CCPR- GC 25, paragraph 20 UNCAC, Article 5.1
5	16-17	“However, the CEN’s overall public communication strategy, such as the holding of regular press conferences, public meetings or simply systematic information dissemination on its electoral preparations was deficient on important stages of the electoral process and in particular during the post-electoral phase of preliminary results tabulation.”	<i>Establish an institutional communication strategy to enhance transparency and accountability of the electoral process, developing public confidence building measures. Information sharing activities, in particular for the key phases of the electoral process, should be an integral part of such strategy.</i>	No need for legal change	National Electoral Commission	<b>Transparency and Access to Information/Right and Opportunity to Participate in Public Affairs</b>  ICCPR Art. 2.2, 19.2 CCPR-GC 34 paragraph 18 UNCAC, Article 10 ACDEG, Article 10 ECOWAS Suppl. Protocol Art.1b
<b>VOTER AND CIVIC EDUCATION</b>						
6	19-29	“The CEN made use of its institutional communication channels, mainly its Facebook page, to advertise its activities; however, it did not publish voter information material such as sample ballots, ballot-marking or instructions on general information about the electoral systems in use for the different electoral levels”. “The CEN used its FB page mainly to document its workshops with civil society groups before the elections, while it provided very limited information on the electoral preparations and no voter information on voting procedures”	<i>Organise comprehensive and longer-term voter and civic education activities including the dissemination of information on changes in the law, regulations, procedures and decisions, including through civil society organisations, and with the support of local radio stations.</i>	No need for legal change	National Electoral Commission	<b>States Must Take Necessary Steps to Give Effect to Rights/ Transparency and Access to Information</b>  ICCPR, Article 19.2, 25 CCPR-GC 25, paragraph 11 ACDEG, Article 12 ECOWAS, Supplementary Protocol Article 8

VOTER REGISTRATION						
7	19	The right to vote is partially restricted in São Tomé e Príncipe. A blanket ban on individuals serving prison sentences prevents them from voting, a provision that is at odds with international principles. Mentally disabled persons are entitled to vote unless they are confined to a mental health facility or officially certified as mentally incapable by a medical examination and judicial decision.	<i>Eliminate the blanket ban on voting rights for citizens serving prison sentences</i>	Law No. 8/2021 on Voter Registration Article 2	National Assembly  Ministry of Interior	<b>Right and Opportunity to Vote/Freedom From Discrimination</b>  ICCPR, Article 25 CCPR-GC 25, paragraph 14 ACDEG, Article 6
8	20-21	The Electoral Law prescribes that, in an election year, voter registration must be carried out at least six months prior to the election date to accurately reflect the country's electorate. The Santomean Civil Register, which has been modernised in recent years, also contains updated information on citizens reaching voting age.	<i>Attribute clearly the responsibility to start and conduct voter registration to the CEN, and establish a reliable and cost-effective mechanism to update the voter register, for example by using other existing and reliable data sources, such as the civil register.</i>	Law No. 8/2021 on Voter Registration, Law 07/2021 on CEN, Law on Elections 06/2021	National Assembly Government	<b>Right and Opportunity to Vote/States Must Take Necessary Steps to Give Effect to Rights</b>  ICCPR, Article 25 CCPR-GC 25, paragraph 11 ECOWAS, Suppl. Protocol Article 5
REGISTRATION OF CANDIDATES						
9	22	Candidate registration is a cumbersome decentralised paper-based process. District courts must deal with a heavy paper load within short a timeframe without any specific procedure. Application submission papers must be physically separated for each list/party and be transported to the Public Prosecutor for review and	<i>Introduce standard administrative procedures for the candidate registration process and provide equal registration conditions for all electoral levels. Introduce an effective filing system to guarantee legal certainty and increase overall transparency.</i>	Law No.6/2021 Electoral Law	National Electoral Commission	<b>Freedom From Discrimination and Equality Before the Law/Right and Opportunity to be Elected</b>  ICCPR, Articles 25, 26 CCPR-GC 25, paragraph 11

		then back to the Courts. There is a risk of papers being lost and the process delayed, and there is no transparency on the overall approved list as there is no central system.				
<b>CAMPAIGN ENVIRONMENT</b>						
10	24	<p>[...] however, previously recorded footage featuring the Prime Minister or other ministers inaugurating a series of public works and projects was aired by the state TV during this moratorium.</p> <p>“The EU EOM observed numerous instances of use of state resources for campaign purposes which was rendered illegal by the 2021 legal reform, however, without defining corresponding sanctions or a competent oversight body.”</p>	<p><i>Introduce applicable sanctions for the abuse of state resources and for violations of the 30-day moratorium for public works inaugurations and state vehicles’ use prohibition. Define and empower the oversight body for campaign violations.</i></p>	<p>Law No.6/2021 Electoral Law, Article 83.4/5</p>	<p>National Assembly</p>	<p><b>Prevention of Corruption/Fairness in the Election campaign</b></p> <p>UNCAC, Article 1</p> <p>UNCAC, Article 17</p>
<b>CAMPAIGN AND PARTY FINANCE</b>						
11	24	<p>“Given the country’s dire economic situation, the legal limitation to individual donations appears overly restrictive. This limitation leads, in practice, to a circumvention of the rules, as a number of interlocutors, especially from the two major parties, provided indications to EU EOM observers of having received funding from foreign sources. This illegal and undocumented funding of parties [...] had a negative impact on the transparency and accountability</p>	<p><i>Enforce the existing funding prohibitions from foreign individuals and companies. To ensure transparency and oversight, consideration might be given to allowing limited and transparent funding from foreign partner political parties or associations.</i></p>	<p>Law No.6/2021 Electoral Law</p>	<p>National Assembly</p> <p>Government</p> <p>Constitutional Court</p>	<p><b>Prevention of corruption/Fairness in the election campaign/Transparency and access to information</b></p> <p>ICCPR, Article 19.2, CCPR-GG 25, paragraph 19</p> <p>African Union Convention on Preventing and Combating Corruption, Article 10</p>

