

ELECTION REPORT ☆

Presidential, Legislative, and Provincial Assembly Elections in Mozambique

Final Report

October 2014

Mozambique

THE
CARTER CENTER



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| Foreword

By Dr. John Stremmlau
Vice President for Peace Programs, The Carter Center

Mozambique's 2014 elections offered fresh hope for peace and prosperity in a country still struggling to overcome entrenched poverty, rising inequality, and risks of renewed conflict and authoritarian rule. The elections were overall more competitive, peaceful, and transparent than previous elections The Carter Center has observed in Mozambique.

The 2014 elections were the fifth to be held in Mozambique since independence. At the presidential level, elections were contested by historic opponents since independence: the ruling Liberation Front of Mozambique (*Frente da Libertação de Moçambique*, or FRELIMO) and armed insurgency-turned-political party Mozambique National Resistance (*Resistencia Nacional Moçambicana*, or RENAMO) as well as the newly formed Mozambique Democratic Movement (*Movimento Democrático de Moçambique*, or MDM), which splintered from RENAMO in 2009. FRELIMO again won the 2014 presidential race and secured the highest number of legislative seats, although by smaller margins than in past elections. Since its first win in 1994, FRELIMO has secured the highest percentage of the vote in both the presidential and National Assembly elections but has failed to achieve national integration so vital for sustainable economic and political development. Going forward, it is incumbent upon the leadership of political parties and civil society to ensure that Mozambique becomes a genuinely multiparty and representative democracy.

The 2014 elections were conducted just after the signing of a peace agreement that ended sporadic but alarming violent clashes between government forces and armed RENAMO elements. The agreement opened the door for a number of important legal and procedural reforms regarding the election process that were introduced to address concerns raised by RENAMO. These reforms included measures proposed by RENAMO to address issues and concerns raised by RENAMO in past elections. In particular, these included the presence of political party members both as party agents and/or polling station staff, procedural changes such as the checking for ink to prevent the invalidation of ballots, and adjustments to the dispute resolution system to strengthen the role of the courts.

On election day thousands of international and domestic observers deployed across the country and reported a generally peaceful and orderly polling process. Compared to past elections, the 2014 polling process was notably smoother, with turnout slightly higher than before but at 48 percent still considerably lower than in other African national elections. While we did observe some isolated incidents of indiscipline and of bad practices in the counting and tabulation of voting, these did not appear to have seriously affected the results of the election.

This report contains recommendations the Center hopes will be considered in advance of future elections.

Mozambique's history of civil conflict—and today's prospects of major new foreign investment

and national revenues that could fuel sustained and equitable development—argue for a renewed commitment to genuine political accommodation and to strengthening the foundation of a representative multiparty democracy. Peace and stability have been threatened in the postelection period, and Mozambique’s political elite must assume their responsibilities of leadership and begin to work together for the betterment of the country.

Finally, I would like to offer my personal thanks to our lead partner in this observation mission, the Johannesburg-based Electoral Institute for Sustainable Democracy in Africa (EISA) and its executive director, Denis Kadima. EISA’s

long-term presence in Mozambique, coupled with their willingness to coordinate closely with our observers for these crucial elections, gave us greater national coverage and enhanced confidence in the recommendations rendered in this report. We are also grateful to the overall leadership of our joint mission by former Kenyan Prime Minister the Hon. Raila Odinga. Together we hope this successful example of North–South cooperation signaled to the Mozambique people a growing international awareness of the regional and international importance of their democratic experiment.

| Executive Summary

At the invitation of the Ministry of Foreign Affairs and Cooperation, The Carter Center and the Electoral Institute for Sustainable Democracy in Africa (EISA) partnered to deploy a team of 87 observers representing 40 countries to observe Mozambique's Oct. 15, 2014, presidential, National Assembly, and provincial elections. The EISA/Carter Center mission was conducted using common assessment forms and an integrated deployment that permitted broader coverage while allowing both organizations to retain institutional autonomy. This report is the Carter Center's final mission report on the EISA/Carter Center partnered mission. On election day, the team, led by former Prime Minister of Kenya Raila Odinga and co-led by EISA Executive Director Denis Kadima and Carter Center Vice President of Peace Programs John Stremlau, visited 543 polling stations in 82 of 151 districts.

The 2014 elections were the most competitive in Mozambique's history and occurred at an important yet challenging moment in the country's postwar development.

The observation mission was conducted in accordance with the Declaration of Principles for International Election Observation. The Carter Center assessed the electoral process against Mozambique's legal framework for elections and its

obligations for democratic elections under public international law, including regional and international treaties.

In its preliminary statement released on Oct. 17, The Carter Center noted that the election campaign was conducted in a generally peaceful and tolerant atmosphere, with the exception of clashes, which reportedly took three lives, among party activists in Gaza, Nampula city, and Angoche on the final day of the campaign. The president of the National Elections Commission (CNE) was appropriately outspoken at key moments to encourage a peaceful campaign.

On election day, observers witnessed the opening and closing of polling stations, the conduct of voting in a generally orderly and peaceful environment, and the counting of ballots. During polling, CNE staff conducted their responsibilities with professionalism. Although the polling process was conducted largely in an atmosphere of calm, EISA and Carter Center observers noted a number of isolated incidents during the counting process, including a small number of violent incidents in Angoche (Nampula province), Nampula city, and Beira. While these incidents were serious in nature, they were localized events and did not affect the credibility of the process as a whole or its outcome. Party agents and political party members were not consistently present among polling station staff.

The 2014 elections were the most competitive in Mozambique's history and occurred at an important yet challenging moment in the country's postwar development. The framework for the



A presiding officer in Gurue city, Zambézia province, explains procedures to a voter, showing her a sample ballot.

elections was the result of electoral reform negotiated and agreed to by the three main political parties contesting the elections. The negotiation ended recent fighting between government and opposition forces and focused on greater political party representation at all levels of election administration as well as updated procedures for handling election-related complaints.¹

Following observation of the pre-election environment and election day itself, 54 observers from The Carter Center and EISA remained deployed across the country to observe the immediate postelection period, including tabulation and certification of results at the district and provincial levels as well as the complaints process. Observers reported that the tabulation process lacked clear, consistent procedures; was disorderly; and in some cases lacked the transparency necessary to ensure confidence in the process. Following the election, The Carter Center urged all parties to continue to respect the electoral process and to utilize

established mechanisms for the resolution of any election-related complaints.

Good governance in the postelection period has been hampered by challenges and tensions around political violence, failed demobilization, decentralization, painstakingly slow but familiar negotiation processes among parties, polarization of national politics, and social issues. Although mediators from FRELIMO and RENAMO have held a number of talks, they have failed to reach any agreement and remain deadlocked at the time of publishing this report. In the meantime, political violence continues to escalate, and peace and stability in Mozambique are threatened.

On the basis of its election observation mission reporting and analysis, and in a spirit of respect and support, The Carter Center offers the following recommendations to key stakeholders to improve future electoral processes in Mozambique.

Recommendations

Good governance in the postelection period has been hampered by challenges and tensions around political violence, failed demobilization, decentralization, painstakingly slow but familiar negotiation processes among parties, polarization of national politics, and social issues.

To the Government of Mozambique

Election reform. The government of Mozambique should undertake a comprehensive electoral review process that seeks to go beyond the ad hoc revisions that have followed past elections, creating a robust legal framework that fully reflects Mozambique's international commitments for democratic elections and avoids political influence.

A specific area of focus should be review of the structure of election management bodies. Articles

¹ A peace pact was signed on Sept. 6 at the presidential palace in a signing ceremony that was reminiscent of the earlier 1992 accords.

in the electoral laws that refer to the presence of political party members within the election administration should be reviewed and alternative ways considered to maintain parties' confidence in the system. The politicization of the CNE is not an effective model. Future elections should be administered by a fully nonpartisan, transparent, and accountable election administration body.

Steps should be taken to increase the participation of women in electoral processes at all levels, particularly as candidates, election administrators, and voters, in order to ensure full realization of their rights.

Reform electoral dispute resolution systems.

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process. While recent changes to the legal framework improved the electoral dispute resolution system overall, some procedures need refinement and harmonization with other laws. Comprehensive reform would be beneficial to clarify questions of jurisdiction, provide definitions and options for resolution of disputes during the broader electoral period, and clarify time frames and deadlines. A comprehensive reform effort should carefully review the current system and seek to identify and address both gaps and the issuance of last-minute directives. Training should be conducted with political parties at the national, regional, and district levels to ensure that party representatives have an understanding of the dispute resolution system and the capacity to file complaints.

Women's participation in politics. Steps should be taken to increase the participation of women in electoral processes at all levels, particularly as candidates, election administrators, and voters, in order to ensure full realization of their rights. To support the advancement of women's participation in politics, Mozambique could consider revising

articles of the electoral law that govern the organization of the candidate lists in the closed-list system. Consideration should be given to a "zippered" list that would ensure that women are represented equally throughout the list.

Police and security. Training for police should be improved so they are better able to enforce laws and regulations surrounding the security of public campaign activities in a fair, equitable, and professional manner.

Campaign finance. Campaign finance regulations can be an important factor in the realization of every citizen's right to take part in public affairs directly or through freely chosen representatives.

- The government of Mozambique should carefully review current campaign finance guidelines and practices and should take concrete steps to ensure that public campaign funds are disbursed to parties in a timely manner. Also the ruling party should refrain from utilizing state resources in campaigns.
- In future elections, Mozambique should consider establishing a limit on campaign expenditures to help avoid inequalities in access to resources, which undermines the democratic process. Regulations surrounding foreign contributions should also be reviewed.
- To enhance transparency of campaign financing, electoral contestants should comply with provisions in the electoral law regarding the reporting of income and expenditures to the CNE. The CNE should fulfill its obligations to make its campaign finance reports publicly available. In cases where political contestants are delinquent in providing records of their accounts, the CNE should fulfill its legal obligation to notify the public prosecutor's office for further action. Consideration could also be given to other penalties to encourage full compliance, such as linking campaign finance reporting regulations to the candidate nominations period.
- Law enforcement bodies should increase efforts to identify, investigate, and prosecute offenses regarding campaign financing and abuse of state resources.

- Training should be provided to political parties to ensure they are aware of regulations and have the capacity to comply with regulations and deadlines. Considerations should also be given to staffing levels and any necessary training at the CNE and other bodies with responsibilities for campaign finance.

To the National Elections Commission and the Technical Secretariat for Election Administration

Civic and voter education. Despite an overall increase in turnout and participation in the elections, abstention was high. An effort should be made to increase popular participation in elections through civic and voter education programs and other measures. Following a comprehensive election reform effort, resources should be devoted to ensuring that a revised legal framework consistent with international standards for democratic elections is easily available to and understood by citizens. Communication techniques that are more easily accessible to the population should be developed. Voter education efforts should also be enhanced, with increased train-the-trainer sessions, especially in rural areas.

Accreditation of observers and political party agents. The CNE should establish deadlines for submission of applications for accreditation of observers and party agents that provide adequate time for their consideration, production, and distribution. It is essential that such accreditation is provided far enough in advance of the election to be used effectively. The number of CNE/STAE staff might need to be increased in order to produce accreditations in a timely manner.

Improvement in the tabulation process. The tabulation of results is critical to ensuring that the will of voters is accurately and comprehensively reflected in final results. A lack of clear procedures and an overall lack of transparency in the tabulation process have undermined the quality of elections in Mozambique, including in 2014. It is critical that procedures be reformed to strengthen the tabulation process in advance of future elections. Clear and detailed procedures should be developed, with advance training for staff on improved verification, tabulation, and

results-publications processes. Reforms should include expansion of Article 196a to establish parameters regarding the kinds of irregularities that should lead to recount. Trigger mechanisms should be established to allow for the detection of irregularities at the district and provincial levels. Clear guidelines should be developed to improve tabulation processes—including clear workflow instructions for district and provincial aggregation of results—to harmonize the production of results throughout Mozambique.

Publication of election results. Final electoral results by polling station should be published in all mediums possible—including the CNE website, newspapers, radio, and other means of public dissemination—to further reinforce the transparency of the process.

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Protecting the secrecy of the ballot. The practice of having serial numbers on both ballots and ballot stubs was introduced as a tool to better track electoral material distribution and reduce possible fraud at polling stations. However, the combination of these measures, together with the access to the list of voters for every polling station, poses very real threats to the right of the secrecy of the ballot, particularly in rural areas. In addition, the procedures for special voting by polling station staff, police, and others could have compromised the secrecy of the vote in locations where few special votes are cast.² The Carter Center recommends that the CNE take steps to ensure that the

2 Some voters, including CNE members and polling staff, police, and journalists, are able to cast special votes at stations where they are not registered. For these voters, individual ballots are placed in special envelopes, making it possible in some cases to identify the voting preference of an individual.

secrecy of the ballot is fully protected in future elections, while finding alternative safeguards for preventing fraud and increasing transparency in the process.

Final electoral results by polling station should be published in all mediums possible – including the CNE website, newspapers, radio, and other means of public dissemination – to further reinforce the transparency of the process.

Conflict resolution committees. The establishment of conflict resolution committees at the city/district, provincial, and national levels was a positive step. Composed of representatives of CNE and STAE, police, political parties, and civil society, the role of the committees was to find solutions to problems that might arise in the pre-election period. Unfortunately, however, they were implemented late in the process and lacked commitment by the institutions involved. In advance of future elections, Mozambique should recommit to the conflict resolution committees at all levels to ensure that they can be implemented more effectively in future electoral processes.

Training of polling staff. The Center recommends improving training of polling station staff on voter instruction, utilizing simplified instructions to provide clearer guidance.

Campaign finance. In accordance with Chapter III of the election law, the CNE should analyze campaign finance reports submitted by political parties and candidates, widely publish the results of this analysis within the established time frames, and notify the public prosecutor's office in accordance with the law, in cases where accounts are not submitted within established time frames.

To Political Parties

Collaborate to support election reform. Work together to reform electoral management bodies and reduce elements that politicize their work.

Support efforts to increase security and public order in the campaign period. Undertake confidence-building measures with the police ahead of the next elections to improve security and public order at campaign events.

Provide robust training for political party representatives. Seek support for robust training of political party representatives and related reporting and communication mechanisms to ensure that they can play their role effectively in future election processes.

Fully comply with campaign finance regulations. Disclose campaign finance sources to increase financial campaign transparency.³

³ Disclosure of campaign financing is currently called for in Chapter III of the Presidential and Parliamentary Election Law No. 8/2013 of Feb. 27.

The Carter Center in Mozambique

The Carter Center has supported development in Mozambique since 1995, including international election observation, support for citizen observers, review of the political finance structure, and improvement of agricultural production. At the invitation of the government of Mozambique, The Carter Center supported a multi-stakeholder dialogue known as the Agenda 2025 National Vision and National Development Strategy Process. The process was unanimously approved by Parliament in December 2003 and informed the country's poverty reduction strategy, which was supported by the international donor community.

The Carter Center has observed past elections and related events in Mozambique, including international observation of voter registration and the general elections of 1999, the subsequent electoral law revision process, the 2003 municipal elections, the 2004 voter registration update, and the December 2004 presidential and legislative elections. The Carter Center also conducted a number of activities to broaden the role of civil society organizations in democratic processes, including technical assistance around the implementation of parallel vote tabulation exercises in 2003 and 2004.⁴ The Carter Center has worked closely with EISA in Mozambique, including incorporation of key staff from EISA into the Center's observation missions in 1999 and 2004.

This rich history in Mozambique has informed the Carter Center's assessment of the 2014 presidential, legislative, and provincial assembly elections.

The Carter Center conducted a preliminary assessment of the political context and pre-election environment in advance of the 2014 elections. This assessment led the Center to respond positively to an invitation by the Ministry of Foreign Affairs and Cooperation, the National Elections Commission (Comissão Nacional de Eleições, or CNE), and other national stakeholders to observe the electoral process.

Outdoor markets are common in Mozambique, an aid-dependent country that may soon be able to experience economic growth.



⁴ Additional information about the Center's work with civil society and the 2003 and 2004 parallel vote tabulations can be found in the Carter Center's report, *Observing the 2004 Mozambique Elections*, available at www.cartercenter.org.

Election Observation Methodology

The Carter Center observed the 2014 presidential, parliamentary, and provincial assembly elections in Mozambique in accordance with the Declaration of Principles for International Election Observation, which has been endorsed by more than 40 intergovernmental and international nongovernmental organizations. The Declaration of Principles is a commitment to assure integrity and transparency in election observation missions and guides decisions by these organizations in determining the purpose, scope, and conduct of their missions.

Carter Center observation missions assess an electoral process against national laws and the country's international commitments. Mozambique has ratified a series of international and regional human rights treaties whose provisions are relevant to the electoral process. Table 1 provides an overview of the relevant international and regional treaties that Mozambique has acceded to, signed, or ratified.

Table 1: Status of Ratifications

Organization	Document	Acceptance Level
U.N.	Convention on the Elimination of All Forms of Discrimination Against Women	Ratified/Acceded
U.N.	Convention on the Rights of the Child	Ratified/Acceded
U.N.	International Covenant on Civil and Political Rights	Ratified/Acceded
U.N.	International Convention on the Elimination of All Forms of Racial Discrimination	Ratified/Acceded
U.N.	United Nations Convention Against Corruption	Ratified/Acceded
AU	African Charter on Human and Peoples' Rights	Ratified/Acceded
AU	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	Ratified/Acceded
AU	African Union Convention on Preventing and Combating Corruption	Ratified/Acceded
SADC	SADC, Protocol Against Corruption	Ratified/Acceded
SADC	Protocol on Culture, Information, and Sport	Ratified/Acceded
U.N.	Communication No. 488/1992. Toonen v. Australia	Ratified/Acceded
U.N.	Vienna Convention on the Law of Treaties, 1155 U.N.T.S. 331, 8 I.L.M. 679, entered into force Jan. 27, 1980	Ratified/Acceded
U.N.	Convention on the Rights of Persons With Disabilities	Signed
U.N.	Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms	Persuasive upon
U.N.	Guiding Principles on Internal Displacement	Persuasive upon
U.N.	Universal Declaration of Human Rights	Persuasive upon
U.N.	CEDAW Committee, General Recommendation No. 5	Persuasive upon
U.N.	CEDAW Committee, General Recommendation No. 23	Persuasive upon
U.N.	United Nations Human Rights Committee, General Comment No. 18, Nondiscrimination	Persuasive upon

U.N.	United Nations Human Rights Committee, General Comment No. 25 on The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service	Persuasive upon
U.N.	United Nations Human Rights Committee, General Comment No. 27, Freedom of Movement	Persuasive upon
U.N.	United Nations Human Rights Committee, General Comment No. 28(68): Equality of Rights Between Men and Women (Article 3)	Persuasive upon
U.N.	United Nations Human Rights Committee, General Comment No. 29: States of Emergency	Persuasive upon
U.N.	United Nations Human Rights Committee, General Comment No. 31, Nature of the General Legal Obligation on States Parties to the Covenant	Persuasive upon
U.N.	United Nations Human Rights Committee, General Comment No. 32	Persuasive upon
U.N.	United Nations Economic and Social Council. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights and Humanitarian Law	Persuasive upon
U.N.	United Nations Office of the High Commissioner for Human Rights. The Right to Freedom of Expression and Opinion	Persuasive upon
U.N.	Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening the Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War	Persuasive upon
AU	African Union Declaration on the Principles Governing Democratic Elections in Africa	Persuasive upon
AU	Declaration of Principles on Freedom of Expression in Africa	Persuasive upon
AU	NEPAD Declaration on Democracy, Political, Economic and Corporate Governance	Persuasive upon
The Commonwealth	Harare Commonwealth Declaration	Persuasive upon
AU	African Commission on Peoples' and Human Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa	Persuasive upon
U.N.	United Nations Human Rights Committee, General Comment No. 10 on Freedom of Expression (Article 19)	Persuasive upon
U.N.	CESCR, civil and political rights, including the questions of: independence of the judiciary, administration of justice, impunity	Persuasive upon
U.N.	U.N. General Assembly, Guidelines Concerning Computerized Personal Data Files	Persuasive upon
U.N.	Convention on the Political Rights of Women	Not Party to
U.N.	Convention Concerning Indigenous and Tribal Peoples in Independent Countries	Not Party to
U.N.	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Not Party to
AU	African Charter on Democracy, Elections and Governance	Not Party to

Assessment of the pre-electoral environment and preparation for the election are essential to fully determining the extent to which all aspects of the electoral process—including voter registration, campaigning, and voter education—fulfill the obligations of the country in its international and regional treaties. In accordance with this methodology, The Carter Center conducted a preliminary assessment of the political context and pre-election environment.

The Carter Center international election observation mission in Mozambique worked in partnership with the Electoral Institute for Sustainable Democracy in Africa.

The Carter Center international election observation mission in Mozambique worked in partnership with the Electoral Institute for Sustainable Democracy in Africa (EISA). EISA deployed 23 long-term observers to Mozambique on Aug. 29. A five-person Carter Center core team of analysts arrived to Maputo on Sept. 15 and was joined by a contingent of Carter Center and EISA short-term observers on Oct. 8 to constitute a full-fledged mission of 87 members

from more than 40 countries. The mission was headed by Raila Odinga, former prime minister of Kenya, and co-led by Denis Kadima, executive director of EISA, and John Stremlau, vice president of peace programs at The Carter Center. Long- and short-term observers were deployed to Maputo city and all 10 provinces of Mozambique.

EISA long-term observers met regularly with representatives of the CNE and the Technical Secretariat for Election Administration (Secretariado Técnico da Administração Eleitoral, or STAE), political parties, civil society organizations, the international community, and civilian observers to assess electoral preparations. Their presence was bolstered with the deployment of Carter Center and EISA short-term observers to evaluate campaign closing, the immediate pre-electoral environment, and voting procedures. On election day, observers visited 543 polling stations in 82 districts to observe opening of polling stations, voting, closing, and counting. Following conclusion of counting, 54 Carter Center and EISA observers remained in the field to observe the tabulation of votes at the district and provincial level until Oct. 22.

