



Republic of Mozambique

FINAL REPORT

GENERAL AND PROVINCIAL ASSEMBLY ELECTIONS
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ELECTION OBSERVATION MISSION

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ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
AMUSI	United Movement Action for Integral Salvation
AU	African Union
CAD	Democratic Alliance Coalition
CDD	Centre for Democratic Development
CDE	District Election Commission
CDU	United Democrats Congress
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CESC	Civil Society Centre for Learning and Training
CEURBE	Centre for Urban Studies of Mozambique
CIP	Centre for Public Integrity
CNE	National Election Commission
CPE	Provincial Election Commission
CPLP	Community of Portuguese Speaking Countries
CRPD	Convention on the Rights of Persons with Disabilities
CSCS	Superior Council of Social Communication
EISA	Electoral Institute for Sustainable Democracy in Africa
EU EEM	European Union Election Expert Mission
EU EOM	European Union Election Observation Mission
FAMOD	Forum of Mozambican Associations for the Disabled
FORCOM	National Forum of Community Radios
FRELIMO	Mozambican Liberation Front
GABINFO	Government Information Office
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of Racial Discrimination
ICS	Social Communication Institute
IDEA	International Institute for Democracy and Electoral Assistance

INE	National Institute of Statistics
MAMO	Alternative Movement of Mozambique
MASC	Assistance Mechanism for Civil Society
MDM	Democratic Movement of Mozambique
MISA	Media Institute of Southern Africa
MRM	Reconciliation Movement of Mozambique
ND	New Democracy
OJM	Mozambican Youth Organisation
OMR	Rural Environment Observatory
PAHUMO	Mozambican Humanitarian Party
PDM	Party for the Development of Mozambique
PODEMOS	Optimist Party for the Development of Mozambique
RENAMO	National Resistance of Mozambique
RM	<i>Rádio Moçambique</i> – Radio Mozambique
SADC	Southern African Development Community
STAE	Technical Secretariat for Election Administration
TVM	<i>Televisão de Moçambique</i> – Public Television of Mozambique
UNAMO	Mozambican National Union

I. Executive Summary

- On 15 October, Mozambicans elected the president, members of the Assembly of the Republic, members of the 10 provincial assemblies, and 10 provincial governors. Although there was a considerable number of participants, including recently registered political parties, the electoral process was dominated by the three main parties: the ruling Mozambican Liberation Front (FRELIMO), the main opposition Mozambican National Resistance (RENAMO), and the Mozambican Democratic Movement (MDM).
- On 23 December 2019, the Constitutional Council proclaimed the official election results. FRELIMO won the elections in every district of the country obtaining the presidency with 73.46 per cent of valid votes, more than two thirds of the parliamentary seats (184 seats), and the vast majority of the provincial assembly seats (628 seats) and all 10 provincial governors. Ossufo Momade from RENAMO obtained 21.48 per cent, followed by Daviz Simango from MDM with 4.33 per cent and Mário Albino from the United Movement Action for Integral Salvation (AMUSI) with 0.73 per cent of the votes. RENAMO secured 60 parliamentary seats and MDM 6 seats. For the 10 provincial assemblies, RENAMO obtained 156 seats and MDM obtained 10 seats. For the Assembly of the Republic 106 women were elected, an increase of 16 women over the previous parliament with 90 women. At the time of writing this report, there were no available figures on the number of women elected for the provincial assemblies. However, out of the 10 provincial governors, only 3 women were elected (Gaza, Niassa, and Manica).
- The electoral process took place in a polarised and challenging environment where inter-party violence was prevalent. Constant features throughout the process included high levels of mistrust between the main political parties, and a lack of confidence that the electoral administration (the National Election Commission - CNE and the Technical Secretariat for Electoral Administration - STAE) and the judiciary were independent and free from political influence. One week before the elections, the murder of a prominent national observer by members of the national police force had the effect of exacerbating an already existing climate of fear and self-censorship prevalent in Mozambican society.
- The national legal framework provides an acceptable basis for the conduct of democratic elections in line with regional and international principles subscribed to by Mozambique. As in the past, the consistency of the amendments introduced in May 2019 with remaining legislation was not submitted to a careful review and resulted in discrepancies between legal provisions. The amendments supposedly removed the principle of *previous impugnation*, according to which complaints had to be submitted at the place and time the irregularity occurred otherwise an appeal to a higher level would not be possible. In practice, although the *previous impugnation* mention was removed from the law, the *previous impugnation* procedures and requirements remained unchanged in the law. Several deficiencies in the legal framework previously identified by EU missions remain.
- There was a lack of stakeholder confidence in the impartiality and independence from political influence both in the party-nominated membership and the civil society component of the CNE. This was reflected at all levels of the CNE and STAE. The CNE missed important legal deadlines, including the late disbursement of public campaign financing to political parties, an aspect which affected the participation of many contenders in the campaign. The CNE did not follow legal provisions for positioning candidatures on the ballots. Betraying a lack of transparency, there was not an effective public communication by electoral authorities to keep extra-parliamentary parties and other key stakeholders informed about key stages in the electoral

process, especially during the weeks leading up to the polls.

- A total of 13,161,063 voters were registered of which 12,945,921 were resident citizens. Registration figures revealed an increase in the number of registrants in all provinces, with a substantive increase in Gaza where the number of registered voters almost doubled since the 2014 polls. Gaza passed from being the second smallest electoral constituency in 2014 to the fourth largest gaining eight additional seats in the Assembly of the Republic. Insufficient measures were taken to ensure the quality of the voter register. Neither did the CNE and STAE take steps to cleanse the voter register resulting in an undisclosed number of multiple registrations nor did accountable institutions address the concerns expressed by political parties and civil society groups in relation to the voter registration.
- Campaign activities took place in a tense environment with regular incidents of a violent nature often involving party members or supporters. Despite calls urging political parties to calm their supporters, attacks and aggressions against party members and supporters, the torching of houses, and the purposeful obstruction of campaigning continued, with candidates and speakers at rallies using an increasingly aggressive tone. Limitations to freedoms of assembly and movement of opposition parties were often reported. This included impediments to campaign activities, with blocked road accesses or occupation of previously announced venues by ruling party supporters. The campaign of RENAMO's presidential candidate was particularly affected on a regular basis as was that of MDM's presidential candidate. Although candidates enjoyed immunity during the election period, three candidates were arrested and later released in Gaza and Inhambane provinces.
- An unlevel playing field was evident throughout the campaign. The ruling party dominated the campaign in all provinces and benefited from the advantages of incumbency, including unjustified use of state resources, and more police escorts and media coverage than opponents. The other three presidential candidates faced several occasions when police escort was not available. Compulsory financial contributions to the ruling party and/or compulsory participation of civil servants and teachers in FRELIMO's campaign activities were reported in almost all provinces.
- A lack of public trust was observed in the impartiality of the national police forces, often perceived as more supportive of the ruling party and not managing properly the election-related incidents and complaints. Distrust was further exacerbated just one week prior to elections with the assassination of a senior election observer, Anastácio Matavel, by active members of the police. Furthermore, opposition parties were reluctant to share their campaign schedules with the police, fearing that this advance notice would not be handled by the police in a discreet manner, resulting in the occupation and blockage of planned venues by supporters of the ruling party.
- The EU EOM media monitoring unit noted an imbalance in news bulletins and programmes covering the campaign. In both types of programmes, FRELIMO received the largest share of coverage, often in an uncritical tone, followed by RENAMO and MDM. The President of the Republic was often shown or mentioned in his official capacity, promoting projects, and giving speeches in national celebrations. Such coverage blurred the line between campaign and official functions and provided a disproportionate advantage to the incumbent and the ruling party.
- Debates promoted by civil society targeting the candidates for governor of the three main parties received media coverage and offered an opportunity for additional visibility for opposition and lesser known candidates. Some of the events lacked representativeness, due to the absence of

some of the contenders, who instead of attending appointed a substitute to represent them.

- Established national observer groups experienced important difficulties with accreditation, frustrating their efforts to have a wide national coverage and to implement the planned sample for parallel vote tabulation. EU observers noted that in the weeks ahead of the polls, provincial electoral commissions (CPEs) across the country were hampering accreditation of national observers, and thousands of requests went unanswered. On the other hand, a considerable number of unnamed observer groups managed to secure their accreditation in the days immediately prior to elections. Their numbers quickly rose from 10,000 to almost 42,000 without disclosing their affiliation. During voting, EU observers identified a number of organisations unknown to the national observer community of Mozambique. The electoral authority subsequently shared that a large component of these observers were from FRELIMO youth groups.
- Logistical election preparations were adequate and generally on time. EU observers visited 807 polling stations in all provinces throughout the country. Overall, EU observers assessed opening and voting procedures as good or very good in almost all observed polling stations. The counting process was assessed less favourably. EU observers reported that closing procedures were applied unevenly, with about one third of observed polling stations not undertaking the requisite reconciliation of ballots before commencing counting. During counting and the filling in of results protocols basic mathematical crosschecks were not performed. In 8 out of 69 polling stations observed during counting, a number of votes were invalidated even though the intention of the voter was clear.
- EU observers followed district tabulation of results in 51 districts of the country. The reception of materials at district level was observed to be disorganised in many locations and there were instances of protocols being filled out by polling staff while they were queuing to deliver results. Established procedures were followed only about half the time, and district tabulation staff often directly copied polling station results into district tabulation forms, without first reviewing the accuracy of figures. As such, EU observers reported a significant number of data inconsistencies, including the sum of votes exceeding the number of ballots in the box or the number of voters.
- The EU EOM received credible information and observed cases of intimidation of party delegates. EU observers were made aware of hundreds of cases countrywide of polling station presidents expelling opposition party agents and party-appointed poll workers, often with the assistance of police. At the time of writing this report, several party agents remained in police detention since election day. The case of detainees in Gaza, namely the party agents of New Democracy, was particularly alarming given the evidence submitted to the mission certifying the party agents were imprisoned without access to defence of their choice or respect for due process.

The following priority recommendations are offered for consideration and action to the Government of the Republic of Mozambique, the National Electoral Commission, political parties, civil society and the international community. A comprehensive list of recommendations can be found in chapter XVII as well as a detailed table of recommendations in Annex I to this report.

1. State institutions, namely the CNE, should take full responsibility for the integrity of the electoral process by adopting measures to address the consequences of electoral offences and malpractices during voting, counting and tabulation of results to diminish their impact on the election results.

2. Adopt and enforce policies for the police to act impartially and free from political influence at all levels, ensuring that those responsible for violations of human rights and rule of law namely during electoral periods are held accountable.
3. State authorities should take responsibility in protecting the full enjoyment of fundamental freedoms of candidates, namely the right to freedom of assembly and conduct campaign activities in a safe environment, free from violent acts against party members and supporters. Political parties should also play a role in dissuading their members and supporters from interfering in the campaign activities of other parties.
4. Create a safe and intimidation-free environment for the participation of election observers and party representatives in political and electoral affairs.
5. Reintroduce the second layer of scrutiny for invalid ballots with a requalification of these by district election commissions, given the discrepancy of interpretations in what constitutes a valid ballot.
6. Provide CNE budgetary independence through direct and timely access to the funds approved in the National General Budget, avoiding that the release of funds for the conduct of the elections, including the public financing for campaign activities, is dependent on the government.
7. Implement a more effective CNE public communication strategy, including the prompt and complete publication of all decisions, the conduct of regular consultative meetings with political parties, and the continuous dissemination of information to all stakeholders, especially in the immediate pre and post-electoral period.
8. Increase transparency and confidence in the electoral process by publishing original copies of polling station results for public verification on the CNE website.
9. Establish and maintain, through updates in election years, a reliable permanent voter register that enjoys stakeholder confidence and that accurately reflects the number of voters in each province.

II. Introduction

The European Union deployed an Election Observation Mission (EU EOM) to Mozambique to observe the 2019 general and provincial assembly elections following an invitation from the Government and the National Electoral Commission (CNE). The EU EOM was present in Mozambique from 31 August until 13 November. The mandate of the EU EOM was to conduct a comprehensive assessment of the electoral process in accordance with Mozambique's national and international commitments for democratic elections. The mission was led by Chief Observer, Nacho Sanchez Amor, a Member of the European Parliament. The EU EOM deployed 170 observers from 28 EU member states as well as Switzerland, Norway, and Canada.

The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005. This report presents a detailed assessment of the findings of the mission on the various stages of the electoral process, and includes a series of recommendations aimed at contributing to the improvement of the process in future elections.

III. Implementation of Previous Recommendations

The recent amendments to the electoral laws did not reflect consideration for the recommendations offered by the most recent EU electoral missions of 2014 and 2018.

The most recent elections observed in Mozambique by the European Union were the 2014 general and provincial assembly elections and the 2018 municipal elections. Following each of these missions, the EU offered a series of recommendations. Just four months ahead of the 2019 polls, Law No. 2/2019 on presidential and legislative elections and Law No. 3/2019 on provincial assembly elections were introduced. The introduction of these laws, which amounted to legal amendments to the previous laws, did not reflect consideration of the 21 recommendations offered by the EU EOM 2014, or the 12 recommendations offered by the EU Election Expert Mission (EEM) 2018.

Only three of the 21 recommendations offered by the EU EOM 2014 were implemented, including i) harmonisation of all provisions relating to the rights of observers, ii) publication of gender-disaggregated voter registration data, and iii) the alternation of party-appointed polling station staff to avoid the allocation of the task of first scrutiner to a specific party. Despite the improved legal provision for observers to accompany all stages of the electoral process, accreditation difficulties limited their presence, especially on election day and during the subsequent tabulation of results. A novelty in this electoral process was the capture of data by gender during the voter registration exercise initiated in 2018.

Partial implementation of four of the EU EOM 2014 recommendations was observed to be ongoing throughout the 2019 electoral process, including i) improvement to the overall quality of STAE training department, with UNDP support; ii) strengthened voter education efforts, with the deployment of increased numbers of civic educators; iii) broadcasting of debates and interviews with political contestants by the public media; iv) training of political parties on the electoral legal framework, in particular on the system of complaints and appeals; v) training of members of the police, judiciary, and public prosecutors on electoral offences was carried out ahead of the 2018 and 2019 polls. The Supreme Court conducted training for district court magistrates and public prosecutors in relation to processing electoral appeals and electoral offences according to the new changes in the law.

All of the remaining recommendations offered by the EU EOM 2014 were not taken into consideration, including i) broadening the content of the general prohibition on the use of public resources during campaigning; ii) extending the period for verification and corrections to the voter register, but in reality there was an improved proximity of verification posts to voters; iii) development of an effective CNE public communication strategy and hold regular meeting with political parties; iv) improvement of internal communication and coordination within the different levels of the election administration; v) clarifying procedures for the tabulation of results; vi) timely accreditation of observers; vii) internal operational and logistics capacity of the CNE and STAE and the communication mechanisms to guarantee full compliance with legal provisions and instructions by the lower levels of administration; viii) effective training on counting and tabulation procedures and the handling and handover of sensitive material and documents; ix) clarification on procedures for aggregation of results at district and provincial levels; x) the online publication of results disaggregated by polling station; xi) introduction of regulatory provisions for broadcasters under a three-tiered broadcasting system (public, commercial and community); xii) inclusion of deadlines for submission and handling of complaints by the Superior Council for Social Communication; xiii) conversion of the Superior Council for Social Communication into an independent body.

None of the 12 recommendations presented by the EU EEM 2018 were implemented, including i) amendments to electoral laws should be avoided in the six-month period prior to elections; ii) draft electoral laws agreed in parliament could be systematically submitted for Constitutional Council oversight; iii) implementation of a more effective public communication strategy by the CNE; iv) greater efforts by the CNE to ensure timely accreditation of party agents and observers; v) broadening provisions defining the validity of each vote by specifying acceptable marks in addition to the 'X' or fingerprint; vi) reintroduction of a second layer of scrutiny for invalid ballots with a requalification of these by district election commissions; vii) extension of the 48-hour timeframe for district courts and the five-day deadline for the Constitutional Council to issue decisions; viii) CNE guaranteeing improved transparency in results management; ix) publication of polling station results on the CNE website; x) inclusion of provisions to enhance participation of women on candidates' lists; xi) provision by the Constitutional Council of training to political parties and other stakeholders, especially in relation to complaints and appeals.

Improvement of the system for complaints and appeals was considered, with the *previous impugnation* principle theoretically removed from the law, according to which complaints had to be submitted at the place and time the irregularity occurred otherwise an appeal to a higher level would not be possible. However, since the procedural requirements of this principle were maintained, there was effectively no change in the law and the principle is maintained. This resulted in a misconception of a simplified process to submit complaints.

The EU EEM 2018 recommendation to re-consider the media licensing fees imposed by decree 40/2018, to ensure that costly fees do not limit media reporting of both national and international private media and do not compromise the right to free communication and information, could not be assessed as a case is pending judicial decision.

The recommendations offered in this report, in addition to those made by previous EU and other international and national election observation missions, can contribute to a stakeholder debate on future electoral reform.

IV. Political Background

The electoral process took place in a polarised and challenging environment where inter-party violence and mistrust were prevalent, and lack of confidence that the electoral administration and the judiciary were independent and free from political influence.

On 15 October, Mozambicans elected the president, members of the Assembly of the Republic, members of the 10 provincial assemblies, and 10 provincial governors. Although these were the 6th presidential and parliamentary elections and the 3rd elections for provincial assemblies, provincial governors were elected for the first time. The EU observed all general elections held in Mozambique since the introduction of multiparty elections.

A total of 27 political groupings contested the general and provincial assembly elections. Although there was a considerable number of participants, including recently registered political parties such as the Optimist Party for the Development of Mozambique (PODEMOS) and New Democracy (ND), the electoral process was dominated by the three main parties: the ruling Mozambican Liberation Front (FRELIMO), the main opposition party Mozambican National Resistance (RENAMO), and the Mozambican Democratic Movement (MDM). Only four candidates contested presidential elections: FRELIMO, RENAMO, MDM and the United Movement Action for Integral

Salvation (AMUSI).

Despite signature of the Peace and National Reconciliation Agreement on 6 August 2019, the electoral process took place in a polarised and challenging environment where inter-party violence was prevalent. Constant features throughout the process included high levels of mistrust between the main political parties, and a lack of confidence that the electoral administration (CNE and STAE) and the judiciary were independent and free from political influence. One week before the elections, the murder of a prominent national observer by members of the national police force had the effect of exacerbating an already existing climate of fear and self-censorship prevalent in Mozambican society. This incident resulted in further limitations to national observation efforts, including instances of hotels in Gaza becoming fearful to accommodate observers. In addition, the ongoing insurgent attacks in some districts of Cabo Delgado, resulting in a number of displaced persons created an environment of uncertainty on how elections would take place in these areas. Mozambique also had to manage the human and economic consequences of two devastating cyclones that hit the country in March and April in 2019.

V. Legal Framework

The legal framework provides an acceptable basis for the conduct of democratic elections but a number of deficiencies still persist.

A. Universal and Regional Principles and Commitments

Mozambique is a party to the main international and regional legal instruments containing the principles for the conduct of democratic elections. These include the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol.

At regional level, Mozambique is a member of the African Union (AU) and of the Southern African Development Community (SADC) and is, therefore, committed to a number of relevant legally binding regional documents including the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Protocol on the African Court on Human and Peoples' Rights, the African Charter on Democracy, Elections and Governance, the SADC Protocol on Gender and Development, SADC Protocol against Corruption, and SADC Principles and Guidelines Governing Democratic Elections. Other commitments of the Mozambican government include the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance, and the African Declaration on the Principles Governing Democratic Elections in Africa. Mozambique is also a member of the Commonwealth of Nations and the Community of Portuguese Speaking Countries (CPLP).

B. National Electoral Legislation

Since the first multiparty elections in 1994, electoral laws have been amended for each electoral process to accommodate the political interests of the two main parties, FRELIMO and RENAMO. Although the Constitutional Council has been repeatedly calling for a codification of the electoral legislation to avoid inconsistencies between the different laws, this call has been consistently ignored by legislators and once again the legislation regulating the 2018 municipal elections and the 2019 general elections was a result of political agreements reached during the recent peace talks

between the two main parties, leaving aside the remaining election contenders.

The legal framework provides an acceptable basis for the conduct of democratic elections in line with regional and international principles subscribed to by Mozambique. The legislation approved at the end of May 2019 includes provisions to accommodate the changes introduced by the 2018 amendment to the Constitution related to decentralisation, namely the new electoral system for provincial assemblies and the election of provincial governors. The new legislation also includes changes already introduced in the municipal elections law such as the re-qualification of challenged ballots to be carried out by the district electoral commissions and not by the CNE as before.

The amended legislation comprises law 2/2019 regulating the presidential and parliamentary elections, and law 3/2019 regulating the provincial assemblies and provincial governor elections. Other laws were also approved at the same time, these were in relation to the organisation of political decentralisation and representative and executive powers.¹ The previous law 8/2014 on voter registration, law 9/2014 on the National Electoral Commission (CNE), and political party law 7/1991 all remain in place and applicable. The late publication of the new electoral laws delayed the necessary training of election officials, judicial bodies and party representatives on the new legislation and procedures and the production of materials. The Supreme Court conducted a training for district court judges and issued a Guide for Magistrates detailing election dispute procedures.

The recent amendments supposedly removed the principle of *previous impugnation*. According to this principle, complaints had to be submitted at the place and time the irregularity occurred otherwise an appeal to a higher level would not be possible. In the past, this procedural requirement constituted a serious obstacle to parties having their objections addressed. In practice, although the previous impugnation mention was removed from the law, the procedures to file complaints remained unchanged and parties are still required to submit a complaint at the place and time the irregularity occurred to be able to appeal the decision to a higher level. The electoral disputes mechanism has therefore remained the same as before and it further created legal uncertainty.

Further changes to the electoral laws included simplified procedures for the accreditation of national observers by not requiring their CV, harmonisation with constitutional provisions of the disqualification criteria for members of parliament and provincial assemblies by removing as grounds for disqualification previous criminal convictions and having renounced a previous mandate in the same body in which candidates intended to compete. The new laws also prohibited the use of mobile phones and cameras in polling booths.

As in the past, the consistency of the new amendments with remaining legislation was not submitted to a careful review and resulted in discrepancies. For example, political parties should receive the electronic copies of the voter register 45 days prior to elections. However, the voter register may be altered up to 30 days before elections. As a result, parties may receive copies of the voter register that may still be altered by the CNE. Discrepancies exist also in relation to the persons who are disqualified to be an observer with law 3/2019 imposing more disqualifications than law 2/2019 and in relation to where an appeal of provincial election results should be submitted with law 2/2019 referring to the CNE and law 3/2019 referring to the Constitutional

¹ The recently approved electoral package also includes law 4/2019 on the principles, competencies and functioning of the executive bodies of provincial decentralised governance, law 5/2019 on the state responsibility over provincial decentralised governance bodies, law 6/2019 on the organisation, composition and functioning of the provincial assemblies, and law 7/2019 related to the organisation and functioning of the state representative bodies in the provinces.