		of the process, substantially tilting the playing field.”				UNCAC, Articles 7.3 , 13.1
12	24-25	<p>“...the parties are obliged to submit their campaign finance reports within 90 days from the announcement of results to the TC. The TC has admittedly no capacity to follow up and monitor on campaign expenditure and requires the establishment of a separate monitoring and oversight section to be able to follow up on this component.[...] The TC President does not believe this function should be part of a constitutional court mandate, but rather be entrusted to an electoral body. [...] There are no ceilings for contributions nor for campaign spending and the law does not contemplate in-kind donations or expenditure [...]</p> <p>Further, no guidelines, training or templates for campaign finance reporting were provided to the stakeholders. No pre-election or campaign finance reporting deadlines are envisaged in the law, with the only generic requirement to submit a report 90 days after the results publication.”</p>	<p><i>Empower an oversight body, for example the CEN, to carry out oversight and enforcement to monitor and audit campaign expenditure reports. Introduce and enforce clear campaign expenditure limits, requirements for periodical expenditure reports for parties and candidates, including in-kind donations. Introduce proportionate enforcement rules.</i></p>	Law No.11/2021 Political Party Law	National Assembly  Government  Constitutional Court	<p><b>Prevention of corruption/Fairness in the election campaign.</b></p> <p>AUCPCC, Article 10</p> <p>UNCAC, Article 1, 5.1, 10 and 26.1</p>
<b>MEDIA</b>						
13	26	<p>“...libel and defamation are criminalized by the Penal Code and foreseen prison sentences, while the Press Law foresees heavier fines for libel and</p>	<p><i>Amend the Penal Code to repeal prison sentences for defamation crimes in favour of reasonable financial and administrative sanctions to</i></p>	Law No. 6/2012 Penal Code Articles 185-196 Law No. 2/93, Article 37, Press	National Assembly	<p><b>Freedom of Opinion and Expression</b></p> <p>ICCPR, Article 19.2 CCPR-GC 34, paragraphs 13, 42</p>

		defamation towards public figures as compared to ordinary citizens...”	<i>restore the harmed reputations. Amend the Press Code to repeal heavier sanctions for defamations cases against public figures.</i>	Law		and 47 UN, OSCE, OAS and ACHPR 2021 Joint declaration on politicians and public officials and freedom of expression UN, OSCE, OAS and ACHPR 2000 Joint declaration on Challenges to Media Freedom
14	26	“There is no specific law on state media, and the existing laws do not include provisions regulating the appointment of state-owned TV and radio management positions, nor do they detail their funding mechanism. The absence of provisions allowed the governmental practice of directly appointing state TV and radio directors at every change of ruling coalition thus hindering the independence of public media, which, naturally, tend to reflect and support the governmental line...”	<b><i>Ensure the independence of state media from political influence by introducing a legislation granting a transparent selection process of its senior managers as well as a clear and effective funding mechanism.</i></b>	Law No. 2/93 Press Law Law No. 1/2001 Television Law Law No. 2/2001 Radio Station Law  New primary legislation	National Assembly	<b>Freedom of Opinion and Expression</b>  ICCPR, Article 19.2 CCPR-GC 34, paragraph 16 UN, OSCE, OAS and ACHPR 2017 Joint Declaration on Freedom of Expression and Fake News, Disinformation and Propaganda Article 3
15	27	“The appointment system of <i>Conselho Superior de Imprensa</i> board members does not grant its independence from the ruling majority, nor its operational and financial independence. The CSI does not have the necessary financial, technical, and human resources to fulfil its regulatory role, nor has it effective sanctioning powers.”	<i>Ensure the independence of CSI and strengthen its technical and financial capacity to oversee broadcast media, including during the election campaign.</i>	Law No. 4/96 on the functioning of the <i>Conselho Superior de Imprensa</i>	National Assembly  Government  National Press Council	<b>Freedom of Opinion and Expression/Freedom From Discrimination/Rule of Law</b>  ICCPR, Article 19.2 CCPR-GC 34, paragraph 11 UN HRC Res. 19/36, 2012, para 16 UN, OSCE, OAS and ACHPR 2001 Joint Declaration Challenges to Freedom of Expression in the New Century

SOCIAL MEDIA						
16	29	<p>“...neither the CEN, nor political parties underwent the FB page certification process to obtain the “blue badge”, a risk-mitigation mechanism to counter fake FB pages reproduction... Neither the government nor the CEN sought Meta/FB support to enhance transparency, mitigate disinformation and hate speech or foster FB voter information[.] ..The FB Ad Library was not fully operationalised...to the detriment of transparency on election and political-related advertising..A voter information message by FB related to the first round of Brazilian elections held on 2 October, appeared at the bottom of posts related to Santomean elections. The FB message was out of context and misleading”</p>	<p><i>Establish a cooperation mechanism with relevant online platforms to enhance transparency, prevent and mitigate disinformation and foster voter information ahead of elections.</i></p>	<p>No need for legal change</p>	<p>Government National Electoral Commission</p>	<p><b>Freedom of Opinion and Expression/Transparency and access to information</b></p> <p>ICCPR, General Comment 25, paragraph 19 UNCAC, Article 7.3 and 7.4</p> <p>UN, OAS, OSCE Joint Declaration on Freedom of Expression and Elections In the Digital Age (2020)</p>
GENDER REPRESENTATION						
17	31	<p>“.... a compulsory 30 per cent gender quota on party lists was introduced with the 2021 legal reform however, such reform did not include any specific ranking order for gender alternation, a mechanism that would have facilitated the elections of more women.” A new parity law stipulating a 40 per cent quota for legislative elections will be applicable to up-</p>	<p><i>Increase affirmative measures to ensure that at least 40 per cent women representation in all elected positions can be fully implemented. Complement the application of the zipper rule for the next legislative elections with a horizontal alternation placement rule should a plurality-majority system be chosen at any electoral level.</i></p>	<p>Law No.6/2021 Electoral Law</p>	<p>Government Political Parties Judiciary</p>	<p><b>Women’s Participation in Public Affairs/Equality Between Men and Women; State Must Take the Necessary Steps to Give Effect to Rights</b></p> <p>CEDAW, Article 4.1 and 7 ICCPR, Article 3 UN GA Res. 66/130 on Women and Political Participation Protocol to ACHPR/RW,</p>