The Carter Center core team stayed in Maputo until late November to observe the requalification of invalid and protested votes, tabulation of results at national level, and complaints filed by stakeholders.

Electoral Institute for Sustainable Democracy in Africa and Carter Center teams observe the crowd in the city of Cuamba, Niassa province, after the Democratic Movement of Mozambique rally on the last day of the electoral campaign.



Rodgers Nyirongo

Release of Public Statements

The Carter Center released five public statements on its activities and findings during its international election observation mission in Mozambique. These included a statement announcing the arrival of the mission, a joint statement with EISA released in advance of the elections in an effort to ensure observer access to all stages of the electoral process, a joint statement with other international observation delegations on the eve of the elections to encourage a peaceful process, a preliminary statement in the days following the vote to share initial observations and key findings, and a statement to share findings and recommendations related to the tabulation process. These statements can be found in Appendix D of this report and are available at www.cartercenter.org.

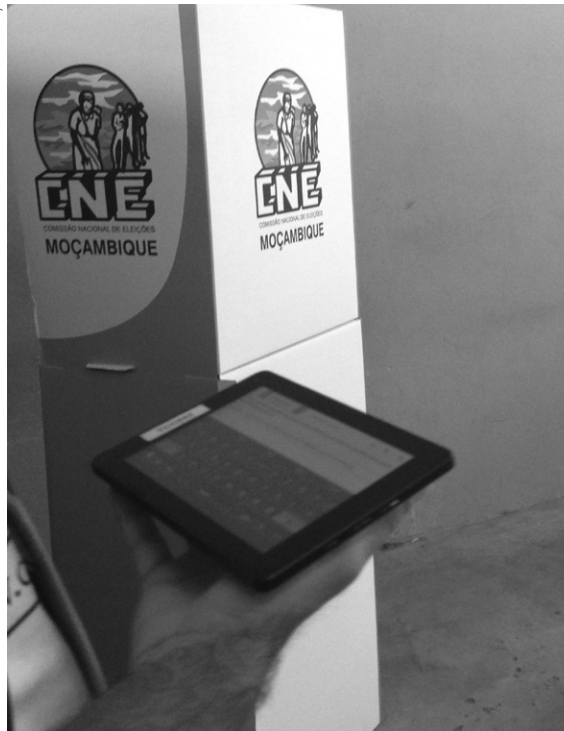
Historical and Political Background

Mozambique gained independence from Portugal in 1975 after a decade of intermittent fighting lead by the anti-colonial Liberation Front of Mozambique (Frente da Libertação de Moçambique, or FRELIMO). A one-party state was established by leaders of FRELIMO's military campaign, and the party enjoyed widespread support as the liberation party following independence.

Civil war emerged in the decade following independence. Mozambique National Resistance (Resistencia Nacional Moçambicana, or RENAMO) formed as the main challenger to FRELIMO with initial support from white-minority governments in Rhodesia and apartheid South Africa. Eventual peace talks led to a new constitution in 1990 that laid the foundation for a market-based economy, democratic elections, and a multiparty political system. The signing of the Rome General Peace Accords in 1992 formally ended the war, following the death of more than 1 million, displacement of millions, and extensive social, political, and economic devastation.

The country's first democratic elections were held two years later in 1994. FRELIMO won that election as well as subsequent elections in 1999, 2004, and 2009. RENAMO, defeated in each of

Brett Lacy



A Carter Center observer records observations electronically using the Center's open-source election monitoring and data collection system.

these elections, rejected the results every time. New competition for the two established parties emerged in 2008 in the form of the Mozambique Democratic Movement (Movimento Democrático de Moçambique, or MDM).

FRELIMO secured national self-determination for the country and presided over deep structural reforms and nearly two decades of strong economic growth, but the country remains poor and sharply divided along economic and political lines. For its part, RENAMO has struggled to transform itself from a rebel movement into an effective political party, maintaining an overly centralized leadership and decision-making structure that have proven

In addition to supporting democracy through election observation, The Carter Center has worked with Mozambicans to improve agricultural production and to build consensus around a national development strategy, Agenda 2025.

incapable of productively managing internal conflicts, cultivating future leaders, and building a robust grassroots party structure.

Although there have been signs of a maturing political system, electoral history in Mozambique has been marked by frequent negotiations about the rules of the game, adjustments to the composition of the National Elections Commission (Comissão Nacional de Eleições, or CNE) and Technical Secretariat for Election Administration (Secretariado Técnico da Administração Eleitoral, or STAE), low voter turnout, and a lack of transparency and chronic technical problems during tabulation processes. The latter has been a persistent problem in Mozambique's elections, often undermining the credibility of results. Frequent electoral reforms have failed to focus on a strategic vision, instead producing ad hoc changes negotiated between political elites within FRELIMO and RENAMO.

Following nearly two decades of civil war, Mozambique held its first democratic elections in 1994.

The 1994 Elections

Following nearly two decades of civil war, Mozambique held its first democratic elections in 1994. Widely viewed as genuinely democratic, the election illustrated the extent to which two main military and political forces, FRELIMO and RENAMO, had committed themselves to peace and the introduction of multiparty politics. The elections were conducted in the presence of one of the largest U.N. peacekeeping operations in history. The United Nations played a dominant role in shaping the electoral rules of the game and administering the elections. Due to the fragile nature of peace at the time, the elections saw equal participation of FRELIMO and RENAMO in all electoral management bodies. The negotiation of opposition party inclusion in electoral management bodies would become a recurring theme and source of tension in all future elections. The 1994 elections also established regional

cleavages that have been seen in subsequent elections, with FRELIMO dominating the southern and extreme northern provinces and RENAMO showing strongly in the five central provinces.

1998 Municipal Elections

The country's first municipal elections were held in 1998 for municipal presidents and assemblies. These polls were reportedly marred by a general boycott by RENAMO and most of the smaller opposition parties, flawed voters rolls, and low voter turnout of less than 15 percent. As a result, FRELIMO ran unopposed in 81 percent of the municipal races and completely dominated the results. One of the only bright spots was the strong performance of independent civic groups that put forward candidates who fared well in Maputo and Beira. The elections evidenced the highly politicized nature of election administration and the weakness of opposition parties.

The 1999 Elections

Following the flawed 1998 municipal elections and RENAMO boycott, a new electoral law (law no. 3/99) was approved by Mozambique's National Assembly in advance of the 1999 elections. Presidential elections were narrowly contested by two candidates, incumbent President Joaquim Chissano of FRELIMO and Afonso Dhlakama of RENAMO-UE.⁵ FRELIMO increased its majority in the National Assembly, winning 133 of 250 seats, while RENAMO won 116. (One seat was won by an independent.)

The 1999 elections were Mozambique's second elections after its civil war. At the invitation of the CNE, The Carter Center sent a delegation of 13 observers to assess the 1999 voter registration and concluded that the process was well-managed and well-implemented. Ten medium-term observers were deployed in October of that year, and a 50-person delegation co-led by former U.S. President Jimmy Carter, former First Lady Rosalynn Carter, and former President Ketumile Masire of Botswana deployed around the three-day election.

5 RENAMO joined with a coalition of 10 smaller parties, the Uniao Eleitoral (UE), to form RENAMO-UE that would contest the 1999 and 2004 elections but dissolve in advance of the 2009 polls.

The voting was peaceful and orderly throughout the country. Turnout was lower than in the 1994 elections, and The Carter Center observed some problems in the processing of electoral complaints. The most significant problem with the 1999 elections concerned the final tabulation of results. Technical problems were exacerbated by a lack of transparency on the part of the CNE, which did not allow international observers access to the final count. When 550 tally sheets accounting for approximately 377,000 votes (more than the declared winner's margin of victory) were excluded from the final results without explanation, The Carter Center stated that it was unable to render a positive assessment of the elections.⁶ RENAMO filed an appeal (which was dismissed) to the highest court, and the party subsequently denounced the results and refused to take up its seats in the legislature.

The Carter Center recommended a number of important changes in electoral legislation to address irregularities. In particular, it emphasized the importance of international observer access to all aspects of the tabulation process at all levels.

The 2003 Municipal Elections

Following the controversial 1998 municipal elections, the 2003 elections were an important opportunity for Mozambique to demonstrate that the country had made progress.

The Carter Center conducted a pre-election assessment in 25 of 33 municipalities in advance of the elections, and on election day deployed seven teams of observers who visited 60 polling sites and 130 polling tables in 11 selected municipalities across six provinces and Maputo city. The Carter Center also provided technical assistance to civil society groups to conduct parallel vote tabulations in 10 of 33 municipalities.

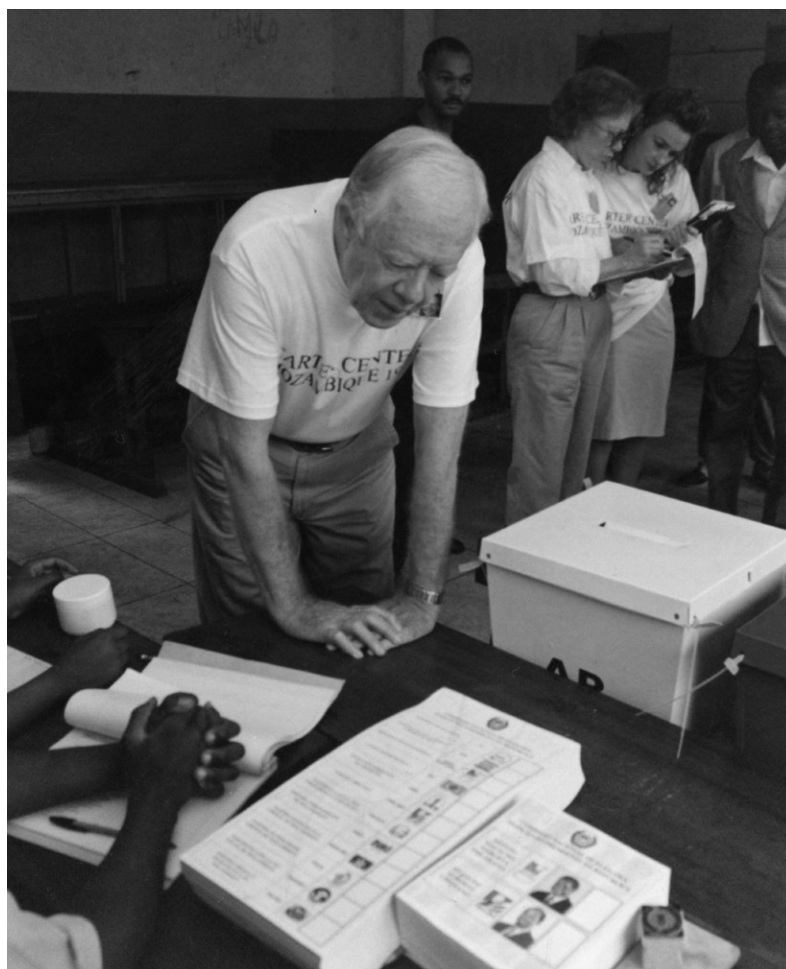
FRELIMO performed well across the country, even outpolling the opposition in areas that went for RENAMO in 1999. FRELIMO won majorities in 29 of 33 municipal assemblies, with RENAMO–UE winning the remaining four. RENAMO–UE won five mayoral positions concentrated in Sofala (two) and Nampula (three), with FRELIMO taking the other 28. This was the first time RENAMO would hold executive power of any sort

in Mozambique. In the city of Marromeu (Sofala province), a RENAMO mayor shared power with a FRELIMO municipal assembly.

The Center found the 2003 municipal elections to be generally well-conducted and peaceful but reported concerns about low turnout, challenges with the voter register, and a problematic results tabulation process. Nevertheless, the elections demonstrated increased multiparty competition in Mozambique's municipalities, with the participation of candidates from nine smaller parties and six civic groups in addition to those of the ruling FRELIMO and the opposition RENAMO–UE coalition.

Former U.S. President Jimmy Carter and former First Lady Rosalynn Carter have monitored or followed all Mozambican elections, including this one in 1999 in which the Center assessed registrations and deployed 10 observers to monitor the campaign.

The Carter Center



⁶ More information about the Carter Center's observation, methodology, and overall assessment of the 1999 elections can be found in *Observing the 1999 Mozambique Elections* at www.cartercenter.org.

President Carter spoke with media during the 2004 election in which parallel vote tabulation was first used in Mozambique.



Need Credit

The 2004 Elections

For the 2004 general elections, The Carter Center deployed long-term observers who visited more than 50 districts and all provinces in advance of election day. The observers reported a generally calm pre-election environment, with some isolated signs of intimidation. The Center deployed a delegation of 60 observers co-led by former U.S. President Jimmy Carter, former First Lady Rosalynn Carter, and former Benin President Nicephore Soglo. The Carter Center also collaborated with EISA and citizen observer groups in 2004 to produce the country's first parallel vote tabulation of presidential and legislative election results. This independent check on the official results helped build confidence in the final outcome.⁷

Mozambique's 2004 elections demonstrated a number of positive signs, including a generally peaceful campaign period and voting process and improved accountability during the vote counting. However, there were concerns regarding the accuracy of the voters list, and as in 1999, technical problems and a lack of transparency in the final tabulation of national results. Again, a significant number of polling station tallies were rejected

by the CNE, which delayed the announcement of results and undermined the credibility of the process.

Unlike in 1999, the margin of victory for the new FRELIMO presidential candidate, Armando Guebuza, was significant and not in serious question. Afonso Dhlakama's and RENAMO's support collapsed throughout the country, with the candidate attracting just under 1 million votes compared to 2.1 million in 1999. Analysts concluded that Dhlakama's denunciation of the 1999 results and the integrity of electoral bodies contributed significantly to the lack of turnout of his base.

The 2008 Municipal Elections

The municipal elections were extended from 33 to 43 municipalities in 2008. FRELIMO recaptured almost all the ground it had lost to RENAMO in 2003, winning a majority in all 43 municipal assemblies and 42 of 43 mayoral positions. These elections marked the rise of Daviz

⁷ More information about the Carter Center's observation, methodology, work with civil society, and overall assessment of the elections can be found in *Observing the 2004 Mozambique Elections* at www.cartercenter.org.

Simango, the popular RENAMO mayor of Beira, who was ejected by the party months before the election but joined a citizen platform and handily defeated both RENAMO and FRELIMO candidates with 62 percent of the vote.⁸ Five months later, Simango founded the Mozambique Democratic Movement and recruited a number of RENAMO members.

The 2009 Elections

The 2009 elections were the fourth presidential and legislative elections and the first provincial assembly elections to be held in Mozambique. With the introduction of MDM, the elections were anticipated to be a test of the longstanding political dominance of FRELIMO and RENAMO and the extent to which there might be adequate political space for other parties to operate. Although other parties had contested past elections, only one party in addition to FRELIMO and RENAMO, the Uniao Democratica de Moçambique (UDEMOM) had previously had any representation in Parliament.⁹ The limited success of smaller political parties was due in part to their inability to meet a threshold of 5 percent of the vote in order to win a seat. This threshold was abolished in advance of the 2009 elections.

The 2009 elections resulted in a convincing win for incumbent President Armando Guebuza, who received 75 percent of the vote. Dhlakama's votes further decreased from 2004 to just 16 percent (650,000 votes), while MDM candidate Simango gained 9 percent of the vote. FRELIMO secured two-thirds of the National Assembly with 191 seats—enough to change the constitution without opposition support—with RENAMO winning 51 seats (down from 91 in 2004) and MDM winning eight seats. Once again, RENAMO rejected the results of the election and called for a transitional government that would reform the legal framework for elections, conduct a new voter registration, and administer new elections.

Observer reports characterized the elections as generally well-organized and peacefully conducted, although as with the 2004 elections, observer groups noted serious concerns about a lack of transparency, an uneven playing field, and irregularities in counting and tabulation. Some

polling stations reported turnout of more than 100 percent, primarily in Gaza and Tete provinces. There were also questions surrounding the accuracy of the voters list as well as the inflexibility of the complaint resolution system and whether it ensured the right to an effective remedy. There also were questions around the extent to which key international rights and obligations were upheld, including the freedom of association, freedom of assembly, freedom of movement, freedom of opinion and expression, and the right to an effective remedy.¹⁰

Mozambique's 2004 elections demonstrated a number of positive signs, including a generally peaceful campaign period and voting process and improved accountability during the vote counting.

The 2013 Municipal Elections

A further step in the planned upgrading of towns into municipalities brought the number of municipal constituencies to 53 in 2013. The 2013 municipal elections took place in the context of another RENAMO boycott and the renewal of armed conflict. RENAMO's exit opened space for MDM to present itself as the alternative to FRELIMO. While the incumbent party dominated the overall results (winning 49 of 53 mayoral positions and municipal assemblies), MDM captured the leadership of three of Mozambique's four largest cities (Beira, Nampula city, and Quelimane as well as Gurue) in head-to-head contests with FRELIMO. The strong performance of MDM raised the question of whether or not it could potentially usurp RENAMO as the country's leading opposition party.

⁸ This was an improvement upon his election in 2003 when he won as the RENAMO candidate with 53 percent.

⁹ The other parties included the Party for Peace, Democracy, and Development (Partido para a Paz, Democracia e Desenvolvimento) founded by the former RENAMO chief negotiator of the Rome peace talks, Raul Domingos.

¹⁰ European Union Election Observation Mission Final Report, Mozambique, 2009

Voters wait in line at Coronine in the 2014 elections, held in a changing political and economic environment.



Carlos Servin Ugarte

2013 municipal elections. By April 2013, he was directing ambush attacks against police stations and on travelers on the main north–south highway. Over the next two years, clashes between the government and RENAMO forces would spread to four provinces while negotiations to end the hostilities were conducted. In early 2014, RENAMO declared its intent to contest the October 2014 national elections and announced a unilateral cease-fire in June in the areas it controlled

The 2014 Elections

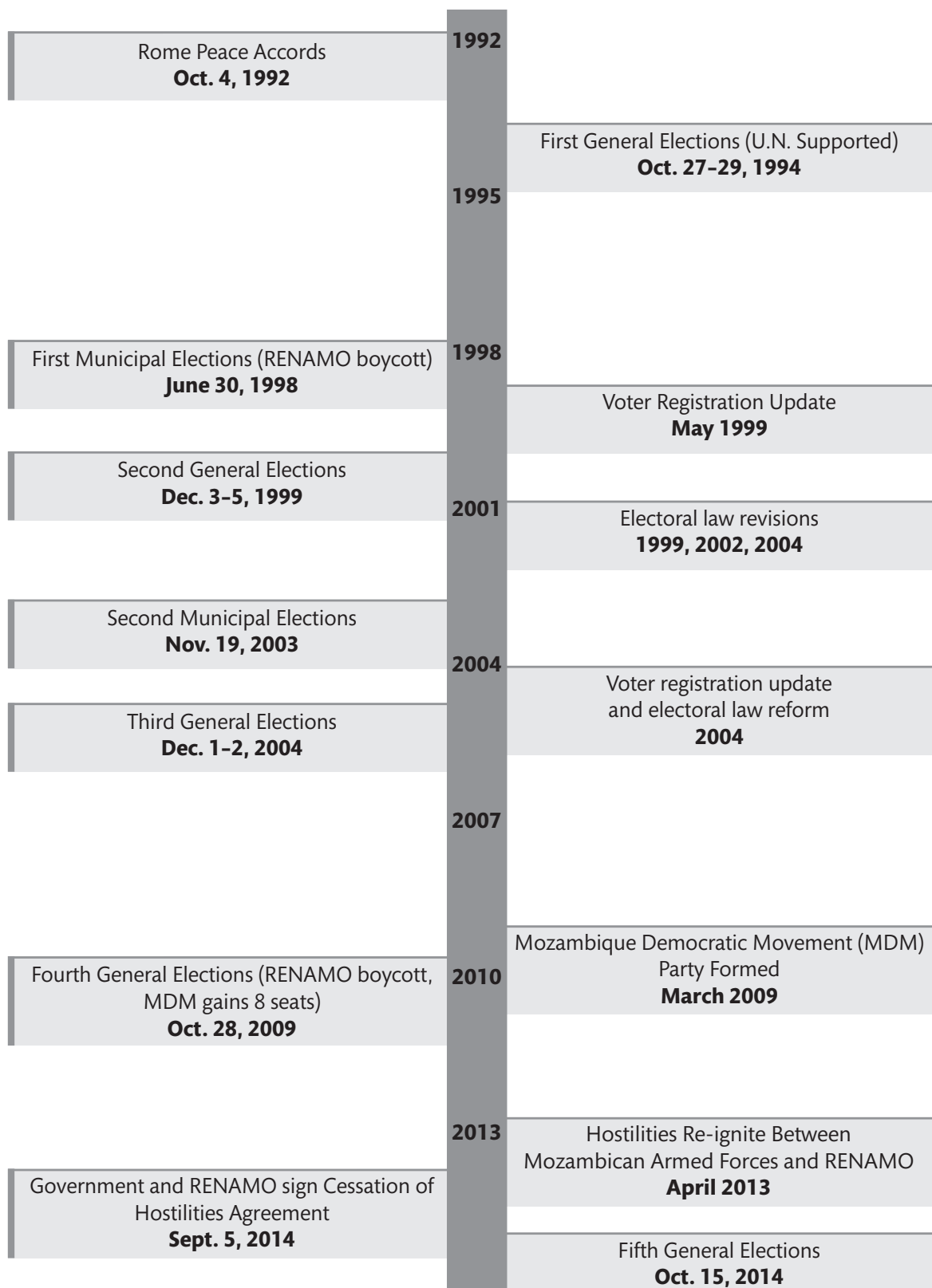
Following his resounding defeat at the 2009 elections, Afonso Dhlakama retreated from national life and based himself in Nampula. RENAMO's deputies eventually took up their seats in the National Assembly, but the party was effectively paralyzed. In 2010 Dhlakama made calls for electoral reform, demanding that the formula for the CNE return to a model of parity between FRELIMO and RENAMO. He railed against what he called FRELIMO's exclusionary policies and threatened to "divide the country" if his demands were not met. In addition to demands for electoral reforms, Dhlakama returned to demands regarding aspects of the 1992 peace accords he felt had not been implemented, such as the de-politicization of the state, security sector reform, and equitable access to national wealth. For the most part his threats were not taken seriously by the government.