Council.²

Several deficiencies in the legal framework previously identified by EU missions remain. These include: the stipulation of the serial number on the ballot paper and the public announcement of the ballot number during counting (raising concerns about the secrecy of the vote); the provision limiting the validity of a ballot to an “X” sign or the voter’s fingerprint resulting in the potential invalidation of ballots that clearly indicate the voters’ intention; the implementation of the prohibition to use administrative resources and civil servants for campaigning purposes; the restrictive interpretation regarding the conditions for the substitution of candidates who withdraw their candidacy after the nomination period; the overlapping between the timeframes for the Constitutional Council to adjudicate appeals against provincial electoral results and the 15-day deadline for the CNE’s declaration of results; insufficient timeframes for the courts to deal with appeals (48-hours for the district courts and the five days for the Constitutional Council).

C. The Electoral System

The Constitution of Mozambique provides for a multiparty democracy founded on periodic elections on the basis of universal, direct, secret, and equal suffrage. The President, members of the Assembly of the Republic, members of the provincial assemblies and provincial governors are elected for a five-year term. Presidential office is limited to two consecutive terms, but a third term is allowed five years after serving the last mandate.

The president is elected on an absolute majority system (two-rounds). If no presidential candidate obtains more than 50 per cent of the valid votes, a second round is held between the two most-voted candidates within 30 days after the declaration by the Constitutional Council of the first-round results.

For the election of the 250 parliamentary seats, the country is divided into 13 constituencies - corresponding to the 11 provinces (including the city of Maputo, which has provincial status with a few specificities) - electing 248 members, and two out-of-country constituencies electing the two remaining members, one for Mozambicans living in African countries and the second for Mozambicans living in other countries (mainly Portugal and Germany). The members of the Assembly of the Republic are elected on a proportional representation system adopting the d’Hondt formula to allocate seats, with no threshold for representation. The two parliamentary members representing the out-of-country constituencies are elected by simple majority (First Past The Post).

For the provincial assembly elections, 85 per cent of the seats are proportionally distributed between the districts in each province, whereas 15 per cent of the seats are reserved for the provincial list where the head of list is to be elected. Members of the provincial assemblies are elected through a proportional representation system and governors are elected through simple majority, i.e, the top candidate of the list that obtained the majority of votes. In the absence of appointed governors, the president of Mozambique is now entitled to appoint a provincial state secretary that will represent the government in the provinces.

² Article 110 of the law 2/2019 and article 132 of law 3/2019.

VI. Election Administration

There was a lack of stakeholder confidence in the impartiality and independence from political influence of the CNE.

A. Structure and Composition

The administration of elections is carried out by the National Election Commission (CNE) and the Technical Secretariat for Election Administration (STAE). The CNE is an independent and impartial body responsible for supervising voter registration and electoral processes. The STAE holds overall responsibility for the technical and administrative implementation of voter registration and elections. CNE decisions may be appealed to the Constitutional Council, which is the ultimate arbiter in electoral matters and is responsible for proclaiming electoral results.

The CNE is comprised of 17 members, including five representatives from FRELIMO, four RENAMO, one MDM, and seven members from civil society organisations. The CNE president, proposed by civil society members, is elected by CNE members and sworn in by the president of the republic. The two vice-presidents are appointed by the two most-voted parliamentary political parties. The six-year mandate of nine of the 17 CNE members expired in May 2019, just five months ahead of the general elections. To avoid any disruption that could arise from changing the membership of the election supervisory body within such a short period before election day, the parliament extended the mandate of these nine members to coincide with the expiry of mandate of the remaining eight members in April 2020.

At election time, the CNE has temporary bodies at the provincial and district levels. The 10 Provincial Election Commissions (CPEs) and District Election Commissions (CDEs) were all established and functioning for these polls. The membership of the lower bodies is a mix of political party appointees and civil society representatives, with three members from FRELIMO, two from RENAMO, one from MDM, and nine representatives from civil society organisations.

The STAE is also partially composed according to partisan criteria. The Director General is selected by the CNE through a public competition, while the two Deputy Director Generals come from the two most-voted parliamentary parties. During electoral periods the central and lower levels of the STAE are reinforced with appointees from the ruling party and the two opposition parties represented in parliament in equal numbers.

There was a lack of stakeholder confidence in the impartiality and independence from political influence both in the party-nominated membership and the civil society component of the CNE. This was reflected at all levels of the CNE and temporary structures of STAE. Although the CNE is hierarchically superior, its authority was at times challenged at lower levels. Provincial commissions are autonomous in terms of accreditation of observers and party agents, but the law refers to them as supporting bodies and does not clearly mention their subordination to the CNE.

B. The Administration of Elections

Preparations for the 15 October polls were satisfactory and mostly in accordance with the official election calendar. All sensitive and non-sensitive materials were available for timely distribution across the country. The Mozambican company, *Académica*, as in previous electoral cycles, won the public tender to produce election materials. Ballot papers were produced in South Africa under monitoring by party-appointed CNE commissioners and were packaged into polling station kits which were shipped directly to provincial STAEs. Prevailing distrust between political parties and in the electoral authorities necessitated materials be kept under a quadruple lock system, with

representatives from STAE and each of the three parliamentary parties as key holders. Nevertheless, there were several reports throughout the country of persons caught with pre-marked or blank ballot papers outside polling stations on election day.

The training of approximately 140,000 poll workers for the 20,570 polling stations suffered minor delays due to late arrival of funds and training materials. Ahead of the polls in Tete, Zambezia, and Nampula, opposition parties accused the electoral authorities of recruiting poll worker trainees who were perceived to sympathise with the ruling party. The training period of nine days, while less than previous elections, seemed excessive. EU observers reported that the quality of training was satisfactory. EU observers also reported that RENAMO and MDM were unable to fulfill their quotas for poll worker appointments in many provinces, including Gaza, Sofala, Tete, Zambezia, Inhambane, and Niassa. FRELIMO fulfilled its quota in all observed locations.

The CNE missed important legal deadlines without offering any reasonable justification at the same time that it required other stakeholders to strictly follow legal provisions and deadlines. For example, some administrative delays were observed, including the late disbursement of public campaign financing to political parties, an aspect which affected the participation of many contenders in the campaign, and candidate lists were only made available to the public one week before the elections.

The CNE did not follow legal provisions for positioning candidatures on the ballots. Consequently FRELIMO, positioned first on all three ballots, gained the advantage of the ballot order effect – where a higher ballot position translates into increased electoral success. Law 2/2019 provides that the Constitutional Council distributes by lottery the positioning of presidential candidates on the ballot, this resulted in the following ordering – FRELIMO, MDM, RENAMO, AMUSI. The same law provides that the CNE undertakes a lottery for positioning candidates on the legislative ballot in two stages: a first lottery to position those parties participating in all electoral constituencies and a second lottery to fill the remaining positions with the other parties. In a deviation from this legal provision, the CNE first applied the ordering undertaken by the Constitutional Council for the presidential ballot to the legislative ballot. This not only gave these parties the advantage of the ballot order effect, but also gave AMUSI the fourth position on the ballot even though the party was not competing in all constituencies. PARENA and PVM were competing in all constituencies, but ended up respectively in positions 14 and 15. In another deviation from the law, the CNE applied the legislative ballot positioning to the provincial ballot.

Similar to past elections, and betraying a lack of transparency, there was not an effective public communication by electoral authorities to keep extra-parliamentary parties and other key stakeholders informed about key stages in the electoral process, especially during the weeks leading up to the polls. The CNE website was rarely updated and there were no new posts on its institutional Facebook page from one month prior to election day and up until after announcement of national results. Twelve days before the elections, the CNE inaugurated with the support of the United Nations Development Programme (UNDP) the national media centre for press conferences, media briefings, and results announcements. The national television broadcaster TVM was embedded in the centre. However, the CNE made minimal use of the media centre.

Over a two-month period ending with the beginning of the campaign period (31 August), the electoral authorities deployed 6,000 civic education staff across the country undertaking door-to-door visits and holding public meetings. This was almost double the number of civic educators deployed for the 2014 polls. During the campaign period, the electoral authorities concentrated voter education efforts through advertising on television, radio, newspapers and social media. The

CNE also produced a public service announcement in which the CNE President called on electoral stakeholders to maintain a peaceful campaign environment.

The electoral authorities were challenged to implement elections and guarantee electors the possibility to vote in many parts of Cabo Delgado province. Insurgents in various districts across the province threatened to destabilise the electoral process. The continued attacks by insurgents in Macomia district were perceived as aiming at driving the population from the area to ensure that elections would not be held in the district. The electoral authorities were similarly challenged to address the needs of not only voters displaced by the ongoing violence, but also those displaced by Cyclones Idai and Kenneth in March and April 2019. Days ahead of the polls, the CNE announced that polling would take place across the province and in all districts, with the exception of six polling stations in Macomia (3), Muidumbe (2), and Mocimboa da Praia (1). EU observers reported that on election day a further five polling stations did not report activities and therefore probably never opened.

Also in collaboration with the UNDP, the STAE conducted media training workshops across several provinces that included 320 participants from 73 organisations. Training aimed at promoting a stronger relationship between the electoral authorities and the media. With European Union financing, the International Institute for Democracy and Electoral Assistance (IDEA) supported national observation groups and civic and voter education initiatives.

The police were charged with election day security at polling stations, with one policeperson stationed outside each polling station. The STAE maintained an outreach programme to police and produced a guide on their role in ensuring electoral security. The guide was used in capacity building for the more than 20,000 police responsible for maintaining security during the electoral process. The conduct of police on election day, with clear bias in favour of the ruling party, revealed a pressing need to strengthen the independence of this state institution from political influence.

The budget for the 2019 polls was MZN 12,130,911,322 (USD 196 million), which amounted to almost USD 15 per registered voter. The government and parliament worked together to release USD 168 million, leaving a deficit of USD 28 million. The electoral authorities initially met this shortfall with assistance from national and international companies that they worked with in the past, and which agreed to produce electoral materials in advance of payment. During the electoral campaign period, the President of the Republic announced that part of the revenue from capital gains tax paid by companies in the gas sector would be used to settle the outstanding deficit in paying for the elections.

VII. Voter Registration

Insufficient measures were taken to ensure the quality of the voter register.

A. The Right to Vote

The right to vote is extended to all Mozambican citizens of sound mind who are at least 18 years of age and enrolled in the voter register. In the absence of documentation, two witnesses can be called upon to vouch for a registrant's identity. Although prisoners are eligible to vote and to stand as candidates, voter registration does not take place in state penitentiaries. This may constitute an unreasonable restriction as it limits political rights.

B. Voter Registration Procedures

With a proportional representation system, data in relation to the population of registered voters in each province is used to determine seat allocation for the Assembly of the Republic. Ahead of each election, the CNE adjusts the number of mandates in each province in proportion to the number of voters registered in that province. As such, the distribution of the 248 mandates of the Assembly of the Republic (the two out-of-country seats are not included) is adjusted in accordance with the distribution of the registered voting population.

A new voter registration is carried out for each electoral cycle in Mozambique. A first phase of voter registration, undertaken ahead of the 2018 municipal elections, resulted in almost seven million registrants across the 53 districts. For the 2019 polls, a second phase of voter registration took place from 15 April to 30 May 2019. This phase included an update to the 2018 register and a fresh registration in all other districts.

For planning and logistical purposes, and to estimate required resources for the voter registration exercise, the STAE uses census data on the voting age population in each province. The National Statistics Institute (INE) undertook a census in 2017, registering 27,909,978 citizens.

The voter registration process was marked by problems, especially in the northern and central provinces, including energy shortages for the equipment given the damage to infrastructures provoked by Cyclones Idai and Kenneth. There were also allegations that authorities intentionally delayed the registration process in opposition strongholds and that registration brigades were concentrated in ruling party strongholds.

During the 2018/2019 voter registration exercise, a total of 13,161,063 voters were registered of which 12,945,921 were resident citizens. Registration figures revealed an increase in the number of registrants in all provinces, with a substantive increase in Gaza where, compared to National Institute of Statistics (INE) figures, the EU EOM calculations indicated that STAE over-registered 453,170 voters resulting in the number of registered voters almost doubling since the 2014 polls. This apparent anomaly provoked public response from opposition political parties, civil society organisations and comment from the President of the INE who claimed that data from the 2017 census indicated that such a number of eligible voters would not be possible in Gaza until 2040.

Gaza passed from being the second smallest electoral constituency in 2014 to the fourth largest. The final voter register was approved by the CNE (Decision No. 88/CNE/2019), but not by consensus as RENAMO members voted against its adoption. With the fresh seat allocation for the Assembly of the Republic most provinces either lost or gained one or two mandates. The province of Zambézia and Maputo City lost four mandates and three mandates, respectively, while Maputo province gained three mandates. In contrast, Gaza gained eight mandates.

The legal framework offers safeguards against fraudulent registration and ensures accuracy in the voter register, including the correction of material errors. Notwithstanding, insufficient measures were taken to ensure the quality of the voter register. The CNE and STAE did not take steps to cleanse the voter register and remove multiple entries. Technical shortfalls and tight timeframes resulted in what should have been considered provisional voter registration data being approved as final data. An undisclosed number of multiple registrations and inaction by the accountable institutions adversely affected the quality of the voter register.

RENAMO appealed the CNE's decision to the Constitutional Council, arguing that the voter register for Gaza was manipulated and artificially inflated. In its Judgement 6/CC/2019 the Constitutional Council pointed to the complainant's "inexcusable inaction" in not challenging

provisional voter registration data during the period for complaints and appeals at the district level. The judgement further pointed to the complainant's failure to appeal decisions at the provincial level. As such, the Constitutional Council found that RENAMO's appeal lacked merit. Following the failed appeal, and insisting that it had in fact lodged complaints while voter registration was ongoing, RENAMO submitted a complaint with the Attorney General's Office on 11 July 2019. The case was still pending after the October elections. In December, the Attorney General's Office informed the Constitutional Council that instead of a criminal procedure, an enquiry was initiated and that the enquiry had "*gathered sufficient indications of acts committed that could have contributed to the existing discrepancies between the national census and the voter register in Gaza*" and that the voter registration data in Gaza was being further analysed by specialists.³ The Attorney General's Office could have acted more expeditiously to investigate complaints regarding the voter register. Even though RENAMO continued to question the integrity of the voter register, the party accepted going to the polls under the prevailing conditions.

In line with legal provision, all three parties received a copy of the voter register 45 days prior to the 15 October polls.

VIII. Registration of Political Parties and Candidates

Requirements to stand for elections are in line with international and regional principles.

A. Registration of Political Parties

The legal provisions for the registration of political parties are reasonable and in line with international and regional principles on the freedom of association.⁴ The registration of political parties, under the responsibility of the Ministry of Justice, is governed by the Constitution and law 7/1991. The Constitution guarantees political rights of citizens to form, join and participate in the activities of a political party. Political parties are required to have a national reach and character and at least 100 members in each province. Political parties are required to adhere to the principles set out in the Constitution and provide for a democratic and inclusive internal organisation but there is no scrutiny of the actual degree of internal democracy of political parties. If the registration of a political party is refused or cancelled, the decision can be appealed to the Administrative Court. There is some criticism that the law should be reviewed, namely that registration and matters related to political parties should be under the responsibility of the Constitutional Council and not the Ministry of Justice.

B. Registration of Candidates

The nomination of presidential candidates falls under the responsibility of the Constitutional Council. There are no discriminatory or unreasonable requirements to compete for presidential elections. Presidential candidates must be citizens of Mozambique by birth, be at least 35 years old and must have lived in the country for at least a one-year period prior to elections. Presidential

³ Constitutional Council, Ruling no. 25/CC/2019, page 28.

⁴ In line with articles 22 and 25 of the ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 26: "The right to freedom of association, including the right to form and join organisations and associations concerned with political and public affairs, is an essential adjunct to the rights protected by article 25." See also article 10 of the African Charter of Human and Peoples' Rights and African Union Declaration on the Principles Governing Democratic Elections in Africa, IV. Elections: Rights and Obligations, paragraph 5 "Every citizen shall have the freedom to establish or to be a member of a political party or Organization in accordance with the law."

nominees must submit at least 10,000 supporting signatures of registered voters whose details have to be officially certified.

The Constitutional Council issued deliberation 1/CC/2019 of 1 February 2019 detailing the procedures and requirements for candidates to submit their nomination papers. The deadline was initially on 16 June 2019 but the new legal amendments allowed for a one-month extension of the deadline. To verify authenticity of documents and signatures, the Constitutional Council was supported by a technical team of the Eduardo Mondlane University, with equipment made available by UNDP.

Constitutional Council decisions may not be appealed, therefore any decision in rejecting a presidential candidacy is final. The Constitutional Council approved four candidates: Filipe Nyusi of FRELIMO, Ossufo Momade of RENAMO, Daviz Simango of MDM, and Mário Albino of AMUSI. It also rejected three aspiring candidates for failing to meet the requirements, including the 10,000 supporting signatures. These were Hélder Mendonça of the Optimist Party for the Development of Mozambique (PODEMOS), Eugénio Estevão of the Alternative Movement of Mozambique (MAMO), and Alice Mabota of the Democratic Alliance Coalition (CAD). Alice Mabota was the first woman to ever attempt to run for the presidency in Mozambique.

The CNE is responsible for the nomination of candidates for the Assembly of the Republic and for provincial assemblies if submitted by political parties. The requirements to stand for parliamentary and provincial assembly elections are in line with international and regional principles.

Parliamentary candidates must be Mozambican citizens by birth, be at least 18 years of age and a registered voter. Previous disqualifications that were not in line with constitutional provisions based on criminal convictions and renouncing a previous mandate have been removed from the laws. Nevertheless, candidates are still required to submit their criminal records. To collect their criminal records, candidates have to go in person to the registry located in the provincial capital, which may be far away. In addition, the computer systems at registry offices are regularly down. This constitutes an unnecessary and irrelevant bureaucratic burden imposed on political parties.

A total of 27 political parties and coalitions contested parliamentary elections but only five of these were standing in all 13 constituencies - FRELIMO, RENAMO, MDM, PARENA, and PVM. The remaining parties competed in only a few constituencies. For provincial assemblies, seven out of 16 submitted candidacies had their lists approved by the CNE: FRELIMO, RENAMO, MDM, PAHUMO, AMUSI, PARENA, PARESO. Nevertheless, only FRELIMO, RENAMO and MDM competed for all provincial assemblies.

Three appeals were submitted to the Constitutional Council in relation to the candidate nomination process. RENAMO challenged the eligibility of four FRELIMO candidates on the grounds that they were not registered voters in the province in which they were standing as candidates for governor (Maputo, Nampula, Manica, and Niassa). The CNE and later the Constitutional Council dismissed the cases.

IX. Election Campaign and Pre-Election Environment

The campaign period was marred by violence and limitations to the freedom of assembly.

A. Election Campaign

Campaigning officially started on 31 August and lasted until 48 hours before election day. Campaign activities took place in a tense environment with regular incidents of a violent nature

involving party members or supporters. Poor safety and security measures for crowd management and transportation of persons to and from campaign events resulted in a number of traffic accidents that claimed the lives of over 30 people. There was also loss of life when 10 people were crushed to death at a rally in Nampula. Despite the CNE's press conference during the second week of campaigning urging political parties to calm their supporters, attacks and aggressions against party members and supporters, the torching of houses, and the purposeful obstruction of campaigning continued, with candidates and speakers at rallies using an increasingly aggressive tone when referring to opponents.

Limitations to freedoms of assembly and movement of opposition parties were often reported and verified by EU observers in violation of article 210 of law 2/2019 and article 182 of law 3/2019. EU observers confirmed 20 cases of serious impediments to campaign activities, with blocked road accesses or occupation of previously announced venues. The campaign of RENAMO's presidential candidate was particularly affected on a regular basis.⁵ MDM's presidential candidate suffered similar obstructions and disruptions.⁶ Such cases constituted a flagrant violation of the electoral law on equal access of candidates to public spaces.

Although candidates enjoyed immunity during the election period, three candidates, two from RENAMO and one from New Democracy, were arrested and later released in Gaza and Inhambane provinces. The PODEMOS head of list for legislative elections for Maputo province was beaten and unable to continue his campaign.

An unlevel playing field was evident throughout the campaign. The ruling party dominated the campaign in all provinces and benefited from the advantages of incumbency, including unjustified use of state resources, and more police escorts and media coverage than opponents. While the incumbent president and FRELIMO's presidential candidate continued to benefit from constant presidential guard throughout the country, other presidential candidates faced several occasions when police escort was not available, especially in provincial border zones. This was particularly visible in the province of Inhambane where incidents of violence and obstruction to campaigning were filmed by TV stations. The EU EOM observed the use of state resources at one third of FRELIMO campaign events. Compulsory financial contributions to the ruling party and/or compulsory participation of civil servants and teachers during work hours in FRELIMO's campaign activities were reported in Nampula, Zambézia, Sofala, Tete, Cabo Delgado, Manica, Inhambane and Gaza. Furthermore, there were widespread reports of ruling party supporters collecting voter cards or voter card numbers throughout the country.

The ability of smaller parties to conduct nationwide campaign events was hampered by the lack of financial resources and the late release of public funding for campaigning, which was disbursed 24 days past the legal deadline, after the campaign period had started. Smaller parties remained almost invisible, even after the reception of the second tranche of public financing, apart from PODEMOS, ND, PAHUMO, PARENA, and MONARUMO in certain provinces.

A lack of public trust was observed as regards the impartiality of national police forces, often perceived as being more supportive of the ruling party and not managing properly the election-related incidents and complaints. Distrust was further exacerbated just one week prior to elections

⁵ In Matola and Boane (province of Maputo), in Mocubela, Milange, Nicoadala, Gurué and Alto Molocue (Zambézia), in Angónia and Tete City (Tete), Massinga (Inhambane), Mandlakazi (Gaza), Machaze (Manica), Pemba (Cabo Delgado), and Caia (Sofala).

⁶ In Govuro (Inhambane), Xai Xai, Mandlakazi and Chokwe (Gaza), Macossa and Gondola (Manica).

with the assassination of a senior election observer, Anastácio Matavel, by active members of the police.⁷ Furthermore, opposition parties were reluctant to share their campaign schedules with the police, fearing that this advance notice would not be handled by the police in a discreet manner, resulting in the occupation and blockage of planned venues, namely football pitches and city markets by ruling party supporters, thus limiting the freedom of assembly of opposition parties.

B. Campaign Finance

Political parties may benefit from both public and private funding for campaigning. The CNE is responsible for setting the criteria for the distribution of public funds in proportion to the lists of candidates presented. State funding of MZN 180 million (EUR 2.65 million) for campaigning was allocated for the three elections: MZN 60 million to the four presidential candidates in equal portions, MZN 60 million for parliamentary candidates, and MZN 60 million to candidates for provincial assemblies. State funding for campaigning should be released 21 days before the start of the campaign period. The first tranche of 50 per cent was to be released by 10 August but due to delays in the approval of party lists and the CNE's agreement on the disbursement formula, contestants only received the funds on 3 September. In order to receive the remaining two tranches of 25 per cent, parties needed to submit proof of expenditures to the CNE.