		coming elections. Nevertheless local elections single member lists would require further affirmative measures to assure effective women representation also at this level.				Articles 9, 1 and 2
<b>PERSONS WITH DISABILITIES</b>						
18	32	<p>“According to the 2012 Census, the overall number of persons with disabilities (PwD) was 6,724 of which 2,300 women.</p> <p>São Tomé e Príncipe ratified the UN Convention on the Rights of Persons with Disabilities, however, a specific law on access to public positions for PwDs has stalled in the AN for two legislatures and the overall attention to this category remains very low”</p> <p>“.. Despite the improvements, PwDs association reported to the EU EOM facing many hindrances, firstly reaching the polling stations and secondly, casting their ballot in secrecy.”</p>	<p><i>To continue facilitate inclusion, bring legislation in line with international commitments by including provisions to ensure lasting participation of persons with disabilities in the electoral process and to allow them to effectively exercise their voting rights independently and in secrecy. The CEN to include specific measures in the regulatory framework.</i></p>	<p>Law No.6/2021 Electoral Law Article 123</p>	<p>National Assembly</p> <p>National Electoral Commission</p>	<p><b>Right and Opportunity to Participate in Public Affairs and Hold Office/Secrecy of the Vote</b></p> <p>ICCPR, Article 26 CRPD, Article 29 ACDEG, Article 31</p>
<b>CITIZEN AND INTERNATIONAL ELECTION OBSERVATION</b>						
19	32	<p>“Citizen observation is not envisaged in the Electoral Law, which is at odds with international principles. Civil society groups could therefore not engage effectively to enhance the transparency of the elections, depriving the process of an</p>	<p><i>Amend the provisions on election observation to allow national civil society groups to observe elections, and allow observers and media to follow all stages of the electoral process, including tabulation phases.</i></p>	<p>Law No.6/2021 Electoral Law</p>	<p>National Assembly</p>	<p><b>Right and Opportunity to Participate in Public Affairs/Transparency and the Right to Information</b></p> <p>ICCPR, Articles 22 and 25 CCPR-GC 25 paragraph 8 ACDEG, Article 22</p>

		important component.”				
<b>POLLING, COUNTING AND TABULATION OF RESULTS</b>						
<b>20</b>	18-34	<p>By Art. 57 of the Election Law No. 6/202, each PS was staffed by five officials appointed on a rotational basis by the 11 contesting entities: a chairperson, vice-chairperson, secretary and two clerks.</p> <p>At the request of the Basta! Movement..., the CEN decided to allow the designation of additional PS officials from the six contesting parties not holding an AN seat. It remained unclear after Election Day observation how these extra party representatives would be accredited and identified at the PSs on Election Day. [...] In addition to party delegates, party representatives allowed by the CEN decision to extend party presence inside the PSs were present in 89 of the observed PSs, occasionally interfering with the work of the PS chairpersons. There was at times unnecessary confusion in the PS and different roles were blurred.</p>	<p><i>Ensure and enforce that election officials, and any other persons allowed in the polling stations on Election Day, be duly accredited and identified by CEN, and their role and mandate clearly defined in the law. Ensure that on Election Day polling officials designated by the contesting political entities reflect effectively the CEN nominations.</i></p>	<p>Electoral Law No. 6/2021 Articles 57, 58, 61</p>	<p>National Electoral Commission</p>	<p><b>Right and Opportunity to Vote</b></p> <p>ICCPR, Articles 19.2, 25 UNCAC 13.1</p>
<b>21</b>	36	<p>“The Law does not prescribe a definite timeline to complete and announce preliminary results, nor does it regulate the content and manner for such publication. Past CENs traditionally announced preliminary district results and provided figures on the distribution of the AN mandates through press</p>	<p><i>Define clearly the content and manner for preliminary results publication, including by requiring results to be broken down by polling station</i></p>	<p>Law No.6/2021 Electoral Law Law No. 7/2021 National Electoral Commission Law</p>	<p>National Assembly  National Electoral Commission</p>	<p><b>Transparency and the Right to Information</b></p> <p>ICCPR, Articles 19.2 and 25.2 CCPR-GC 25, paragraph 20 CCPR-GC 34, paragraphs 18-19</p>

		conferences. In the evening of 26 September, [...], the CEN president announced the legislative preliminary results with just the global number of aggregated votes assigned to the political entities, without reference to district and polling station breakdowns.				
22	38-39	<p>“..Before tabulation and seat allocation, the AAG was called to resolve two complex procedural issues: the acceptability of the post-electoral coalition request submitted by <i>Basta!</i>, MDFM-UL and UDD and the request from the <i>Basta!</i> delegate to deny EU EOM observers access to the proceedings....</p> <p>...EU EOM observers were also present during the final tabulation of the local and regional elections in the RAP, conducted by the competent District Courts judges in separate assemblies. The proceedings were swift and transparent, even though not identical in the various courts.</p>	<p><i>Establish clear and precise procedures for the consistent tabulation of final results, including step-by-step activities, throughout the different stages and for the different institutions involved in the result tabulation process</i></p>	<p>Law No. 7/2021 National Electoral Commission Law Article 140</p>	<p>National Electoral Commission  District Courts  Constitutional Court</p>	<p><b>Right and Opportunity to be Elected/Transparency and the Right to Information</b></p> <p>ICCPR, Articles 2.2, 19.2, UNCAC, Articles 5.1 13.1 CCPR- GC 25, paragraph 20</p>