In late 2012, Dhlakama and 500–1,000 loyalists moved to the bush at Sautunjira in Sofala following a clash with riot police in Nampula. Soon after, he rejected the government's electoral reform offers and announced a boycott of the

in order for voter registration to proceed. The parties signed a cessation of hostilities agreement in September, six weeks ahead of the elections, which included major concessions to RENAMO's demands on CNE reform and integration of its fighters into the military, to be monitored by a multinational military observer group. Addressing the de-politicization of the state and equitable sharing of national wealth would have to wait until after the elections.

In this historical context, the 2014 national elections in Mozambique were an important yet challenging moment in the country's postwar development. The 2014 elections took place in the midst of uncertainty regarding the direction of the country's continued development and concern about its stability. A second political opposition party had emerged, changing the dynamics of the well-worn two-party system. New discoveries of natural resource reserves had given rise to hope that this chronically aid-dependent nation would be able to maintain high levels of economic growth and finally translate this into widespread human development.

Figure 1: Mozambique Electoral Events 1992-2014



Electoral Institutions and the Framework for the Presidential, National, and Provincial Assemblies Elections

Legal Framework

A sound legal framework is essential to the administration of democratic elections and to ensuring that a country upholds its international obligations. The legal framework includes constitutional provisions, domestic laws, and regulations regarding the electoral process. Based on its international commitments, Mozambique is obligated to take measures to promote the principles of the rule of law, recognizing that laws must be consistent with international principles of human rights.¹¹ Mozambique's 1990 constitution holds that norms of international law have the same force in Mozambique as national legislation.¹²

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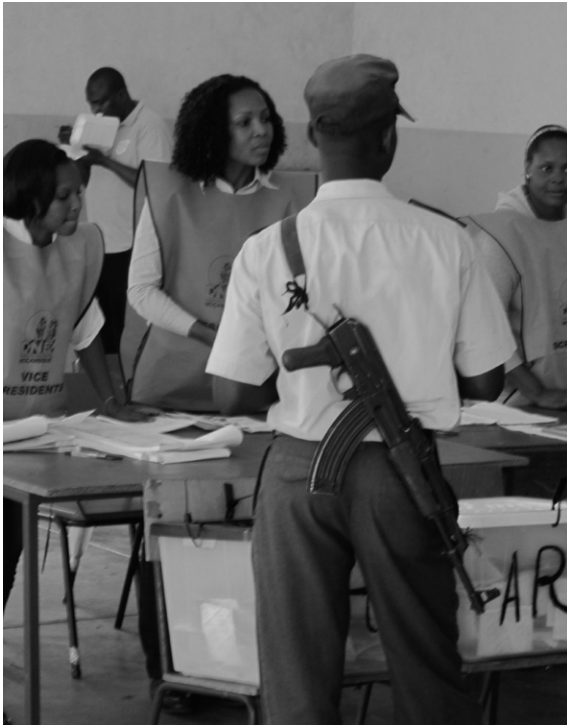
The presidential, National Assembly, and provincial assembly elections are regulated by a comprehensive legal framework, including the constitution and law 15/2009, which establishes the legal regime for holding simultaneous presidential, National Assembly, and provincial assembly elections. Presidential and National Assembly elections are governed by law 8/2013, most recently amended by law 12/2014 and adopted as

a compromise among political parties. Provincial assembly elections are governed by law 4/2013, most recently amended by law 11/2014. The election law includes rules on campaigning, campaign finance, election offenses, and media coverage. Other applicable laws include law 5/2013, amended by law 8/2014 on voter registration; law 6/2013, amended by law 9/2014 on election administration; law 6/2006, amended by law 5/2008 on the Constitutional Council; law 7/91 on political parties; and laws 9/1991 and 7/2001 on freedoms of association and demonstration.

Overall, Mozambique's legal framework provides a sound basis for the conduct of democratic elections and reflects international standards. The constitution guarantees fundamental rights and freedoms, includes the basic principles of the electoral system, and contains a safeguard against frequent changes, as requirements for amendments are more rigorous than those for other laws. In general, electoral legislation was enacted sufficiently in advance of

11 United Nations, International Covenant on Civil and Political Rights, Article 2; AU, African Charter on Human and Peoples' Rights, Article 1; Universal Declaration of Human Rights, Article 21(3); International Covenant on Civil and Political Rights, Article 25 (b)

12 Article 18 of Mozambique's 1990 Constitution reads: 1. Validly approved and ratified international treaties and agreements shall enter into force in the Mozambican legal order once they have been officially published and while they are internationally binding on the Mozambican State. 2. Norms of international law shall have the same force in the Mozambican legal order as have infra-constitutional legislative acts of the Assembly of the Republic and the government, according to the respective manner in which they are received. Article 43 of Mozambique's 1990 Constitution reads: Constitutional precepts regarding fundamental rights are interpreted and integrated in harmony with the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights.



John Stremiau

A police officer observes activities at a polling station in Mozambique's capital city of Maputo. The country gained its independence from Portugal in 1975.

elections to enable all stakeholders to become informed of the rules.

National Elections Commission regulations and decisions supplement the legal framework, as do rulings of the Constitutional Council.¹³

A number of CNE regulations have been adopted on various matters, including Decision No. 65/CNE/2014, which determined the number of seats per constituency, and No. 64/CNE/2014, which approved voter registration data, regulated the distribution of public financing for electoral campaigns, and determined the process for candidate ordering on ballots. The CNE also produced procedural manuals for polling staff.

Electoral Reform

Mozambique has undergone a number of updates to the legal framework for elections since multiparty democracy was first established with the 1990 constitution. Rather than reflecting a strategic vision, the reforms have mostly been retrospective and ad hoc, designed to specifically address problems that arose in past contests. The

reforms typically have been negotiated by a few political elites from FRELIMO and RENAMO without broad input.

Following acknowledged shortcomings in the 1998 municipal elections and an eventual RENAMO boycott, a new electoral law was ratified by the National Assembly in advance of the 1999 national elections. Reforms were negotiated after each election and implemented in 2002, 2007, 2013, and 2014. Areas of reform often concerned the structure of the CNE, election procedures, tabulation, observer roles, and political party presence in polling and tabulation centers.

The legal framework for the 2014 elections includes a number of reforms negotiated primarily between FRELIMO and RENAMO between 2012 and 2014. Some were in response to criticisms relating to experience with the 2009 elections and RENAMO's boycott of 2013 local elections. MDM, by then present with eight members of Parliament, approved the changes to the electoral law through the National Assembly.

The most recent changes to the legal framework for the 2014 elections were made within a few months of election day, putting additional pressure on the electoral bodies to incorporate new personnel and to train and integrate them into a working system.

The negotiated electoral framework included a number of provisions that reflected previous recommendations made by international observation organizations, including an extended electoral time frame, procedures for candidate registration, and publication of the number of registered voters per polling station. Another negotiated reform allowed FRELIMO, RENAMO, and MDM to participate at all levels of election administration, down to polling staff membership. Other reforms include a requirement to check polling station staff members' hands and counting table surfaces (in advance of counting) for ink, dirt, or other substances that could spoil ballot papers, to reduce the likelihood of accidental spoiling.

¹³ Deliberation No. 1/CC/2014, Feb. 20, 2014; Decision No. 9/CC/2014, Aug. 5, 2014; Decision No. 8/CC/2014, July 31, 2014

Although the most recent reforms improved the legal framework and established a playing field more acceptable to all parties, Mozambique should consider a comprehensive election reform effort to establish a legal framework that not only addresses historic challenges but also reflects a strategic vision for credible and transparent multiparty democratic elections.

Although the most recent reforms improved the legal framework and established a playing field more acceptable to all parties, Mozambique should consider a comprehensive election reform effort to establish a legal framework that not only addresses historic challenges but also reflects a strategic vision for credible and transparent multiparty democratic elections.

While it is understandable that the restructuring of the CNE and the inclusion of political party representatives among polling staff were determined to be necessary for these polls, the politicization of the administration of elections is inconsistent with international best practice. Interviews with stakeholders indicate that the practice of political appointments at all levels of the CNE was unnecessarily costly, inefficient and, ultimately, an ineffective means of deterring malpractice. For future elections, Mozambique should strive to create conditions for a politically inclusive society and system of good governance. The politicization of the CNE is not an effective model. Future elections should be administered by a fully nonpartisan, transparent, and accountable election administration body.¹⁴

Electoral System

The electoral system translates the will of the people into a representative government. International standards do not prescribe any specific electoral system, allowing individual

states to decide.¹⁵ Mozambique holds elections at three levels: the national level for a president and National Assembly, the provincial level for provincial assemblies, and the local level for the president of the municipal council and municipal assemblies. The 2014 general elections in Mozambique included polling for presidential, National Assembly, and provincial assembly seats.

Presidential Election

The president of the republic is elected directly by popular vote with an absolute majority of valid votes. If no candidate wins the required majority in the first round, a second round between the top two candidates will be held within 30 days of the validation and proclamation of the results of the first round. The candidate who receives the highest number of votes in the second round is elected. The president is elected to serve a five-year term and can be elected two consecutive times.

National Assembly Election

The 250-member unicameral National Assembly (Parliament) is elected for a five-year term under a closed-list proportional system within 13 multimember electoral districts that correspond to the country's 10 provinces, Maputo city, and two out-of-country constituencies, one for Africa and one for the "rest of the world." The African constituency consists of South Africa, Swaziland, Zimbabwe, Malawi, Zambia, Tanzania, and Kenya. The global constituency includes Portugal and Germany. National Assembly seats (*mandatos*) were distributed by the CNE according to Article 165 of Law 8/2013, which outlines the formulas and procedures used to ensure that each seat represents as closely as possible the same number of constituents, upholding the principle of equal

¹⁴ "State parties undertake to implement programs and carry out activities designed to promote democratic principles and practices as well as consolidate a culture of democracy and peace. To this end, state parties shall: 1) Promote good governance by ensuring transparent and accountable administration." African Union. 2007. African Charter on Democracy, Elections and Governance. Addis Ababa: African Union

¹⁵ United Nations International Covenant on Civil and Political Rights, Article 25(b); United Nations Human Rights Council, General Comment 25, para. 21; International IDEA Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 28



FRELIMO female supporters wear capulanas, a Mozambican traditional outfit, as they march in the streets of the Island de Mozambique, part of Nampula province.

suffrage and ensuring that all votes translate into equal representation.¹⁶

Political parties and party coalitions contest the elections with closed candidate lists that are submitted and approved by the CNE for each district. In the closed-list proportional representation system, voters cast only one vote for a party and cannot choose the candidate of preference for the proposed list. As a result, the higher a candidate is placed in the list the greater his likelihood of being elected. The selection and the order of the candidates on the lists are decided by the parties. Voters at the polling station vote for the party without necessarily knowing the names of candidates on the list, and they cannot vote for different parties for different seats.

The closed-list system does not incorporate a “zipper” or “zebra” mechanism that would ensure that women are placed evenly throughout the list. See the Executive Summary for a recommendation to amend the electoral law to create a zippered list that could advance women’s participation in politics.

Provincial Assembly Elections

The total number of seats elected in the provincial assemblies is 811 nationwide, ranging from 70 in Inhambane and Gaza to 92 in Zambézia and 93 in Nampula. Like the National Assembly election, the electoral system in the provincial assemblies is a proportional system with closed lists.

Election Management

A critical means to promote the transparency of an electoral process and facilitate the participation of citizens in the democratic process is an independent and impartial election management body. A transparent, accountable, and professional body is regarded as an effective means of ensuring that other international obligations related to the democratic process can be met.¹⁷ The election management body should ensure accountable, efficient, and effective public administration of elections and should ensure that the electoral process is in compliance with Mozambique’s regional and international obligations for democratic elections and human rights.¹⁸

A critical means to promote the transparency of an electoral process and facilitate the participation of citizens in the democratic process is an independent and impartial election management body.

¹⁶ The principle of equal suffrage is upheld by the United Nations International Covenant on Civil and Political Rights, Article 25(b). The method used to distribute seats to winning parties is the D’Hondt method, also known as the highest averages method.

¹⁷ African Union. 2007. African Charter on Democracy, Elections and Governance. Addis Ababa: African Union; United Nations Human Rights Council, General Comment 25, para. 20

¹⁸ Venice Commission, Code, sec. II.3.1.c

The confidence stakeholders placed in the National Elections Commission was a positive mark and an important improvement upon past elections.

In accordance with international obligations, Mozambique's Constitution holds that elections should be "supervised by an independent and impartial body, the composition, organization, operation and powers of which shall be established by law."¹⁹ A National Elections Commission (CNE) administers elections with administrative support from a Technical Secretariat for Election Administration (Secretariado Técnico da Administração Eleitoral, or STAE).

Overall, political parties and other stakeholders reported that the CNE conducted its responsibilities in advance of the elections with credibility, professionalism, and transparency. The confidence stakeholders placed in the CNE was a positive mark and an important improvement upon past elections. Notwithstanding this positive

performance, however, The Carter Center notes that the politicization of electoral administration does not comply with the international standard for independent, neutral, and professional electoral bodies.²⁰ Despite the political rationale behind the reform that led to the presence of political parties at all levels of election administration, the Center encourages a careful review of the structure of the CNE and STAE to ensure an independent, neutral, and professional electoral body and to identify other means of maintaining parties' confidence in the system.

The composition, organization, and management of the CNE have changed since Mozambique's first multiparty elections in 1994, with frequent legislative changes to address problems regarding the transparency, capacity, and neutrality of the body.²¹

The current CNE responsible for the 2014 elections was established by Law 8/2007,²² later amended twice. The CNE is responsible for supervising voter registration, the conduct of elections, and holding of referenda.²³

The size and composition of the CNE have fluctuated over time after its creation in 1993. In 1999, the number of members was reduced to 17, nominated by political parties and the government. In 2002, the membership increased to 19, with a president from civil society. In 2007, the number of members was reduced to 13, with eight proposed by civil society (Law 8/2007). This attempt to move away from political presence in the CNE was reversed in 2013 with the re-establishment of party dominance in the CNE by increasing the number of party-nominated commissioners from five to eight within the same 13 total members (Law 6/2013).

¹⁹ Article 135.3, 1990 Constitution

²⁰ United Nations International Covenant on Civil and Political Rights, General Comment 25, Article 25, para. 20: "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 that are compatible with the Covenant"; African Union Charter on Democracy, Elections, and Governance, Article 17.1: "Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections."

²¹ The CNE was first established legally in 1993 with Law 4/93.

²² Law 8/2007, Articles 1–3, Annex 3

²³ Law 8/2007, 2002, 2

A voter marks her finger with indelible ink to show that she has voted and cannot vote again.



Sonia Rodrigues

In 2014, the number of members increased to 17, with five members from FRELIMO, four from RENAMO, and one from MDM (Law 9/2014). Two vice presidents were nominated by the two largest parties within the National Assembly, FRELIMO and RENAMO. The remaining seven members are put forward by civil society to the National Assembly, which selects the members of the CNE. Members of the CNE elect the CNE president from those nominated by civil society, and the president of the republic then appoints and confers powers to the president of the CNE.²⁴

Other important changes introduced in 2014 included allowing for the three parties in the National Assembly to have representatives in all levels of the CNE. The CNE membership remained partisan and tied to the proportion of seats of each party in the National Assembly. These parties were then assured representation within the CNE and STAE provincial, district, and city bodies and were also able to appoint one polling staff member to each of Mozambique's more than 17,000 stations.²⁵

The representation of political parties at all levels of election administration bodies is intended to increase the confidence of political parties against possible fraud and manipulation. Despite the political rationale behind the reforms that increased the participation of political parties in the administration of elections down to the level of polling station staff, The Carter Center notes that the politicization of electoral administration does not comply with the international standard for independent, neutral, and professional electoral bodies.²⁶

Therefore, The Carter Center encourages all stakeholders, including the National Assembly, to consider the opportunity to revise the articles in the electoral laws referring to the presence of political party members within the election administration bodies, finding other means of maintaining parties' confidence in the system. One possible step to help de-politicize the CNE could be to remove the requirement for presidential approval of the president of the CNE. While it is positive that the president of the CNE is nominated from civil society, making the approval of

this nomination the responsibility of the National Assembly, rather than the president of the republic, would be a positive step.

The Carter Center commends the CNE's commitment to transparency and its facilitation of relevant information to all stakeholders throughout the pre-election period. At the same time, the Center encourages deepening this commitment to transparency through the publication of electoral results by polling station in a timely manner in all mediums possible, including the CNE website, newspapers, radio, or other means of public dissemination.

The Carter Center recommends institutionalizing the CNE's conflict resolution committee system to ensure that they can be implemented in future electoral processes. The conflict resolution committees were formed at city/district, provincial, and national levels, with all main stakeholders involved in the electoral process, such as representatives of CNE and STAE, police, political parties, and civil society organizations. Their function was to resolve issues or problems that might arise particularly during the pre-election period, where most of the electoral offenses are criminal in

Despite the political rationale behind the reforms that increased the participation of political parties in the administration of elections down to the level of polling station staff, The Carter Center notes that the politicization of electoral administration does not comply with the international standard for independent, neutral, and professional electoral bodies.

²⁴ Law 9/2014, Article 6

²⁵ Law 9/2014, Article 44

²⁶ United Nations International Covenant on Civil and Political Rights, General Comment 25, Article 25, para. 20, "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"; African Union Charter on Democracy, Elections, and Governance, Article 17.1, "Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections."

nature, thus requiring considerable time and efforts of the police and district courts. According to the CNE, however, the committees were implemented too late into the process and lacked commitment by the institutions involved. As a result, they did not play an effective role in clarifying issues and reducing tensions. The Carter Center welcomes the CNE's intention to propose them again in the future in a better format and with better timing.

For the first time, the voter register—including the number of registered voters per polling station—was distributed to political parties well before election day as a measure to increase the transparency of the process.

Pre-election Developments

Voter Registration

Voter registration is recognized as an important means to ensure the rights of universal and equal suffrage, and it should be made available to the broadest pool of citizens possible without obstacles.²⁷ The rights of universal and equal suffrage are fundamental in democracies and are a critical part of democratic elections. Rules for voter registration established by Law 5/2013 require that the voter register be maintained in a manner that is transparent and accurate and that it protect the right of qualified citizens to register and prevent unlawful or fraudulent registration or removal of eligible voters in conformity with Mozambique's international commitments.

Although The Carter Center did not directly observe the voter registration process prior to the 2014 Mozambique general elections, the Center notes that the voter registration process appeared to satisfy political parties and stakeholders. For the first time, the voter register—including the number of registered voters per polling station—was distributed to political parties well before election day as a measure to increase the transparency of the process.

According to the official calendar, voter registration in the national territory of Mozambique was scheduled to take place between Jan. 30 and April 14, 2014, with a special registration March 1–31 for Mozambican citizens residing abroad.²⁸ However, on Jan. 29, just before the registration was set to begin, the CNE postponed the beginning of the registration period until March 1 in Mozambique and March 16 abroad.²⁹ According to media reports, the postponement was requested by RENAMO in order to allow the party to prepare and participate in the electoral process.

According to STAE, when it finally commenced, the registration was conducted by 4,078 registration brigades at 6,689 registration stations, organized by STAE under the supervision of CNE.

As reported by stakeholders and STAE officials to The Carter Center, a number of logistical difficulties made the registration process challenging, and weather conditions lowered voter turnout. In the central and northern areas of Mozambique, some registration posts could not open on time due to heavy rainfall and impassable roads. Additionally, lack or theft of equipment was reported in a number of districts. In Gorongosa district, Sofala province, military tension and occasional fighting between RENAMO and government forces caused registration to start as late as the first week of May. In this area, registration could only take place after a special agreement between RENAMO and the government, which allowed registration stations to open without Mozambique police escort presence, under RENAMO military surveillance.

27 U.N. International Covenant on Civil and Political Rights, Article 25(b); African Union Declaration on the Principles Governing Democratic Elections in Africa, Article 1; U.N. Human Rights Council, General Comment 25, para. 11

28 Decree No. 59/2013, Council of Ministers

29 Resolution No. 6/CNE/2014

Following a further 10-day extension, the voter registration period concluded on May 9.³⁰ The delay enabled the registration of Afonso Dhlakama, RENAMO's leader, on May 8 and opened a way to his participation in the election as a presidential candidate.

Upon the conclusion of the registration process in May, the CNE announced that 10,697,245 citizens had been registered.³¹ However, on Aug. 3, CNE announced "final registration numbers" that in some provinces showed discrepancies from the figure announced in May. The new total number of registered voters increased by 177,083 to 10,874,328.³² The registry included 3,058,386 citizens who registered prior to the 2013 municipal elections and who were exempted from re-registration.³³ According to figures provided by the National Statistical Institute, the registered population was approximately 89.11 percent of

voting age adults and represents an increase from the 9,871,949 registered voters prior to the 2009 presidential and general elections.³⁴

The number of registered citizens per province served as the basis of assigning seats per province in the National Assembly. The changes in the voter registration totals between May and August led to a redistribution of seats in the National Assembly assigned to the provinces of Gaza, Nampula, Sofala, and Zambézia, provoking criticism from political parties that had already submitted candidate lists for each province based on the earlier figures. The candidate registration process was carried out between May 20 and July 21, after the initial announcement of voter registration totals but before the final voter registration numbers and the rearranged distribution of seats by province.