The electoral law imposes specific requirements related to transparency and accountability of public funding for campaigning. Political parties have to report to the CNE their campaign expenses and revenues in relation to public funding up to 60 days after the proclamation of official election results. The CNE then has 60 days to analyse these accounting reports and to publish its conclusions in the official gazette. The CNE recognised that in the past disclosure and reporting requirements were not always respected, and oversight mechanisms and sanctions were not enforced and that no action was taken against parties that failed to account for their campaign spending. The CNE has not published its conclusions on campaign spending in the past, as required by the law. For the 2019 electoral process, the CNE communicated to political parties its intention to enforce campaign finance regulations. New accounting forms for the reporting of campaign expenses were distributed, but only 11 days after the reception of public funding and once when political parties had already incurred in expenses.

The law is relatively permissive regarding sources for private financing. Sources of private finance may include contributions from candidates, national citizens, international or national affiliated political parties or from international or national non-governmental organisations. Contributions coming from international governments, governmental organisations, national or international public institutions or companies are prohibited. Political parties disclosed that, in addition to public funding, they raised financial resources for election campaigning through membership fees. There is traditionally very little oversight in relation to private funding and expenses incurred during campaigning. There is no campaign spending limit imposed on political parties.

On 30 October 2019, Facebook announced the removal of 35 Facebook accounts, 53 pages, seven groups and five Instagram accounts of Russian origin used to disseminate news on elections and politics in a number of African countries, including Mozambique. Allegedly, Russian entities spent USD 77,000 on political advertising on Facebook in favour of the ruling party since April 2018.

⁷ The attack was widely condemned by national civil society organisations and the international community, including the EU and the EU EOM. See in Annex II the press statements issued by the EU EOM and the EU Delegation and Member states. An investigation was initiated and the case was pending at the time of writing this report.

This raised questions regarding the respect for prohibitions in the law regarding contributions from foreign governments.

X. National and International Election Observation

Established national observer groups experienced difficulties with accreditation.

A. National Election Observers

Despite submitting timely requests, established national observer groups experienced difficulties with accreditation, frustrating their efforts to have a wide national coverage and to implement the planned sample for a parallel vote tabulation. Laws 2/2019 and 3/2019 provide for election observation, outlining clear requirements for accreditation and observers' rights and obligations. National observers register at the provincial level and are accredited to observe in that geographical area only. EU observers noted that in the weeks ahead of the polls, provincial electoral commissions (CPEs) across the country were hampering accreditation of national observers, and thousands of requests went unanswered.

Some provincial electoral commissions requested more documents than those required by law (Maputo City, Tete), others claimed technical problems with the equipment that produces the accreditations (Nampula), in others CPE staff were training poll workers and were not present to receive accreditation requests (Zambézia, Gaza), and many CPEs reacted slowly to produce accreditations (Manica, Sofala, Maputo City, Niassa, Inhambane, and Cabo Delgado). The law provides a five-day deadline from submission of the request for CPEs to grant accreditation, but in line with the obstacles described above, CPEs were issuing accreditations right up to and including election day.

On the other hand, a considerable number of unnamed observer groups managed to secure their accreditation in the days immediately prior to elections. Their numbers quickly rose from 10,000 to almost 42,000 without disclosing their affiliation, as announced by the election administration. During voting, EU observers identified a number of organisations unknown to the national observer community of Mozambique. The electoral authority subsequently shared that a large component of these observers were from FRELIMO youth groups.

Notwithstanding human resource restraints, national observers issued regular briefings to keep the public informed on election day. Two national observer networks, *Sala da Paz* and *Monitor*, held a press conference the day after the elections to share results from their parallel vote tabulation (PVT). Civil society's PVT confirmed the partial results advanced on the CNE website and the results circulating in the media, lending legitimacy to FRELIMO's landslide victory.

The EU-funded democracy support project implemented by International IDEA included a component to support national observation efforts. Together with the Electoral Institute for Sustainable Democracy in Africa (EISA), International IDEA supported local observers in undertaking a PVT for the presidential elections. The PVT was originally conceived to include 7,000 polling stations, but accreditation difficulties reduced this number to 4,000. One week after the elections, EISA presented its PVT results which reflected those presented by *Sala da Paz* and *Monitor*, as well as the official partial results.

One week after the elections, national observer groups⁸ issued a joint statement concluding that the elections were not free, fair, or transparent and that the ruling party commandeered the electoral authority.

National observers also followed closely and published critical reports on the voter registration exercise that was carried out earlier in the year. Reporting highlighted that observers were not always free to observe and did in some cases face intimidation. Supposed confusion over accreditation requirements led to police detention of some observers. Although these cases were resolved peacefully, observers feared at the time that this could be repeated on election day, limiting their access and ability to observe. This was in fact the case, as many reputable national observer groups eventually encountered difficulty in accrediting observers to follow the polls. During the electoral campaign period, national observer groups issued regular reports on the campaign environment, highlighting cases of violence and restrictions for the opposition to campaign freely.

One of the traditional national observer groups, *Votar Moçambique*, opted not to observe these elections, but to concentrate on disseminating educational videos through its *Mobilize* project. The videos were of a good quality and were disseminated widely to build knowledge about key aspects of the electoral process.

B. International Election Observers

The CNE accredited a total of 520 international observers, including from the European Union (170), EISA (40), the African Union (36), Southern African Development Community (SADC, 61), SADC-Electoral Commissions Forum (15), Community of Portuguese Language Countries (CPLP, 17), the Commonwealth (6), and the Association for Free Research and International Cooperation (AFRIC, 62)⁹ and a small assessment team of the Francophone Organisation (OIF). The US Embassy also accompanied the electoral process with a 70-member strong diplomatic watch on election day.

In addition to the EU EOM, the US Embassy and EISA were the most critical among international missions, expressing significant concerns about irregularities that posed challenges to the integrity of the elections. The US Embassy identified several irregularities and weaknesses that raised questions about the overall credibility of the electoral process, including a high number of ghost voters in Gaza, insufficient command of custody of sensitive electoral materials, and disorganisation during district tabulation of results. EISA pointed to a widespread lack of confidence in the government, police, and electoral authorities, and identified key challenges in the process, including concerns around security, the voter registration, campaigning, and the selective accreditation of national observers.

The Commonwealth noted allegations of electoral malpractices, including ballot-box stuffing, citizens found with unmarked and pre-marked ballot papers, and unregistered voters attempting to vote. The Commonwealth also highlighted allegations of intimidation of voters and serious irregularities committed largely by the ruling party.

⁸ Centre for Public Integrity (CIP), Centre for Democratic Development (CDD), Civil Society Centre for Learning and Training (CESC), National Forum of Community Radios (FORCOM), Rural Environment Observatory (OMR), Assistance Mechanism for Civil Society (MASC), WLSA Mozambique, and *Votar Moçambique*.

⁹ AFRIC presents itself as an organisation existing on anonymous donations. However, it is known as an organisation sponsored by the Russian Federation.

African Union and SADC identified minor challenges of the electoral process and highlighted that the electoral legal framework was in conformity with Mozambique's regional and international commitments. The SADC-Electoral Commissions Forum reported on concerns that the CNE lacked a willingness to take decisions on key electoral matters. The CPLP and the OIF pointed to some shortfalls, but were mostly positive. AFRIC observed instances of unexplained extra ballots during counting, but reported that these were insufficient to affect the result of these elections which were in line with international standards.

XI. Media and Elections

Public media provided imbalanced coverage in favour of the ruling party.

A. Media Environment

A wide range of public and private broadcasters and print media covered the electoral process. While radio remained the most accessible source of information, television emerged as an important medium for parties to campaign. There are 16 licensed television stations (mostly available on the pay-per-view system), some of which have contents available online and can be watched on live stream. *Rádio Moçambique* (RM) and *Televisão de Moçambique* (TVM) are the providers of the public radio and television broadcasting service. In addition to *Rádio Moçambique*, with nationwide coverage and broadcasts in Portuguese and 19 national languages, over 100 privately-owned and community radios operate throughout the country. While part of the community radios operating under state ownership and supervision of the Institute of Social Communication (ICS) focused on voter and civic education programmes, the radios operated by civil society and religious organisations under the National Forum for Community Radios (FORCOM) umbrella covered the electoral campaign. There is a diversity of newspapers, however their circulation and influence remain confined mainly to urban areas. The most circulated newspaper is the daily *Notícias*, which together with the two weeklies, *Domingo* and *Desafio*, are part of *Sociedade de Notícias S.A.* The main shareholder of *Sociedade de Notícias S.A.*, with 99 per cent, is the state.

Social networks, blogs and websites operate without interference, but the estimated Internet user population is only around 21 per cent.¹⁰ Nevertheless, political parties made use of social media platforms for campaign purposes and to disseminate videos and images of irregularities during and after voting, such as ballot papers found outside polling stations. There were also a few cases of fake news disseminated on social platforms (mainly WhatsApp) during the electoral process. On 30 October, Facebook suspended three Russian networks of inauthentic accounts, pages and groups seeking to influence domestic politics in eight African countries, including Mozambique.¹¹

Freedom of expression was respected during the campaign period. However, there was an increased political pressure on journalists with many cases reported to the Media Institute of Southern Africa (MISA) and FORCOM. MISA condemned threats and aggressions made against reporters who attempted to cover the aftermath of an 11 September incident in Nampula, where 10 people were crushed to death when trying to leave a campaign rally.¹² FORCOM also denounced intimidation,

¹⁰ According to Internet World Statistics, which considers a population of 31,408,623, in 2019 the number of Internet users was 6,523,613 (20.8 per cent of the population), being 1,800,000 Facebook subscribers.

¹¹ An untrue story claiming that RENAMO had signed an agreement with China allowing nuclear waste to be disposed of in Mozambique was supposedly shared through one of these pages, and it was later denied by RENAMO.

¹² MISA Mozambique received information of threats by alleged members of FRELIMO against three reporters; one cameraman of TV Haq was allegedly threatened with a gun by an unidentified person; the equipment of two *TV Sucesso*

editorial interference, and impediments to report. According to FORCOM, the pressure on a community radio in Milange, Zambézia, began after a 14 September report denouncing an alleged abuse of force by the police to impede RENAMO supporters from attending a rally. The FRELIMO Youth Organisation (OJM) secretary subsequently accused the radio of favouring the opposition and in retaliation impeded radio *Thumbine* from covering a FRELIMO campaign in Milange. At the same time, RENAMO and MDM also accused the same radio of bias when editing their candidates' speeches. On 15 September, and as reported to the EU observers, a *Rádio Comunitária Voz Coop* journalist was allegedly forced to delete photos and videos when covering a FRELIMO campaign event in Maputo. Another journalist, of *Rádio Chuabo* in Zambézia, who anchored the broadcasting on polling day, was attacked and issued death threats from unknown persons who broke into his home. Incidents of intimidation and impediments to report hampered the work of journalists and were seen by media as an attempt to frighten and force the press into self-censorship.

B. Media Legal Framework

The Constitution and law 18/91 on the press provide for freedom of expression, freedom of the press, and the right to information, as well as for the independence and impartiality of the public media. A law protecting the right to information was adopted in 2014, establishing easier access to information and reinforcing transparency and accountability. However, undue legal restrictions to access to information and to press freedom can still be found in pieces of legislation such as law 12/1979, that establishes the legal regime for State Secrets protection,¹³ the press law 18/91,¹⁴ which includes provisions on abuse of freedom of the press and criminal libel, and the Council of Ministers' decree 40/2018.

Decree 40/2018 introduced significantly higher fees for the registration, licensing, and renewal of licences for media outlets, including community radios, as well as the fees for both local and foreign journalists' accreditation. The new rules in place particularly target fresh licence requests by new comers entering the market.¹⁵ Media outlets already established in the market, are subject to the annual payment of six per cent of the licensing fee and the licence renewal. At the time of writing this report, a case was pending at the Constitutional Court regarding the constitutionality of this decree. Furthermore, there are a number of provisions in the Penal Code related to criminal defamation against the president of the republic and other relevant public figures that contain disproportionate sanctions and are inconsistent with international practices protecting freedom of expression.¹⁶

A long-standing debate on media legislation reform, but also in relation to the establishment of adequate regulatory structures, resulted in a number of draft bills submitted to the Assembly of the Republic that were never approved. The media sector lacks truly independent regulatory and

reporters was damaged and the reporters were forced to delete the footage they had shot of the victims entering the Nampula Central Hospital.

¹³ While the law does not specifically target the press, its provisions may have a direct impact on journalists' work, by restricting access to official documents containing information of public interest.

¹⁴ The press law (Article 47 no.4) denies journalists exemption from criminal responsibility for defamation when the offended is the President, even if there is proof of the facts.

¹⁵ Declaration of Principles on Freedom of Expression in Africa, Article V: "1. States shall encourage a diverse, independent private broadcasting sector."

¹⁶ ICCPR, Gen. Comment 34, Article 19, Freedoms of Opinion and Expression, Para. 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".

licensing structures ensuring safeguards against unwarranted government intervention, which together with legal provisions antagonistic to freedom of expression have the potential to restrict journalists' work, create self-censorship, and make media vulnerable to political influence. While the Superior Council of Social Communication (CSCS) is entrusted by the Constitution and the press law to guarantee the independence of the media, press freedom, the right to information, and political parties' free airtime, it lacks regulatory functions as well as enforcement and sanctioning powers, and as such is reduced to a mere consultative role.

The Government Information Bureau (GABINFO), under the prime-minister's office, is the entity that licenses and provides accreditations to the media. GABINFO is also the oversight body of the public broadcasters TVM and RM as well as of a network of community radios through the Institute of Social Communication. GABINFO is additionally responsible for proposing media-related legislation. It is currently developing the terms of reference and a draft law for a future regulatory entity. The structure that licenses media and supervises public media lacks independence, operating under direct control of the government, exposed to political interference, which is contrary to international standards for the independence of media regulatory bodies.¹⁷

Additionally, the board of directors of the public service broadcasters, RM and TVM,¹⁸ is appointed by and accountable to the government, rather than to the parliament, making them vulnerable to political interference.¹⁹

Free airtime for contestants on *Rádio Moçambique* and TVM is granted by the Constitution, the press law and the electoral laws and it is regulated by the CNE. A Code of Conduct for Election Coverage for the 2019 elections was adopted, establishing ethical standards for journalism and non-partisan election coverage, as well as equal treatment to all candidates.

C. Monitoring of Media Coverage of Elections

The EU EOM conducted its media monitoring activities from 6 September to 12 October. The sample monitored included four TV channels (the public TVM and the private STV, *Miramar TV* and *Sucesso TV*); one radio station (the public *Rádio Moçambique Antena Nacional* - RM); three daily newspapers (state owned *Notícias*, and private *O País* and *Diário de Moçambique*) and four weekly newspapers (*Domingo*, *Savana*, *Zambeze* and *Magazine Independente*). Although two radio stations, *Rádio Índico* and *Terra Verde*, and the newspapers *Canal de Moçambique* and *Público* were regularly monitored, they were not included in the sample. The TV channels monitoring period comprised the slots 8h – 10h and 18h- 24h, while *Rádio Moçambique* was monitored daily between 6h – 10h, 12h – 14h and 18h – 23h, which coincided with the period of the news bulletins, the election coverage programme “*Diário de Campanha*” and the free airtime provided to

¹⁷ Declaration of Principles on Freedom of Expression in Africa, Article VII: “1. Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature. 2. The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party. 3. Any public authority that exercises powers in the areas of broadcast or telecommunications should be formally accountable to the public through a multi-party body.”

¹⁸ Council of Ministers' decrees 18/94 and 19/94 established RM and TVM as the public service broadcasters.

¹⁹ Declaration of Principles on Freedom of Expression in Africa, Article VI: “State and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than the government, in accordance with the following principles: public broadcasters should be governed by a board which is protected against interference, particularly of a political or economic nature; the editorial independence of public service broadcasters should be guaranteed (...)”

contestants.

Public TVM and *Rádio Moçambique* provided free airtime to election contestants, in accordance with the CNE regulation. The EU EOM media monitoring noted an imbalance in news bulletins and programmes covering the campaign. In both types of programmes, FRELIMO received the largest share, often in an uncritical tone, followed by RENAMO and MDM. The President of the Republic was often shown or mentioned in his official capacity, promoting projects and giving speeches in national celebrations. Such coverage blurred the line between campaign and official functions and provided a disproportionate advantage to the incumbent and the ruling party. The participation of women in politics had little coverage. Most coverage was given to women candidates and women politicians of FRELIMO, with those of the opposition and smaller parties receiving minimal coverage. Notably the First Lady received considerable positive media exposure fostering further the incumbent exposure on the media.

TVM allocated more airtime in news bulletins and in the election programme “*Diário de Campanha*” in favour of FRELIMO and its presidential candidate. In “*Diário de Campanha*”, TVM provided 47 per cent of coverage to FRELIMO, 24 per cent to RENAMO, 22 per cent to MDM, and 3 per cent to AMUSI. The remaining parties received less than 1 per cent each. The campaign coverage programme “*Diário de Campanha*” regularly opened with FRELIMO and its presidential candidate campaigns, offering to the incumbent a privileged timing. The evening TVM primetime news, *Telejornal*, provided extensive coverage of government initiatives and presidential official functions. Government received 47 per cent of the time in the news and commentary within the news, while 15 per cent was allocated to the President of the Republic, who benefitted from an additional 2 per cent of positive commentary. Activities involving FRELIMO and the First Lady’s initiatives received an additional 22 per cent in primetime news. RENAMO and MDM received 3 per cent and less than one per cent, respectively. The tone was mostly neutral or positive, with instances of negative coverage mainly towards RENAMO and related to election violence. On the eve of elections, TVM broadcast on its primetime news a phone interview with Mariano Nhongo, the leader of the self-proclaimed *Military Junta of RENAMO*, in which Nhongo called the RENAMO presidential candidate a traitor and appealed to the people to not vote for him. This was a clear political move in favour of the ruling party.

There was a different trend on public *Rádio Moçambique Antena Nacional* (RM). RM provided additional time to opposition and lesser known political parties and candidates in its weekly debate-style programme, *Linha Directa*, and in the daily *Agenda de Campanha*. The national radio broadcaster also opted for a different editorial approach than other media and rejected all political propaganda in order to respect the principle of equal treatment of political parties and candidates. Nevertheless, in the campaign coverage programme “*Diário de Campanha*,” RM granted more coverage to FRELIMO and mostly in a neutral or positive tone. The ruling party obtained 36 per cent of coverage, RENAMO 25 per cent, MDM 23 per cent, and AMUSI 3 per cent. Other parties received one or less per cent each. In the news bulletins, RM allocated its largest share to the activities of the government, 33 per cent, while the president received 9 per cent of coverage in the news and special broadcasts when performing official functions. FRELIMO as a party obtained 17 per cent, RENAMO 7 per cent, MDM 6 per cent, and the remaining parties received less than 1 per cent each.

The daily newspaper, *Notícias*, showed a similar trend, allocating the largest share of its editorial content to FRELIMO (34 per cent) and to government activities (18 per cent), followed by RENAMO with 17 per cent, MDM 13 per cent, and AMUSI 7 per cent. The incumbent president was often on the front-page performing official functions. While performing official functions,

President Nyusi received an additional 3 per cent of space. Opinion articles tended to be positive towards the incumbent but portrayed the opposition in a negative tone, presenting it as frail and unable to obtain votes. The other monitored daily newspapers followed the same trend, providing more coverage to the ruling party in a non-critical tone. Except for *Domingo*, the weekly newspapers were more analytical and critical towards the ruling party's governance.

The privately-owned *Soico Television* (STV), *TV Miramar*, and *TV Sucesso* also provided imbalanced coverage in favour of the ruling party and presidential candidate, Nyusi, although presenting a comprehensive coverage of political parties allegedly involved in violence or impeded to campaign. *STV* granted FRELIMO and Nyusi the largest share (40 per cent) on news and campaign coverage, while 24 per cent of airtime was dedicated to RENAMO, and 17 per cent to MDM, followed by government activities with 9 per cent, New Democracy and the president with one per cent each, and AMUSI and other parties received less than 1 per cent each.

Miramar TV allocated 44 per cent of airtime dedicated to news and the campaign to FRELIMO, followed by the government and RENAMO with 17 per cent each, MDM with 9 per cent, while AMUSI received less than 1 per cent. *TV Sucesso* allocated 51 per cent of airtime to FRELIMO, 19 per cent to RENAMO, and 12 per cent to MDM, followed by the government with 6 per cent, PARESO with 1 per cent, and AMUSI and other parties with less than 1 per cent each. Some airtime allocated to FRELIMO by *TV Sucesso* and *TV Miramar* was dedicated to show popular discontentment towards the ruling party.

FRELIMO purchased substantial amounts of commercial airtime on public TVM, and also on privately-owned media throughout the campaign period. MDM and RENAMO intended to purchase TV airtime closer to election day and claimed lack of funds to pay adverts throughout the campaign period. MDM political adverts appeared on TVM and STV a couple of days before elections. The existing legal framework for elections is silent with regard to paid political advertising during the campaign period. A disparity in financial resources creates conditions for an unlevel playing field between contestants.

Debates promoted by civil society targeting the candidates for governor of the three main parties received media coverage and offered an opportunity for additional visibility for opposition and lesser known candidates. Some of the events lacked representativeness, due to the absence of some of the contenders, who instead of attending appointed a substitute to represent them.

XII. Participation of Women

Despite the increase in women's parliamentary representation, the existing violent political environment discourages a more active involvement of women in politics.

Mozambique ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the 2003 Optional Protocol to ACHPR on the Rights of Women in Africa. In the 2015 Universal Periodic Review undertaken by the United Nations Human Rights Council, Mozambique's remarkable progress with regard to women's rights and the representation of women in public life was noted as well as constitutional and legislative advancements, such as introduction of a new penal code in 2014, criminalising various forms of sexual violence and abuse.

Mozambique remains one of the lowest ranking country's in the Gender Equality Index, with a strong patriarchal culture where traditional gender roles and gender based discrimination remain

well rooted, resulting in women facing many difficulties in daily life, including the prevalence of domestic violence and child marriages. A law against child marriage was passed on 22 October 2019 in order to tackle this practice common in many provinces of the country. Women have less access to education resulting in their lower financial independence and consequently lower participation in political life than men.

The existing violent political environment also discourages a more active involvement of women in politics. The Centre for Urban Studies of Mozambique (CEURBE) undertook a study on violence against women in elections. CEURBE concluded that victims of violence were women with strong party ties and that cases were not pursued if there were no witnesses to the physical violence. Prosecution was also undermined by political influence exerted over the institutions administering justice.²⁰ The EU EOM noted during the electoral campaign that participating women were an easy target in inter-party violence. Among other cases involving violence against women during the electoral process, there was the murder of the President of RENAMO's Women League in Tete and provincial assembly candidate, Babula Francisco, (and her husband) on 14 October.