**International/Regional Sources - Legend**

- Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of Persons with Disabilities (CPRD)
- International Covenant on Civil and Political Rights (ICCPR)
- Human Rights Committee General Comments (CCPR-GC)
- The United Nations Convention against Corruption (UNCAC)
- United Nations Human Rights Council (UNHRC)
- African Charter on Democracy, Elections and Governance (ACDEG)
- Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Protocol to ACHPR/RW)
- African Union Convention on Preventing and Combating Corruption (AUCPCC)
- Economic Community of West African States (ECOWAS) Supplementary Protocol on Democracy and Good Governance
- United Nations General Assembly Resolution (UNGA) 66/130 on Women and Political Participation
- Human Rights Council Universal Periodic Review Working Groups (A/HRC/)

ANNEX 1 - ELECTORAL RESULTS SUMMARY TABLE<sup>76</sup>

Table 1: Full results of the legislative elections

District	Agua Grande	Mé-Zóchi	Lobata	Cantagalo	Lembá	Caué	Príncipe	Africa	Europa	Total
Mandates	14	10	7	6	6	5	5	1	1	55
Number of PS	87	60	29	30	24	16	16	21	26	309
Reg. voters	40 942	26 855	11 082	10 552	8 766	4 448	5 964	5 449	9 243	123 301
Voted	25 486	19 558	8 463	7 883	6 785	3 594	4 101	1 744	2 518	80 132
Turnout	62,2%	72,8%	76,4%	74,7%	77,4%	80,8%	68,8%	32,0%	27,2%	65,0%
1 ADI	13 032	9 685	3 481	3 260	2 322	800	1 647	737	1 248	36 212
2 BASTA	1 903	1 113	1 166	778	562	301	218	528	219	6 788
3 UDD	65	49	37	30	497	19	0	0	0	697
4 MCI/PS-PUN	203	958	0	798	850	1 386	800	0	0	4 995
5 MSD-PVSTP	144	50	21	22	26	12	0	0	0	275
6 PTOS	35	23	12	15	9	17	64	7	13	195
7 CID-STP	116	198	41	26	34	17	0	0	26	458
8 MLSTP/PSD	8 571	6 316	3 222	2 430	1 868	627	1 072	343	838	25 287
9 MUDA	175	48	69	13	11	8	15	25	29	393
10 Partido Novo	57	113	29	41	25	22	34	15	19	355
11 MDFM/UL	531	466	113	96	143	75	70	49	54	1 597
Valid	24 832	19 019	8 191	7 509	6 347	3 284	3 920	1 704	2 446	77 252
Blank	212	150	42	57	52	29	35	16	29	622
Invalid	442	389	230	317	386	281	146	24	43	2 258

Table 2: Legislative elections - distribution of seats in the Assembleia Nacional

District	ADI		BASTA		MCI/PS-PUN		MLSTP/PSD		Others	
	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats
Agua Grande	13 032	8	1 903	1	203	0	8 571	5	1 123	0
Mé-Zóchi	9 685	6	1 113	0	958	0	6 316	4	947	0
Lobata	3 481	3	1 166	1	0	0	3 222	3	322	0
Cantagalo	3 260	4	778	0	798	0	2 430	2	243	0
Lembá	2 322	3	562	0	850	1	1 868	2	745	0
Caué	800	1	301	0	1 386	3	627	1	170	0
Príncipe	1 647	3	218	0	800	1	1 072	1	183	0
Africa	737	1	528	0	0	0	343	0	96	0
Europa	1 248	1	219	0	0	0	838	0	141	0
TOTAL	36 212	30	6 788	2	4 995	5	25 287	18	3 970	0

<sup>76</sup> As consolidated by the EU EOM on the basis of official posting collected at the *Tribunal Constitucional*

**Table 3: Local elections - distribution of seats in the Assembleias Distritais**

District	ADI		BASTA		MCI/PS-PUN		MLSTP/PSD		Others	
	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats
Água Grande	12 716	13	2 711	0	0		8 465	2	1 285	0
Mé-Zóchi	8 984	12	1 293	0	1 040		6 262	1	1 414	0
Lobata	3 029	5	2 013	3	0		2 854	3	305	0
Cantagalo*	2 871	5	1 037	0	959	1	2 295	4	255	0
Lembá	2 214	6	631	0	887		1 869	3	1 022	0
Caué	659	0	366	0	1 591	9	495	0	178	0
<b>TOTAL</b>	<b>30 473</b>	<b>41</b>	<b>8 051</b>	<b>3</b>	<b>4 477</b>	<b>10</b>	<b>22 240</b>	<b>13</b>	<b>4 459</b>	<b>0</b>

\*Due to annulled election results in one polling station, one seat in the AD of Cantagalo remained unoccupied.