Table 2: Final Registration Numbers, as Announced by CNE in August 2014

Electoral Circles	CNE Estimate for 2014	Actually Registered (total of 2013 and 2014)	Percentage	Seats in National Assembly 2014
01 – Niassa	752,643	615,065	81.72%	14
02 – Cabo Delgado	934,653	964,071	103.15%	22
03 – Nampula	2,445,251	2,079,129	85.03%	47
04 – Zambézia	2,198,943	1,948,859	88.63%	45
05 – Tete	1,123,978	971,644	86.45%	22
06 – Manica	833,197	712,938	85.57%	16
07 – Sofala	936,610	926,746	98.95%	21
08 – Inhambane	694,302	598,276	86.17%	14
09 – Gaza	657,615	591,194	89.90%	14
10 – Maputo Province	890,406	757,594	85.08%	17
11 – Maputo City	736,119	708,812	96.29%	16
12 – Africa	55,206	86,985	157.56%	1
13 – "Rest of the world"	1,154	1,835	159%	1

30 Resolution No. 14/CNE/2014

31 Resolution No. 29/CNE/2014

32 With voters registered in the two out-of-country constituencies (88,820), the total number of voters is 10,963,148.

33 Resolution No. 64/CNE/2014

34 Resolution No. 64/CNE/2014

Voter education is an essential part of the electoral cycle and is recognized under international law as an important means of ensuring that an informed electorate is able to effectively exercise its right to vote without obstacles to ensure universal and equal suffrage.

In Cabo Delgado voter registration reached 102 percent of the expected number of eligible voters, while Sofala and Maputo city registered 98.95 and 96.29 percent, respectively. The lowest percentages of registration were in Nampula province, which registered 85.03 percent of the estimated total number of eligible voters. The total number of registered voters in the African constituency was 86,985, almost half of which were South African residents. A total of 1,835 voters registered in Portugal and Germany.

Some changes occurred also in the assignment of seats for the provincial assemblies, with Zambézia gaining one seat (from 91 to 92) and increasing the total number of seats to 811.

Voter Education

Voter education is an essential part of the electoral cycle and is recognized under international law as an important means of ensuring that an informed electorate is able to effectively exercise its right to vote without obstacles to ensure universal and equal suffrage.³⁵ As The Carter Center preliminary statement affirmed, voter education in Mozambique is of particularly critical importance given that according to UNESCO data,³⁶ the country's total adult illiteracy rate is close to 50 percent. The fact that three elections were conducted simultaneously also complicated voters' understanding of procedures, with some Carter Center and EISA observers noting that the process seemed unclear especially to elderly and first-time voters.

In Mozambique, the CNE has the primary responsibility to conduct voter education.³⁷ Prior to the 2014 polls, there were civic and voter education campaigns to ensure that voters were



John Stremiau

The Carter Center recommends that Mozambique take steps to include the participation of women at all levels of the election process.

willing and ready to participate fully in the electoral process. Dissemination methods included door-to-door sensitization, posters, and television and community radio programs in Portuguese and local languages.

EISA long-term observers witnessed voter education activity in all provinces, executed by STAE as well as by a number of civil society organizations. Regrettably, according to observer reports, voter education agents faced logistical challenges, especially in some rural areas, such as lack of transportation and resources. Voter education agents reportedly experienced difficulties in accessing some RENAMO-controlled areas of Gorongosa district, Sofala province. The Carter Center recommends conducting more train-the-trainer sessions, especially in rural areas, to improve dissemination of information.

35 U.N. International Covenant on Civil and Political Rights, Article 25(b); African Union Declaration on the Principles Governing Democratic Elections in Africa, Article 1; U.N. Human Rights Council, General Comment 25, the Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service, para. 11

36 http://www.unicef.org/infobycountry/mozambique_statistics.html

37 Law No. 6/2013, Article 9

While on election day EISA and Carter Center observers evaluated voters' understanding of voting procedures as inadequate in only 5 percent of polling stations observed, percentages of invalid votes in some areas suggest the need of further improvement of voter education campaigns. Observers reported that some groups, such as elderly and first-time voters, were sometimes not familiar with voting procedures and had to rely on explanations provided by polling station staff. According to EISA and Carter Center observers, on average, voters spent 4.5 minutes inside the polling station. Since the electoral law does not specify voter instruction at polling stations, and, reportedly, actual explanations were often lengthy and complex, The Carter Center recommends more training for polling station staff on voter instruction.

As noted in the Carter Center's preliminary statement, most stakeholders found the quality of voter education satisfactory. Nevertheless, MDM and RENAMO representatives expressed concerns about the recruitment of voter education agents, alleging bias toward FRELIMO. Observers reported that political parties and actors conducted door-to-door campaigns, held rallies, and provided information on posters regarding voting procedures, blurring the line between voter education and political campaigning for some voters.

Candidates, Parties, and Campaigns

Equitable treatment of candidates and parties during elections as well as the maintenance of an open and transparent campaign environment is important to protecting the integrity of democratic elections and the right of every citizen to be elected. The right to be elected is a universal right requiring that states ensure that their citizens have the opportunity to stand for elected office, free from unreasonable restrictions.³⁸

Nomination of Candidates

For the presidential elections, a successful candidacy must be supported by authenticated signatures of at least 10,000 registered voters.³⁹ The Constitutional Council is in charge of reviewing the validity of the requirements⁴⁰ and

validating candidatures, and there is no appeal of their decision. The voters roll is used to compare the validity of card numbers, and if the number appearing in the documentation appears to be inconsistent with what appears in the voters roll, the signature is considered invalid. Signatures were notarized in person, which presented a greater burden on smaller parties.

Out of 11 proposed presidential candidates, the Constitutional Council approved three candidates and rejected eight because of insufficient supporting signatures.⁴¹ The signatures were rejected for several reasons, among them because they were not authenticated by a notary or because of incorrect voters card numbers or because voters signed for several candidates.⁴²

Sonia Rodrigues



A woman at Compaq School shows her finger marked with indelible ink after voting. If the closed-list system is revised, more women can participate as candidates.

38 U.N., ICCPR, Article 25(b); AU, ACHPR, Articles 2 and 13; U.N., Convention on the Political Rights of Women, Article 2; U.N., Convention on the Rights of Persons With Disabilities, Article 29 (a)(ii). Unreasonable restrictions include race, sex, religion, ethnic origin, language, and physical disability.

39 The constitution and law 8/2013 stipulate the registration process to file candidatures for the presidential election.

40 Judgment No. 1/CC/2014 of Feb. 20

41 Judgment No. 9/CC/2014 of Aug. 5

42 This is prohibited by the electoral law, Article 135.

Political parties reported satisfaction with the registration process for National Assembly candidates, citing a more cooperative approach adopted for these elections by the CNE that allowed for a swifter approval of the candidates.

In Mozambique, there is no legal provision to facilitate participation of women, such as a candidate gender quota.

Participation of Women

International and regional obligations protect women's rights and ensure their democratic right to participation.⁴³ Mozambique is signatory of several regional and international conventions and protocols regarding gender equality, including the Protocol to the African Charter on Human and Peoples' Rights Concerning the Rights of Women in Africa (December 2005) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, June 1993). Mozambique's Constitution mandates that "the state shall promote, support, and value the development of women and shall encourage their growing role in society, in all spheres of political, economic, social, and cultural life of the country."⁴⁴

In Mozambique, there is no legal provision to facilitate participation of women, such as a candidate gender quota. Nevertheless, female candidates were relatively well-represented. At the national level, while no party nominated a woman as a presidential candidate, FRELIMO, RENAMO, and MDM did nominate women candidates for National Assembly positions. FRELIMO had the highest percentage of women candidates on the National Assembly ballot, with 40 percent. RENAMO and MDM had the second and third highest percentages of female candidates at 28 and 21 percent, respectively. Across all parties, women candidates made up 30 percent in the legislative elections.

To increase women's participation in politics, Mozambique could consider revising articles of the electoral law that govern the organization of the candidate lists in the closed-list system. Consideration should be given to a "zippered" or "zebra" list that would ensure that women are well-represented throughout the list; for example, requiring that every other candidate, or one of every three candidates, be a woman.⁴⁵ Such a zippered list system may provide the best prospects for enhancing women's political participation and meeting international commitments.

The new National Assembly is composed of approximately 37 percent women, roughly the same percentage as in the previous legislature. There are, nevertheless, differences among the three parties with seats in Parliament: FRELIMO is represented by 64 women, representing 44 percent of all parties' elected members of the National Assembly while RENAMO has among its ranks 27 women, or 30 percent of its total representatives. MDM is represented by one female member of Parliament out of a total of 17 representatives elected.

Polling station officers vote in the same stations they manage.



43 United Nations International Covenant on Civil and Political Rights

44 1990 Constitution, Article 122.1

45 Articles 167–171 of Law No. 8/2013 of Feb. 27, 2013, deal with the closed-list system for legislative elections.

Campaign

The right of individuals to participate in public affairs, including through the establishment of and free association with political parties and participation in campaign activities, is an international obligation and a fundamental electoral right.⁴⁶ Equal treatment of candidates and parties during an election as well as the maintenance of an open and transparent campaign environment is important to protecting the integrity of the democratic election process.⁴⁷

The campaign period in Mozambique took place from Aug. 31 to Sept. 12. Although the campaign period was largely peaceful, EISA long-term observers reported isolated incidents of intimidation and violence. As in past elections, there were concerns over the ruling party's use of state resources for its campaign. Throughout the campaign period, EISA observers noted an imbalance of resources in FRELIMO's favor and reports of its continued unlawful use of state resources for its campaign. Observers' reports also noted the presence of state vehicles in campaign activities in parts of the country.

Most campaign activity consisted of door-to-door canvassing, rallies, caravans, and posting of posters and leaflets. For the most part, political parties were able to organize and carry out their activities freely. However, there were reports of MDM officials and candidates being harassed and threatened by FRELIMO activists and officials. In one instance, the MDM presidential candidate's caravan was confronted and harassed by crowds of FRELIMO supporters in Gaza. On several occasions, CNE President Abdul Carimo made public calls for calm and for party activists to refrain from violence. Unfortunately, the last day of the campaign was marked by clashes between party supporters in Nampula city and Angoche, resulting in injuries and three deaths.

Long-term observers noted that opposition party members in several provinces reported that they did not trust the local police and, therefore, would not share their campaign plans with them as required. This lack of cooperation was also cited by police. Opposition party representatives stated that when they did share plans with police, this

information would be leaked to FRELIMO party agents or officials who would then obstruct their planned activities.

The final day of campaigning saw rallies throughout the country. The MDM presidential candidate closed his campaign in Beira, the RENAMO candidate in Nampula, and the FRELIMO candidate in Maputo. Reports indicated a generally peaceful day except a few isolated but violent skirmishes between FRELIMO and RENAMO militants. These clashes resulted in reports of injuries and one death in Nampula and in two fatalities in Angoche. These regrettable incidents marred what was an otherwise peaceful day of campaigning throughout the country. Following the close of the campaign period, observer reports indicated broad party respect for the silence period.

The right of individuals to participate in public affairs, including through the establishment of and free association with political parties and participation in campaign activities, is an international obligation and a fundamental electoral right.

Reforms made to the electoral dispute resolution system in advance of these elections included a change to the electoral law to criminalize certain types of campaign misconduct. The majority of campaign infractions reported were minor, such as defacing and removing opponents' posters. In some cases, police arrested, detained, and jailed suspects for these offenses. Ultimately 223 cases were prosecuted through the courts regarding damage of electoral materials and isolated cases of riots, intimidation, and physical offenses.

46 ICCPR, Article 25(a); ICERD, Article 5(c); CEDAW, Article 7(b); UNHRC, General Comment 25, para. 2

47 AU, ACHPR, Article 10(1); IPU, Declaration on Criteria for Free and Fair Elections, Article 3(3)

Overall, the mission found that the election campaign was conducted in a generally peaceful and tolerant atmosphere, with the exception of clashes among party activists in Gaza, Nampula city, and Angoche on the final day of the campaign, which reportedly took three lives. During the campaign period, political parties were, for the most part, able to organize and carry out their activities freely. However, there were reports of MDM officials and candidates being harassed and threatened by FRELIMO activists and officials. Although Mozambique's electoral system does not have any provision to facilitate the participation of women, women were relatively well-represented among candidates, making up about 30 percent of candidates in the legislative elections across all parties.

Overall, the mission found that the election campaign was conducted in a generally peaceful and tolerant atmosphere, with the exception of clashes among party activists in Gaza, Nampula city, and Angoche on the final day of the campaign, which reportedly took three lives.

Campaign Finance

Political parties and candidates need money to campaign and make their platforms known and available to the citizenry. Financing and adequate access to resources can be a critical component of democratic development, ensuring that voters are provided with a genuine choice on election day. Campaign finance regulations are also critical in ensuring that Article 25 of the International Covenant on Civil and Political Rights is upheld, which protects the right of every citizen to take part in public affairs directly or through freely chosen representatives.⁴⁸ Political representation and access to elected positions should be open to all members of a society and not limited to those who have access to greater resources. It is crucial

to have clear legislation and regulations in place that ensure equality between contestants, transparency of campaign finance, and oversight and accountability of electoral contestants.⁴⁹

Mozambique is obligated to take measures to prevent corruption, particularly in the context of campaign financing.⁵⁰ Campaign finance regulations should enforce a transparent process in which all political parties and candidates are treated equally. Even where these ideal conditions are met, it will not erase the major advantage of resources available to the incumbent party, which is amplified by the party's use of state resources in the campaign. These principles of transparency and prevention of corruption are included in a number of key instruments of international law, including the African Union Convention on Preventing and Combating Corruption and the United Nations Convention Against Corruption.

48 International Covenant on Civil and Political Rights, 1966, Article 25: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country."

49 The following resources from the International Foundation for Electoral Systems provide additional insight on best practices for campaign finance: Training in Detection and Enforcement (TIDE): Political Finance Oversight Handbook, 2013. Political Finance and Gender Equality, 2014. Global Trends in the Regulation of Political Finance, 2011.

50 United Nations Convention Against Corruption (UNCAC), Articles 7, 18, 37; African Union Convention on Corruption, Article 7. UNCAC Article 7.3: "Each state party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties." UNCAC, Article 18: "Each state party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: (a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the state party an undue advantage for the original instigator of the act or for any other person; (b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the state party an undue advantage." AU, African Union Convention on Preventing and Combating Corruption, Article 7(1): "In order to combat corruption and related offences in the public service, state parties commit themselves to: 1. Require all or designated public officials to declare their assets at the time of assumption of office during and after their term of office."

The system of public financing allocated approximately \$2 million to political campaigns of various parties and presidential candidates. One-third of this amount was provided to the three presidential candidates in equal portions. Another third was distributed to candidates for the National Assembly, while the final third was allocated to provincial assembly candidates. The first tranche of public campaign finance was expected to be released 21 days in advance of the start of the campaign, though reports from political parties indicate that the money was only received seven days in advance of the start of campaigning. As with previous elections, The Carter Center recommends that greater effort be made to ensure that public campaign finance is disbursed to parties in a timely manner and that the ruling party refrains from utilizing state resources in their campaigns.

Mozambique's legal framework for elections provides for both public and private funding of electoral campaigns and allows funding from a) candidates, b) political parties and their coalitions, c) groups of Mozambican and/or foreign citizens, d) national and foreign political parties, and e) nongovernmental organizations. However, funding from foreign governments, governmental organizations, or national or foreign public companies is prohibited. It is worth noting that electoral law does not impose an expenditure limit on political campaign spending.

Overall, the mission found that although Mozambique's legal framework does include measures for campaign finance, reporting regulations are neither followed nor enforced. The legal framework for campaign finance should be strengthened, including consideration of establishing a limit on campaign expenditures, and law enforcement bodies should increase efforts to identify, investigate, and prosecute offenses regarding campaign financing and abuse of state resources.

In future elections, Mozambique should consider establishing a limit on campaign expenditures that could help avoid inequalities in access to resources from undermining the democratic process's ability to produce a government that truly represents its citizenry. In its interpretation of Article 25 of the ICCPR, the Human Rights

Committee of the United Nations commented that "reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party."⁵¹

To enhance transparency of campaign financing, electoral contestants should comply with provisions in the electoral law to report income and expenditures to the CNE, and the CNE should fulfill its obligations to make campaign finance reports publicly available. In cases where political contestants are delinquent in providing records of their accounts, the CNE should fulfill its legal obligation to notify the public prosecutor's office for further action.⁵² The calendar for campaign finance reporting and public disclosure should be adjusted to ensure that preliminary campaign finance reports are published prior to election day.

As with previous elections, The Carter Center recommends that greater effort be made to ensure that public campaign finance is disbursed to parties in a timely manner and that the ruling party refrains from utilizing state resources in their campaigns.

⁵¹ Article 25 ICCPR; United Nations Human Rights Commission, General Comment 25, para. 19. Article 196 of the Guidelines on Political Party Regulation adopted by the Venice Commission in October 2010 also reads, "It is reasonable for a state to determine a maximum spending limit for parties in elections in order to achieve the legitimate aim of securing equality between candidates. However, the legitimate aim of such restrictions must be balanced with the equally legitimate need to protect other rights such as rights to free association and expression. This requires that spending limits be carefully constructed so that they are not overly burdensome. The maximum spending limit usually consists of an absolute sum or a relative sum determined by factors such as the voting in a particular constituency and the costs for campaign materials and services."

⁵² Presidential and Parliamentary Election Law, No. 8/2013 of Feb. 27, 2013, Article 41

In the future, Mozambique should consider development of an independent regulatory authority to monitor the funding of political parties, spending, and electoral campaigns. If such a body were to be established, the appointment process should ensure the political neutrality of its members.⁵³

Mozambique's election law explicitly prohibits the use of state resources in the campaign. Although this prohibition is an important effort to ensure a level playing field, the current legal framework does little to define what is considered abuse and does little to ensure enforcement. The abuse of state resources, including human resources, for campaign purposes could be more effectively prevented through improved enforcement. In the future, law enforcement bodies should increase efforts of identifying, investigating, and prosecuting offenses of campaign financing and abuse of state resources. Although there were reports of use of official vehicles during the campaign and the presence of public servants in marches and rallies during working hours, no cases of abuse of state resources were investigated and prosecuted.

The abuse of state resources, including human resources, for campaign purposes could be more effectively prevented through improved enforcement.

The Media

The media play an indispensable role in democratic elections by educating voters and political parties about major issues, thus giving them access to information so they can make truly informed decisions.⁵⁴ International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive, and impart information through a range of media.⁵⁵ In Mozambique, the majority of election-related reporting appeared to focus on the daily activities of presidential campaigns, with little in-depth analysis.

While The Carter Center did not conduct a systematic analysis of the media, it offers the following observations on the overall media framework.

The Higher Council for Social Communications (Conselho Superior de Comunicação Social) is responsible for oversight of media in Mozambique, including access to information, objectivity in reporting, and overall freedom of the press. The council is composed of 11 members, four of whom are indicated by political parties, two by the president, three by the journalists' union, one by media companies, and one by magistrates. The council also handles complaints filed by the general public and stakeholders with respect to political parties' access to airtime during the electoral campaign and about the right to reply. The council carried out a media-monitoring effort during the campaign period and produced regular reports.

There are also civil society groups, such as the Center for Interdisciplinary Studies in Communication (Centro de Estudos Interdisciplinares de Comunicação, or CEC),⁵⁶ which carried out media-monitoring activities using a variety of qualitative and quantitative variables to analyze the time, style, and tone of the articles under consideration to get a deeper sense of impact of media over the electoral process.

According to findings of the Center for Interdisciplinary Studies in Communications, media coverage of the campaign was favorably geared toward the three major parties: FRELIMO received the highest amount of time, followed by MDM and RENAMO.

⁵³ Venice Commission, Guidelines on Political Party Regulation, adopted at the 84th Plenary Session Oct. 15–16, 2010

⁵⁴ OSCE, Election Observation Handbook (Fifth Edition), p. 48

⁵⁵ U.N., ICCPR, Article 19(2); United Nations Convention Against Corruption, Articles 10(a) and 13(b); AU, Principles on Freedom of Expression in Africa, Article 6

⁵⁶ Center for Interdisciplinary Studies in Communication website: <http://www.cec.org.mz/index.php>



Voters waited in long lines in Maputo and throughout the country. Access to information will remain problematic without election reform.

The majority of the media outlets analyzed kept a neutral approach toward the three presidential candidates in the majority of the articles or reports. At the same time, positive or negative tones varied among the different media outlets. For example, *Jornal Noticias* and *Jornal Diario de Moçambique* gave Dhlakama 7.6 percent and 6.2 percent of positive consideration, respectively, while Nyusi received 35.1 percent and 28.9 percent. *Radio Moçambique* showed the highest level of neutrality. *Jornal Zambeze* had 0 percent negative reports on Dhlakama and Simango, but 66.7 percent of their pieces were negative about Nyusi.

Overall, the mission found that press freedom was generally respected but that there were some bias and imbalance in coverage of the presidential campaigns. The majority of the electoral-related pieces of information produced and analyzed were about the daily campaign, with little in-depth analysis.

Civil Society

According to public international law, all people have the right to participate in the public affairs of their country.⁵⁷ This includes the right of citizens to participate in nongovernmental organizations.⁵⁸ Other sources extend this to the right to take part in citizen observer organizations and to contribute

to voter education efforts.⁵⁹ Furthermore, Mozambique's Constitution holds that "all citizens have the right and duty to participate in the process of expansion and consolidation of democracy at all levels of society and the state."⁶⁰ Through these means, civil society plays an essential role helping to ensure an electoral process that is accountable, while also building confidence in the process.

Many civil society organizations have their roots in either traditional structures or in party political organizing (e.g., certain women and youth groups, private sector organizations, producer collectives, unions, etc.) with some having ties to the state and political parties. Nongovernmental organizations in Mozambique are few and confined mainly to urban areas. However, these vocal and vibrant organizations have proven effective watchdogs and advocates on issues including international debt relief, human rights, land reform, corruption, and democratic elections.