In 2019, Mozambique was positioned as the 18th country worldwide with the highest representation of women in parliament. Key positions are held by women: Speaker of Parliament, two out of the three 2014 parliamentary benches, the presidency of the Constitutional Council, the Attorney-General and deputy Attorney-General and a number of other leadership positions of public institutions. There is no legal provision for a quota system for women's representation in elected bodies or in party lists. Nevertheless, the ruling FRELIMO has a long-standing record of including an internal quota of 30 per cent for the participation of women and youth. This practice has encouraged other parties to also establish a quota for women participation in their candidates' lists and party structures, however this has been applied randomly.²¹

With the recent introduction of capturing gender data during the voter registration exercise, women represented 53 per cent of registered voters for the 2019 general elections. However, there is no official data on the participation of women as voters on election day. Similarly, the CNE does not capture gender data during the candidate nomination, resulting in the absence of official numbers of women candidates. Women were estimated at 16.6 per cent of the candidates in the general elections. There were no women candidates for the presidency, while 256 women successfully registered for legislative elections, 81 of which were heads-of-lists, and 988 for provincial assembly elections, including five women candidates for governor positions.

The UNDP Electoral Project produced a factsheet containing estimated data regarding women's participation on the electoral process. Women's participation as voters was estimated at 51 per cent, whereas women's participation as polling station staff was 43 per cent. For the Assembly of the Republic 106 women were elected, amounting to 43 per cent, an increase of 16 women over the previous parliament with 90 women. At the time of writing this report, there were no available figures on the number of women elected for the provincial assemblies. However, out of the 10 provincial governors, only 3 women were elected (Gaza, Niassa, and Manica).

²⁰ *The "inaudible"* – A study of violence against women in elections: the case of the municipalities of Mocuba and Chowké. CeUrbe, January 2019.

²¹ As an example, RENAMO presented two women out of 13 candidates for Maputo city, five women out of 20 candidates in Maputo province, or three out of 20 in Sofala. MDM presented six women out of 13 candidates in Maputo city, nine out of 20 in Maputo province, and four out of 20 in Sofala.

XIV. Participation of Persons with Disabilities

Mozambique ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) as well as the Optional Protocol. In stakeholders' submission to the 2015 Universal Periodic Review, Mozambican civil society organisations expressed concern over the non-effective implementation of the Disability Act, particularly regarding safe access to public places, this includes polling stations which are normally established in public schools. In the same review, the special rapporteur noted that persons with disabilities suffered from considerable discrimination and stigmatisation. The rapporteur also recommended that Mozambique ensures its national legislation was in line with its commitments under CRPD.

The 2017 national census reported 2.6 per cent of the population claimed a disability, this was well under the international average of 10 to 15 per cent, revealing the non-inclusive nature of the survey. The census did not include the internationally agreed Washington Group Short Set of Six questions related to disability.²² The Forum of Mozambican Associations for the Disabled (FAMOD) claimed that when conducting the census and when undertaking voter registration, surveyors were unprepared to capture information from persons with disabilities. FAMOD believes this can be overcome through the participation of persons with disabilities as registration officers.

FAMOD observed the 2019 general and provincial assembly elections, with 17 observers in Maputo. In its report on the conduct of the elections, FAMOD highlighted the persisting inconsistent application of procedures for assisting disabled people. Sometimes the elector was not allowed to select someone of their choosing and rather was told by polling staff that they had to vote alone. Often priority voting was only given to electors with visible physical disabilities and not to others, including those with hearing or speaking disabilities. The report also pointed to difficult access conditions to polling stations, the absence of Braille ballots and the inappropriate height of voting booths. Ahead of the 2019 polls, FAMOD met with the CNE to discuss implementation of recommendations it made after observing the 2018 municipal elections. While few of these were addressed, the CNE did invite FAMOD to brief trainers of trainers for poll workers at the national level.

During the electoral campaign period, the Centre for Urban Studies (CEURBE) organised a workshop on the political participation of persons with disabilities. CEURBE subsequently observed on election day with 250 observers in Maputo and highlighted some of the same concerns raised by FAMOD.

With UNDP support, the STAE produced a TV spot encouraging voter participation on election day. The spot depicted eligible voters of all ages and included women, albinos, and persons with disabilities. An audio version of the spot simultaneously aired on national and community radio stations.

XV. Electoral Justice

A. Electoral Offences

Electoral offences are set out in articles 198 to 243 of law 2/2019 and articles 170 to 215 of law 3/2019. Electoral offences foreseen in the legislation include, *inter alia*, unlawful candidacies,

²² Developed by the Washington City Group of the United Nations Statistics Division.

violation of the impartiality and neutrality duty regarding candidacies, abusive use of free airtime for campaigning, misuse of state resources, destruction of campaign material, impediments to the freedom of assembly, electoral corruption, campaigning within the 48 hours moratorium, multiple voting, falsification of electoral documents, disruption of the voting process, violation of the secrecy of voting, refusal to receive electoral complaints, refusal to distribute the electoral results sheets, fraud during counting and tabulation of results, obstruction to candidates and their representatives, and obstruction to the activities of party agents.

Infringement penalties range from two to eight years imprisonment for falsification of electoral documents to prison sentences of six months for destruction of campaign material or violation of freedom of assembly, and three months for not exhibiting the ballot box. Other electoral offences entail the payment of a fine only, such as holding meetings outside the campaign period, or refusing to be a polling staff member. Electoral offenders can be prosecuted up to one year after having committed the offence. The law provides that prison sentences for electoral offences cannot be suspended or substituted, however the article regulating the misuse of state resources explicitly converts the associated one-year prison sentence into a fine.

For the 2019 general and provincial assembly elections, the Public Prosecutor's Office registered 346 cases of electoral offences. Of these, 57 related to voter registration, 220 to election campaign, 65 to the voting process and four cases to the tabulation of results.²³

B. Complaints and Appeals

Any decision made by the CNE may be appealed to the Constitutional Council, which is the judicial body of last instance. Decisions taken by lower levels of the election administration may be appealed to the district courts, whose decisions may also be appealed to the Constitutional Council.

In addition to the appeal submitted by RENAMO in relation to the CNE-approved voter registration figures for the province of Gaza, the Constitutional Council received three appeals in relation to the candidate nomination process. All three challenged the decisions taken by the CNE and were dismissed on different grounds. The first appeal was submitted by six political parties²⁴ which failed to submit their lists of candidates to the CNE within the legal deadline. Another appeal was submitted by RENAMO challenging the eligibility of four FRELIMO governor candidates and one provincial assembly candidate for the provinces of Maputo, Nampula, Niassa, and Manica. RENAMO argued that candidates were required to be registered voters or residents in the province in which they were competing. The Constitutional Council was of the opinion that the amended electoral law eliminated this requirement. The third appeal on candidate nomination was submitted by PODEMOS in relation to the CNE's rejection of its candidate lists for the provincial assemblies of Maputo and Gaza. PODEMOS claimed that the list for Maputo province was rejected because the name of one of the candidates was misspelled in the criminal record. The list for Gaza provincial assembly was rejected due to an insufficient number of reserve candidates. The Constitutional Council dismissed the case on procedural grounds as the appeal was submitted three days after the deadline.

Lastly, on 9 October an appeal was submitted by the District STAE Director of Moatize in Tete

²³ Constitutional Council, Ruling no. 25/CC/2019, page 27.

²⁴ Party for the Development of Mozambique (PDM), Reconciliation Movement of Mozambique (MRM), Democratic Alliance Coalition (CAD), United Democrats Congress (CDU), Mozambican National Union (UNAMO) and Mozambican Humanitarian Party (PAHUMO).

against a decision of the district court. The decision ordered that RENAMO-appointed polling station staff be admitted for election day. The Constitutional Council issued a decision on 21 October, after election day, dismissing the case based on its pointlessness as election day had already taken place.

XVI. Election Day and Post-Election Period

Voting procedures were well-implemented, while counting often lacked adherence to established procedures.

Polling centres were located in the same place as the voter registration offices. Polling centres are divided into polling stations, each limited to 800 voters. A total of 20,570 polling stations were established. Polling station staff comprised seven electoral officers – president, vice-president, secretary and four scrutinisers. Three of the four scrutinisers were appointed by political parties with parliamentary representation. Competing political parties could allocate one party agent for each polling station.

EU observers visited 807 polling stations in all provinces throughout the country. Opening was observed in 73 of these polling stations and closing and counting in 69. Voting procedures were observed in 669 polling stations in 61 out of Mozambique's 161 districts. Observers submitted 151 reports on the district tabulation of results and 26 reports on the provincial tabulation of results.

Despite an initially positive evaluation of election day, the EU EOM also considered earlier phases in the electoral cycle that prejudiced the conduct of the 15 October polls. As such, EU observers detected numerous irregularities and malpractice both ahead of election day and during polling, counting, and the tabulation of results. Irregularities included the unconcealed inflation of the voter register in Gaza and an under-registration of voters in other provinces, and the restriction of independent monitoring by opposition party agents and established independent national observer groups. EU observers also noted ballot-box stuffing, organised multiple voting, intentional invalidation of votes for the opposition, altering of polling station results with the fraudulent addition of extra votes, unlikely turnout figures, major results deviations between polling stations in the same polling centre, and many cases of poll workers, civil servants, electors, and observers found with ballot papers outside of polling stations.

Irregularities were observed in all provinces, and were made possible through the inaction or complicity of local electoral authorities, the police, state officials, and overzealous ruling party sympathisers. Observed irregularities supported a trend in favour of improved electoral outcomes for FRELIMO.

A. Opening and Voting

EU observers reported that 80 per cent of observed polling stations opened on time or within the first 30 minutes of the official opening time. Delays were mostly caused by lack of preparedness of polling staff. Established opening procedures were adhered to, and EU observers assessed opening procedures as good or very good in 69 of the 73 observed polling stations.

The EU EOM assessed the overall conduct of polling operations as good or very good in most observed polling stations, and reported that polling procedures were adhered to and polling staff performed well. The presence of FRELIMO, RENAMO, and MDM party agents in 99 per cent, 81 per cent, and 42 per cent of observed polling stations, respectively, should have contributed to the

overall transparency of the process. The layout in most observed polling stations ensured the secrecy of the vote. More than half of observed polling stations were accessible for persons with disabilities.

EU observers either directly observed or were informed about cases of persons found with ballot papers outside of polling stations. The mission was aware of specific cases involving up to 30 ballots per person in Maputo, Gaza, Sofala, Manica, Tete, Zambézia, Nampula, and Cabo Delgado. On 27 October, there were 32 cases submitted to the district courts either for ballot-box stuffing or for being caught with extra ballot papers during voting, 14 of these were in Nampula.

EU observers were made aware of hundreds of cases countrywide of polling station presidents expelling RENAMO and MDM party agents and party-appointed poll workers, often with the assistance of police. Opposition members, whether party delegates, party appointed poll workers or party-appointed election officials who raised complaints during the process were often considered by the authorities as disturbing the elections and police were called to either arrest or expel them. There were also instances of party agents being expelled for not being a registered voter in the district, when the law only requires them to be registered in the same province.

In Tete, RENAMO and MDM reported that more than 500 of their agents were expelled from polling stations. In Angoche (Nampula), dozens of RENAMO and MDM poll workers were impeded from participating, and RENAMO party agents were expelled from 195 of the 243 polling stations. Across the rest of Nampula province, there were dozens of reported expulsions of RENAMO and MDM party agents. RENAMO and MDM also reported a few dozen of their agents were expelled from polling stations in Gaza, Sofala, Maputo Province, and Zambézia. MDM reported being expelled from 68 polling stations in Derre (Zambézia). MDM party agents did not receive accreditation to monitor the polls in Muidumbe (Cabo Delgado).

Political parties reported to EU observers several cases of police brutality at polling stations. RENAMO and MDM party agents were not always expelled easily, and in many cases polling station presidents requested police assistance. When police were involved in expelling party agents, it was sometimes violent. One of these cases involved the detention of the STAE second deputy director and two technical staff in Gaza after complaining about instances of ballot-box stuffing. Also in Gaza, 23 opposition delegates, including RENAMO's national spokesperson, were detained on voting day allegedly for using false CNE credentials, but they claimed these were the credentials received from CNE. Other cases involved police beating of an MDM agent in Dondo (Sofala) and RENAMO agents in Machanga (Sofala).

Several party agents remained in police detention since election day. The case of detainees in Gaza, namely the party agents of New Democracy, was particularly alarming given the evidence submitted to the mission certifying the party agents were detained without access to defence of their choice or respect for due process.²⁵

Some journalists faced difficulties in attaining CNE accreditation for election day. EU observers reported cases of journalists denied access to the voting process despite having accreditation (Zambézia, Sofala and Maputo), and cases of journalists barred from counting and district tabulations (Nampula, Manica and Tete).

²⁵ See Annex III: press statement issued by the EU EOM on the last phases of the electoral process.

B. Closing and Counting

EU observers followed closing and counting procedures in 69 polling stations. Closing procedures were not observed to be applied evenly, with about one third of polling stations not undertaking the requisite reconciliation of ballots before commencing counting. During counting and the filling in of results protocols a level of disorganisation was observed, where basic mathematical crosschecks were not performed, and the majority of poll workers had difficulties completing the paperwork. EU observers directly observed six instances of ballot-box stuffing – three in Sofala, two in Zambézia, and one in Manica. In 8 out of 69 observed polling stations, a number of votes were invalidated even though the intention of the voter was clear. Established national observer groups were not present in almost half of observed polling stations, this was likely due to the serious obstacles to their accreditation.

In Marromeu (Sofala), party agents were asked to sign results forms while polling was still ongoing. EU observers examined 85 of the district's 109 polling station results, these revealed signs of deliberate manipulation. Some polling stations with an official turnout of around 700, still had 400 or more unused ballots, which, given that all polling stations received 840 ballots, meant that only some 400 ballots had been used. Where voter turnouts were high, the share of FRELIMO votes was 85 per cent or more, while at low turnouts the share was around 50 per cent, indicating that the will of the voter was more likely reflected in the lower turnouts. Untampered polling station results usually revealed a relatively high proportion of blank and invalid votes – around 14 per cent – while the high turnout polling stations usually had no blank or invalid votes. The protocols from high turnouts did not have complete information about the serial number of ballots used at the polling station. In other polling stations, figures were chosen in a way to make calculations as simple as possible, for example, out of 700 valid votes – 600 for FRELIMO, 50 for RENAMO and 50 for MDM. There were also cases of unusually high numbers of invalid votes. For example, in one PS there were 111 votes invalidated when the turnout was 336 voters.

In Nampula, 23 cases were submitted to the district courts against the election administration concerning alleged obstruction of RENAMO party agents at polling stations, ballot boxes taken to STAE premises to be counted, multiple voting at the same polling station, irregularities during counting at polling stations, non-distribution of results protocols after counting, and closing of polling stations before the official time.

In Quelimane (Zambézia), a RENAMO agent was detained by police overnight after he tried to challenge the polling staff's intentional invalidation of votes. In Malema (Nampula), a RENAMO agent was detained by police when complaining that the polling station president had invalidated 135 votes in favour of RENAMO. In Moma (Nampula), a RENAMO agent was expelled and beaten by police when trying to prevent a voter from ballot-box stuffing, the party's district representative was also threatened with a weapon when trying to enter a polling station in Natomoto.

EU observers did not describe the counting process as transparent in 22 of the 69 observed polling stations, and overall evaluated the process as inaccurate and somewhat chaotic in almost one-third of observed polling stations. RENAMO and MDM party agents were frequently denied complaints forms at polling stations. Party agents and party-appointed poll workers received a copy of the polling station results protocol, but in over 20 per cent of observed cases, polling station results were not posted publicly.

C. District and Provincial Tabulation of Results

EU observers followed district tabulation in 51 of the country's 161 districts. In 42 out of 51 district

tabulations, there were no national observers present. RENAMO reported that due to police detentions and intimidations, it instructed party agents to abandon district tabulation centres. As such, RENAMO did not sign most district tabulation of results. The EU EOM received credible information and observed cases of intimidation of party agents.

EU observers reported that reception of materials at district level was disorganised in many locations, polling station staff sometimes waited long periods to handover materials, and instances of protocols being filled out by polling staff while queuing to deliver results were observed. Established procedures were followed only about half the time, and district tabulation staff often directly copied polling station results into district tabulation forms, without first reviewing the accuracy of figures. As such, EU observers reported a significant number of data inconsistencies, including the sum of votes exceeding the number of ballots in the box or the number of voters, significantly higher turnout figures, major results deviations between polling stations in the same polling centre, a high number of invalid votes in some polling stations, fraudulent addition of extra votes for FRELIMO.

The requalification of challenged ballots from the polling station level often took place at some point after district tabulation began and not at the beginning, as provided by law. Also, requalification of ballots often occurred simultaneously to tabulation and in a separate location. Therefore, the party agent allowed for each party had to choose which process to follow. In Alto Molocué, and in contrast to neighbouring districts, tabulation revealed an improbably high number of requalified challenged ballots in favour of FRELIMO (presidential elections 2,011 votes, parliamentary 2,652 and provincial assemblies 1,924). Observers and opposition party agents were barred from district tabulation in Alto Molocué.

EU observers described the overall district tabulation of results process as confused and secretive in 11 and 10 districts, respectively, and in over half of observed districts did not describe the process as transparent. When reporting on the level of confidence of the accuracy of district tabulation figures, EU observers questioned the credibility of results across the country, except in Maputo City, Inhambane, and Niassa, pointing to: unlikely turnout figures (Gaza, Sofala, Nampula, Cabo Delgado), counting clearly fraudulent with evidence of ballot-box stuffing (Zambézia, Sofala, Manica, Nampula), high number of invalidated ballots (Sofala, Nampula), results clearly altered (Zambézia), uncorrected obvious mathematical errors on polling station results protocols (Tete), and insufficient access to the process (Tete).

The electoral effect of over-registering 453,170 voters in Gaza became apparent after polling results were released. The two districts with the highest increases in registered voters since the 2014 polls were Chokwé (up 159 per cent to 238,447) and Chibuto (up 110 per cent to 181,793). Data from the National Institute for Statistics (INE) 2017 population census puts the voting age population in these districts at 110,669 and 110,763, respectively. The 2019 voter turnout for Chokwé was 163,269, with 152,328 votes for Nyusi. The voter turnout for Chibuto was 122,447, with 112,691 votes for Nyusi. Had the number of registered voters in these two districts increased at the same rate as the national average of 18.9 per cent, and had the voter turnouts and voting preference remained unchanged, the FRELIMO presidential candidate could have received around 69,092 in Chokwé and 62,342 in Chibuto. The inflated voter registration translated into FRELIMO receiving an unwarranted boost of some 83,326 votes in Chokwé and some 50,348 in Chibuto. Applying the same logic to all of Gaza revealed that the electoral effect of the inflated voter register amounted to an unwarranted boost of 280,137 votes for FRELIMO.

EU observers in Chokwé reported a strange pattern on election day, in which the first two or three

polling stations within a polling centre had long queues, but the remaining polling stations were empty. Also, in 19 of the 26 polling stations observed in Chokwé, RENAMO and MDM polling staff was not present and they only had party agents in five and two polling stations, respectively.

District	Registered Voters 2014	Registered Voters 2019	Increase %	Turnout 2014	Votes Frelimo 2014	Population 2019 18+*	Expected votes FRELIMO*	Official votes FRELIMO 2019	Unwarranted boost FRELIMO
Cidade Xai-Xai	73,360	147,027	100.4%	44,801	34,904	81,371	38,716	49,390	10,674
Xai-Xai 2014	96,566								
Chongoene 2019		82,443	94.2%	56,980	49,200	61,581	70,671	53,449	44,873
Limpopo 2019		105,095				77,128		62,095	
Bilene	72,281	125,758		44,612	38,061	73,207	38,549	59,536	20,987
Chibuto	87,082	181,793	108.8%	57,761	49,014	110,763	62,343	112,691	50,348
Chicualacuala	18,681	18,262	81.6%	16,701	16,025	13,169	11,297	17,177	19,740
Mapai 2019		15,660				13,965		13,860	
Chigubo	10,216	13,982	36.9%	8,373	7,712	10,532	7,950	13,361	5,411
Chokwé	92,060	238,447	159.0%	63,594	57,474	110,669	69,092	152,328	83,236
Gijá	33,912	52,284	54.2%	25,161	22,441	42,658	28,228	45,067	16,839
Mabalane	16,255	19,435	19.6%	12,947	12,195	18,254	13,695	17,208	3,513
Mandlakazi	69,259	131,615	90.0%	38,697	32,325	70,722	33,008	53,408	20,400
Massangena	7,676	12,287	60.1%	7,425	7,259	11,299	10,685	11,584	899
Massingir	13,846	21,923	58.3%	12,690	12,293	17,525	15,559	18,775	3,216
Gaza	591,194	1,166,011	97.2%	389,742	338,903	712,841	399,792	679,929	280,137

*The estimation is based on the 2017 census data on age structure available for each district and the projection of the overall population in 2019 for each province prepared by the National Institute of Statistics (INE).

**Expected votes for FRELIMO are estimated on the basis of the projected increase of adult population while keeping the turnout and political preferences equal to those in 2014. Since 2014, the former district of Xai-Xai was split into the current districts Chongoene and Limpopo. From the district of Chicualacuala a new district of Mapai was carved out in 2016.

Analysis of the additional votes resulting from over-registration of voters in Gaza is hampered by the reluctance of the CNE to publish results disaggregated by polling station. The availability of disaggregated results is an important component of transparent elections, as it enhances the trust of all stakeholders in the electoral process by enabling political parties to compare their results with those officially tabulated. It is also becoming a standard in the region as it constitutes international good practice for the conduct of credible elections.

The CNE website started publishing provisional district tabulation results on the morning of 18 October. In line with legal provisions, provincial electoral commissions (CPEs) initiated provincial tabulation of results based on already received district tabulations. The CPE tabulation was accompanied by a parallel centralisation of results by the provincial STAE. The provincial tabulation consisted in review and summation of all the district results within the province into one provincial tabulation of results. For the STAE centralisation, individual polling station results were digitised into a software platform through a double-blind entry system. If the second entry matched the first, the data was validated and saved. The centralisation data was to be used to verify the veracity of the provincial tabulation of results based on district tabulation sheets.

RENAMO and MDM reported to EU observers that across the country and in most cases they did

not sign either district or provincial tabulation of results (Maputo City, Maputo Province, Gaza, Manica, Zambézia, Cabo Delgado).

D. National Tabulation of Election Results

At the 26 October assembly for the national tabulation of results, the CNE plenary presented party delegates, observers and media with final results that had already been approved the previous day in a nine to eight vote, with opposition party-appointed and some civil society members voting against. There was no actual tabulation or verification of the results received from the provincial level, but rather a slideshow presentation of already aggregated election results. As such, the assembly was less of a tabulation and more of a presentation by the CNE of a *fait accompli*.

At the onset of the assembly, eight opposition parties – RENAMO, MDM, PJDM, AMUSI, PODEMOS, PANAMO, UDM, and ND – lodged a formal complaint against the CNE, claiming legal requirements to inform party delegates to participate in the assembly for national tabulation were not observed. The CNE dismissed the complaint. At the end of the assembly, RENAMO and MDM manifested their intention to appeal results to the Constitutional Council. Opposition parties also raised concerns about the fact that the CNE had already announced the date and time for the declaration of results for the following day. They perceived this as an unnecessary CNE-imposed time constraint for handling potential complaints, considering that the CNE still had four additional days before expiration of the deadline for announcing results.