**Table 4: Regional elections in Príncipe - distribution of seats in the Assembleia Regional**

District	MVDP		UMPP	
	Votes	Seats	Votes	Seats
Círculo 1	603	2	700	1
Círculo 2	571	2	730	1
Círculo 3	621	2	736	1
<b>TOTAL</b>	<b>1 795</b>	<b>6</b>	<b>2166</b>	<b>3</b>

## ANNEX 2 - MEDIA MONITORING FINDINGS

### 1. Media monitoring sample

EU EOM Sao Tome y Principe *Media Monitoring Unit* monitored all relevant electronic and online media. The media outlets monitored during the election period are the following:

#### **Broadcast media**

- TVS - Televisão de São Tomé (state-owned TV with national coverage)
- RNSTP - Radio Nacional de São Tomé e Príncipe (state-owned radio with national coverage)
- Radio Jubilar (private catholic radio with national coverage)

#### **Online media**

- [STP-Press](#) – state-owned news agency
- [Tela Non](#) – private online news media
- [Jornal Transparencia](#) – private online news media
- [Jornal Tropicco](#) – private online news media
- [RSTP - Radio Somos Todos Primos](#) - private online media (online radio/news website – video content published on YouTube channel and Facebook page)

### 2. Media monitoring methodology

The methodology employed for the broadcast media monitoring was both quantitative and qualitative. The quantitative component of the monitoring consisted of the analysis of the time allocated to the relevant political actors. The qualitative analysis included the way relevant actors were portrayed, namely the tone used by media towards the contestants and political actors (negative, neutral, or positive). During the monitored period, the tone used by broadcast media to cover contestants was neutral or almost completely neutral. Therefore, charts showing the tone of the coverage are not included in the Annex.

**For the state-owned TVS** different types and period and of monitoring were conducted:

- ✓ Pre-election period (1<sup>st</sup> to 9 Sept. 2022). Qualitative monitoring from 12:00 to 24:00
- ✓ Election campaign (10 to 23 Sept. 2022) – Quantitative and qualitative monitoring from 18:00 to 24:00
- ✓ Silence period (24 and 25 Sept. 2022– Qualitative monitoring from 7:00 to 24:00
- ✓ Post-election period (26 Sept-5 Oct. 2022) Qualitative monitoring from 18:00 to 24:00

**For the state-owned RNSTP** the EU EOM conducted a qualitative and quantitative monitoring of news and election-related programs aired from 7:00 to 21:00 in the period from 10 to 23 September (election campaign), and from 7:00 to 24:00 during the silence period, on 24-25 September 2022.

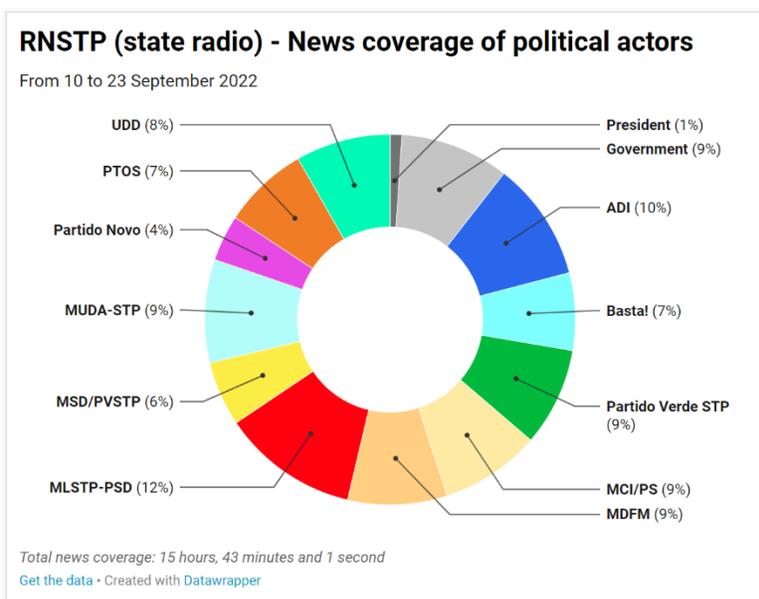
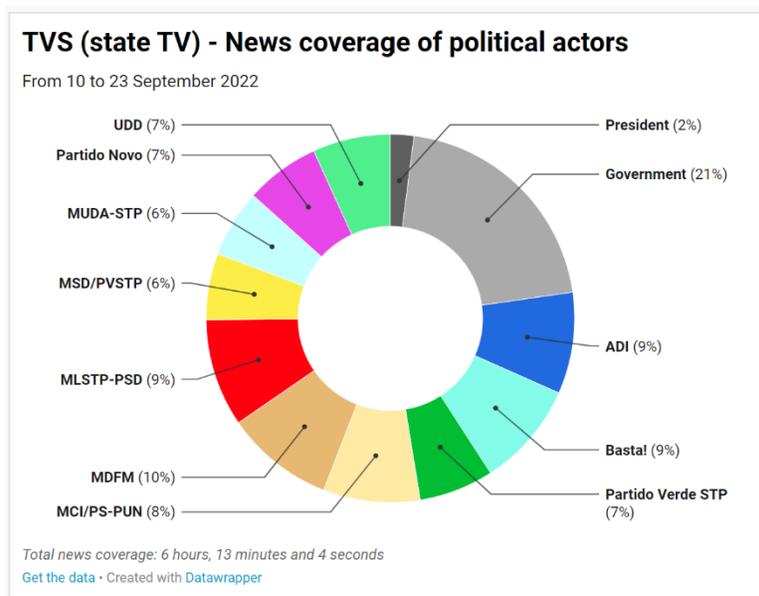
**For the private Radio Jubilar**, the EU EOM conducted a qualitative and quantitative monitoring of news and election-related programs aired from 7:00 to 21:00 in the period from 10 to 25

September 2022 (election campaign and silence period). The EU EOM observed that Radio Jubilar mainly covered the campaign by inviting party leaders for interviews. Therefore, a chart showing their news coverage of the elections is not included in the Annex.