57 U.N., International Covenant on Civil and Political Rights, Article 25(a); AU, African Charter on Human and Peoples' Rights, Article 13(1); U.N., Universal Declaration of Human Rights, Article 21(a)

58 U.N., Convention on the Elimination of All Forms of Discrimination Against Women, Article 7

59 EISA, Principles for Election Management, Monitoring, and Observation in the SADC Region, p. 19

60 Article 73, para. 1, of the Constitution of the Republic of Mozambique

Future election reform efforts should ensure that the legal framework for elections and related laws of Mozambique do not unduly inhibit the right of citizens to participate in public affairs or access to information. For example, consideration should be given to removal of Article 216 of Mozambique's electoral law that prohibits opinion polls or surveys concerning voters' opinions of candidates in the period between the start of the election campaign and the publication of election results by the CNE. The impact of this article is unnecessarily prohibitive.

One of the largest citizen observer organizations is the Electoral Observatory (Observatório Eleitoral, or OE). The observatory is a partnership of eight Mozambican civil society organizations, established to promote the transparency and peaceful conduct of the electoral process. It consists of the following: the Mozambican Association for the Development of Democracy, the Center for the Study of Democracy and Development, the Christian Council of Mozambique, the Islamic Council of Mozambique, the Episcopal Conference of Mozambique (Catholic Church), the Institute for Civic

Education, the League of Human Rights, and the Organization for Conflict Resolution. The Electoral Observatory and its members have a long history of election observation in Mozambique, with the Institute for Civic Education and the Mozambican Association for the Development of Democracy having conducted election observation going back to 1999. The creation of the observatory represents a contribution of Mozambican civil society to genuinely democratic elections.

During election day, the Electoral Observatory deployed approximately 2,500 observers across the country. Additionally, it planned to conduct a parallel vote tabulation with technical assistance from EISA. The Carter Center regrets that the observatory was unable to obtain accreditation for all of its observers in advance of election day, particularly in Nampula province, where no Electoral Observatory observers (a total of 400) had accreditation by the time the polls opened. The organization was able to obtain all accreditations before the end of polling but was unable to distribute the full set necessary to deploy across the province as planned, limiting their observation in the province. This late provision of accreditation seriously undermined the ability

of citizen observers to conduct their work effectively. Mozambican authorities should take specific steps to ensure this does not happen in future elections, and citizen observers should be sure to meet deadlines and submit their applications for accreditation in a timely manner.

Overall, the mission found that civil society made an effort to play an active role in Mozambique's elections through voter and civic education efforts and election observation but that legal regulations and administrative processes hindered the ability of civil society to play their appropriate roles. In addition, some civil society organizations suffered from a lack of adequate substantive and organizational capacity necessary to effectively fulfill their role.

Staff from the National Elections Commission tabulate polling results in Zambézia province. This group brings together eight Mozambican civil society organizations.



Sonia Rodrigues

| Election Day

The quality of voting operations on election day is crucial to determining the degree to which an election is consistent with its democratic obligations. According to Mozambique's international and regional commitments, all citizens should enjoy the right to universal and equal suffrage, subject only to reasonable and objective limitations.⁶¹ A core obligation under international law is that elections shall be held by secret ballot, which is recognized as a means of ensuring that the will of the people is expressed freely and that a cast ballot cannot be connected with a voter to avoid intimidation and political retribution.⁶² Except in cases where a voter, such as an illiterate or disabled voter, is being lawfully assisted, a voter cannot waive his or her right to secrecy of the ballot.⁶³

On election day, EISA and Carter Center observers visited a total of 543 polling stations in 83 districts, where they observed the opening of the polls, along with the voting, closing, and counting process. The Carter Center summarized its observations about the pre-electoral period and the election day process in its preliminary statement released two days after polling, on Oct. 17, 2014 (Appendix D in English and Portuguese). The Center commended the professionalism and responsiveness of the CNE during the pre-electoral period and the voting process and congratulated Mozambicans on a largely peaceful vote.

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As affirmed in the preliminary statement, although the polling process was conducted largely in an atmosphere of calm, EISA and Carter Center observers noted a number of isolated security incidents during the counting process. Observers evaluated the implementation of election day procedures as “very good” or “reasonable” at almost all polling stations visited.

People waited patiently to participate in the democratic process on voting day in Molumbo district in Zambézia province.

61 United Nations International Covenant on Civil and Political Rights, Article 25(b); United Nations Human Rights Committee, General Comment 25 on “The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” para. 21; United Nations Universal Declaration of Human Rights, Article 21(3); Inter-Parliamentary Union Declaration on Criteria for Free and Fair Elections, Article 2(6)

62 Inter-Parliamentary Union Declaration on Criteria for Free and Fair Elections, Article 2 (7)

63 United Nations Convention on the Rights of Persons With Disabilities, Article 29 (a)(ii)



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A woman waits to cast her vote at Compaq School in Zambézia. International law dictates that elections be held by secret ballot unless the voter is being lawfully assisted by someone else.

The Carter Center reported in its preliminary statement that ballot papers were provided in sequential serial numbers that corresponded to the range of numbers indicated on ballot stubs and were, in turn, assigned to specific polling stations. The practice of having serial numbers on both ballots and ballot stubs was introduced as a tool to better track electoral material distribution and reduce possible fraud at polling stations. However, the combination of these measures—together with the access to the list of voters for every polling station—poses very real threats to the right of the secrecy of the ballot, particularly in rural areas. In addition, the procedures for special voting by polling station staff, police, and others could have compromised the secrecy of the vote in locations where few special votes were cast.⁶⁴

The Carter Center recommends that the CNE take steps to ensure that the secrecy of the ballot is fully protected in future elections, while finding alternative safeguards for preventing fraud and increasing transparency in the process.

Carter Center and EISA observers noted that no political party was successful in providing an adequate number of people to serve as polling station staff and party agents to cover all 17,012 polling stations. The polling station staff nominated by political parties were, in most cases, not nominated to the CNE with enough time to be trained on their roles and responsibilities. Although the CNE held additional training sessions, including one just days before polling, no political party fully complied with this provision. At polling

stations visited by the Center and EISA observers, FRELIMO was better represented overall, and 18 percent of stations observed during polling had only a FRELIMO party agent with no other political parties represented with party agents.

The Carter Center notes that the politicization of the electoral administration infrastructure down to the level of polling staff is inconsistent with international standards for independent, neutral, and professional electoral bodies.⁶⁵ The Center encourages all stakeholders, including the National Assembly, to consider revising the articles in the electoral laws referring to the presence of political party members within the election administration bodies and to find other means of maintaining parties' confidence in the system.

⁶⁴ Some voters, including CNE members and polling staff, police, and journalists, are able to cast special votes at stations where they are not registered. For these voters, individual ballots are placed in special envelopes, making it possible to identify (in some cases) the voting preference of an individual.

⁶⁵ United Nations International Covenant on Civil and Political Rights, General Comment 25, The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service, Article 25, para. 20, "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"; African Union Charter on Democracy, Elections, and Governance, Article 17.1, "Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections."

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Poll Opening

In stations observed by EISA and The Carter Center observers, polls opened largely on time. Only 3 percent of the polling stations visited experienced a delay of over half an hour, and in no observed area did the delays affect the ability of all registered voters to vote.

Implementation of procedures at polling stations was evaluated by observers as “very good” or “reasonable” in all cases observed. EISA and Carter Center observers did not observe any prohibited or disruptive circumstances or political campaigning outside at 95 percent of polling openings observed. Similarly, observers did not observe disruptive circumstances inside the polling centers and polling stations at 97 percent of stations visited. Observers reported that, in general, poll workers were present at stations in sufficient numbers. However, in 26 percent of the cases observed, at least one teller was missing. Essential materials were present at most polling stations, with only minor exceptions.

The Voting Process

On election day, Carter Center and EISA observers assessed the overall election environment and process at polling stations very positively: 98 percent of polling stations visited were evaluated as “very good” or “reasonable.” Similarly, the implementation of procedures by staff was assessed as “very good” or “reasonable” in 98 percent of cases.

The Carter Center commends Mozambicans for turning out in high numbers in the early hours. However, it is regrettable that this resulted in long queues, and observers reported that the average wait time for voters before they could cast their votes was almost 80 minutes.

Observers noted that party agents were present in less than half of polling stations observed in the morning but that their presence increased during the afternoon and were at their highest numbers during the count. During the voting process, the Carter Center and EISA observers noted that FRELIMO party agents were present in 98 percent of stations observed, RENAMO in 61 percent, and

MDM in 63 percent. Some stations observed had more than one agent present from the same party, and in the majority of these cases, the agents were from the FRELIMO party. In 18 percent of polling stations, FRELIMO was the only political party represented.

Observers noted that no political party had parity in gender representation among their party agents. In stations observed, 33 percent of FRELIMO party agents were women, 28 percent of MDM party agents were women, and 17 percent of

Observers noted that party agents were present in less than half of polling stations observed in the morning but that their presence increased during the afternoon and were at their highest numbers during the count.

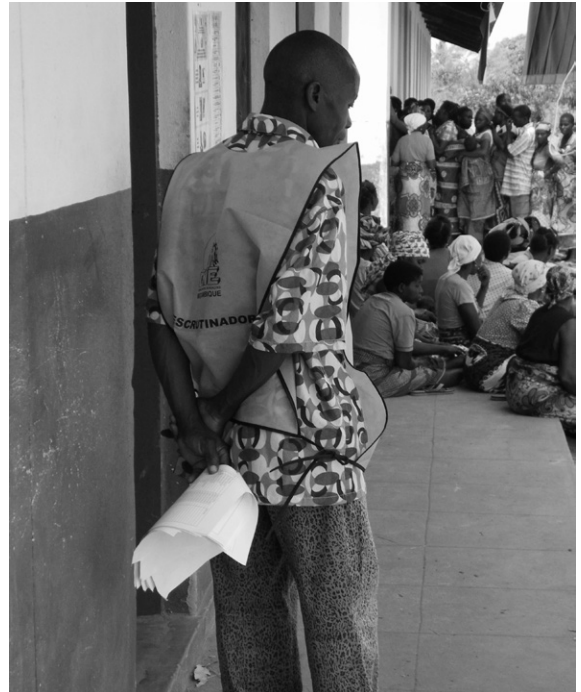
RENAMO party agents were women. The Center encourages all political parties to strengthen efforts to ensure that women are better represented among party agents in future elections.

Of the 434 stations observed during the polling process, 20 percent were missing some polling staff, typically one or more of the teller positions dedicated for political parties. In limited instances in which the number of polling station staff was not adequate to conduct polling, EISA and Carter Center observers saw the combination of several smaller polling stations in a district into one larger polling station. Observers in Beira noted one polling center with temporary staff that was the result of the combination of 14 smaller centers from across the district. The result of such combination created confusion, with polling station staff being deputized into new roles and with no clear procedures on how to handle the combination of voters rolls and ballot papers. Polling staff in these locations were unfamiliar with voting procedures and could not specify the number of registered voters.

Citizen observers from the Electoral Observatory were noted in 13 percent of polling stations observed, and citizen observers from other organizations were present in 32 percent of stations observed. No cases were reported of observers not having sufficient access to the process.

Although the closing and counting process was lengthy, EISA and Carter Center observers noted that the environment and counting process were “very good” or “reasonable” in 97 percent of stations observed.

On election day, The Carter Center noted that approximately 1,000 party agents, including agents from all three political parties contesting the presidential elections, had not yet received their accreditation. The Center regrets the lack of accreditation for national observers from one of the largest citizen observer organizations, Electoral Observatory, on election day in Nampula province, where accreditation for all 400 observers was not available as of the opening of the polls. Although the CNE worked quickly to address these problems, the Center underscores the critical role that party agents and citizen observers play in ensuring transparent elections and fostering public confidence. To this end, the Center urges the CNE to revise its timelines and processes for accrediting observers and remove unnecessary obstacles so that accreditation can be completed in a timely fashion. In addition, the Center urges observers and political parties to work hard to meet those deadlines, so that all are able to receive accreditation badges in a timely fashion.



Carlos Servin Ugarte

National Elections Commission polling station staff observed voters and carried out their duties in a professional manner.

Closing and Counting

Accurate and fair vote counting plays an indispensable role in ensuring that the electoral process is democratic and reflects the will of the voters. International and regional commitments require that votes be counted by an independent and impartial electoral management body. The counting process must be public, transparent, and free of corruption.⁶⁶

Carter Center and EISA observers observed counting at 32 polling stations in 27 districts. Although the closing and counting process was lengthy, EISA and Carter Center observers noted that the environment and counting process were “very good” or “reasonable” in 97 percent of

⁶⁶ United Nations Human Rights Committee, General Comment 25, para. 20; United Nations Convention Against Corruption, Article 18



stations observed. Observers noted that procedures related to unused ballots and the reconciliation of ballot accounts were done adequately, whereas procedures for the verification of ballots (confirmation of serial numbers) were either done inadequately or not at all in 22 percent of stations observed.

While The Carter Center was encouraged by the strong presence of political party agents from multiple parties during the counting process, the Center noted that in 15 of 27 stations observed there were multiple agents from FRELIMO and that in two stations observed there were multiple agents from MDM.⁶⁷

EISA and Carter Center observers noted a number of isolated incidents during the counting process. These included blocking of roads and clashes between police and protesters outside a counting center in Angoche, resulting in the use of tear gas and gunfire; blocking of streets by protesters outside a counting center in Beira (EPC Amilcar Cabral, 07002806), resulting in the use of gunfire by police to disperse the crowd; and an exchange of gunfire approximately three to four blocks from a counting center in Nampula city. Although these incidents were serious in nature, they were localized events and did not affect the credibility of the process as a whole and its outcome.

Jason Calder, a Carter Center political analyst, speaks with voters outside a polling station in Maputo. To date, The Carter Center has monitored more than 100 elections around the world.

⁶⁷ The law, Article 55, does not permit the presence of multiple agents from the same party inside a station.

I Postelection Developments

Vote Counting and Tabulation

Tabulation of results is an integral phase of the electoral process that ensures the will of voters is accurately and comprehensively reflected in final results.⁶⁸ The tabulation of results should be verifiable and transparent at all levels of the election administration.⁶⁹

The observation methodology of The Carter Center and EISA included an extended presence of observers across the country in the postelection period to provide a focus on the tabulation process. Fifty-four observers from The Carter Center and EISA observed the tabulation of results at the district, provincial, and national levels as well as the complaints process in 26 districts across Mozambique. Tabulation centers observed by the Center and EISA followed

different procedures and commenced and ended aggregation at different times. Observer teams completed observation forms and submitted multiple written reports during this period. Qualitative data was also collected from observer teams through phone calls.

Overall, observers evaluated the tabulation process as “very good” or “reasonable” in 73 percent of districts observed, “poor” in 12 percent of districts observed, and “not credible” in 15 percent of districts observed. In the districts where observers evaluated the process as “poor” or “not credible,” the main problems reported by observers were a lack of understanding of the process by tabulation center staff, a lack of clear procedures, and significant levels of disorder. Observers reported that the tabulation process lacked clear, consistent procedures; was disorderly; and, in some cases, lacked a level of transparency critical to enhancing confidence in the process.

Observers received reports of possible manipulation of results in two tabulation centers they visited—Lichinga in Niassa province and Beira in Sofala province.⁷⁰ In its public statement on the

Polling station staff demonstrate voting procedures before a voter casts his ballot.



Sonia Rodrigues

68 United Nations International Covenant for Civil and Political Rights, Article 25(b); African Union Declaration on the Principles Governing Democratic Elections in Africa, Article 1

69 Organization of Security and Co-operation in Europe, Election Observation Handbook (Fifth Edition), p. 63

70 In Lichinga, observers received numerous but unconfirmed reports that a group of people visited the tabulation center on the night of Oct. 16 and replaced results forms. In this district, there were also unconfirmed reports of attempts to change numbers. In Sofala province, observers received reports of a FRELIMO supporter who was arrested for allegedly falsifying results sheets in favor of Nyusi.

tabulation process of Oct. 27, The Carter Center urged stakeholders to gather adequate evidence and address complaints through appropriate mechanisms. The Center noted that allegations of manipulation of results should be resolved before final conclusions are drawn about the electoral process and its outcome.

Mozambique has a notable absence of regulations concerning procedures for the transfer of materials and the tabulation of results. Although Deliberation No. 2/CNE/2014 provides an overview of the relationship between different levels of the process, it does not provide detailed information about the tabulation process itself.

The technical preparations and training of the district-level election staff for the tabulation were not adequate and resulted in a disorderly and slow tabulation process that did not meet a number of legal deadlines.⁷¹ The Carter Center recommends that the CNE/STAE develop clear workflow procedures for the tabulation of results at the district, provincial, and national levels for future elections.

The legal framework and CNE regulations leave room for interpretation as to when tabulation should begin and what the procedures should consist of. Furthermore, while a CNE regulation indicates a division of responsibilities between the CNE and STAE, the text is subject to different interpretations, and the responsibilities of CNE and STAE are not consistently understood and consistently implemented across the country.⁷² Observers reported that in at least two district offices, STAE conducted operations alone.⁷³ It was up to the tabulation center chairman to decide if the processing of results protocols would begin after all materials and protocols were received or if they would be processed on a rolling basis. EISA and Carter Center observers witnessed both methods during the tabulation process. Most of the observed district election committees conducted tabulation on a rolling basis, while at least eight waited for all polling material to arrive. As a consequence, a discrepancy was noted between starting times.⁷⁴

In some locations, observers noted that staff received inadequate supplies to support tabulation, limited to calculators and stationery, which

resulted in a mix of aggregation methods. In most cases, computers were used to aggregate results, but there were some cases where only paper or chalkboard was used.

With regard to the verification of polling station results during tabulation processes, EISA and Carter Center observers noted only six cases in which polling station results were reviewed and verified during the tabulation process. In the majority of locations observed, the tabulation process consisted of copying figures from the polling station results sheet and entering them into the aggregated results.

Observers reported that the tabulation process lacked clear, consistent procedures; was disorderly; and, in some cases, lacked a level of transparency critical to enhancing confidence in the process.

In future elections, written tabulation procedures should include clear steps for the verification of results, a critical component of a tabulation process. In particular, the Center recommends that Mozambique establish clear procedures for cases where there are mathematical problems with results sheets (*editais*), such as numbers not totaling correctly or the number of valid votes exceeding the number of registered voters.

Transparency of the Tabulation Process. In advance of the tabulation process, The Carter Center and EISA released a joint statement expressing concern regarding observer access to

71 For example, Pemba and Tete city aggregated results past the legal deadline and also submitted the aggregated tables of results to the respective provincial election commissions past the legal deadline.

72 Directive on suffrage and tabulation of elections, presidential, parliamentary, and provincial assemblies in 2014

73 These districts were Chokwé, Gaza province; and Ilha de Moçambique, Nampula province.

74 In one case, in Montepuez, Cabo Delgado, EISA and Carter Center observers reported that actual tabulation did not begin until Oct. 18.

all stages of the tabulation process.⁷⁵ While The Carter Center welcomed the fact that the CNE publicly stated that observers should have access to all stages of the process,⁷⁶ in practice this directive was not always implemented. In some instances, EISA and Carter Center observers noted that either because of the behavior of STAE officials or unclear information regarding tabulation center locations and start times, some observers were not able to have meaningful access to all stages of the tabulation. For example, in Tete, observers were not able to obtain accurate information regarding the timing of the beginning of the tabulation process. In Pemba, observers were temporarily refused access to the tabulation center. In Inhambane, the location of the tabulation center was not initially disclosed to observers by STAE and CNE officials. In Xai-Xai, Gurué, and Chamanculo districts, observers were allowed into the room but did not have sufficient access to be able to verify data as it was entered into the system. In Meconta district of Nampula province, EISA and Carter Center observers reported that while they were given access, others were not allowed to observe, including citizen observers, the media, and political party representatives.

In all cases where Carter Center and EISA observers experienced initial challenges in accessing the process, the challenges were ultimately resolved satisfactorily but sometimes too late to allow thorough observation and assessment.

While The Carter Center welcomed the fact that the CNE publicly stated that observers should have access to all stages of the process, in practice this directive was not always implemented.

According to good international practice, both candidates or their representatives and accredited observers should be allowed to observe the counting and tabulation of votes.⁷⁷ EISA and Carter Center observers witnessed party representatives present in the majority of tabulation centers visited. However, party representatives

were not always present for all stages of the process.⁷⁸ In 53 percent of centers observed, the performance of party representatives was reported to be either inadequate or not applicable due to their absence. In advance of future elections, steps must be taken to support the critical role that party agents play in observation of the counting and tabulation period. These steps include development and distribution of clear procedures for these stages of the electoral process, training for party agents on both their roles and responsibilities as well as the process they are observing, and a renewed commitment by the CNE and STAE to uphold the transparency of the process, enhancing confidence.

The Carter Center offers the following recommendations to improve the tabulation process in future elections in Mozambique:

- Electoral results should be published by polling station to further reinforce the transparency of the process.
- Clear regulatory provisions should be developed to establish meaningful access for observers to all stages of the electoral process, especially including counting and tabulation.⁷⁹

75 EISA and The Carter Center, EISA and The Carter Center Welcome CNE Commitment to Transparency of Mozambique's Electoral Process, Oct. 10, 2014

76 In advance of the elections, the CNE confirmed that they would uphold Law No. 8/2013, Article 263 section 1(a) and (c), which states that election observers shall enjoy freedom of movement and have the right "to observe the subsequent electoral preparations at all levels, namely the collection of data, the centralization and count of the election results at district, city provincial and central levels, including the publication, announcement, validation and proclamation of the election results."

77 Southern African Development Community. Principles and Guidelines Governing Democratic Elections. Mauritius: Southern African Development Community, 2004, para 7.8. United Nations Center for Human Rights. Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections. New York and Geneva: United Nations, 1994, para. 112

78 In 44 percent of centers, all three parties contesting the presidential elections were represented; in 16 percent of centers, only FRELIMO was represented; and in all other instances, either a combination of parties was represented or it was not possible for observers to determine which party agents were present.