E. Announcement of Official Election Results

During a public ceremony on 27 October, the CNE announced results for the presidential, legislative, and provincial assembly elections as well as the corresponding distribution of mandates. The CNE's role in the electoral process was considered complete when on 29 October it handed over the electoral results to the Constitutional Council for validation and proclamation of results following its deliberation on complaints and appeals. In a subsequent interview with the media, the CNE president indicated that it was now the responsibility of the Constitutional Council to pass judgement on the conduct of the elections.

There is no legal deadline for the Constitutional Council to announce the official results of the elections. However, it should consider the end of the five-year mandate of the previous legislature and the legal provision establishing that parliament holds its first session 20 days after the proclamation of official results.

F. Challenges to Election Results

Challenges to polling stations and district election results may be submitted to district courts within 48 hours after results are published. District court decisions should be made within 48 hours. Decisions of the district courts may be appealed to the Constitutional Council within three days. In addition, the election results of the national tabulation conducted by the CNE may also be appealed to the Constitutional Council. The electoral law establishes a five-day deadline for the Constitutional Council to issue a decision. However, the Constitutional Council has a different interpretation of the five-day deadline extending this deadline up to 15 days in accordance with its organic law dealing with procedures for handling complaints and appeals.²⁶

Eight appeals challenging election results were submitted to the Constitutional Council. Of these,

²⁶ Constitutional Council, Ruling 21/CC/2014, page 20.

six appealed decisions taken by district courts - four submitted by RENAMO, one by MDM and one by New Democracy. Two others appealed the decision of the CNE in relation to the national tabulation of election results. In five of the six appeals against district court decisions, district judges applied and interpreted incorrectly the law despite the training provided by the Supreme Court to district judges and the cases were resolved by the Constitutional Council, except one case regarding Matola which was sent back to the district court by the Constitutional Council. One of the main shortcomings of electoral processes in Mozambique has been the lack of knowledge of the law. This has resulted in varying interpretations and applications of the law with severe criticisms to political parties for not being able to properly construct their cases. However, the knowledge of district judges who have been trained was not praiseworthy either.

MDM submitted an appeal requesting the nullification of the district election results of Matola based on the discrepancies between the number of ballots cast for each election and inconsistencies in some polling stations where the numbers of votes for FRELIMO was allegedly higher than the total number of voters. The original case was rejected by the district court for lack of evidence. The Constitutional Council sent the case back to the district court, given the procedural mistakes accepted by the court when the appeal was submitted.

Four of the appeals submitted by RENAMO were wrongly dismissed by the district courts of Matola, Manhiça Alto Molocué and Beira. In Matola and Manhiça, RENAMO requested correction of district results, which reflected less votes for RENAMO than the sum of the polling station results (1,057 votes in Matola, and 2,391 in Manhiça). In Alto Molocué, RENAMO challenged the district results arguing a number of election offences were committed and that the election officials were not impartial and polling station results were not posted outside polling stations. In Beira, RENAMO challenged the district results also arguing that election offences were committed and discrepancies between the number of ballots cast for each election.

In Matola, Alto Molocué and Beira, the district courts wrongly rejected RENAMO's cases on the grounds that RENAMO submitted the cases after the deadline. In Manhiça, the district court applied the law on municipal elections and not the 2019 legislation on general elections. In the four cases, the Constitutional Council reverted the decisions of the district courts in rejecting the cases on procedural grounds and look into their merit. The four cases were rejected by the Constitutional Council either because the Council considered that RENAMO did not submit sufficient evidence at the district court level, and only supplied this evidence in its submission to the Constitutional Council, or because the Council accepted CNE arguments.

New Democracy appealed the decision of the Chokwé district court to the Constitutional Council. The party requested the annulment of the elections in the district arguing that on election day its party delegates were expelled from polling stations resulting in 18 of them being arbitrarily arrested, including a candidate that enjoyed immunity. Although the district election commission accused the party agents of having false accreditations, New Democracy argued that these were the same accreditations provided by the district electoral commission the day before elections. The Constitutional Council referred the case to the Public Prosecutor as it considered that the subject matter related to electoral offences.

Two other appeals were submitted to the Constitutional Council in relation to the national tabulation of election results. The first appeal was submitted by several political parties (RENAMO, MDM, PJDM, AMUSI, PODEMOS, PANAMO, UDM and New Democracy). The parties argued that the CNE failed to observe the legal requirements to notify party representatives to participate in the assembly for national tabulation. The parties further claimed that the final election results were

approved the previous day in a CNE plenary session without the presence of political parties and therefore requested the annulment of the CNE deliberation of this plenary session that took place on 25 October. The Constitutional Council rejected the appeal considering that although the CNE failed to notify party representatives, they were present at the national tabulation assembly, which remedied the lack of notification. It further considered that the deliberation of the CNE plenary session, the day before the national tabulation of results, was legally irrelevant and did not affect the validity of the operations during the 26 October national tabulation assembly.

The last appeal was submitted by RENAMO also against the validity of the CNE deliberation of 25 October based on electoral offences committed during voting and tabulation, irregularities during the voter registration and during the national tabulation, omission of the diaspora votes in the national tabulation of results, altering of election results and obstruction to party agents to monitor the process. The Constitutional Council dismissed the case using the same arguments as in the previous appeal concerning the validity of the CNE deliberation of 25 October. It further considered that RENAMO failed to submit a complaint regarding the alleged facts during the assembly for the national tabulation.

G. Analysis of Election Results

On 23 December, the Constitutional Council proclaimed the official results of the 2019 general and provincial assembly elections. FRELIMO won the elections obtaining the presidency, more than two thirds of the parliamentary seats, and the vast majority of the provincial assembly seats. Under the new electoral legal framework, FRELIMO elected all 10 provincial governors. FRELIMO won the majority of votes in every district in the country, even the districts that traditionally voted for the opposition. The Constitutional Council ruling on the official election results contained different figures for the results obtained by contestant for the presidential and legislative elections because it did not consider the out-of-country voting.²⁷

The official presidential election results, including the out-of-country voting, gave the FRELIMO presidential candidate an absolute majority with 73.46 per cent of valid votes, an increase of 23 per cent compared to the 2014 polls. Ossufo Momade from RENAMO obtained 21.48 per cent, followed by Daviz Simango from MDM with 4.33 per cent and Mário Albino from AMUSI with 0.73 per cent of the votes. Voter participation was registered at 51.84 per cent.²⁸ The highest turnout was registered in the FRELIMO stronghold of Gaza province with 62.6 per cent and the lowest turnouts in Niassa with 41.6 per cent, Nampula with 42.4 per cent and Zambézia with 42.3 per cent.

In the legislative elections, FRELIMO obtained 71.28 per cent corresponding to 184 seats, an increase of 40 seats compared to the 2014 polls. RENAMO secured 22.28 per cent amounting to 60 seats and MDM with 4.19 per cent and 6 seats in the 250-seat Assembly of the Republic. The remaining contesting parties did not obtain parliamentary representation. AMUSI came fourth with 0.45 per cent, closely followed by the recently established New Democracy party with 0.41 per cent, which achieved its best result in the province of Gaza, where the party saw its delegates being expelled and/or arrested on election day. The Union for Change (UM) ranked sixth with 0.14 per cent, and the newly created PODEMOS came seventh with 0.11 per cent of valid votes. Voter participation reached 51.41 per cent.²⁹

²⁷ Constitutional Council, Ruling no. 25/CC/2019, pages 31 and 32.

²⁸ Constitutional Council, Ruling no. 25/CC/2019, page 112.

²⁹ Constitutional Council, Ruling no. 25/CC/2019, page 102-104.

FRELIMO benefited not only from the additional 8 seats allocated to Gaza province, but also from the striking change in voting patterns in the central provinces, where the opposition had the majority of seats. An analysis of shifts in voting patterns between the 2014 and 2019 presidential elections reveals the success of a centrally targeted strategy that aimed to increase the votes in favour of the ruling party in opposition districts (see comparative election results maps in Annexes IV and V). There was an astonishing reversal of results in opposition stronghold provinces of Sofala, Nampula and Zambézia and in opposition districts within the provinces of Manica, Tete and Niassa (such as Bárue, Tsangano and Ngaúma, respectively). In Zambézia, from 18 seats in 2014 FRELIMO secured 10 extra seats amounting to 28 while RENAMO lost 10 seats. In Sofala, from 8 seats against the 13 combined between RENAMO (10 seats) and MDM (3 seats) in 2014, FRELIMO now has 14 seats against RENAMO's four and MDM's two. In Nampula, where the two main parties had 22 seats each in 2014, RENAMO lost 6, leaving FRELIMO with 28 mandates. Tete and Manica also showed a significant difference in results compared to previous elections. In Tete where FRELIMO had 11 seats and RENAMO had 10 in 2014, FRELIMO secured 17 seats against RENAMO's four. In Manica, where both parties had eight seats each in 2014, FRELIMO now has 13 seats and RENAMO four.

Such sudden, targeted, and significant shifts in voting preferences, strictly limited to opposition districts and contradicting the 2018 municipal election results, are highly unlikely given the polarised political environment and deeply entrenched voting preferences. The FRELIMO majority in all 154 districts was therefore achieved through careful targeting of opposition districts and provinces.

For the 794 seats of the 10 provincial assemblies,³⁰ with a voter turnout of 51.29 per cent,³¹ results awarded 628 seats to FRELIMO (72.27 per cent) an increase of 143 seats compared to the 2014 elections. RENAMO obtained 156 seats (22.79 per cent) a decrease of 138 seats since 2014, and MDM obtained 10 seats (4.40 per cent) against the 32 the party secured in 2014.

XVII. RECOMMENDATIONS

Institutional Framework

1. State institutions, namely the CNE, should take full responsibility for the integrity of the electoral process by adopting measures to address the consequences of electoral offences and malpractices during voting, counting and tabulation of results to diminish their impact on the election results.
2. Adopt and enforce policies for the police to act impartially and free from political influence at all levels, ensuring that those responsible for violations of human rights and rule of law namely during electoral periods are held accountable.

Legal framework

3. Avoid amendments to electoral laws in the six-month period prior to elections, to ensure stakeholders the opportunity to familiarise themselves with the normative framework.

³⁰ In the 2014 elections, the number of seats for the 10 provincial assemblies was 811.

³¹ Constitutional Council, Ruling no. 25/CC/2019, page 486 and 487.

4. Ensure consistency, constitutionality, and feasibility of implementation of electoral laws by systematically submitting bills for Constitutional Council oversight before their approval.
5. Harmonise electoral laws into one electoral and procedural code, in line with the Constitutional Council recommendation in its ruling 21/CC/2014, to grant legal certainty and eliminate legal contradictions.
6. Broaden the provisions defining the validity of each vote based on the intention of the voter by specifying acceptable marks in addition to the ‘X’ or fingerprint.
7. Reintroduce the second layer of scrutiny for invalid ballots with a requalification of these by district election commissions, given the significant percentage of ballots that were requalified as valid in previous elections and the discrepancy of interpretations in what constitutes a valid ballot.

Electoral Administration

8. Provide CNE budgetary independence through direct and timely access to the funds approved in the National General Budget, avoiding that the release of funds for the conduct of the elections, including the public financing for campaign activities, is dependent on the government.
9. Clarify in the law the subordinate hierarchy between the central and lower levels of election management to guarantee full compliance with superior directives and instructions.
10. Implement a more effective CNE public communication strategy, including the prompt and complete publication of all decisions, the conduct of regular consultative meetings with political parties, and the continuous dissemination of information to all stakeholders, especially in the immediate pre and post-electoral period.
11. Increase transparency and confidence in the electoral process by publishing original copies of polling station results for public verification on the CNE website.

Voter Registration

12. Establish and maintain, through updates in election years, a reliable permanent voter register that enjoys stakeholder confidence and that accurately reflects the number of voters in each province.
13. Conduct an independent audit of the provisional voter registration data before adoption of a final voter register.

Election Campaign

14. Implement the existing prohibition on the misuse of state resources to ensure that governing authorities do not abuse their incumbent position to utilise public assets or mobilise civil servants for political campaign purposes.
15. State authorities should take responsibility in protecting the full enjoyment of fundamental freedoms of candidates, namely the right to freedom of assembly and conduct campaign activities in a safe environment, free from violent acts against party members and supporters. Political parties should also play a role in dissuading their members and supporters from interfering in the campaign activities of other parties.

Media

16. Convert the Superior Council of Social Communication (CSCS) into a genuinely independent regulatory body that is protected from government interference and acts with transparency and accountability, with its board of directors and members selected through an inclusive and competitive system.
17. Improve the legal framework to ensure that public broadcasters are governed by an independent board of directors accountable to parliament rather than to the government.
18. Amend the Penal Code, press law and other legislation to abolish provisions detrimental to freedoms of expression and of the press, in particular abolishing imprisonment for cases of defamation in line with international principles.

Election Observation and Party Agents

19. Ensure timely CNE accreditation of party agents and observers.
20. Create a safe and intimidation-free environment for the participation of election observers and party representatives in political and electoral affairs.

ANNEXES

Annex I: Table of Recommendations

No.	Context and reference in the Final Report	Recommendation	Suggested change in legal framework	Responsible Institution	Relevant International and/or Regional Principle or Commitment
INSTITUTIONAL FRAMEWORK					
1	<p>Although cases of electoral offences are dealt with by the courts, the CNE fails to take responsibility for the integrity of the electoral process by not addressing the impact of the electoral offences on the election results.</p> <p><i>Final Report Pages 31- 33</i></p>	<p>State institutions, namely the CNE, should take full responsibility for the integrity of the electoral process by adopting measures to address the consequences of electoral offences and malpractices during voting, counting and tabulation of results to diminish their impact on the election results.</p> <p>This would mean that in parallel to an electoral offence case pursued at the court, ballot papers and results forms of polling stations affected by malpractices (ballot stuffing, intentional invalidation of votes, alteration of data in election results forms, among others) should be quarantined until the election administration conducts an internal audit and assess the impact of the malpractices on election results. Similarly, the evidence submitted to the Constitutional Council that may not be considered due to procedural faults should be forward to the CNE to assess its impact on the election results.</p>		<p>CNE, STAE, the Public Prosecutor’s Office, and the judiciary (district courts and Constitutional Council</p>	<p>Genuine elections that reflect the free expression of the will of voters</p> <p>ICCPR, United Nations Human Rights Commission, General Comment No. 25, p. 20. <i>“An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.”</i></p> <p>Section 2, Article 4 (e) of the African Union Declaration on the Principles Governing Democratic Elections in Africa, 2002: <i>“Democratic elections should be conducted [...] by impartial, all inclusive, competent and accountable electoral institutions.”</i></p> <p>Right to effective remedy</p> <p>ICCPR, Art. 2(3): <i>“Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy.”</i></p>

No.	Context and reference in the Final Report	Recommendation	Suggested change in legal framework	Responsible Institution	Relevant International and/or Regional Principle or Commitment
INSTITUTIONAL FRAMEWORK					
2	<p>Lack of public trust in the impartiality of the police forces, often perceived as being more supportive and an instrument of the ruling party. The involvement of members of the police special operations group in the assassination of a senior election observer exacerbated this distrust.</p> <p><i>Final Report Pages 12,21, 33 and 34</i></p>	<p>Adopt and enforce policies for the police to act impartially and free from political influence at all levels, ensuring that those responsible for violations of human rights and rule of law namely during electoral periods are held accountable.</p>		<p>Assembly of the Republic, Government, judiciary</p>	<p>Respect for the principle of the rule of law/ security of the person</p> <p>African Charter on Democracy, Elections and Governance, Article 4: “<i>State Parties shall commit themselves to promote democracy, the principle of the rule of law and human rights.</i>”</p> <p>SADC PF Norms and Standards for Elections in the SADC Region, part 3 (5):”...all Government Security Forces should act impartially and professionally...”</p> <p>ICCPR, United Nations Human Rights Commission, General Comment 25 p.19: “<i>...Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.</i>”</p>
LEGAL FRAMEWORK					
3	<p>The late approval and publication of the law delayed the necessary familiarisation and training of electoral officials, judiciary and political party representatives</p> <p><i>Final Report Page 12</i></p>	<p>Avoid amendments to electoral laws in the six-month period prior to elections, to ensure stakeholders the opportunity to familiarise themselves with the normative framework.</p>		<p>Assembly of the Republic</p>	<p>Respect the principle of legal certainty and predictability</p> <p>ECOWAS Protocol on Democracy and Good Governance, art.2 (1) “<i>No substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of Political actors.</i>”</p> <p>UN Human Rights Council Resolution 19/36 (A/HRC/RES/19/36, 2012) p.16 [The Human Rights Council] “<i>calls upon States to make continues efforts to strengthen the rule of law and promote democracy by:</i> <i>c) Ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law</i>”</p>

No.	Context and reference in the Final Report	Recommendation	Suggested change in legal framework	Responsible Institution	Relevant International and/or Regional Principle or Commitment
LEGAL FRAMEWORK					
4	<p>Inconsistency and discrepancies remain in the law between different provisions such as the ones related to the requirements to be an observer or the publication of the voter register</p> <p><i>Final Report Page 13</i></p>	<p>Ensure consistency, constitutionality, and feasibility of implementation of electoral laws by systematically submitting bills for Constitutional Council oversight before their approval.</p>		<p>Assembly of the Republic and Constitutional Council</p>	<p>Respect the principle of legal certainty and predictability</p> <p>UN Human Rights Council Resolution 19/36 (A/HRC/RES/19/36, 2012) p.16 [The Human Rights Council] <i>“calls upon States to make continues efforts to strengthen the rule of law and promote democracy by: ...c) Ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law”</i></p> <p>ICCPR, United Nations Human Rights Commission, General Comment 34 p.25: <i>“A norm must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly.”</i></p>
5	<p>Electoral laws have been amended for each electoral process to accommodate the political interests resulting in contradicting provisions between the different laws</p> <p><i>Final Report Page 13</i></p>	<p>Harmonise electoral laws into one electoral and procedural code, in line with the Constitutional Council recommendation in its ruling 21/CC/2014, to grant legal certainty and eliminate legal contradictions.</p>		<p>Assembly of the Republic, Constitutional Council and para-legal civil society</p>	<p>Respect the principle of legal certainty and predictability</p> <p>UN Human Rights Council Resolution 19/36 (A/HRC/RES/19/36, 2012) p.16 [The Human Rights Council] <i>“calls upon States to make continues efforts to strengthen the rule of law and promote democracy by: ...c) Ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law”</i></p>
6	<p>Restrictive interpretations of what is a valid vote contrary to international principles</p> <p><i>Final Report Page 14</i></p>	<p>Broaden the provisions defining the validity of each vote based on the intention of the voter by specifying acceptable marks in addition to the ‘X’ or fingerprint.</p>	<p>Electoral laws</p>	<p>Assembly of the Republic and CNE</p>	<p>Genuine elections that reflect the free expression of the will of voters</p> <p>ICCPR, United Nations Human Rights Commission, General Comment 25 p.20: <i>“... The security of ballot boxes must be guaranteed and votes should be counted in the presence of the candidates or their agents. There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes.”</i></p>

No.	Context and reference in the Final Report	Recommendation	Suggested change in legal framework	Responsible Institution	Relevant International and/or Regional Principle or Commitment
LEGAL FRAMEWORK					
7	There were cases observed of unusually high number of invalid votes and of intentional invalidation of ballots <i>Final Report Page 34-36</i>	Reintroduce the second layer of scrutiny for invalid ballots with a requalification of these by district election commissions, given the significant percentage of ballots that were requalified as valid in previous elections and the discrepancy of interpretations in what constitutes a valid ballot.	Amend the electoral laws	Assembly of the Republic and CNE	Genuine elections that reflect the free expression of the will of voters ICCPR, United Nations Human Rights Commission, General Comment No. 25, p. 20: <i>“The security of ballot boxes must be guaranteed and votes should be counted in the presence of the candidates or their agents. There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes.”</i>
ELECTION ADMINISTRATION					
8	Dependency of CNE on the government to release the funds for election <i>Final Report Pages 17 and 22</i>	Provide CNE budgetary independence through direct and timely access to the funds approved in the National General Budget, avoiding that the release of funds for the conduct of the elections, including the public financing for campaign activities, is dependent on the government.		Government, Assembly of the Republic and CNE	Independence of the election administration SADC PF Norms and Standards for Elections in the SADC Region, part 2 (5) (iii): <i>“To further enhance the independence and impartiality of the Electoral Commission it should have its own budget directly voted for by Parliament and not get its allocation from a Ministry or a Government Department.”</i>
9	CNE’s authority is at times challenged by lower levels of election administration vulnerable to local political influence <i>Final Report Page 15 and 23</i>	Clarify in the law the subordinate hierarchy between the central and lower levels of election management to guarantee full compliance with superior directives and instructions.		Assembly of the Republic and CNE	Legal certainty and predictability ICCPR, United Nations Human Rights Commission, General Comment No. 25, p. 20. <i>“An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.”</i>

No.	Context and reference in the Final Report	Recommendation	Suggested change in legal framework	Responsible Institution	Relevant International and/or Regional Principle or Commitment
ELECTION ADMINISTRATION					
10	<p>Lack of effective public communication to keep extra-parliamentary political parties and the public informed about key stages of the electoral process</p> <p><i>Final Report Page 16</i></p>	<p>Implement a more effective CNE public communication strategy, including the prompt and complete publication of all decisions, the conduct of regular consultative meetings with political parties, and the continuous dissemination of information to all stakeholders, especially in the immediate pre and post-electoral period.</p>		CNE and STAE	<p style="text-align: center;">Transparency and access to information</p> <p>ICCPR, United Nations Human Rights Commission, General Comment 34 p.18 and article 19(2) of the ICCPR: <i>“the right of access to information held by public bodies”</i></p> <p>SADC PF Norms and Standards for Elections in the SADC Region, part 3 (8):<i>“The following good practices are offered for adoption by Electoral Commissions in our Region: (i) periodic meetings with representatives of the media at every important stage of the electoral process as a way of communicating with the general public; and (ii) general media briefings and general statements to the media to avoid misrepresentation.”</i></p>
11	<p>Polling station results are published outside polling stations but quickly disappear limiting the opportunity for voters and political parties to have access to this data.</p> <p>Furthermore, making election results available by polling station is one of the most important measures in transparency and integrity of the electoral process.</p> <p><i>Final Report Page 37</i></p>	<p>Increase transparency and confidence in the electoral process by publishing original copies of polling station results for public verification on the CNE website.</p>		CNE and STAE	<p style="text-align: center;">Transparency and access to information</p> <p>ICCPR, United Nations Human Rights Commission, General Comment 34 p.18 and article 19(2) of the ICCPR: <i>“the right of access to information held by public bodies”</i></p>