News websites are not bound to any legal requirements to be balanced, the aim of the monitoring was to assess if articles and videos posted by these online media relayed hateful content, if there was any election-related paid content not properly labelled as such, and to what extent these online media contributed to inform the citizens on the electoral process.

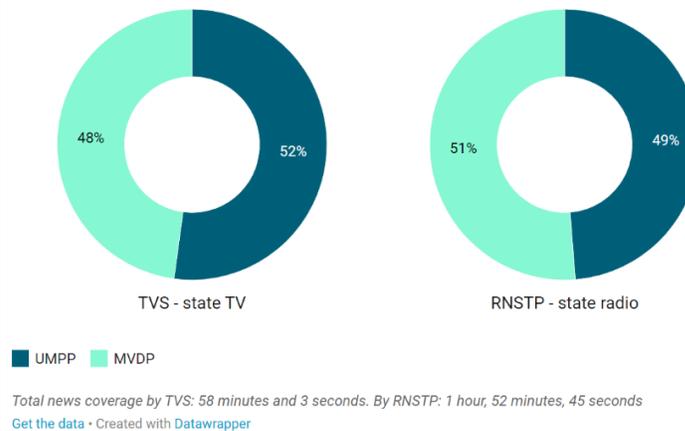
### 3. Media monitoring findings

## POLITICAL ACTORS' NEWS COVERAGE



**TVS and RNSTP news coverage of contestants for the Regional Authority of Principe elections**

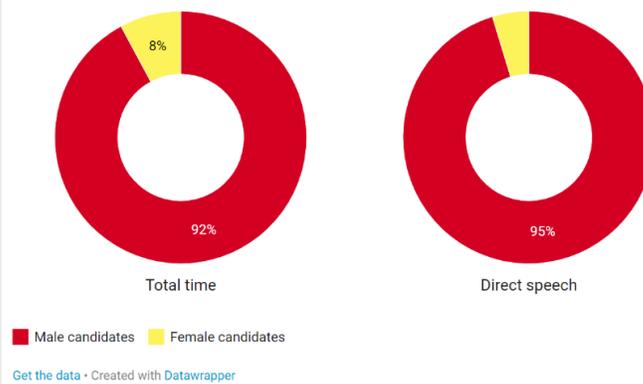
From 10 to 23 September 2022



**NEWS COVERAGE BY GENDER**

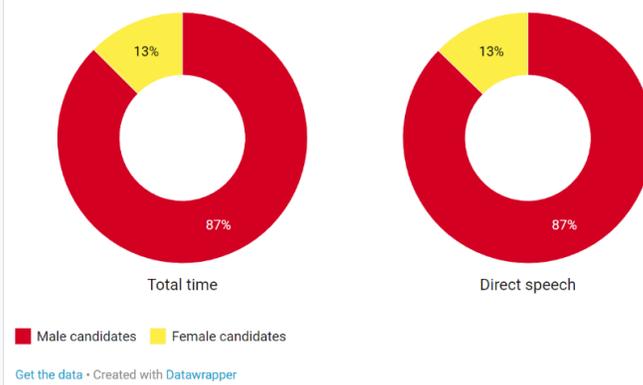
**TVS (state TV) - News coverage of candidates by gender**

From 10 to 23 September 2022



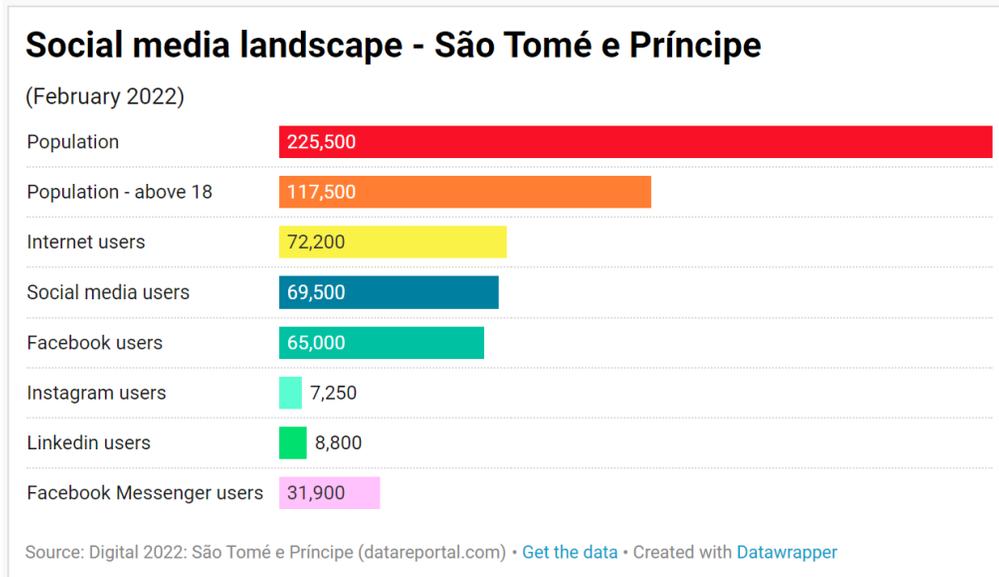
**RNSTP (state radio) - News coverage of candidates by gender**

From 10 to 23 September 2022



## ANNEX 3 - SOCIAL MEDIA MONITORING FINDINGS

### 1. Social media landscape



In São Tomé e Príncipe by February 2022 there were 72,500 internet users out of a population of 225,500 (32 %), with a population above of 18 years of 117,500. The only relevant social platform was Facebook (65,000 users) with other platforms accounting for very limited users, such as Instagram (7,250 users).<sup>77</sup> According to 2021 data, Twitter had only 800 users (0,46 % of the population in 2021).<sup>78</sup> Facebook Messenger was quite popular among internet users (31,900 users). Despite there was no data available, interlocutors reported that WhatsApp as well was widely used. Nevertheless, instant messaging Apps were not generally used for campaign purposes.