79 Law No. 8/2013, Article 263, section 1(a) and (c) state that election observers shall enjoy freedom of movement and have the right "to observe the subsequent electoral preparations at all levels, namely the collection of data, the centralization and count of the election results at district, city provincial and central levels, including the publication, announcement, validation and proclamation of the election results." To ensure that this law is realized in practice, clear regulations should be provided to ensure that this right is adequately respected and enforced consistently.

- Clear and detailed procedures should be developed, with advance training for staff, on improved verification, tabulation, and results publications processes.
- Training should be provided to party representatives and observers on electoral procedures, including those for counting and tabulation.
- Both CNE and STAE should renew their commitment to uphold the transparency of the process, enhancing confidence.

Election Results

The National Elections Commission announced results on Oct. 30, the last day available according to the electoral calendar. The results were then confirmed by the Constitutional Council on Dec. 30. At the time of the announcement of results by the CNE, four appeals were still awaiting decision by the Constitutional Council. Although established deadlines were met by the CNE with the announcement of results on Oct. 30, the Constitutional Council must validate results, and it has no official deadline by which to do so. Before future elections, consideration should be given to the time frame for the announcement and validation of results as well as the time frame for resolution of election-related disputes, to ensure that the time frames are complementary.

According to the electoral law in Mozambique, results should be announced at subsequent levels of tabulation within specific deadlines. In some cases, this did not happen in time. Following the announcement of results at the polling station, district, and provincial levels, the CNE assesses invalid and blank votes from all provinces before issuing the national results of all elections. Following the complaints process, the Constitutional Council validates results that are, in turn, declared final by the CNE. Although preliminary results should be announced within 15 days of election day, the complete process can take several months.

The Carter Center encourages the CNE to publish the results of all elections by polling station on its website as soon as possible and to formalize the publication of results by polling

station as a standard operating procedure for future electoral processes. The tabulation of results should be verifiable and transparent at all levels of the election administration, and the publication of results should be accessible to all as a means of building confidence in the process and the results.

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According to the CNE's results, Filipe Nyusi of FRELIMO won the presidential elections with 57 percent of the vote. Afonso Dhlakama of RENAMO was runner-up with 37 percent of the vote. Daviz Simango of MDM gained 6 percent of the vote. Compared to the 2009 elections RENAMO almost tripled their vote, increasing from 650,000 in 2009 to 1.78 million in 2014 and signaling that the elections did not materialize as an opportunity for MDM to overtake RENAMO.⁸⁰ Although MDM's Simango received a smaller share of the vote than he did in 2004, the party expanded its reach across the country and more than doubled its number of parliamentary seats.

Turnout was 49 percent overall (including out-of-country voting), continuing the trending increase after reaching a low in 2004. Turnout was higher in the south of the country, particularly in Gaza, with 66 percent, and noticeably lower in Nampula and Zambézia, the two largest constituencies of the country, with 40 percent and 39 percent, respectively. Despite the overall increase

80 Election results indicate that Dhlakama made gains in Tete and Nampula (an increase of approximately more than 200,000) as well as Zambézia and Sofala (an increase of approximately more than 150,000). Nyusi received significantly fewer votes in 2014 than his predecessor Guebuza in 2009 in Tete and Nampula (captured by Dhlakama) and performed worse than his predecessor in all provinces except Maputo province and Cabo Delgado, Nyusi's place of origin.

in turnout, abstention was high, and efforts should be made to increase popular participation in elections through civic and voter education programs, strengthening of political parties, and a comprehensive electoral reform effort geared toward realizing international standards for democratic elections with integrity.

Results indicated that Nyusi led in six of 13 provinces (in the south of the country and Cabo Delgado in the north) plus the two out-of-country constituencies, while Dhlakama led in five provinces (Sofala, Manica, Tete, Zambézia, and Nampula). In locations where Nyusi led, he won by a large margin in all but one province, with the widest margin coming in Gaza with a more than 300,000 vote difference. Simango came in third in all districts of the country and fared less well overall than in his first presidential election in 2009.

The electoral dispute resolution system was not comprehensive, and several last-minute decisions were taken to attempt to clarify gaps in both jurisdiction and procedural matters.

Conversely, Dhlakama did not reach more than a 100,000 vote difference in any of the provinces where he led, with the smallest margin coming in Tete, with approximately 2,000 votes in his favor. As a consequence, Nyusi won around 60 percent of his total support in the provinces where he led, while support for Dhlakama was far more concentrated, having received more than 75 percent of his support from the provinces where he led.

In the parliamentary elections, results largely reflected those for president, with a wider FRELIMO victory in the south of the country and Cabo Delgado and a strong RENAMO performance in larger provinces such as Zambézia. Interestingly, FRELIMO again retained all parliamentary seats from Gaza. Although presidential and parliamentary votes are relatively similar by party, Simango received slightly fewer votes

in the presidential race than his MDM party in other elections.

Overall, FRELIMO kept the majority of parliamentary seats with 144 members of Parliament (down from 191), including the two representatives elected in out-of-country constituencies. RENAMO will be represented by 89 members of Parliament (up from 51), and MDM more than doubled its number of parliamentary seats, increasing from 8 in 2009 to 17 in 2014.

Of the 811 provincial assembly seats up for election, FRELIMO won 485 (60 percent), RENAMO won 295 (36 percent), and MDM won 31 (4 percent).

Electoral Dispute Resolution

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process. Effective dispute resolution mechanisms are essential to ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.⁸¹ Voters, candidates, and other electoral stakeholders must be given—and they must perceive—that they possess a voice in the electoral process if the process is to retain credibility.

Although the reforms in place for electoral dispute resolution were overall positive, comprehensive reform would be beneficial to clarify questions of jurisdiction, to provide definitions and options for resolution of disputes throughout the entire electoral period, and to clarify time frames and deadlines. Although the procedures in place for the elections were developed in response to concerns raised by political parties, the parties were unable to successfully navigate the system to effectively air complaints. The electoral dispute resolution system was not comprehensive, and several last-minute decisions were taken to attempt to clarify gaps in both jurisdiction and

81 United Nations, Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 47

procedural matters. A comprehensive reform effort should review this system, seek to identify and address gaps, and avoid the need for last-minute directives.

Recent changes to the legal framework introduced a three-tier election dispute resolution mechanism for electoral complaints, which improved the electoral dispute resolution system overall, though some procedures need refinement and harmonization with other laws. The revised system removed the role of the CNE and enhanced the role of Mozambique's Constitutional Council.

For future elections, it would be beneficial to expand definitions of electoral offenses relevant to the entire electoral process. The current election dispute resolution system focuses primarily on the handling of complaints related to election day. Election offenses that occur during the pre-election phase, including the campaign period, are handled through the criminal justice system. Although changes to the electoral law increased the types of campaign misconduct that are criminalized, electoral reforms should seek to expand definitions of electoral offenses and ensure that the right to an effective remedy is available throughout the electoral process. Future reviews of electoral dispute resolution should also consider revision of current criminal provisions on libel and defamation that are unduly restrictive of the rights of freedom of expression.⁸² Time frames and deadlines for filing and adjudication of complaints should also be reviewed carefully, taking into consideration the electoral timetable.

Complaints with respect to irregularities in counting procedures and tabulation processes at the district, city, and provincial levels are required to be submitted immediately to the chairman of the polling station or district/city, and provincial election commissions, respectively, and are to be decided *in situ*. Decisions of polling station chairmen and district/city election commissioners can be appealed to the district court within 48 hours of the publishing of respective results. District courts must reach a decision within 48 hours of the filing of the claim, and decisions are subject to appeal to the Constitutional Council within three days. Complaints that are

John Stremiau



not submitted at the lowest level possible within this two-day time period cannot be addressed, and this was the foundation for rejection of a number of complaints reviewed by the Constitutional Council.

Although the electoral dispute resolution system was agreed to by political parties, the parties, ultimately, were unsuccessful in putting in place the necessary training and communication system essential to making this system effective. Reforms should be considered to ensure that political parties have adequate access to an effective remedy for any concerns.

There was a lack of clarity on jurisdiction for certain complaints, particularly any complaints that concerned processes at the provincial level. Neither the law courts in the districts nor the provincial courts felt they had jurisdiction related to decisions of the Provincial Election Commission. In an attempt to resolve this issue, an ad hoc interpretation of the law was applied to extend the CNE jurisdiction over complaints against the Provincial Election Commission.⁸³

EISA and Carter Center mission co-leader Rt. Honorable Raila Odinga meets with RENAMO opposition leader Afonso Dhlakama. Other leaders (not pictured) included Denis Kadima of EISA and John Stremiau of The Carter Center.

⁸² See the Joint Declarations of the United Nations Special Rapporteur on Freedom of Opinion and Expression, Nov. 30, 2000; the Organization for Security and Co-operation in Europe Representative on Freedom of the Media, Dec. 10, 2002; and the Organization of American States Special Rapporteur on Freedom of Expression, Feb. 4, 2010.

⁸³ Article 9, para. 2, Section F of Law 6/2013

However, this ad hoc system ultimately did not resolve the lack of clarity about judicial responsibility in instances of concerns regarding the tabulation and announcement of results at the provincial level, undermining the right to an effective remedy. Before future elections, questions of jurisdiction should be clarified.

At the national level, complaints with respect to the irregularities of the count must be submitted immediately to the National Election Commission and are to be decided *in situ*. Decisions can be appealed to the Constitutional Council within 48 hours from the publishing of respective results. The electoral law provides that decisions of the Constitutional Council are final and no appeal can be made against them. Consideration should be given to a right to appeal any judicial decision to a higher court.

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The legal framework for electoral dispute resolution lacks clarity on procedural matters, and a last-minute directive was issued a few weeks in advance of election day by the president of the Supreme Court of Mozambique to fill the gap in the law.⁸⁴ The directive specified the legitimacy of plaintiffs, nature and timing of appeals related to the election disputes, and the composition of tribunals adjudicating them. It further specified the principle of *impugnação prévia*, the legal principle that establishes that any complaint brought before district tribunals must initially be considered by the polling station staff.

Although the dispute resolution system in place for these elections enhanced the role of district-level tribunals, 36 out of 160 district tribunals were not established in advance of the elections. One week before the elections, the

Council of Ministers made a last-minute decision to address concerns over the lack of jurisdiction in these areas through an extension of the jurisdiction of neighboring operational tribunals over areas without tribunals.⁸⁵ The fact that both the directive and the decision were issued so close to election day hampered the opportunity for effective judicial remedy in electoral disputes.

Election-Related Complaints

In the postelection period, district tribunals received 24 complaints in eight of the 13 electoral districts, most filed by electoral contestants. The Constitutional Council ultimately considered nine complaints related to the election. All nine complaints considered were rejected on technical grounds primarily related to questions of jurisdiction, failure to file complaints at the lowest possible level (polling station), or procedural issues such as submitting complaints to the Constitutional Council with new information that had not been included in earlier considerations of the case at lower levels. In the case of one complaint by MDM, the court felt the complaint was inept and submitted in bad faith, and the party and the involved agents were fined.

Although there is no official deadline by which the Constitutional Council must consider complaints and validate election results, cases were considered quickly, and it is commendable that rulings were ultimately shared publicly on the Constitutional Council's website. This level of transparency is a critical element in building confidence in elections and dispute resolution systems.

The complaints filed around the elections touched on a range of issues of varying importance. Complaints submitted by the MDM party related to transparency of the electoral process and delays in the accreditation process for party agents and concerns about adequate access to all stages of the process.

84 Directive 01/2014, Sept. 29, 2014, Supreme Court of Mozambique

85 Council of Ministers Decree No. 57/2014, Oct. 8, 2014

The complaints considered by the court from RENAMO concerned the lack of transparency and access to the process by party delegates in some areas and, more importantly, a complaint regarding accuracy of the overall results published by the CNE. They also filed complaints regarding the accuracy of individual polling station results in some areas. RENAMO compiled the party's complaints for a range of irregularities they claimed occurred during voting, counting, and the tabulation period. These complaints were ultimately rejected by the CNE due to reasons related to jurisdiction and procedure. The CNE held that the complaints should have been submitted to the polling stations and district- and city-level election commissions involved with each individual instance.

One complaint from FRELIMO was rejected by the Constitutional Council, as was one from the Democratic Freedom United Party of Mozambique (Partido Unido de Moçambique da Liberdade Democrática).

Political Developments

Postelection political developments reflect a continuation of RENAMO's pre-electoral strategy of leveraging its military power to extract political concessions. In particular, the party is focused on the politicization of state institutions (military, police, civil service) and the unequal distribution of wealth. Stalemates, political violence, rising rhetoric, and provocative actions suggest the possibility of an escalating conflict situation that could stress the existing mechanisms for dialogue and conflict management. If there are no political solutions to these problems, the nation will likely face a prolonged period of negotiation and uncertainty.

Leader of the Opposition. The night after the elections, on Oct. 16, the spokesman for RENAMO announced that the party was rejecting the results of the election with only 20 percent of the vote counted.⁸⁶ Stating that the process was riddled with fraud and irregularities, the party called for an annulment of the elections. While RENAMO had taken similar positions following

previous elections, the statement was at odds with Dhlakama's pre-election statements that the framework and preparation for these elections had been the most credible in Mozambique's history. Nevertheless, in spite of isolated disturbances in a few cities, the immediate postelection environment remained peaceful, and the tabulation process continued around the country.

Two days later at a press conference in Maputo on Oct. 18, Dhlakama took back his spokesman's earlier definitive statement that the party was rejecting the results. While he still maintained the elections were riddled with fraud and were, therefore, unacceptable, he professed his commitment to the legal process to address his party's concerns. Dhlakama later called for a government of national unity for one to two years to reform key state institutions in preparation for new elections. On the eve of the final results, RENAMO convened a regional conference in Beira for the central and northern provinces where delegates declared that the party had won the elections. Despite the claims of massive fraud, RENAMO failed to produce evidence of its accusations for the scrutiny of observer groups or the media.

Following the Oct. 30 announcement of final results by the CNE, RENAMO maintained its position that the election results were unacceptable. As the certification of results moved to the Constitutional Council and consideration of election petitions was underway, Dhlakama mounted a two-week regional tour to the central provinces of Sofala, Manica, Tete, and Zambézia to rally his supporters around his position. Dhlakama then advocated for a caretaker government to run the country until new elections in five years, a position that RENAMO continues to hold at the time of the publication of this report, and one that the sitting FRELIMO government rejects as unconstitutional. His speeches included threats to form his own government in the provinces he

⁸⁶ <http://www.bbc.com/news/world-africa-29653391>

won and “make a revolution” if FRELIMO refused his demands.

During this period, the outgoing Parliament met in session on Dec. 4 and passed legislation to create a position of Leader of the Second Largest Party in Parliament. The position is one that had arisen in discussions between Dhlakama and President Guebuza during the signing of the cease-fire agreement on Sept. 5. Dhlakama originally expressed support for the proposal, and RENAMO deputies voted in favor. The MDM voted against it, citing the high costs of the post, which the government estimated at US\$ 2.3 million in 2015.

Against a backdrop of failed attempts at disarmament in advance of the elections and deadlocked peace talks, fatal clashes occurred between RENAMO and government forces, including attacks in April, May, and June 2015 against military and police in the central provinces of Sofala and Tete.

With Dhlakama in mind, the law allowed the post to be filled by a nonmember of Parliament and include a salary and all the entitlements of a senior state position. The bill provides the incumbent with an official residence, vehicle, medical care, and a diplomatic passport. Importantly, the bill also states that the person in this position cannot be brought to trial, except with the consent of the Council of State, an advisory body to the president.

RENAMO members of Parliament did not take their seats in Parliament until Feb. 11, 2015, one month after a swearing-in ceremony that was attended only by FRELIMO and MDM.⁸⁷

Failed cease-fire and postelection violence. After the election, the implementation of the cease-fire agreement resumed with the deployment of the international military observer

mission called for in the agreement. The mission deployed to the central provinces and Maputo and was tasked with observing the disarmament and demobilization of remaining RENAMO fighters. In early November, the government announced it had established a Peace and Reconciliation Fund for demobilized soldiers, but talks on implementation of the cease-fire quickly deadlocked with the government demanding a list of names of fighters to be demobilized, while RENAMO maintained that the first step was to agree upon a framework for how the fighters would be integrated into the military and police. Underlying this issue were longstanding arguments of principle for both parties. The government insisted on its prerogative to decide how the uniformed services would integrate new members, while RENAMO demanded some influence over the military. A visit by a government minister to the RENAMO stronghold of Gorongosa and Dhlakama’s heated rhetoric at rallies led to the exchange of accusations by each party that the other had violated the cease-fire.

There have been concerning instances of violence in the postelection period, including the fatal shooting of Gilles Cistac, a prominent constitutional lawyer, under suspicious circumstances.

Against a backdrop of failed attempts at disarmament in advance of the elections and deadlocked peace talks, fatal clashes occurred between RENAMO and government forces, including attacks in April, May, and June 2015 against military and police in the central provinces of Sofala and Tete. RENAMO began moving troops south toward Maputo. In June 2015, Dhlakama accepted responsibility for giving orders for attacks that led to the death of military and police and threatened that there would only be peace and stability in the country if RENAMO’s proposal for decentralization and provincial municipalities was accepted.

⁸⁷ On Jan. 12, outgoing Mozambican President Armando Guebuza chaired a swearing-in ceremony for 159 members of Parliament from the ruling FRELIMO party and the opposition Mozambique Democratic Movement, while RENAMO chose to boycott. There were 144 FRELIMO members of Parliament in the chamber and 17 MDM lawmakers at the inauguration ceremony in the capital Maputo.



Voters waiting outside a Maputo voting station demand information from a station officer.

The Carter Center found the failure of Mozambique to move forward after the 2014 elections deeply concerning.

The failure of Mozambique to move forward after the 2014 elections is deeply concerning. There are important economic opportunities on the horizon that could improve the livelihood of Mozambique's citizens, and the country's political leaders must begin to think of their legacies and work together for the betterment of the country, putting past divisions behind them.

Conclusions and Recommendations

The 2014 elections were the most competitive in Mozambique's history and occurred at an important yet challenging moment in the country's postwar development. Mozambique's 2014 elections offered fresh hope for peace and prosperity in a country still struggling to overcome entrenched poverty, rising inequality, and risks of renewed conflict and authoritarian rule.

Overall, the elections were more competitive, peaceful, and transparent than previous elections The Carter Center has observed in Mozambique. The electoral campaign was conducted in a generally peaceful and tolerant atmosphere, and voting was orderly and peaceful. Some isolated security incidents during counting were observed. Although they were serious in nature, they were localized and did not affect the credibility of the process and its outcome. The vote tabulation processes lacked clear and consistent procedures, which, in some instances, affected the transparency of the process.

Mozambique currently faces important challenges to overcome the country's history of civil conflict. At the same time, however, the country has the prospect of major new foreign investment and national revenues that could fuel sustained and equitable development. To realize these opportunities, the Center urges a renewed commitment to genuine political accommodation and to strengthening the foundation of a representative multiparty democracy.

The country's leaders must recommit to peace and stability, working together for the betterment of the country and putting past divisions behind them.

Recommendations

For future elections, The Carter Center makes the following recommendations in the spirit of mutual respect and support:

To the Government of Mozambique

Election reform. The 2014 elections offer an opportunity to break the cycle of ad hoc reforms negotiated between political elites that respond to perceived problems in recent elections but which lack strategic, comprehensive vision. The government of Mozambique should undertake a comprehensive electoral review process to go beyond ad hoc revisions and build a robust legal framework that fully reflects Mozambique's international commitments for democratic elections and avoids political influence.

Specific areas of focus could include: Consideration of the repeal of criminal provisions on libel and defamation and their replacement with civil defamation provisions that do not unduly restrict the right to freedom of expression; consideration of repeal of the current ban on opinion polls during the pre-election period; and clarification of the legal framework of the jurisdiction and process for handling campaign-related administrative complaints.

Support the independence of election management bodies. A specific area of focus of election reform should be review of the structure of election management bodies. Articles in the electoral laws that refer to the presence of political party members within the election administration should be reviewed and alternative ways considered to maintain parties' confidence in the system. The politicization of the CNE is not an effective model. Future elections should be administered by a fully nonpartisan, transparent, and accountable election administration body.

Consider zippered party lists to enhance women's participation in politics. The government of Mozambique is obligated to take steps to increase women's participation in electoral processes at all levels, particularly as candidates, election administrators, and voters in order to ensure full realization of their rights. To advance women's participation in politics, Mozambique could consider revising articles of the electoral law that govern the organization of the candidate lists in the closed-list system. Consideration should be given to a "zippered" or "zebra" list that would ensure that women are well-represented throughout the list: for example, requiring that every other candidate, or at least one of every three candidates, be a woman.⁸⁸ Such a zippered list system may provide the best prospects for enhancing women's political participation and meeting international commitments.

Revise, implement, and enforce public campaign finance regulations. It is crucial to have clear legislation and regulations in place that ensure equality between contestants, transparency of campaign finance, and oversight and accountability of electoral contestants. As with previous elections, The Carter Center recommends that greater effort be made to ensure that public campaign finance is disbursed to parties in a timely manner and that the ruling party refrains from utilizing state resources in their campaigns.

In future elections, Mozambique should consider establishing a limit on campaign expenditures that could help minimize the impact of inequalities in access to resources.

To enhance transparency of campaign financing, electoral contestants should comply with provisions in the electoral law to report income and expenditures to the CNE, and the CNE should fulfill its obligations to make campaign finance reports publicly available. In cases where political contestants are delinquent in providing records of their accounts, the CNE should fulfill its legal obligation to notify the public prosecutor's office for further action.⁸⁹ The calendar for campaign finance reporting and public disclosure should be adjusted to ensure that preliminary campaign finance reports are published prior to election day.

Mozambique's 2014 elections offered fresh hope for peace and prosperity in a country still struggling to overcome entrenched poverty, rising inequality, and risks of renewed conflict and authoritarian rule.

In the future, law enforcement bodies should increase efforts to identify, investigate, and prosecute offenses related to campaign financing and abuse of state resources.