No.	Context and reference in the Final Report	Recommendation	Suggested change in legal framework	Responsible Institution	Relevant International and/or Regional Principle or Commitment
VOTER REGISTRATION					
12	<p>Insufficient measures were taken to ensure the quality of the voter register with registration figures doubling in one province affecting the number of seats for that province whereas a decrease of registered voters was registered in other provinces.</p> <p><i>Final Report Pages 18-19</i></p>	<p>Establish and maintain, through updates in election years, a reliable permanent voter register that enjoys stakeholder confidence and that accurately reflects the number of voters in each province.</p>		<p>Assembly of the Republic and CNE</p>	<p style="text-align: center;">Right and opportunity to vote</p> <p>SADC PF Norms and Standards for Elections in the SADC Region, part 1 (1) (ii): <i>“There should be provisions and practical arrangements for continuous voter registration and an updated voters’ register must be made available to all stakeholders in the elections.”</i></p> <p>ICCPR, United Nations Human Rights Commission, General Comment No. 25, p. 21: <i>“...The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.”</i></p>
13	<p>An undisclosed number of multiple registrations and inaction by accountable institutions in taking steps to cleanse the voter registration data adversely affected the quality of the voter register</p> <p><i>Final Report Pages 17-19</i></p>	<p>Conduct an independent audit of the provisional voter registration data before adoption of a final voter register.</p>		<p>Assembly of the Republic and CNE</p>	<p style="text-align: center;">Principles of transparency and equal suffrage</p> <p>ICCPR, United Nations Human Rights Commission, General Comment 25 <i>“States must take effective measures to ensure that all persons entitled to vote are able to exercise that right...”</i></p>

No.	Context and reference in the Final Report	Recommendation	Suggested change in legal framework	Responsible Institution	Relevant International and/or Regional Principle or Commitment
ELECTION CAMPAIGN					
14	<p>Unfair advantage enjoyed by the ruling party which benefitted from unjustified use of state resources, more police escorts and more media coverage than opponents.</p> <p><i>Final Report Pages 21</i></p>	<p>Implement the existing prohibition on the misuse of state resources to ensure that governing authorities do not abuse their incumbent position to utilise public assets or mobilise civil servants for political campaign purposes.</p>		<p>Attorney General/ Public Prosecutor and CNE</p>	<p>Rule of law/Prevention of corruption/Fairness in the election campaign</p> <p>SADC PF Norms and Standards for Elections in the SADC Region, part 2 (3): “ <i>In the interest of creating conditions for a level playing field for all political parties and promoting the integrity of the electoral process, parties should not use public funds in the electoral process. The electoral law should prohibit the Government to aid or to abet any party gaining unfair advantage.</i>”</p>
15	<p>Limitations to freedom of movement and assembly were often reported with serious cases of impediment to campaign activities, including violent acts from political party members and supporters, detention of candidates despite their immunity, and cases when police escort was not available to accompany presidential candidates.</p> <p><i>Final Report Page 21</i></p>	<p>State authorities should take responsibility in protecting the full enjoyment of fundamental freedoms of candidates, namely the right to freedom of assembly and conduct campaign activities in a safe environment, free from violent acts against party members and supporters. Political parties should also play a role in dissuading their members and supporters from interfering in the campaign activities of other parties.</p>		<p>Government, CNE, police forces, judiciary and political parties</p>	<p>The right to freedom of assembly and equal treatment</p> <p>SADC PF Norms and Standards for Elections in the SADC Region, part 3 (5): “<i>The Electoral Commission and all stakeholders in the electoral process should therefore be required by law and be empowered to ensure (...): unimpeded freedom of campaign throughout the country; (...) all Government Security Forces should act impartially and professionally; Presidential candidates must be provided with free and adequate security during the election process; equal and free access to the state owned media; (...) and reasonable safeguards at political meetings, rallies, polling stations and party premises.</i>”</p>

No.	Context and reference in the Final Report	Recommendation	Suggested change in legal framework	Responsible Institution	Relevant International and/or Regional Principle or Commitment
MEDIA					
16	<p>The media sector lacks a truly independent regulatory and licensing structure with safeguards against unwarranted government intervention.</p> <p><i>Final Report Page 26 and 27</i></p>	<p>Convert the Superior Council of Social Communication (CSCS) into a genuinely independent regulatory body that is protected from government interference and acts with transparency and accountability, with its board of directors and members selected through an inclusive and competitive system.</p>	<p>Amend the Constitution and the Press Law</p>	<p>Assembly of the Republic and CSCS</p>	<p style="text-align: center;">Independence of public broadcasting</p> <p>Declaration of Principles on Freedom of Expression in Africa, Article VII: “(1) Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature. (2) The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party. (3) Any public authority that exercises powers in the areas of broadcast or telecommunications should be formally accountable to the public through a multi-party body.</p> <p>ICCPR, United Nations Human Rights Commission, General Comment No. 25, p. 23: “ Basing access to public service on equal opportunity and general principles of merit, and providing secured tenure, ensures that persons holding public service positions are free from political interference or pressures.”</p>
17	<p>Board members of the public service broadcasters are appointed by and accountable to the government, leaving these organisations vulnerable to interference and undue political pressure.</p> <p><i>Final Report Page 26 and 27</i></p>	<p>Improve the legal framework to ensure that public broadcasters are governed by an independent board of directors accountable to parliament rather than to the government.</p>	<p>Amend the Council of Ministers’ decrees 18/94 and 19/94 that established the public service broadcasters.</p>	<p>Assembly of the Republic</p>	<p style="text-align: center;">Independence and accountability of public broadcasting</p> <p>Declaration of Principles on Freedom of Expression in Africa, Article VI: “State and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than the government, in accordance with the following principles: public broadcasters should be governed by a board which is protected against interference, particularly of a political or economic nature; the editorial independence of public service broadcasters should be guaranteed.”</p> <p>ICCPR, United Nations Human Rights Commission, General Comment No. 25, p. 23: “ Basing access to public service on equal opportunity and general principles of merit, and providing secured tenure, ensures that persons holding public service positions are free from political interference or pressures.”</p>

No.	Context and reference in the Final Report	Recommendation	Suggested change in legal framework	Responsible Institution	Relevant International and/or Regional Principle or Commitment
MEDIA					
18	<p>Legislation contains undue restrictions to access to information and to press freedom. There are provisions in the Penal Code related to criminal defamation against the President of the Republic and other government, political and judicial officials that contain disproportionate sanctions and are inconsistent with international practices protecting freedom of expression.</p> <p><i>Final Report Page 26 and 27</i></p>	<p>Amend the Penal Code, press law and other legislation to abolish provisions detrimental to freedoms of expression and of the press, in particular abolishing imprisonment for cases of defamation in line with international principles.</p>	<p>Amend the Press Law and the Penal Code</p>	<p>Assembly of the Republic</p>	<p style="text-align: center;">Freedom of Expression</p> <p>ICCPR, United Nations Human Rights Commission, General Comment No. 34, p. 47: <i>“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.”</i></p> <p>Declaration of Principles on Freedom of Expression in Africa, Article XII: (1) <i>“States should ensure that their laws relating to defamation conform to the following standards: no one shall be found liable for true statements, opinions or statements regarding public figures which it was reasonable to make in the circumstances; public figures shall be required to tolerate a greater degree of criticism; and sanctions shall never be so severe as to inhibit the right to freedom of expression, including by others. (2) Privacy laws shall not inhibit the dissemination of information of public interest.”</i></p> <p>ICCPR, United Nations Human Rights Commission, General Comment 25, p. 25: <i>“...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 and to inform public opinion.”</i></p>

No.	Context and reference in the Final Report	Recommendation	Suggested change in legal framework	Responsible Institution	Relevant International and/or Regional Principle or Commitment
ELECTION OBSERVATION AND PARTY AGENTS					
19	<p>National observers groups recognised in the Mozambican election observation community and party agents experienced difficulties with accreditation. More than 2,000 of these observers were not provided with accreditation for election day</p> <p><i>Final Report Page 23 and 24</i></p>	<p>Ensure timely CNE accreditation of party agents and observers.</p>		<p>Assembly of the Republic, CNE and STAE</p>	<p style="text-align: center;">Right and opportunity to participate in public affairs</p> <p>SADC Principles and Guidelines Governing Democratic Elections 5.1.7 “Ensure timely accreditation of observers in accordance with national laws as appropriate”</p> <p>SADC PF Norms and Standards for Elections in the SADC Region, part 2 (4) (iii): <i>“The role of the civil society, mainly in election monitoring and civic education, should be recognised by Governments.”</i></p> <p>Report of the Special Rapporteur on the right to freedom of assembly and of association, A/68/299 para. 42: <i>“Civil society organizations have also an important role to play in the context of elections. The role of civil society in contributing to and sustaining a robust democracy cannot be underestimated. In different capacities, organizations undertake various activities to advocate for the concerns and interests of their beneficiaries, to contribute to ensuring the integrity of the electoral process, to further contribute to the achievement, protection and strengthening of democratic goals and standards, and to keeping authorities accountable to the electorate.”</i></p>

No.	Context and reference in the Final Report	Recommendation	Suggested change in legal framework	Responsible Institution	Relevant International and/or Regional Principle or Commitment
ELECTION OBSERVATION AND PARTY AGENTS					
20	<p>There were a number of cases registered of intimidation against observers and party agents resulting in their arrest and beatings for no apparent reason apart from being perceived as supporting opposition parties. The week preceding elections, one leading election observer was assassinated by police forces</p> <p><i>Final Report Pages 20 - 24</i></p>	<p>Create a safe and intimidation-free environment for the participation of election observers and party representatives in political and electoral affairs.</p>		<p>Government, Police, judiciary, CNE</p>	<p>Right to peaceful assembly and association</p> <p>ICCPR, United Nations Human Rights Commission, General Comment 25, p. 8: <i>“Citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association.”</i></p> <p>Report of the Special Rapporteur on the right to freedom of assembly and of association, A/68/299 para. 42: <i>“Civil society organizations have also an important role to play in the context of elections. The role of civil society in contributing to and sustaining a robust democracy cannot be underestimated. In different capacities, organizations undertake various activities to advocate for the concerns and interests of their beneficiaries, to contribute to ensuring the integrity of the electoral process, to further contribute to the achievement, protection and strengthening of democratic goals and standards, and to keeping authorities accountable to the electorate.”</i></p>



ANNEX II: Press Statements of the EU EOM and EU Delegation and Member States.

Press Statement

The EU EOM strongly condemns the attack that resulted in the death of a key figure from Mozambique's national observer community, Anastácio Matável.

The European Union Election Observation Mission (EU EOM) strongly condemns the attack that resulted in the death of a key figure from Mozambique's election observation community. Anastácio Matavel, the Executive Director of the Forum of NGOs (FONGA) and focal point of Sala da Paz in Gaza, was murdered on the morning of 7 October upon leaving a training session for national observers. The EU EOM calls on the competent national authorities to investigate this violent act and ensure the perpetrators are held to account for their criminal actions.

Domestic observation is an essential component of a credible electoral process. Any act that affects or limits the capacity of national observers to perform their essential role is an unacceptable obstacle to the transparency of elections and the respect for the participation of citizens in the country's political life. The EU EOM expresses its solidarity with the national observers and Anastacio Matavel's family and deeply regrets this escalation of violence.

Violent clashes between sympathizers of the different political parties have continued throughout the electoral campaign period without a strong, clear and persistent condemnation from political leaders and competent authorities.

The EU EOM calls on competent national authorities to take proactive measures to mitigate electoral violence and promote a safe environment for the conduct of and observation of the 15 October polls.

Comunicado de Imprensa

A MOE UE condena veementemente o ataque que resultou na morte de uma figura-chave da comunidade de observação nacional moçambicana, Anastácio Matavel

A Missão de Observação Eleitoral da União Europeia (MOE UE) condena veementemente o ataque que resultou na morte de uma figura-chave da observação eleitoral moçambicana. Anastácio Matavel, Director Executivo do Fórum das ONGs (FONGA) e ponto focal da Sala de Paz em Gaza foi assassinado na manhã de 7 de Outubro, depois de sair de uma ação de formação para observadores nacionais. A MOE UE apela às autoridades nacionais competentes que investiguem este acto violento e assegurem que os agressores são responsabilizados pela sua conduta criminosa.

A observação nacional é uma componente fundamental de um processo eleitoral credível. Qualquer acto que afecte ou limite a capacidade dos observadores nacionais em desempenhar o seu papel essencial é um obstáculo inaceitável à transparência das eleições e ao respeito pela participação dos cidadãos na vida política do país. A MOE UE expressa a sua solidariedade com os observadores nacionais e com a família de Anastácio Matavel lamentando profundamente esta escalada de violência.

Violentos confrontos entre simpatizantes dos diferentes partidos políticos continuaram durante a campanha eleitoral sem que houvesse uma forte, clara e persistente condenação por parte dos líderes políticos e das autoridades competentes.

A MOE EU apela às autoridades nacionais competentes para tomar as medidas necessárias para mitigar a violência eleitoral e promover um ambiente seguro para a realização e observação das eleições de 15 de Outubro.*****



For immediate release

Maputo, October 8th 2019

The Delegation of the European Union issues the following local declaration in agreement with the Heads of Mission of the EU Member States, Canada and Norway

The European Union, Canada and Norway strongly condemn the assassination of Anastácio Matavel, the Executive Director of FONGA - GAZA NGO Forum, perpetrated yesterday 7 October in Xai Xai, after a training session with electoral observers, and express their deepest condolences to Mr. Matavel's family, friends and colleagues. We urge the appropriate authorities to thoroughly and speedily investigate this shocking crime in order to bring the culprits to justice.

Yesterday's attack was also an act of disrespect against the Mozambican people and their legitimate right to participate in the democratic process - the European Union, Canada and Norway call for a peaceful and orderly remainder of the electoral process, and urge all Mozambicans to abstain from any acts of violence and intimidation.

A vibrant civil society is essential for the further consolidation of democracy in Mozambique. Mozambican NGOs and other civil society organizations should be able to observe the elections in accordance with the law, and thus contribute to a credible and transparent electoral process.

These historically important elections are particularly relevant for the successful implementation of the peace process and the long-term stability and prosperity of Mozambique.

For more information on this note, please contact [Sonia Muchate](#), EU Delegation to Mozambique
Tel: 21 481000 - 2820, Maputo



ANNEX II: EU EOM Press Statement on the last phases of the electoral process.

The EU EOM presents further findings on the last phases of the electoral process

Maputo, 8 November 2019 - The European Union Election Observation Mission (EU EOM) initiated its activities in Mozambique on 31 August 2019 and deployed 170 observers for election day. Observers remained in the country until the completion of the district and provincial tabulation of results. Following the Preliminary Statement, issued by the EU EOM on 17 October with the findings observed up until election day, the mission is now communicating its further findings.

EU observers detected a number of irregularities and malpractices on election day and during the results management process. Irregularities included ballot-box stuffing, multiple voting, intentional invalidation of votes for the opposition, and altering of polling station results with the fraudulent addition of extra votes.

EU observers also noted unlikely turnout figures, major results deviations between polling stations in the same polling centre, and many cases of poll workers, civil servants, and electors found with ballot papers outside polling stations. Irregularities were observed in all provinces.

EU observers reported that closing procedures were applied unevenly, with about one third of observed polling stations not undertaking the requisite reconciliation of ballots before commencing counting. During counting and the filling in of results protocols basic mathematical crosschecks were not performed, and the majority of poll workers observed had difficulties completing the paperwork. In 8 out of 69 polling stations, a number of votes were invalidated even though the intention of the voter was clear.

EU observers followed district tabulation of results in 51 districts of the country. The reception of materials at district level was observed to be disorganised in many locations and there were instances of protocols being filled out by polling staff while they were queuing to deliver results. Established procedures were followed only about half the time, and district tabulation staff often directly copied polling station results into district tabulation forms, without first reviewing the accuracy of figures. As such, EU observers reported a significant number of data inconsistencies, including the sum of votes exceeding the number of ballots in the box or the number of voters.

The EU EOM received credible information and observed cases of intimidation of party delegates. EU observers were made aware of hundreds of cases countrywide of polling station presidents expelling opposition party agents and party-appointed poll workers, often with the assistance of police. Many opposition members, whether party agents, party-appointed poll workers or party-appointed election officials, who raised complaints during the process were considered by the authorities to be disturbing the electoral process and police were called to either arrest or expel them. When police were involved in expelling party agents, it was sometimes violent.

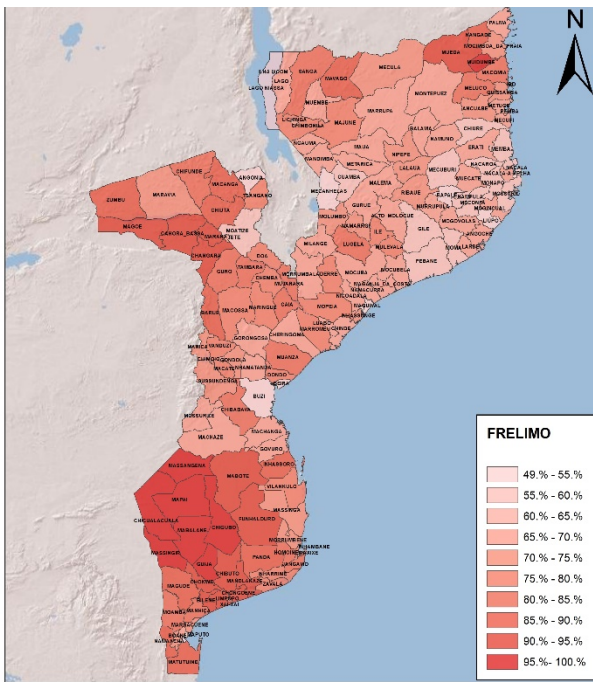
Several party agents have remained in police detention since election day. The case of detainees in Gaza is particularly alarming given the evidence submitted to the mission certifying the party agents have been detained without access to defence of their choice or respect for due process.

The EU EOM considers that the electoral administration is to take responsibility for clarifying the irregularities. The EU EOM is aware that this places an extra burden on the Constitutional Council which has the opportunity of addressing some of these irregularities during the validation of results.

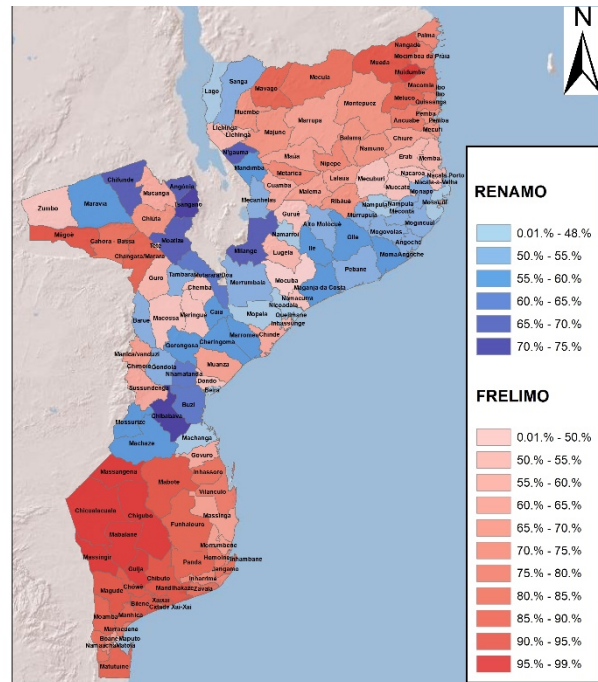
The EU EOM will publish the final report with a comprehensive assessment of the electoral process and recommendations after the validation and official declaration of election results. *****

ANNEX IV: Shifts in presidential elections' voting patterns between the 2014 and 2019

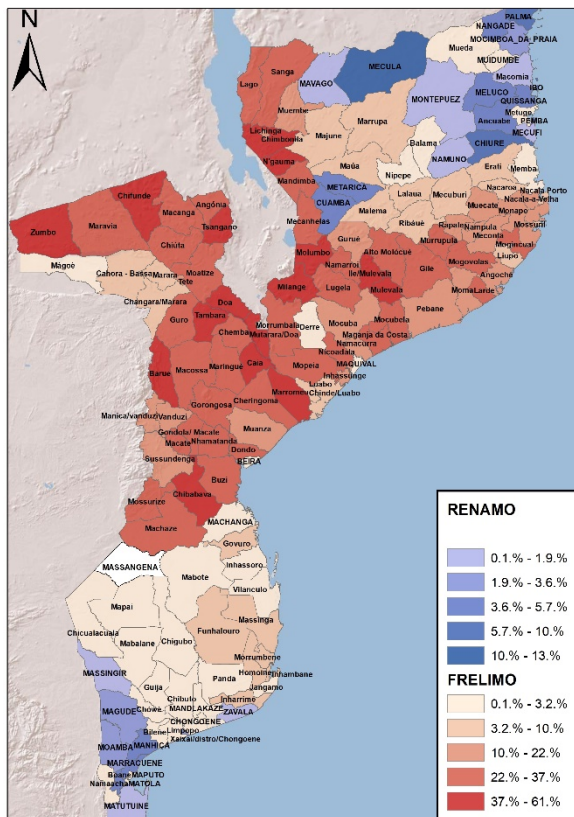
2019 Presidential election results



2014 Presidential election results

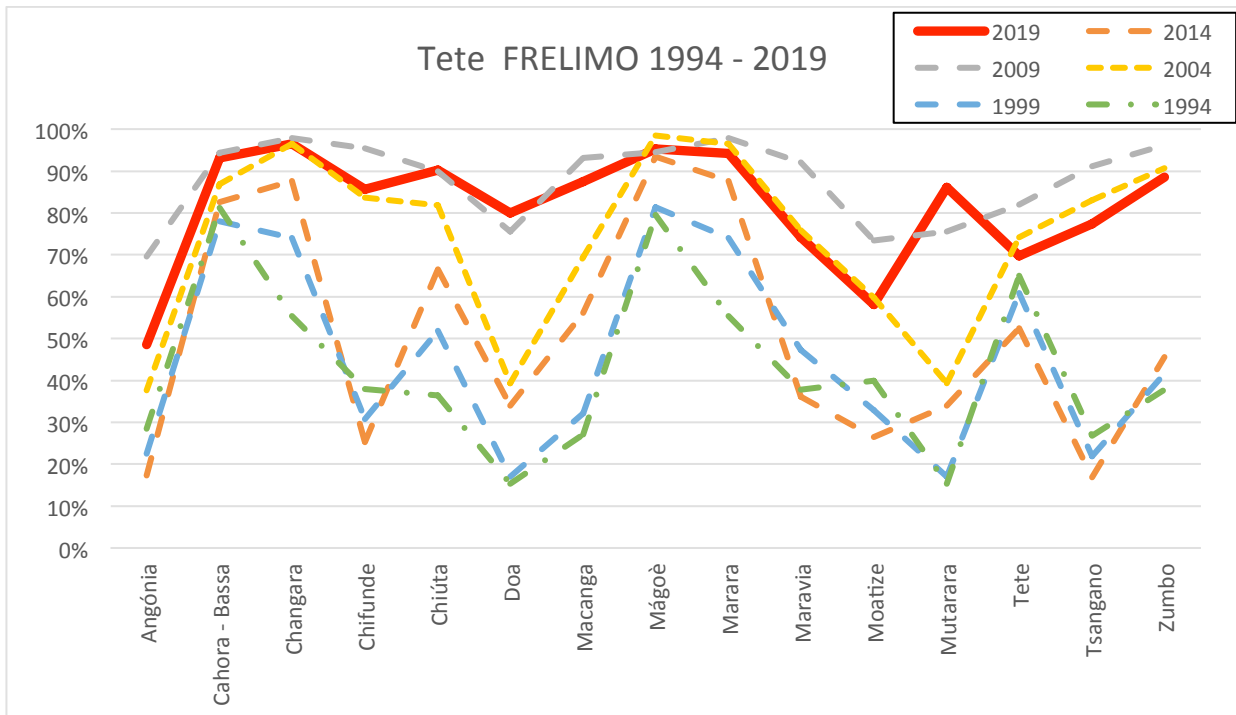
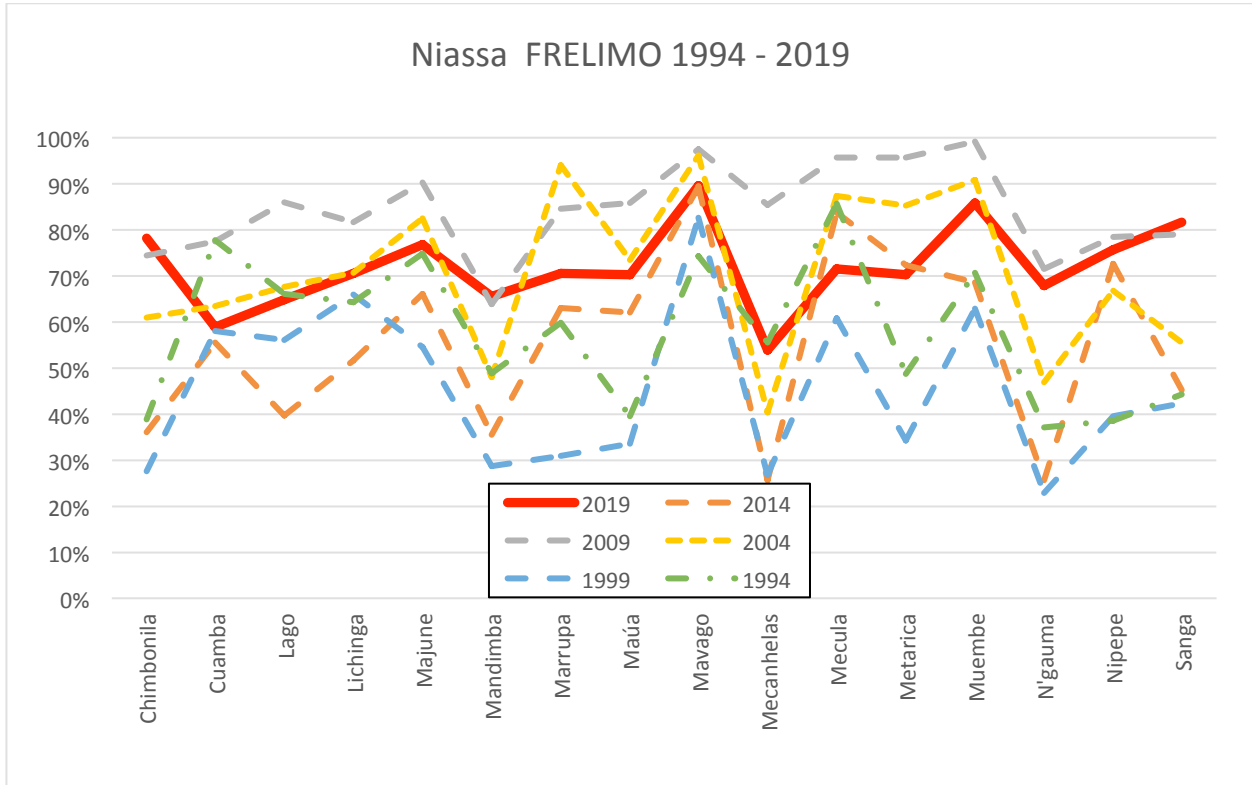