### 2. Social media monitoring methodology

The EU EOM São Tomé e Príncipe 2022 applied different and complementary approaches and techniques to gather information on online election-related content which include qualitative and quantitative data analysis, legal analysis, meetings with relevant stakeholders, cooperation with different analysts and LTOs.

The EU EOM analysed an indicative set of accounts, profiles, groups, pages, and topics with a nationwide relevance, to capture key campaign trends on the monitored platforms.

The sample was selected considering:

- The reach and impact of the page/group on the political agenda (metrics of interactions and reach; number of followers, interaction rate per post, etc.).
- The content of the page (are topics covering social, political, and electoral issues).

<sup>77</sup> Data as of February 2022, <https://datareportal.com/reports/digital-2022-sao-tome-and-principe>

<sup>78</sup> See <https://datareportal.com/reports/digital-2021-sao-tome-and-principe>.

- Political affiliation of the account, page, or group.

The EU EOM used tools such as Crowdtangle, SentiOne and Datawrapper. Two national social media monitors carried out the quantitative and qualitative monitoring of online platforms.

### 3. Social media monitoring sample and findings

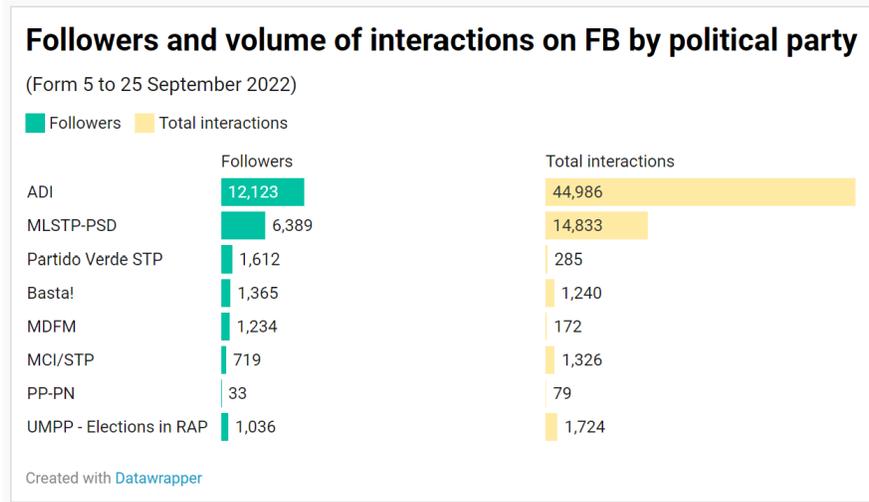
The EU EOM, taking into consideration the country social media landscape, focused its monitoring on Facebook, the only relevant platform. The monitoring period started on 5 September and ended on 25 September 2022. Thus, it covered the entire election campaign (10-23 September 2022). A qualitative monitoring was carried out until the proclamation of results on 10 October 2022. The EU EOM monitored a total of 121 Facebook pages and groups.

#### FACEBOOK PAGES AND GROUPS MONITORED

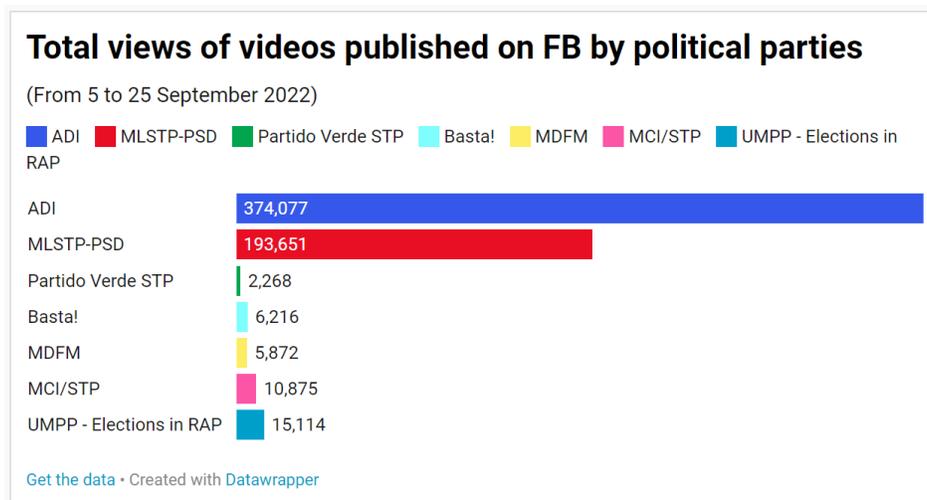
CATEGORY	NUMBER OF PAGES	NUMBER OF GROUPS	MAIN FINDINGS
POLITICAL PARTIES AND LEADERS	22		See section on "online campaigning"; no hateful content
INSTITUTIONS	15		No misuse of state resources/communication channels
ELECTION COMMISSION	3		See section on "election-related information"
CIVIL SOCIETY	19		No voter education; no hateful content
MEDIA	7		No hateful content
INFORMATION PAGES	8		No hateful content
DIASPORA GROUPS	3	6	No hateful content
PUBLIC DISCUSSION GROUPS		38	No hateful content

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**Online campaigning**



Considering the limited number of public Facebook pages of contestants, the EU EOM decided to monitor all 22 public FB pages of political parties and leaders running for the legislative and regional elections in Príncipe. Not all contestants had a public FB page. Moreover, some public FB pages of parties or party’s leaders were not used for campaign purposes. For instance, the FB pages of ADI leader, Patrice Trovada (20,198 followers), and of Basta! leader, Delfim Neves (2,100 followers), were not used for this purpose.