Reform electoral dispute management and resolution system. Although the reforms put in place for electoral dispute resolution were positive, more comprehensive reform is needed in order to clarify questions of jurisdiction, to provide definitions and options for resolution of disputes throughout the entire electoral period, and to clarify time frames and deadlines. A comprehensive reform effort should review the current system, seek to identify and address gaps, and avoid the need for last-minute directives.

⁸⁸ Articles 167–171 of Law No. 8/2013 of Feb. 27, 2013, deal with the closed-list system for legislative elections.

⁸⁹ Presidential and Parliamentary Election Law, No. 8/2013 of Feb. 27, 2013, Article 41

To the CNE/STAE

Improve civic and voter education. Efforts should be made to increase popular participation in elections through civic and voter education programs, strengthening of political parties, and a comprehensive electoral reform effort geared toward meeting international standards for democratic elections.

Mozambique currently faces important challenges to overcome the country's history of civil conflict.

Accreditation of observers and political party agents. Improving accreditation procedures is an important element for reform in order to increase trust in the electoral process since observers and party agents play a key role in ensuring transparency and credibility. The CNE should establish deadlines for submission of applications for accreditation of observers and party agents that provide adequate time for their consideration, production, and distribution. It is essential that such accreditation is provided far enough in advance of the election to be used effectively. The number of CNE/STAE staff might need to be increased in order to produce accreditations in a timely manner.

Improve results management, including the tabulation process and transmission of results. The tabulation of results is critical to ensuring the will of voters is accurately and comprehensively reflected in final results. The Carter Center and other international and civil society observers have consistently identified the lack of clear tabulation procedures and an overall lack of transparency in results management as a main flaw in each of Mozambique's past elections, and 2014 was no exception. A lack of clear procedures and an overall lack of transparency in the tabulation process continue to undermine the quality of elections in Mozambique.

It is critical that procedures be reformed to strengthen the tabulation process in advance of

future elections. Clear and detailed procedures should be developed, with advance training for staff, on improved verification, tabulation, and results publications processes. Reforms should include expansion of Article 196a to establish parameters regarding the kinds of irregularities that should lead to recount. Trigger mechanisms should be established to allow for the detection of irregularities at the district and provincial levels. Clear guidelines should be developed to improve tabulation processes, including clear workflow instructions for district and provincial aggregation of results, to harmonize the production of results throughout Mozambique.

Publication of election results. Electoral results broken down by polling station should be published as early as possible following the elections in a variety of mediums, including the CNE website, newspapers, radio, and other means of public dissemination to further reinforce the transparency of the process.

Protect the secrecy of the ballot. The practice of having serial numbers on both ballots and ballot stubs was introduced as a tool to better track electoral material distribution and reduce possible fraud at polling stations. However, the combination of these measures, together with access to the list of voters for every polling station, poses threats to the right of the secrecy of the ballot, particularly in rural areas. In addition, the procedures for special voting by polling station staff, police, and others could have compromised the secrecy of the vote in locations where few special votes are cast.⁹⁰ The Carter Center recommends that the CNE take steps to ensure that the secrecy of the ballot is fully protected in future elections, while finding alternative safeguards for preventing fraud and increasing transparency in the process.

Conflict resolution committees. The establishment of conflict resolution committees at the city/district, provincial, and national levels was

⁹⁰ Some voters, including CNE members and polling staff, police, and journalists, are able to cast special votes at stations where they are not registered. For these voters, individual ballots are placed in special envelopes, making it possible to identify in some cases the voting preference of an individual.

a positive step. Composed of representatives of CNE and STAE, police, political parties, and civil society, the role of the committees was to find solutions to problems that might arise in the pre-election period. Unfortunately, however, they were implemented late in the process and lacked commitment by institutions involved. In advance of future elections, Mozambique should recommit to the conflict resolution committees at all levels to ensure that they can be implemented more effectively.

Training of polling staff. Improve training of polling station staff on voter instruction, utilizing simplified instructions to provide clearer guidance.

Campaign finance. In accordance with Chapter III of the election law, the CNE should analyze campaign finance reports submitted by political parties and candidates, publish widely the results of this analysis within the established time frames, and notify the public prosecutor's office in accordance with the law, in cases where accounts are not submitted within established time frames.

Review of the voter registration process. Voter registration is an important means to ensure the right to vote and should be made available to the broadest pool of citizens possible without obstacles to universal and equal suffrage. Though voter registration procedures appear to satisfy most

political parties and stakeholders, consideration should be given to improving the existing procedures and increasing access to voter registration in Mozambique. This could include consideration of the timeline and calendar for the registration process and the amount of time allocated for the review and correction of the list. Consideration should also be given to a continuous registration process.

To Political Parties

Collaborate to support election reform. Work together to reform electoral management bodies and reduce elements that politicize their work.

Support efforts to increase security and public order in the campaign period. Undertake confidence-building measures with the police ahead of the next elections to improve security and public order at campaign events.

Provide robust training for political party representatives. Seek support for robust training of political party representatives and related reporting and communication mechanisms to ensure that they can play their role effectively in future election processes.

Fully comply with campaign finance regulations. Disclose campaign finance sources to increase financial campaign transparency.⁹¹

⁹¹ Disclosure of campaign financing is currently called for in Chapter III of the Presidential and Parliamentary Election Law No. 8/2013 of Feb. 27.

Appendix A

Acknowledgments

The Carter Center's election observation mission in Mozambique would not have been possible without the support of a number of individuals and organizations.

The Center is grateful to the government of Mozambique for inviting the Center to observe the elections.

The Center acknowledges with thanks the financial support provided by the United Kingdom's Department of International Development (DFID) and the government of Norway, whose generous contributions allowed the Center to observe the elections.

The Center deeply appreciates the leadership of former Prime Minister of Kenya Rt. Honorable Raila Odinga, EISA Executive Director Denis Kadima, and Carter Center Vice President of Peace Programs Dr. John Stremlau for their key roles. Their insight during the observation process was invaluable to the success of the mission.

The Center benefited greatly from the efforts of the Maputo staff, including Mario Orru, field office manager; Marcell Nagy, observer coordinator; Linda Mazure, legal analyst; Andrew Jones, security manager; and Jason Calder, political analyst; Tereza Rafael, financial analyst; Celia Laureano, office assistant; and our core drivers, Daude and Nelson.

The Center greatly appreciates its partnership with the Electoral Institute of Sustainable Democracy in Africa (EISA). In particular, the

Center would like to thank Miguel Brito, Robert Gerenge, Funanani Nemaheni, Anissa Izidine, Victor Shale, Joseph Topangu, Abel Gomes Pereira, and Olufunto Akinduro, all of whom contributed greatly to the planning of the mission, training of observers and staff, and the execution of a successful observation of the 2014 elections.

The Center recognizes the efforts of all the international observation organizations in supporting Mozambique's electoral process, including the Southern African Development Community, the European Union, and the African Union.

The Carter Center offers its sincere thanks and gratitude to the observers whose reporting on the electoral process and engagement with Mozambican stakeholders across the country were crucial to the success of the mission.

The Center's efforts were supported by staff in Atlanta, including William Hassall, Elijah Lewin, Daniel Bruce, Ramiro Martinez, Erika Lee, Tynesha Green, Karen McIntosh, Lance Alloway, and interns Iris Navarro and Curtis Rogers. Brett Lacy managed the election observation mission, with support from David Carroll.

This final report was drafted by Mario Orru, Marcell Nagy, Linda Mazure, Jason Calder, and Brett Lacy with assistance from William Hassall and Iris Navarro. Brett Lacy and David Carroll served as primary editors.

Appendix B

The Carter Center Delegation and Staff

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Appendix C

Terms and Abbreviations

CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women	NIS	National Institute for Statistics
CIP	Center for Public Integrity (Centro de Integridade Pública)	RENAMO	Mozambique National Resistance (Resistencia Nacional Mocambicana)
CNE	National Elections Commission (Comissão Nacional de Eleições)	SADC	Southern African Development Community
EISA	Electoral Institute for Sustainable Democracy in Africa	STAE	Technical Secretariat for Election Administration (Secretariado Técnico da Administração Eleitoral)
FRELIMO	Liberation Front of Mozambique (Frente de Libertação de Moçambique)	UNESCO	United Nations Educational Scientific and Cultural Organization
MDM	Mozambique Democratic Movement (Movimento Democrático de Moçambique)	UNDP	United Nations Development Program

Appendix D

Statements



FOR IMMEDIATE RELEASE

Oct. 6, 2014

**Contact: In Atlanta, Soyia Ellison +1 404 420 5124 or soyia.ellison@emory.edu;
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Carter Center Announces International Delegation for Presidential and Legislative Elections in Mozambique

The Carter Center has launched an international election observation mission for Mozambique's presidential, legislative, and provincial assembly elections on Oct. 15, at the invitation of the government of Mozambique.

The Carter Center has deployed a five-person core team of experts in Maputo, who will be joined in early October by additional short-term observers. The Center is working in Mozambique in partnership with the Electoral Institute for Sustainable Democracy in Africa (EISA), and together the integrated mission will deploy more than 80 observers representing more than 30 countries. Together, these teams will focus their observation on the Oct. 15 general elections, including polling and the tabulation period.

The EISA/Carter Center teams will offer an independent assessment of the process surrounding the legislative and presidential elections, and will coordinate efforts with other national and international election observers and key stakeholders. The Carter Center's observers will meet regularly with representatives of the National Electoral Commission (CNE), political parties, independent candidates, civil society organizations, the international community, and citizen election observers to assess electoral preparations and the pre-electoral environment throughout the country in advance of the Oct. 15 polls. The Center will release public statements on key findings, available at www.cartercenter.org.

The Carter Center assesses the electoral process based on Mozambique's national legal framework and its obligations for democratic elections under public international law, including relevant regional and international agreements. The Center conducts its election observation work in accordance with the Declaration of Principles for International Election Observation, which provides guidelines for professional and impartial international election observation.

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“Waging Peace. Fighting Disease. Building Hope.”

A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers in developing nations to increase crop production. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and former First Lady Rosalynn Carter, in partnership with Emory University, to advance peace and health worldwide.

NEWS

THE
CARTER CENTER



ONE COPENHILL ATLANTA, GA 30307

PARA DIVULGAÇÃO IMEDIATA
6 Outubro 2014

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O Carter Center anuncia presença de uma Delegação Internacional para as Eleições Presidenciais e da Assembleia da República

O Centro Carter lançou uma missão de observação eleitoral para as Eleições Presidenciais, Legislativas e das Assembleias Provinciais do 15 de Outubro após invitation do Governo de Moçambique.

O Centro Carter conta com a presença de uma equipa central em Maputo composta por 5 analistas, aos quais se juntarão observadores de curto prazo no início de Outubro. O Centro Carter trabalha no Moçambique em parceria com o Electoral Institute for Sustainable Democracy in Africa (EISA), e no conjunto a missão integrada contará com a presença de mais de 80 observadores representando mais de 30 países. Juntos, estas equipas focalizarão a observação delas nas eleições gerais do 15 de Outubro, incluindo o período de votação e agregação dos resultados.

O Centro Carter providenciará uma avaliação independente dos processos ligados às eleições presidenciais e da Assembleia da República e vai coordenar esforços com outros observadores nacionais e internacionais e grupos interessados. Os observadores do Centro Carter vão se encontrar com representantes da Comissão Nacional de Eleições (CNE), partidos políticos, candidatos independentes, organizações da sociedade civil, a comunidade internacional e observadores cidadãos para avaliar as preparações eleitorais e o ambiente pre-eleitoral no país antes do dia eleitoral do 15 de Outubro. O Centro vai publicar comunicados públicos sobre as conclusões principais, disponíveis no www.cartercenter.org.

O Centro Carter avalia processos eleitorais com base no quadro normativo nacional do Moçambique e as obrigações do país para eleições democráticas previstas na legislação internacional, incluindo os acordos regionais relevantes. O Centro conduz as atividades de observação eleitoral de acordo com a Declaração dos Princípios para a Observação Eleitoral Internacional, que providencia linhas guias para uma observação eleitoral internacional profissional e imparcial.

#####

“fazer paz, lutando contra doenças, construindo esperanças”

Uma organização não governamental sem fins lucrativos, O Centro Carter ajudou a melhorar a vida de pessoas em mais de 80 países, resolvendo conflitos; avançando a democracia, direitos humanos e oportunidade económicas; prevenindo doenças, melhorando a saúde mental e formando produtores rurais em nações em desenvolvimento para aumentar safras. O Centro Carter foi fundado em 1982 pelo ex Presidente dos Estados Unidos Jimmy Carter e a ex Primeira Dama Rosalynn Carter, em parceria com a Universidade Emory, para sustentar a paz e a saúde no planeta.



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FOR IMMEDIATE RELEASE
Oct. 10, 2014

EISA and The Carter Center Welcome CNE Commitment to Transparency of Mozambique's Electoral Process

The Electoral Institute for Sustainable Democracy in Africa (EISA) and The Carter Center welcome today's confirmation by Mozambique's National Election Commission (CNE) that the entire electoral process, in all its phases, is subject to observation. This assurance that all accredited observers and journalists will be able to observe the entire process, including the tabulation process at the district, provincial, and national levels, is an important commitment to the transparency of the electoral process.

Today's affirmation of the CNE's continued dedication to upholding the law of Mozambique and international standards is welcome. Law no. 8/2013, article 263 section 1(a) and (c) states that election observers shall enjoy freedom of movement and have the right "to observe the subsequent electoral preparations at all levels, namely the collection of data, the centralization and count of the election results at district, city provincial and central levels, including the publication, announcement, validation and proclamation of the election results."



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PARA DIVULGAÇÃO IMEDIATA
10 Outubro 2014

O EISA e o Carter Center saúdam o compromisso da CNE com a transparência do processo eleitoral de Moçambique

O Instituto Eleitoral para a Democracia Sustentável em África (EISA) e o Carter Center saúdam a confirmação anunciada hoje pela Comissão Nacional de Eleições de Moçambique (CNE) de que todo o processo eleitoral, em todas as suas fases, está aberto à observação. Esta garantia de que todos os observadores e jornalistas credenciados poderão observar todo o processo, incluindo o processo de apuramento ao nível distrital, provincial e nacional, é um importante compromisso com a transparência do processo eleitoral.

A reafirmação feita hoje da dedicação contínua da CNE em fazer cumprir as leis de Moçambique e as normas internacionais é bem-vinda. A Lei n. 8/2013, no artigo 263, 1 (a) e (c) indica que os observadores eleitorais gozam de liberdade de movimento e podem "observar as operações subsequentes do processo eleitoral em todos os escalões, nomeadamente, a recolha de dados, centralização e apuramento dos resultados eleitorais ao nível do distrito, da cidade, da província e central, incluindo a publicação, o anúncio, a validação e proclamação dos resultados eleitorais."



**FOR IMMEDIATE RELEASE
Oct. 17, 2014**

**ELECTION OBSERVATION MISSION
MOZAMBIQUE PRESIDENTIAL, LEGISLATIVE, AND PROVINCIAL ASSEMBLY
ELECTIONS, OCTOBER 2014**

PRELIMINARY STATEMENT

**THE CARTER CENTER CONGRATULATES MOZAMBIicans ON
LARGELY PEACEFUL VOTE; ENCOURAGES CALM AS THE
TABULATION PROCESS CONTINUES**

Maputo, Mozambique

**Contact: Mario Orru, – Maputo – +258 845 341 155
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The Carter Center Election Observation Mission has been in Mozambique since September 2014 following an invitation from the Ministry of Foreign Affairs and Cooperation. The Center is working in Mozambique in partnership with the Electoral Institute for Sustainable Democracy in Africa (EISA), and together the integrated mission deployed 87 observers representing 40 countries. The EISA – Carter Center mission was led by Raila Odinga, former prime minister of Kenya, and co-led by Denis Kadima, executive director of EISA, and John Stremlau, vice president of peace programs at The Carter Center. Twenty-three long-term observers from 13 countries were deployed by EISA throughout the country in advance of election day to assess election preparations. On election day, EISA and TCC observers visited 543 polling stations in 82 districts to observe opening, voting and counting. Observers remain in their areas of observation to assess the conclusion of counting and the tabulation of results at the district, provincial, and national levels. All assessments are made in accordance with international standards for elections, and the observation mission was conducted in accordance with the Declaration of Principles for International Election Observation.

This statement is preliminary; a final report will be published several months after the end of the electoral process.

Executive Summary

On Oct. 15, Mozambique held elections for president, national assembly and provincial assemblies. These are the fifth national elections since the historic General Peace Agreement between the Liberation Front of Mozambique (*Frente de Libertação de Moçambique*, or FRELIMO) and the Mozambican National Resistance (*Resistencia Nacional Mocambicana*, or RENAMO) brought an end to a tragic civil war. A recent return to armed hostilities has reminded all Mozambicans of the importance of safeguarding their hard-earned peace and democratic institutions while hopes and expectations are rising that a dynamic, fast-growing economy will become a more inclusive economy. No matter which candidates and parties emerge the winners, these elections will usher in historic changes at another consequential moment in Mozambique's history.

The Carter Center congratulates the citizens of Mozambique who came out on election day to exercise their right to vote at more than 17,000 polling stations spread throughout the length and breadth of the country.

The joint observation mission of The Carter Center and the Electoral Institute for Sustainable Democracy in Africa (EISA) has fielded long-term and short-term observers since Aug. 25 to assess the legal and institutional context for these elections, the state of electoral preparations, and the period of the political campaign. Twenty-three long-term observers from 13 countries were deployed by EISA throughout the country in advance of election day to assess election preparations. On election day, the integrated EISA and TCC team deployed 87 observers from 40 countries who visited 543 polling stations in 82 of 151 districts to observe voting and counting. A team of 57 observers remain in all 10 provinces and Maputo city to continue to observe the tabulation of results at district, provincial, and national levels.

A negotiated electoral framework passed in February 2014 addressed several shortcomings of previous elections. It also laid out the formula for constituting new election bodies at the district, provincial and national levels, including that parties represented in parliament would have representatives at all levels of the National Elections Commission (*Comissão Nacional de Eleições*, or CNE) and the Technical Secretariat for Electoral Administration (*Secretariado Técnico da Administração Eleitoral*, or STAE), as well as staff at the polling stations. It also included a new mechanism for consideration of electoral complaints through the court system, rather than through the election management body as in past elections.

The campaign was conducted in a generally peaceful and tolerant atmosphere with the exception of clashes among party activists in Gaza, Nampula city, and Angoche on the final day of the campaign that reportedly took three lives, an unfortunate mark on the process. The president of the CNE was appropriately outspoken at key moments to encourage a peaceful campaign.

The Carter Center commends the professionalism and responsiveness of the CNE during the electoral process, particularly its clear and swift efforts to resolve questions raised in the pre-election period regarding observer access to the tabulation period,¹ as well as its efforts to

¹ EISA and The Carter Center Welcome CNE Commitment to Transparency of Mozambique's Electoral Process, October 10, 2014

resolve a problem in Nampula province on election day related to missing accreditation for citizen observers. The Carter Center congratulates the CNE and STAE on their work to facilitate access of relevant information to all stakeholders throughout the electoral process and encourages the CNE to seek further opportunities and initiatives and to continue the opening up of the electoral process to the citizens of Mozambique.

On election day, observers witnessed the opening and closing of polling stations, the conduct of voting in a generally orderly and peaceful environment, and the counting of ballots. During polling, CNE staff conducted their responsibilities with professionalism. Observers noted that overall the presence of party agents and political party members of polling station staff was not comprehensive. Observers noted that FRELIMO was better represented overall, and 18 percent of stations observed during polling had only a FRELIMO party agent. Turnout at stations observed by The Carter Center appears moderate, and similar to turnout in recent elections.

Although the polling process was conducted largely in an atmosphere of calm, EISA and Carter Center observers did note a number of isolated incidents during the counting process, including blocking of roads and clashes between police and protestors outside of a counting center in Angoche (Nampula province) resulting in the use of tear gas and gunfire; blocking of streets by protestors outside of a counting center in Beira (EPC Amilcar Cabral, 07002806) resulting in the use of gunfire by police to disperse the crowd; and an exchange of gunfire approximately three to four blocks from a counting center in Nampula city. Although these incidents were serious in nature, they were localized events and do not affect the credibility of the process and its outcome.

Currently the process of tabulating votes is ongoing across the country, and the electoral process has not yet concluded. The findings and observations presented here are preliminary. A final report of The Carter Center's overall findings will be released in coming months.

The Carter Center offers the following recommendations to the Mozambican government, political parties, and electoral authorities:

1. As the electoral process continues with the ongoing tabulation of results, we encourage citizens and stakeholders to maintain the current atmosphere of calm, respect the process, and allow the CNE and STAE to complete their work.
2. Political parties should work together to increase trust and confidence in electoral management bodies (EMBs) and avoid action that could politicize their work. For future elections, Mozambique should consider further reforms that would make the structure, composition, and operations of the electoral authorities more consistent with international good practice and obligations to ensure the independence and impartiality of the election management body.²
3. The Center recommends the publication of electoral results by polling station to further reinforce the transparency of the process.

² UNHR, General Comment No. 25 para. 20

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4. Reconsider and respect clear deadlines for submission of applications for accreditation for observers and party agents to ensure adequate time for their production and distribution, so that they are available far enough in advance of the election to be used effectively.
 5. The police must enforce in a fair, equitable and professional manner all laws and regulations surrounding the security of public campaign activities and the arrest, investigation, and detention of any who break campaign laws. In turn, parties should work with police to facilitate security and public order at campaign events.

Statement of Preliminary Findings and Conclusions

BACKGROUND

For most of the last two decades, Mozambique has been held up as a success story of post-conflict transition, multi-party democracy and economic liberalization. It has successfully held four national elections (1994, 1999, 2004, 2009), the results of which have been broadly accepted and judged reflective of the will of the electorate. Each successive election has seen a widening of the Liberation Front of Mozambique's (*Frente de Libertação de Moçambique*, or FRELIMO) hold on power. Incumbent Armando Guebuza received 75 percent of the popular vote for president in 2009, and his party secured 191 of 250 seats in the Assembly of the Republic. Meanwhile, the electoral decline of the Mozambican National Resistance (*Resistencia Nacional Mocambicana*, or RENAMO) has continued since the 1999 elections in the face of new competition from the Mozambique Democratic Movement (*Movimento Democrático de Moçambique*, or MDM).