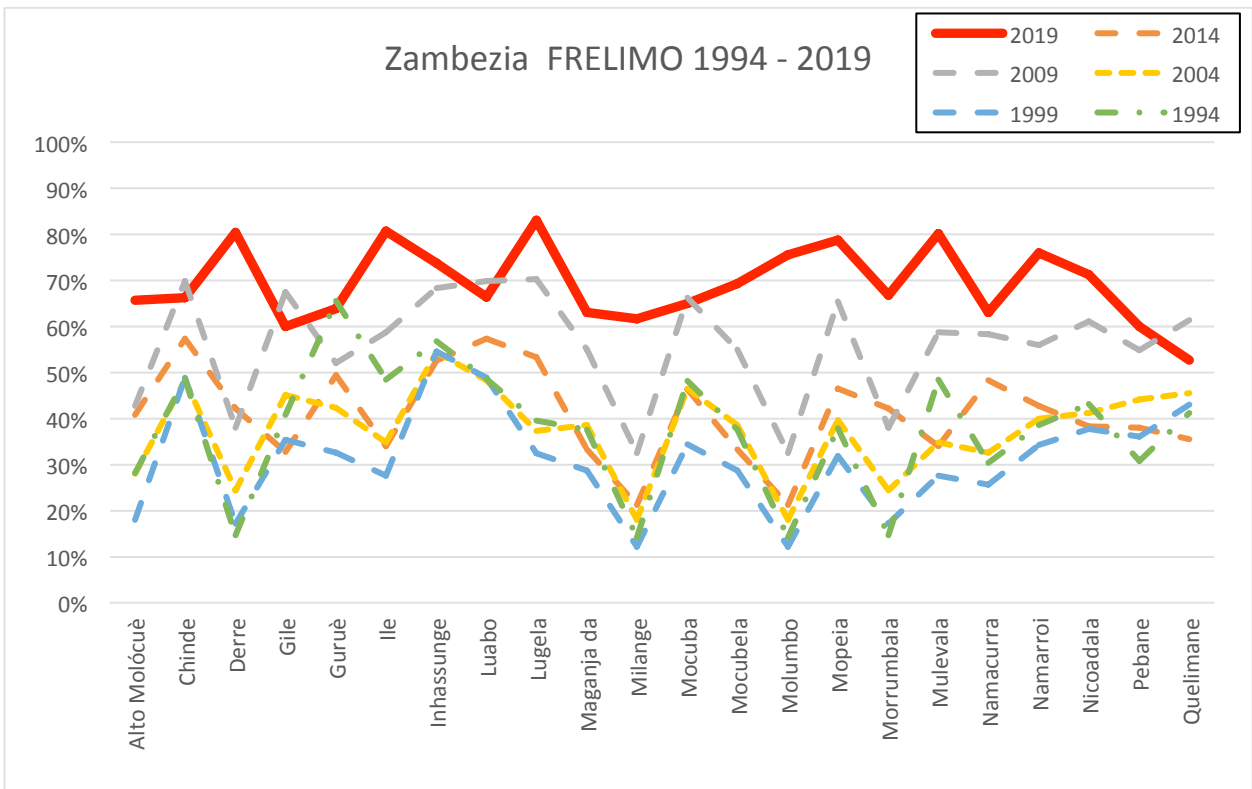
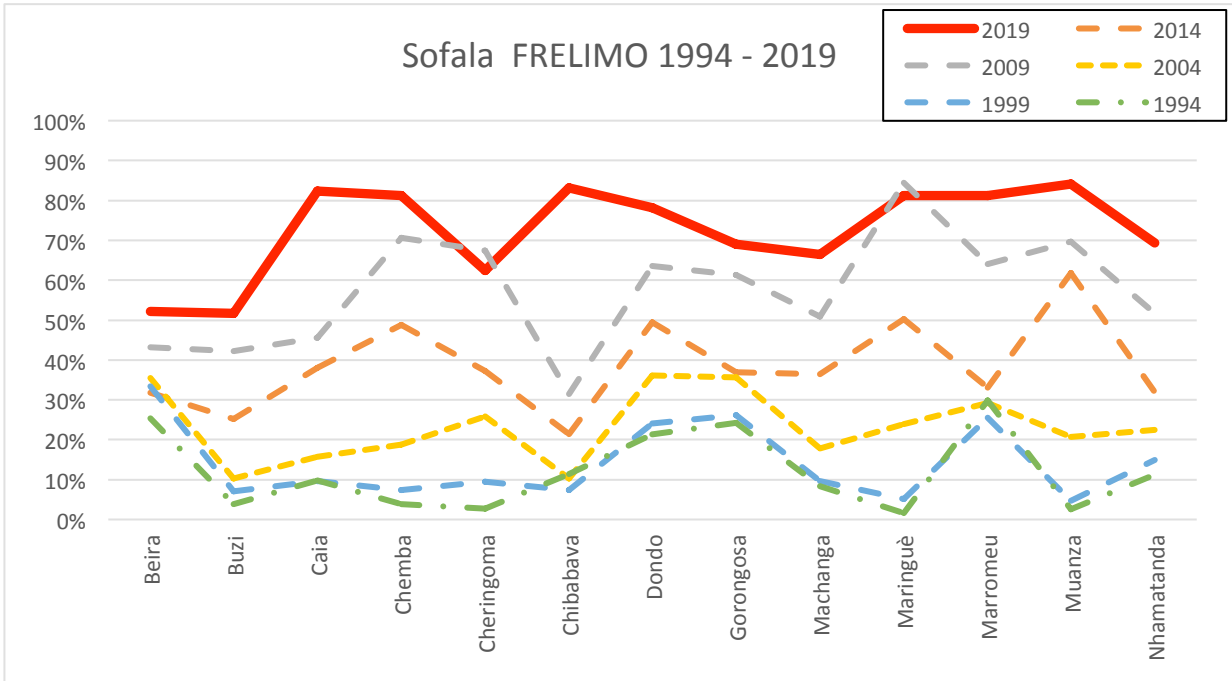
Shifts in voting patterns from 2014 to 2019



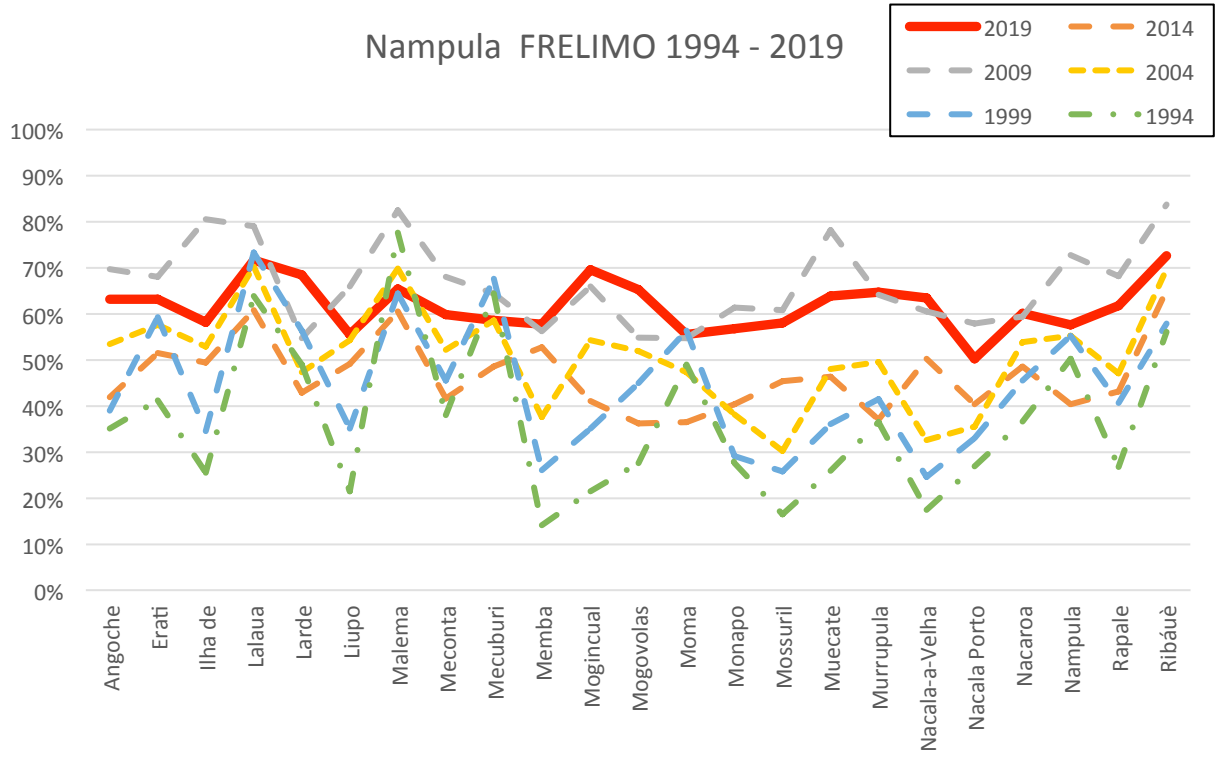
ANNEX V: Analysis of the 1999-2019 FRELIMO results in some provinces.

District level analysis of 1999-2019 FRELIMO results indicate less variation and flatter distribution of results in the province of Niassa, Tete, Sofala, Zambézia and Nampula

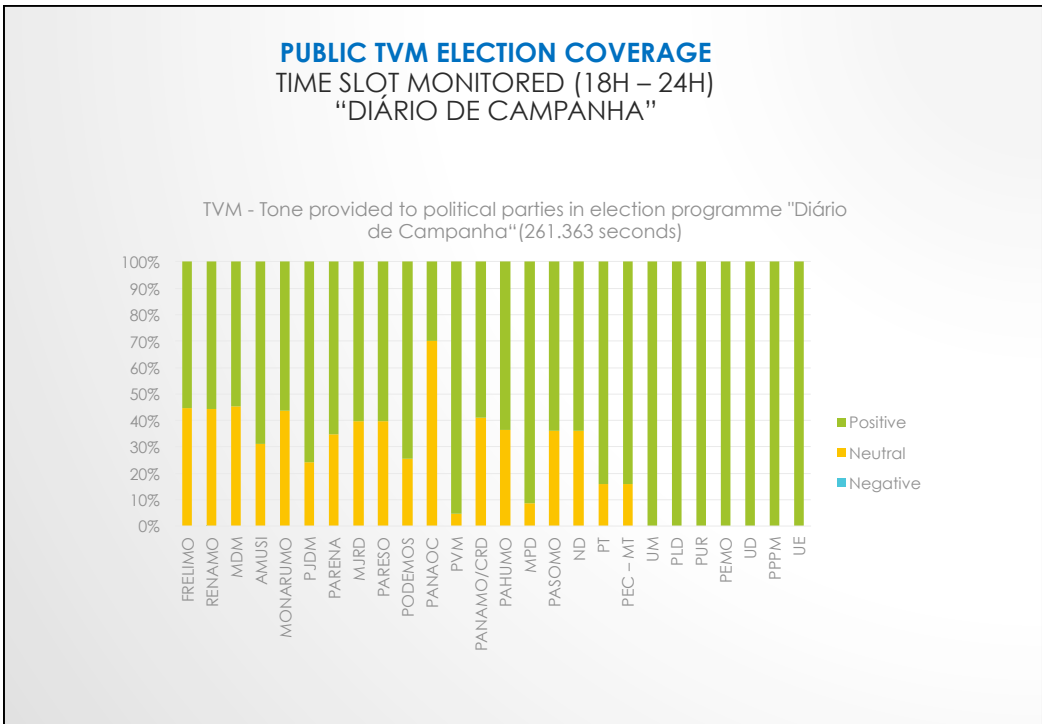
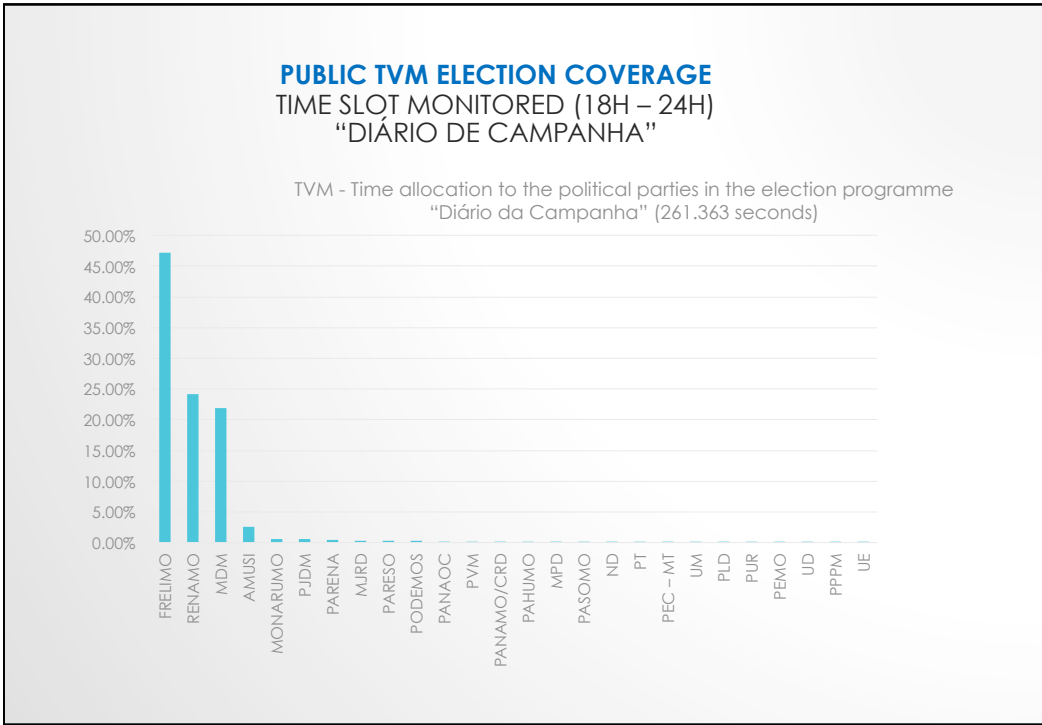




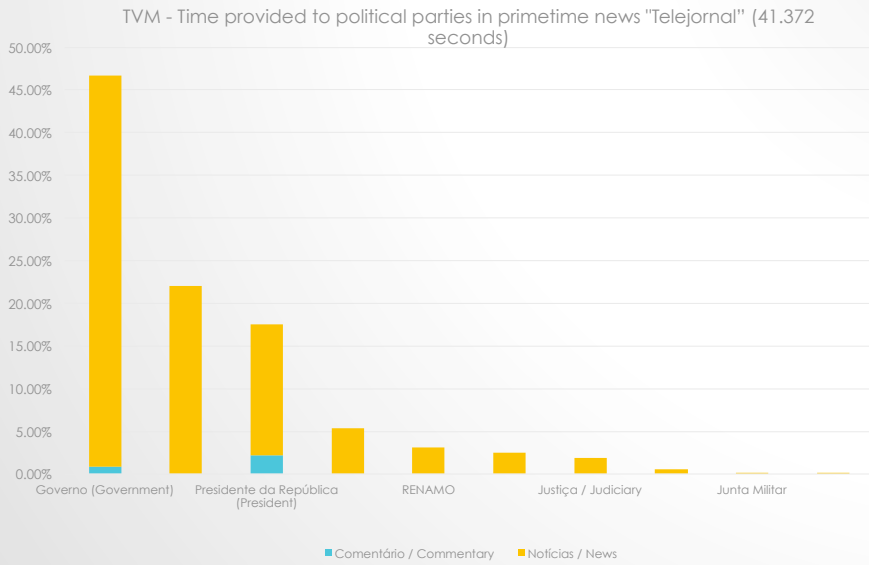
Nampula FRELIMO 1994 - 2019



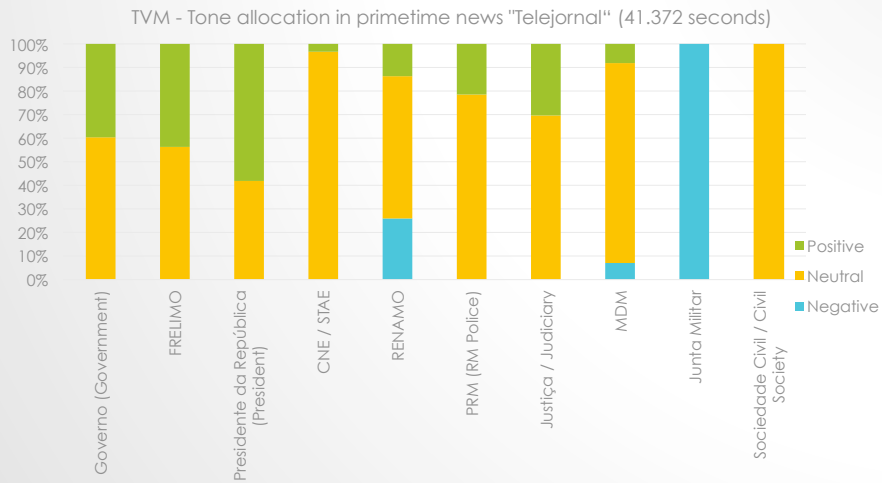
Annex VI: Media Monitoring Results



PUBLIC TVM NEWS TIME SLOT MONITORED (18H – 24H) NEWS

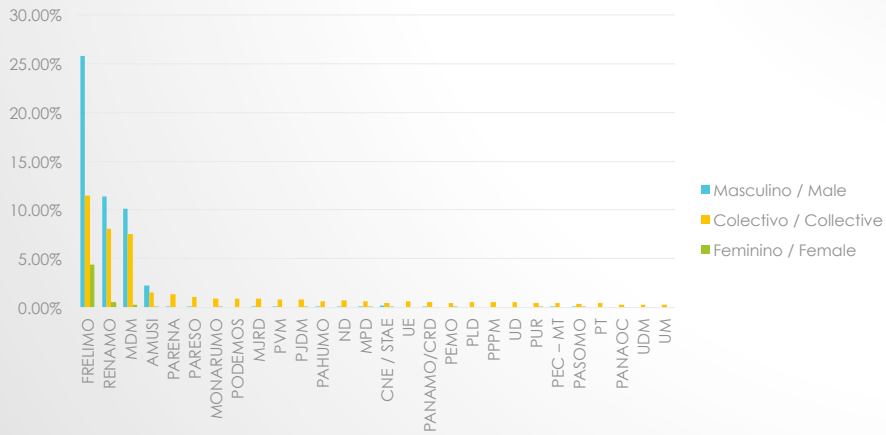


PUBLIC TVM NEWS TIME SLOT MONITORED (18H – 24H)



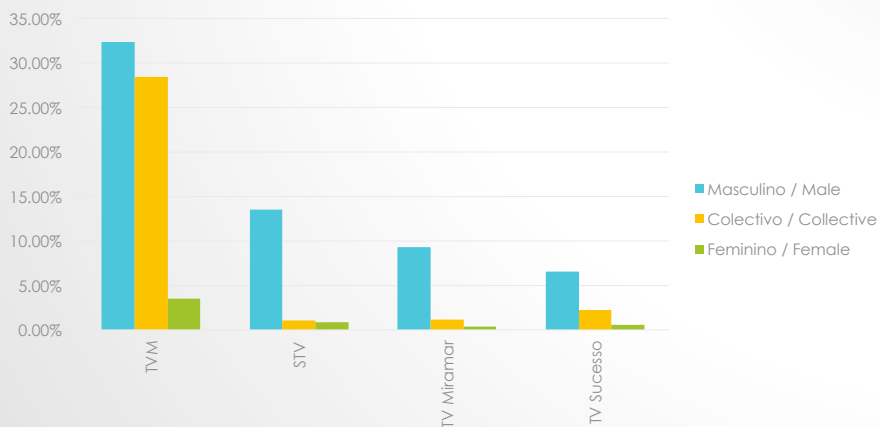
PUBLIC TVM - TIME ALLOCATION BY GENDER

TVM - Total time allocated by gender including advertisement and free airtime "Tempo de Antena" (365.693 seconds)