During their online campaigning, political parties’ posts did not focus on any particular topic, such as economy, social welfare, healthcare, education, etc. Most of the posts were generic videos calling to vote for the party, videos of their campaign events or footages of the videos aired on TVS (state TV) on the free airtime granted by the election law. In the table above you will find how many views generated the videos posted by each party on their FB pages.

### Election-related information

During the electoral period, Facebook served as an alternative and useful platform to inform the public over the political campaign and on the electoral process. Despite the general positive role played on FB by media and information pages, the EU EOM detected isolated but significant instances which undermined transparency and trust on the overall electoral information. Below you will find two examples.

#### 1. Multiple not official CEN FB pages

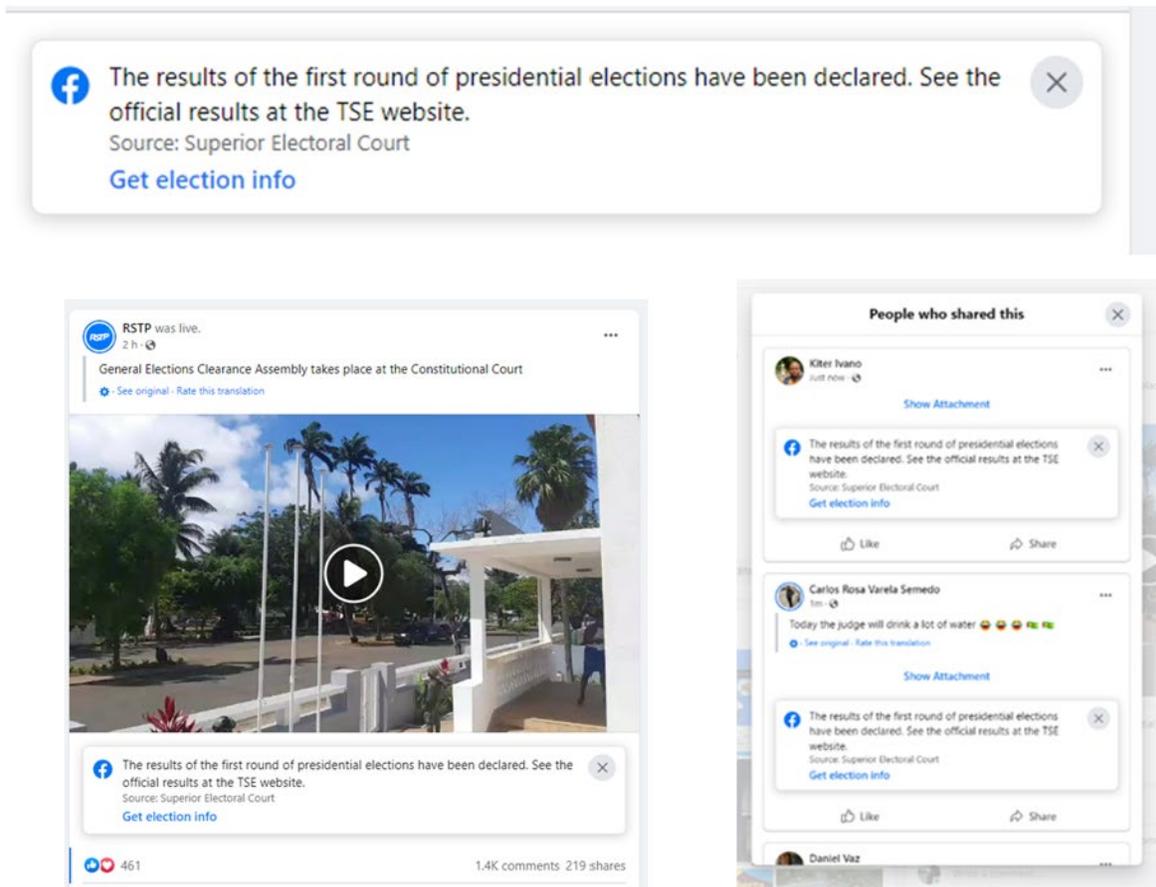


Above you can see an image of the original CEN FB page and of the two not official CEN FB pages created in Portugal and UK.

The EU EOM detected two additional CEN FB pages showing the same visual identity of the already existing CEN FB page. These two FB pages were created by CEN members to inform voters in Portugal and in the United Kingdom. While these two pages proved to be effective in independently informing diaspora voters, the absence of a “blue badge” and a confirmation that were “official” CEN pages might have created confusion among voters.” In addition, the FB page

for the diaspora in Portugal was labelled as “politician” in the description, while the FB page for the diaspora in UK was not even a FB page but a personal FB account renamed and rebranded as “CEN Diaspora Reino Unido”, thus creating more doubts about being reliable source of information.

## 2. Misleading voter information message spread by Facebook



Images of the misleading message by Facebook

The EU EOM observed that on 3 October 2022, the day the final results were to be announced, a voter information message by FB related to the first round of Brazilian elections held on 2 October, appeared at the bottom of posts related to Santomean elections. The FB message, which was inviting users to look for elections results on the websites of the Brazilian *Tribunal Superior Eleitoral*, was out of context and misleading. Among other election-related posts, it appeared also at the bottom of a FB Live video of a local media (RSTP) showing the Santomean Tribunal Constitutional discussion and results announcement, that had more than 10k views and hundreds of shares. The message appeared as well on new FB pages and accounts when it was shared.

ANNEX 4 – COMPARATIVE OVERVIEW OF WOMEN REPRESENTATION