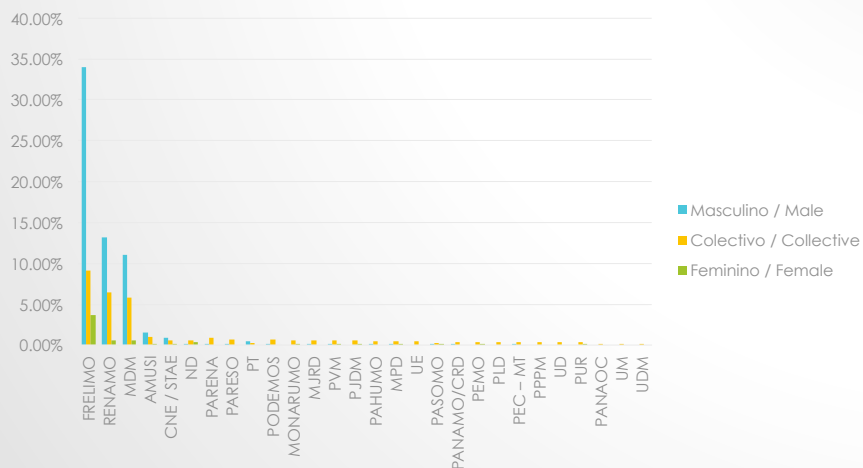
ALL TV CHANNELS - TIME ALLOCATION BY GENDER

ALL TVs - Total time allocated by gender including advertisement and free airtime "Tempo de Antena" (569.080 seconds)



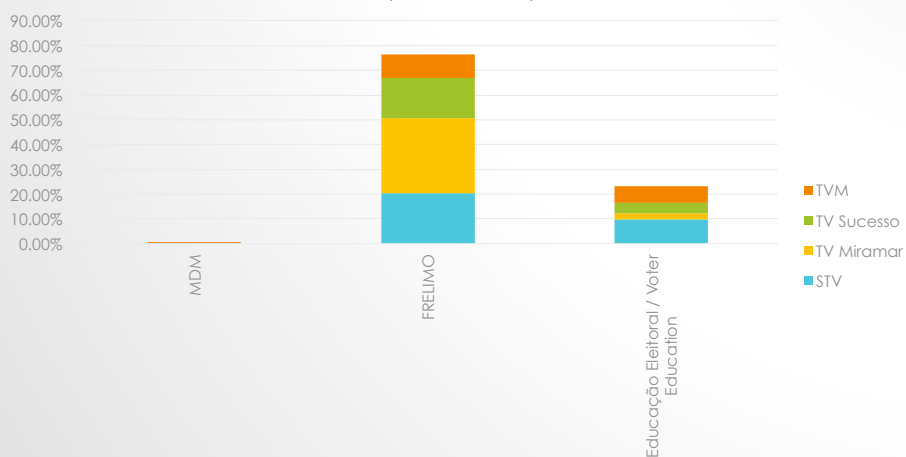
ALL TV CHANNELS - TIME ALLOCATION BY GENDER

ALL TVs - Total time by gender including advertisement and free airtime "Tempo de Antena (569.080 seconds)

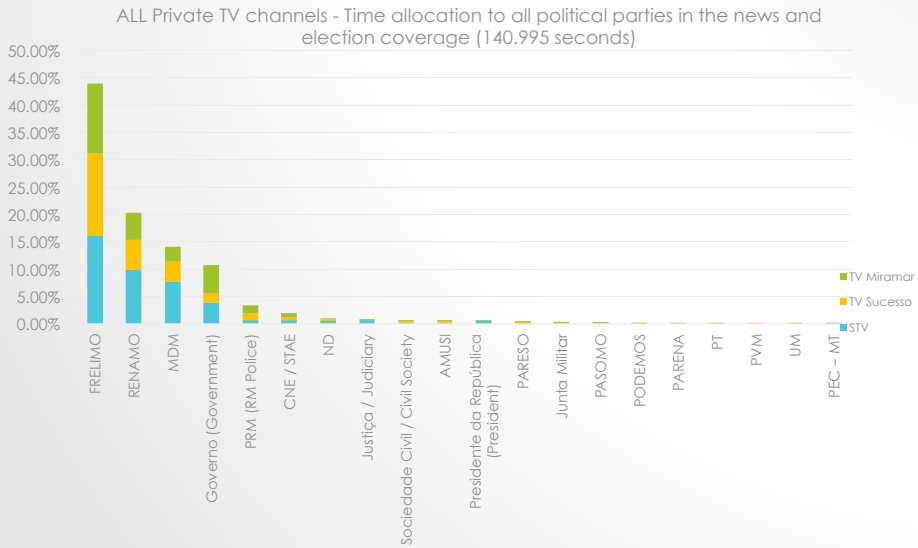


ALL TV CHANNELS - ADVERTISEMENT TIME SLOT MONITORED (18H - 24H)

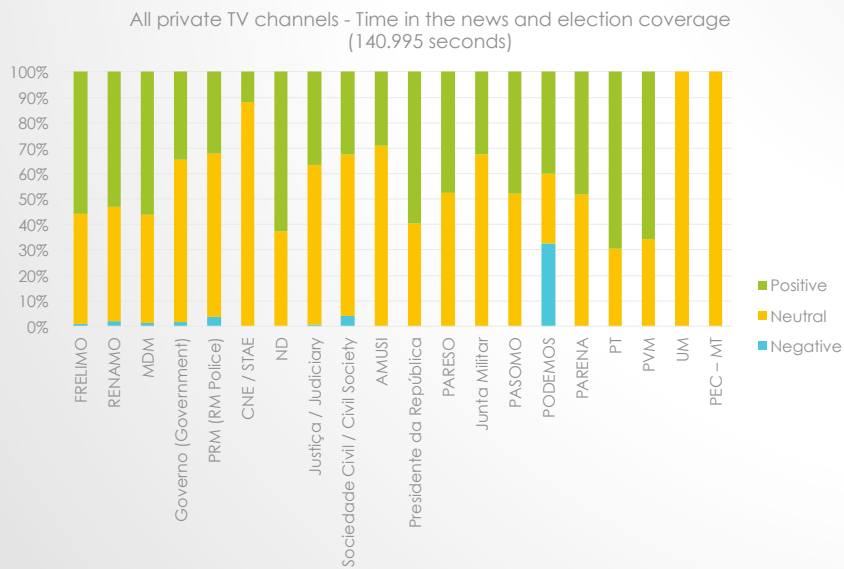
All TV channels - Political Advertisement and Voter Education Spots (67.561seconds)



ALL PRIVATE TV CHANNELS: STV, TV MIRAMAR AND TV SUCESSO TIME SLOT MONITORED (18H – 24H)

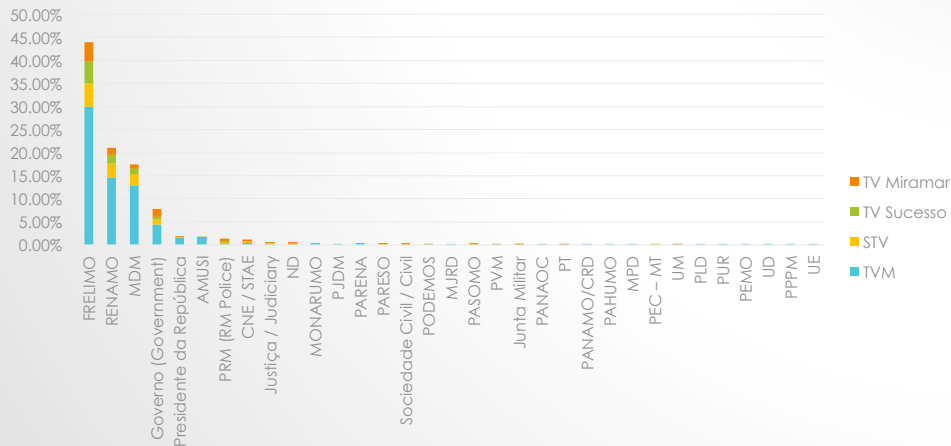


ALL PRIVATE TV CHANNELS: STV, TV MIRAMAR AND TV SUCESSO TIME SLOT MONITORED (18H – 24H)



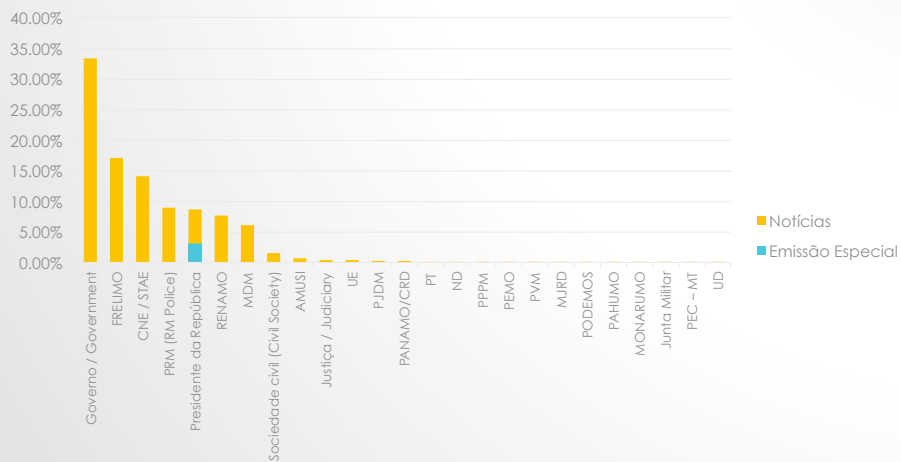
ALL TV CHANNELS TIME SLOT MONITORED (18H – 24H)

ALL TV channels - Time allocation to all political parties in the news and election coverage
(443.755 seconds)

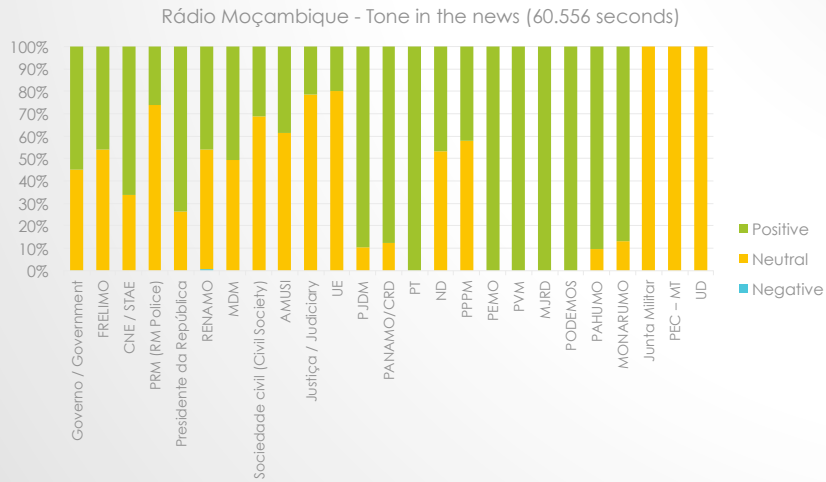


PUBLIC RÁDIO DE MOÇAMBIQUE TIME ALLOCATION IN THE NEWS & SPECIAL BROADCASTS TIME SLOT MONITORED (6H/10H, 12H/14H, 18H/23H)

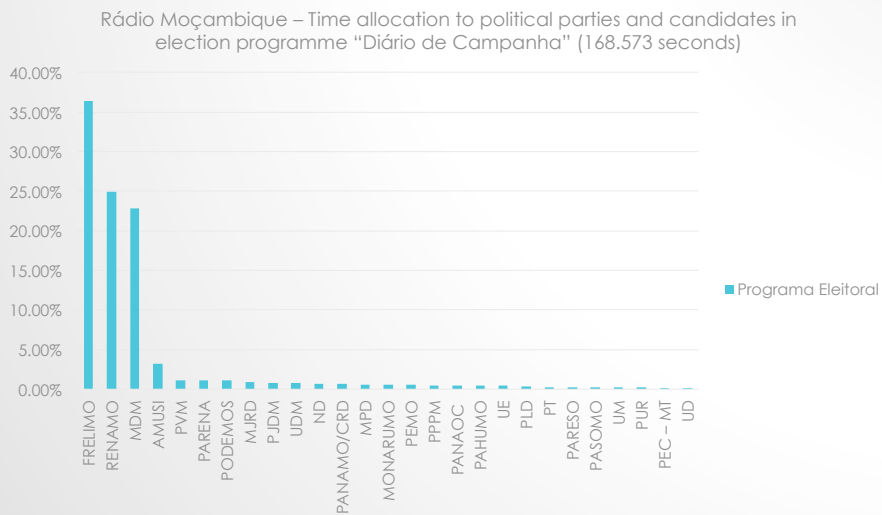
Rádio Moçambique - Time allocation in the news and special broadcasts
(61.013 seconds)



PUBLIC RÁDIO MOÇAMBIQUE - TONE IN THE NEWS
 SLOT MONITORED (6H/10H, 12H/14H, 18H/23H)

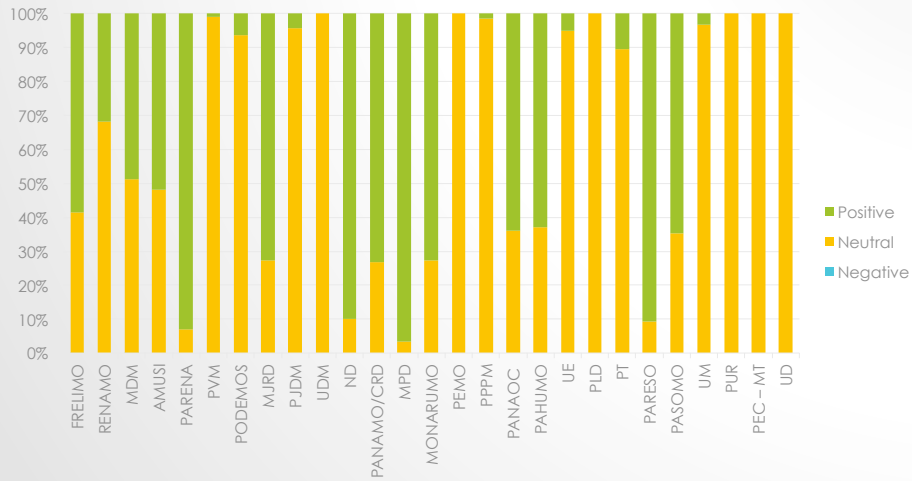


PUBLIC RÁDIO DE MOÇAMBIQUE TIME ALLOCATION IN DIÁRIO DE CAMPANHA
 SLOT MONITORED (6H/10H, 12H/14H, 18H/23H)



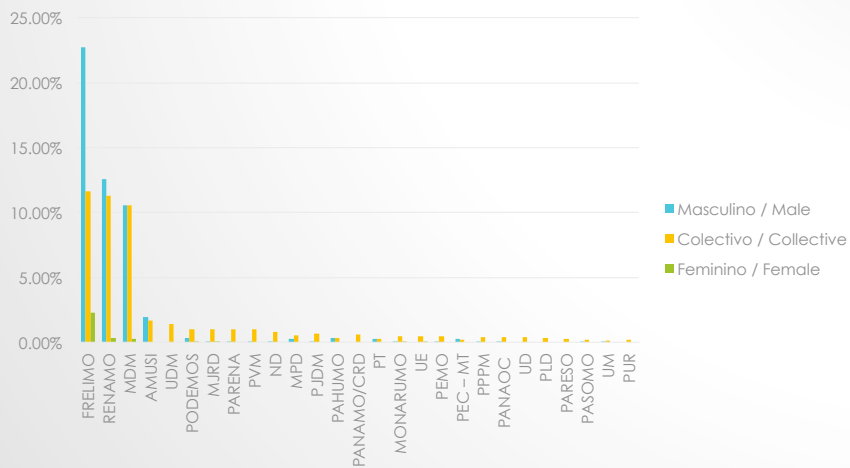
PUBLIC RÁDIO DE MOÇAMBIQUE TONE IN ELECTION COVERAGE SLOT MONITORED (6H/10H, 12H/14H, 18H/23H)

Rádio Moçambique - Tone in the election programme "Diário de Campanha"
(168.573 seconds)



PUBLIC RÁDIO DE MOÇAMBIQUE TIME ALLOCATION BY GENDER TIME SLOT MONITORED (6H/10H, 12H/14H, 18H/23H)

Rádio Moçambique - Time allocation to political parties and candidates
by gender (199.182seconds)



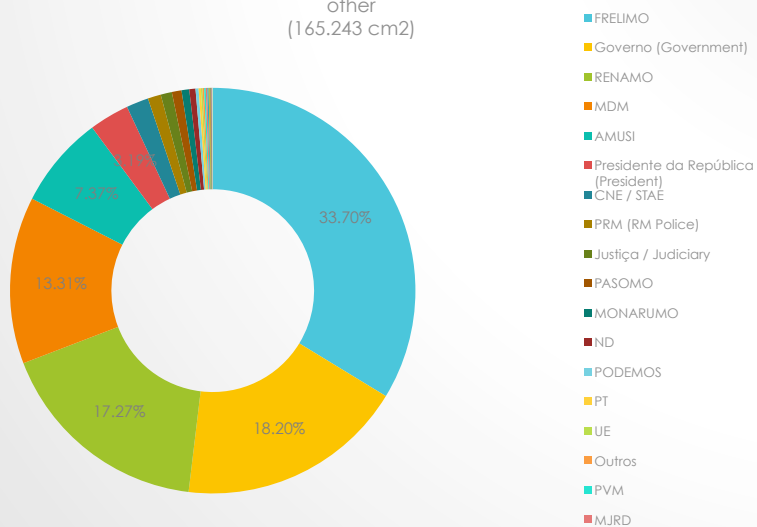
PUBLIC RÁDIO DE MOÇAMBIQUE TALKSHOW / DEBATE

Rádio Moçambique Talkshow "Linha Directa" - Time allocation to political parties and candidates (9.651 seconds)



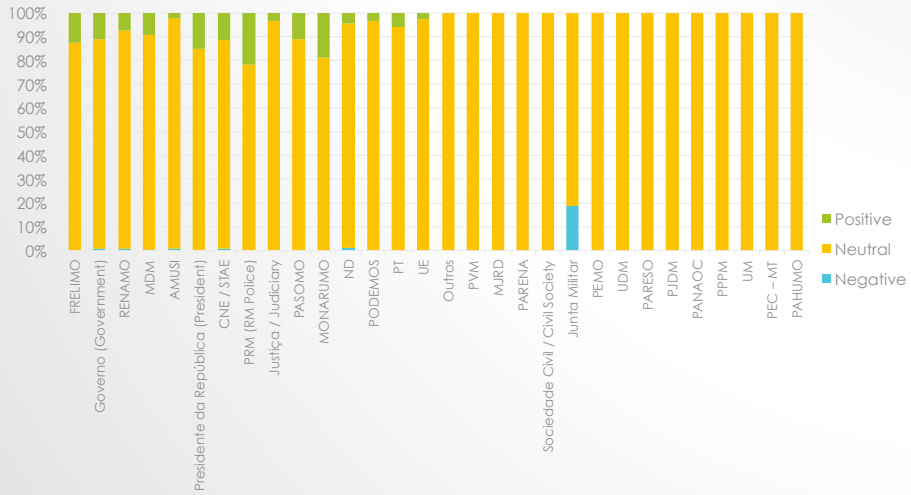
DAILY NEWSPAPER NOTÍCIAS SPACE ALLOCATION TO EDITORIAL CONTENTS

Newspaper Notícias - Space allocation to political parties and candidates & other (165.243 cm²)



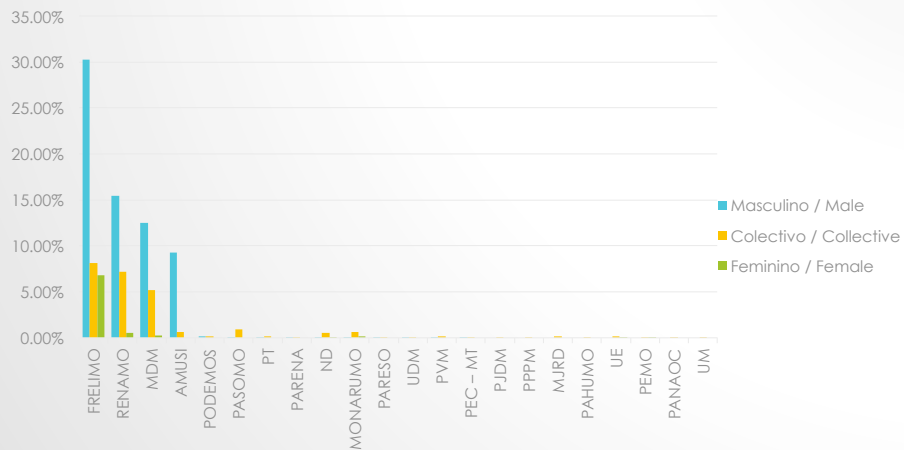
DAILY NEWSPAPER NOTÍCIAS – TONE IN THE NEWS & OPINION ARTICLES

Newspaper Notícias - Tone allocation to political parties and candidates & other (165.243 cm2)



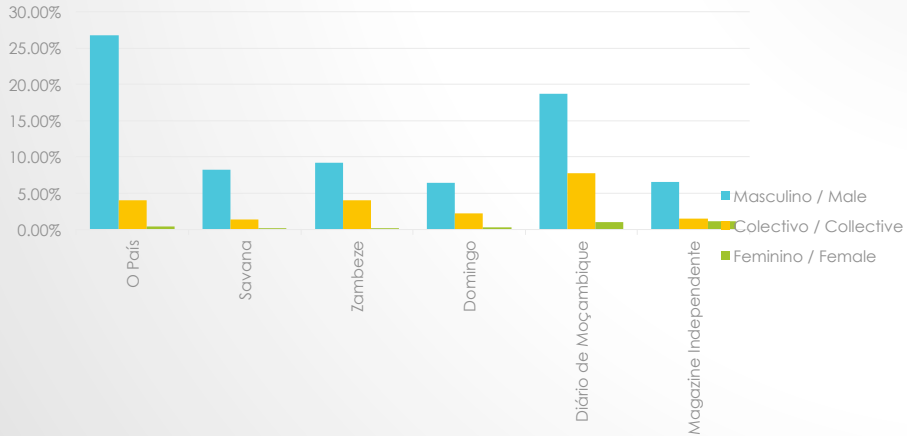
DAILY NEWSPAPER NOTÍCIAS – SPACE ALLOCATION BY GENDER

Notícias Newspaper- Space allocation to political parties and candidates by gender (123.367cm2)



ALL OTHER NEWSPAPERS – SPACE ALLOCATION BY GENDER

All Other Newspapers - Space allocated to political parties and candidates by gender (141.781 cm²)



ALL NEWSPAPERS – TOTAL SPACE ALLOCATION

All Newspapers - Total Space allocated to political parties and candidates (374.012cm²)