Following nearly two decades of civil war, Mozambique held its first democratic elections in 1994. Widely determined to be genuinely democratic, the election illustrated the extent to which two main forces, FRELIMO and RENAMO, had committed themselves to peace and the introduction of multiparty politics. The Carter Center observed the 1999 elections in Mozambique, which were largely peaceful and well administered. The Carter Center also observed Mozambique's 2004 elections, which demonstrated a number of positive signs, including a generally peaceful campaign period and voting process and improved accountability during the vote counting. However, there were concerns regarding the accuracy of the voters list and, as in 1999, problems with the lack of transparency in the final tabulation of national results, which delayed the announcement of results and undermined the credibility of the process.

The 2014 national elections in Mozambique represent an important, yet challenging, moment in the country's heretofore successful post-war development. The elections are occurring in the midst of uncertainty regarding the direction of the country's continued development, and concern about its stability. A second opposition political party has emerged, potentially changing the dynamics of the well-worn two-party system. New discoveries of natural resource reserves give hope that this chronically aid-dependent nation will be able maintain high levels of economic growth and finally translate this into widespread human development.

Mozambique returned to armed hostilities in 2012 for the first time since a peace agreement ended a bitter civil war in 1992. While another negotiated agreement ended the recent fighting just before the campaign period began, disarmament of opposition fighters is not complete, and fundamental issues bedeviling the consolidation of a fuller democracy remain unresolved.

The Carter Center is assessing the electoral process against Mozambique's legal framework for elections and its obligations for democratic elections under public international law. An assessment of the pre-electoral environment and preparation for the election are essential to determining the extent to which key aspects of the electoral process are consistent with Mozambique's obligations under public international law, including regional and international treaties. The Republic of Mozambique has either ratified or acceded to the U.N. Convention on

the Elimination of All Forms of Discrimination against Women, U.N. Convention on the Rights of the Child, U.N. International Covenant on Civil and Political Rights, U.N. International Convention on the Elimination of All Forms of Racial Discrimination, United Nations Convention Against Corruption, AU African Charter on Human and Peoples' Rights, AU Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, African Union Convention on Preventing and Combating Corruption, SADC Protocol Against Corruption, SADC Protocol on Culture, Information, and Sport, U.N. Communication No. 488/1992 (*Toonen v. Australia*), and the U.N. Vienna Convention on the Law of Treaties, (1155 U.N.T.S. 331, 8 I.L.M. 679, entered into force Jan. 27, 1980). Additionally, the Republic of Mozambique has also signed the U.N. Convention on the Rights of Persons with Disabilities.

LEGAL FRAMEWORK

A sound legal framework is essential to the administration of democratic elections and to ensuring that a country upholds its international obligations. The legal framework includes constitutional provisions, domestic laws, and regulations regarding the electoral process. Based on its international commitments, Mozambique is obligated to take measures to promote the principles of the rule of law, recognizing that laws must be consistent with international principles of human rights.³

The presidential, national assembly and provincial assembly elections are regulated by a comprehensive legal framework, including the constitution and law 15/2009, which establishes the legal regime for holding simultaneous presidential, national assembly, and provincial assembly elections. Presidential and national assembly elections are governed by law 8/2013, most recently amended by law 12/2014 and adopted as a compromise among political parties. Provincial assembly elections are governed by law 4/2013, most recently amended by law 11/2014. The election law includes rules on campaigning, campaign finance, election offenses, and media coverage. Other applicable laws include law 5/2013, amended by law 8/2014 on voter registration, and law 6/2013, amended by law 9/2014 on election administration; law 6/2006, amended by law 5/2008 on the Constitutional Council; law 7/91 on political parties, and law 9/1991 and law 7/2001 on freedoms of association and demonstration.

Mozambique's legal framework generally provides a sound basis for the conduct of democratic elections and reflects international standards. In general, electoral legislation was enacted sufficiently in advance of elections to enable all stakeholders to become informed of the rules.

The constitution guarantees fundamental rights and freedoms, includes the basic principles of the electoral system, and contains a safeguard against frequent changes, as requirements for amendments are more rigorous than those for other laws.

National Elections Commission (*Comissão Nacional de Eleições*, or CNE) regulations and decisions supplement the legal framework, as do rulings of the Constitutional Council.⁴ A

³ UN, International Covenant on Civil and Political Rights, art. 2; AU, African Charter for Human and People's Rights, art. 1; Universal Declaration of Human Rights, art 21(3); International Covenant on Civil and Political Rights, art 25 (b).

⁴ Deliberation No. 1/CC/2014 of Feb. 20; Decision No. 9/CC/2014 of Aug. 5; Decision No. 8/CC/2014 of July 31.

number of CNE regulations have been adopted on various matters, including decision No. 65/CNE/2014, which decided the number of seat distributions per constituency; and No. 64/CNE/2014, which approved voter registration data, regulated the distribution of public financing for electoral campaigns, and decided on the process that determined candidate ordering on ballots. The CNE also produced procedural manuals for polling staff.

In response to criticisms relating to FRELIMO's monopoly of power and RENAMO's boycott of last year's local elections, a series of electoral reforms presented by RENAMO were agreed upon by FRELIMO. The resulting laws and regulations improved the overall legal framework, which stands as a sound basis for the conduct of democratic elections.

The negotiated electoral framework addresses a number of previous recommendations of international observation organizations, including an extended electoral process timeframe, procedures for candidate registration, and disclosure of the number of registered voters per polling station. Another negotiated reform allowed party members of FRELIMO, RENAMO, and MDM to participate at all levels of election administration, down to polling staff membership. Other reforms include a requirement to check polling station staff members' hands and counting table surfaces for ink, dirt, or other substances that could spoil ballot papers in advance of counting to reduce the likelihood of accidental spoiling.

Electoral System

The essence of any electoral system should be to translate the will of the people into a representative government, although no specific electoral system is prescribed.⁵ Mozambique holds elections on three levels: at the national level for a president and national assembly, at the provincial level for provincial assemblies, and at the local level for the president of the municipal council and municipal assemblies. The 2014 general elections in Mozambique include polling at the national and provincial level for presidential, national assembly, and provincial assembly seats.

Presidential Election

The president of the republic is elected directly by popular vote with an absolute majority of valid votes. If no candidate wins the required majority in the first round, a second round between the top two candidates will be held within 30 days of the validation and proclamation of the results of the first round. The candidate who receives the highest number of votes in the second round is elected. The president is elected to serve a five-year term and can be elected two consecutive times.

National Assembly Election

The 250-member unicameral national assembly (parliament) is elected for a five-year term under a closed-list proportional system within 13 multi-member electoral districts that correspond to

⁵ U.N., International Covenant on Civil and Political Rights, Art. 25(b); United Nations Human Rights Council, General Comment 25, para. 21; International IDEA Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 28.

the country's 10 administrative provinces, the city of Maputo, and two out-of-country constituencies, one for Africa and one for the "rest of the world." The African constituency consists of South Africa, Swaziland, Zimbabwe, Malawi, Zambia, Tanzania, and Kenya, while the global constituency includes Portugal and Germany. National assembly seats (*mandatos*) were distributed by the CNE according to Art. 165 of Law 8/2013 and comply with the principle of equal suffrage.⁶

Political parties and party coalitions can contest the elections, with closed candidate lists submitted for each district. In the closed-list proportional representation system, voters cast only one vote for a party and cannot choose their candidate of preference for the proposed list. As a result, the higher a candidate is placed in the list increases their likelihood of being elected. The selection and the order of the candidates on the lists are decided by the parties. Voters at the polling station vote for the party without necessarily knowing the names of candidates on the list, and cannot vote for different parties for different seats.⁷

Provincial Assembly Elections

The total number of seats for provincial assembly elections totals 811 nationwide, ranging from 70 in Inhambane and Gaza, to 92 in Zambezia, and 93 in Nampula. Like the national assembly election, the electoral system in the provincial assemblies is a proportional system with closed lists.

ELECTION ADMINISTRATION

One of the effective means to promote the transparency of an electoral process and to facilitate the participation of citizens in a genuine democratic process is an independent and impartial election management body. A transparent and professional body is regarded as an effective means of ensuring that other international obligations related to the democratic process can be met.⁸ The election management body also should ensure accountable, efficient, and effective public administration as it relates to elections, and it is its responsibility to ensure that the electoral process is in compliance with Mozambique's regional and international obligations for democratic elections and human rights.⁹

The National Elections Commission (*Comissão Nacional de Eleições*, or CNE) is established by Law 8/2007,¹⁰ which was later amended twice. The CNE is responsible for supervising voter registration, the conduct of elections and holding of referenda.¹¹ The CNE is responsible for the overall implementation of the elections, with administrative support from the Technical Secretariat for Election Administration (*Secretariado Técnico da Administração Eleitoral*, or STAE).

⁶ U.N., International Covenant on Civil and Political Rights, art. 25(b).

⁷ The method used to distribute seats to winning parties is the D'Hondt method, also known as the highest averages method.

⁸ UNHRC, General Comment No. 25 para. 20

⁹ Venice Commission, Code, sec. II.3.1.c

¹⁰ Law 8/2007 (Articles 1 - 3, Anexo 3)

¹¹ Law 8/2007, 2002, 2

Overall, stakeholders, including all political parties, reported that the CNE conducted its responsibilities in advance of the elections with neutrality, professionalism, and transparency. The confidence stakeholders placed within the CNE and its credibility were a positive mark of these elections, and an important improvement upon past elections.

Law 9/2014 introduced some important changes to the structure of the CNE, allowing for the three parties in the national assembly to have representatives in all levels of the body. As a result, the CNE is now composed of 17 members (increased from 13). Five members are provided by FRELIMO, four by RENAMO, and one by MDM. Two vice presidents are nominated by the two largest parties within the national assembly, currently FRELIMO and RENAMO. The remaining seven members, including the president, are nominated by civil society organizations. In addition, these parties are assured representation within CNE and STAE provincial, district, and city bodies, and are also able to appoint one polling staff member to each of Mozambique's 17,000+ stations.¹²

The representation of political parties at all levels of election administration bodies is intended to increase the confidence of political parties against possible fraud and manipulation. Despite the political rationale behind these electoral reforms, The Carter Center notes that the politicization of the electoral administration infrastructure does not fully comply with the international standard for independent, neutral, and professional electoral bodies.¹³ The Carter Center encourages all stakeholders, including the national assembly, to consider the opportunity to revise the articles in the electoral laws referring to the presence of political party members within the election administration bodies while finding other means of maintaining parties' confidence in the system.

The Carter Center congratulates the CNE on its commitment to transparency and work to facilitate access of relevant information to all stakeholders throughout the pre-election period. The Center encourages the CNE to seek further opportunities and initiatives to continue the opening up of the electoral process to the citizens of Mozambique. In this respect, the Carter Center encourages the CNE to make the legal framework for elections easily available to citizens. The Carter Center recommends the publication of electoral results by polling station in all mediums possible, including the CNE website, newspapers, radio, or other means of public dissemination.

The CNE has played an important role during the campaign period by mediating conflict between parties and calling for peaceful demonstrations. The CNE has also initiated the setup of conflict resolution committees at all levels. The Carter Center recommends institutionalizing these systems to ensure that they can be implemented in future electoral processes.

¹² Law 9/2014, Art. 44.

¹³ U.N. (ICCPR): General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service (Article 25), para. 20, reads "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." The AU Charter on Democracy, Elections, and Governance, art 17.1 reads, "Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections."

VOTER EDUCATION

Voter education is an essential part of the electoral cycle, and it is recognized in the international law as an important means of ensuring that an informed electorate is able to effectively exercise their right to vote without obstacles to ensure universal and equal suffrage.¹⁴ Voter education in Mozambique is of particularly critical importance, given that the country's rate of illiteracy is close to 50 percent,¹⁵ and considering that three elections were conducted simultaneously.

In Mozambique, the CNE has the primary responsibility to conduct voter education.¹⁶ Prior to the 2014 polls, there were civic and voter education campaigns to ensure that voters are willing and ready to participate fully in the electoral process. Dissemination methods included door-to-door sensitization, posters, and television and community radio programs in Portuguese and local languages.

EISA long-term observers witnessed voter education activity in all provinces, executed by STAE as well as a number of civil society organizations. In general, most stakeholders found the quality of voter education satisfactory. Notwithstanding, MDM and RENAMO representatives expressed concerns about the recruitment of voter education agents, alleging bias towards FRELIMO. Voter education agents faced logistical problems in some rural areas, such as lack of transportation and resources. Voter education agents reportedly experienced challenges in some RENAMO-controlled areas of Gorongosa district, Sofala province. In urban areas, Carter Center observers witnessed ubiquitous posters showing voting steps.

VOTER REGISTRATION

Voter registration is recognized as an important means to ensure the right to vote and should be made available to the broadest pool of citizens possible without obstacles to ensure universal and equal suffrage.¹⁷ The rights of universal and equal suffrage are fundamental in democracies and are a critical part of democratic elections. Although the Carter Center did not directly observe the process, the Center welcomes the fact that the voter registration process in Mozambique appeared to satisfy most political parties and stakeholders.

According to the official calendar, voter registration in the national territory of Mozambique was scheduled to take place between Jan. 30 and April 14, 2014, with a special registration period between March 1 and 31 for Mozambican citizens residing abroad.¹⁸ According to media reports,

¹⁴ International Covenant on Civil and Political Rights, art. 25(b); AU, Declaration on the Principles Governing Democratic Elections in Africa, art. 1; U.N., United Nations Human Rights Council, General Comment No. 25 on “the Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” para. 11.

¹⁵ http://www.unicef.org/infobycountry/mozambique_statistics.html

¹⁶ Lei no. 6/2013, art. 9

¹⁷ UN, International Covenant on Civil and Political Rights, art. 25(b); AU Declaration on the Principles Governing Democratic Elections in Africa, art. 1; United Nations Human Rights Council, General Comment No. 25 on “the Regulations for voter registration are established under Law 5/2013 and require that the voter register is maintained in a manner that is transparent and accurate, protects the right of qualified citizens to register and prevents the unlawful or fraudulent registration or removal of eligible voters and is in conformity to Mozambique's international commitments. Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” para. 11.

¹⁸ Decreto n.º 59/2013 de Conselho de Ministros

the registration was to be conducted by 4,078 registration teams at 6,689 registration stations, organized by STAE under the supervision of CNE.

On Jan. 29, one day before the registration was set to begin, the CNE postponed the beginning of the registration period until March 1 in Mozambique and March 16 abroad.¹⁹ There were reportedly a number of logistical difficulties during the registration process, including heavy rainfall in the central and northern areas of the country, as well as lack or theft of equipment. Stakeholders reported to Carter Center observers that because of ongoing fighting between RENAMO and government forces, in some areas of Sofala province, registration started as late as the first week of May.

Following a further extension of 10 days,²⁰ voter registration concluded on May 9, and numbers were released, but unfortunately not identified as preliminary.²¹ Controversially, on Aug. 3, CNE announced “final registration numbers” that in some provinces showed discrepancies from the ones announced in May, and the total number of registered voters reportedly increased. This change in the voter registration totals led to the redistribution of seats in the national assembly assigned to the provinces of Gaza, Nampula, Sofala, and Zambézia,²² provoking criticism from political parties that had already submitted the number of candidates required in each province.

For the first time the voter register, including the number of registered voters per polling station, was distributed to political parties well before election day as a measure to increase the transparency of the process.

The total number of registered voters for the 2014 elections is 10,874,328,²³ which is 89.11 percent of the total eligible population, according to data provided by the National Institute for Statistics (INE). In Cabo Delgado the registration attained 102 percent of the expected number of eligible voters, while Sofala and Maputo city have registered the second and third highest amounts, with 98.95 and 96.29 percent, respectively. The least successful province was Nampula, which registered 85.03 percent of the estimated total number of eligible voters. The total number of registered voters in the African constituency is 86,985, almost half of which are South African residents. A total of 1,835 voters are registered in Portugal and Germany.

CANDIDATES, PARTIES, AND THE CAMPAIGN ENVIRONMENT

Political pluralism and genuine choice for voters are critical aspects of democracy. Equitable treatment of candidates and parties during an election, as well as the maintenance of an open and transparent campaign environment, are important to ensuring the integrity of the democratic election process. Mozambique supports several important international obligations in relation to

¹⁹ Deliberação n.º 6/CNE/2014

²⁰ Deliberação n.º 14/CNE/2014

²¹ Some media reports suggest that this announcement included a total of 7,709,736 registered voters. The total number of registered voters reportedly increased by 177,083.

²² Deliberação n.º 65/CNE/2014

²³ This total includes 3,058,386 citizens registered prior to the 2013 Municipal Elections who were exempted from re-registration.

candidates, parties, and the campaign environment, including ensuring that every citizen has the right to be elected²⁴ and the right of freedom of assembly.²⁵

Registration of candidates

Mozambique's international commitments include ensuring "a real political pluralism, an ideological variety and a multi-party system that are exercised through functioning of political parties..."²⁶ In order to achieve this important ambition, Mozambique is also obligated to ensure that "every citizen should have equal legal possibilities to propose him/herself as a candidate in elections."²⁷

The constitution and law 8/2013 stipulate the registration process to file candidatures for the presidential election. Accordingly, to contest the election, any of the potential candidates must be supported by authenticated signatures of at least 10,000 registered voters.²⁸ The Constitutional Council is in charge of reviewing the validity of the requirements²⁹ and validating candidatures, and there is no appeal to their decision. Out of 11 proposed candidates, the Constitutional Council approved three candidates and rejected eight because of insufficient supporting signatures.³⁰ The signatures were rejected for several reasons, among them because they were not authenticated by a notary or because of incorrect voters' card numbers or because voters signed for several candidates.³¹

Political parties reported satisfaction with the registration process for national assembly candidates, citing a more cooperative approach adopted for these elections by the CNE that allowed for a swifter approval of the candidates.

Campaign

The campaign period took place from Aug. 31 to Sept. 12. Although the campaign period was largely peaceful, EISA long-term observers reported isolated incidents of intimidation and violence. Unfortunately, the last day of the campaign was marked by clashes between party supporters in Nampula city and Angoche resulting in reported injuries and three deaths. The campaign repeated familiar concerns from previous elections over the ruling party's use of state resources for its campaign. In addition, the role of the police and its relationship with opposition parties emerged as an important area of contention during these elections.

²⁴ Universal Declaration of Human Rights, art. 21(1); International Covenant for Civil and Political Rights, art. 25(b); African Charter for Human and People's Rights, art 13(1).

²⁵ International Covenant for Civil and Political Rights, art. 21; African Charter for Human and People's Rights, art. 11.

²⁶ CIS, Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Commonwealth of Independent States, art. 9(2).

²⁷ *Ibid.*, art. 3(4).

²⁸ The voters' roll is used to compare the validity of card numbers, and if the number appearing in the documentation appears to be inconsistent with what appears in the voters' roll, the signature is considered invalid. In these elections, signatures were notarized in person, presenting a greater burden on smaller parties.

²⁹ Deliberação No 1/CC/2014 de 20 de Fevereiro.

³⁰ Acórdão No 9/CC/2014 de 5 de Agosto.

³¹ This is prohibited by the electoral law, Art. 135.

Most campaign activity consisted of “door-to-door” canvassing, rallies, caravans, and posting of posters and handbills. The majority of campaign infractions reported were minor, such as defacing and removing opponents’ posters. In some cases, the police arrested and detained suspects in jail for these offenses.

Throughout the campaign period, LTOs noted an imbalance of resources in FRELIMO’s favor and reports of its continued unlawful use of state resources for its campaign. Reports from LTOs also noted the presence of state vehicles in campaign activities in parts of the country.

For the most part, political parties were able to organize and carry out their activities freely. However, there were reports of MDM officials and candidates being harassed and threatened by FRELIMO activists and officials. In one instance, the MDM presidential candidate’s caravan was confronted and harassed by crowds of FRELIMO supporters in Gaza.

LTOs noted that opposition party members in several provinces reported that they did not trust the local police and therefore would not share their campaign plans with them as required. This lack of cooperation was also cited by police. Opposition party representatives stated that when they did share plans with police, this information would be leaked to FRELIMO party agents or officials who would then obstruct their planned activities.

On several occasions, CNE President Abdul Carimo made public calls for calm and for party activists to refrain from violence. He also communicated to candidates and party leaders, and in one instance traveled to the central provinces to defuse rising tensions.

The final day of campaigning saw rallies throughout the country. The MDM presidential candidate closed his campaign in Beira, the RENAMO candidate in Nampula, and the FRELIMO candidate in Maputo. Reports indicated a generally peaceful day except in Nampula, where skirmishes erupted during the day between FRELIMO and RENAMO militants that resulted in reports of injuries and one death. In Angoche, clashes between the same two parties resulted in two reported fatalities. These regrettable incidents marred what was an otherwise peaceful day of campaigning throughout the country. Following the close of campaign, observer reports during the silent period indicated calm.

Campaign Finance

Mozambique is obligated to take measures to prevent corruption, particularly in the context of campaign financing.³² Campaign finance regulations should enforce a transparent process in which all political parties and candidates are treated equally. Even where these ideal conditions are met, it will not erase the major advantage of resources available to the incumbent party, which is amplified by the party’s use of state resources in the campaign.

The system of public financing allocated approximately USD\$2,000,000 to political campaigns of various parties and presidential candidates. One third of this amount was provided to the three presidential candidates in equal portions. Another third was distributed to candidates for the national assembly, while the final third was allocated to provincial assembly candidates. The first

³² .U.N. Convention Against Corruption, art. 7, 18, 37; African Union Convention on Corruption, art. 7.

tranche of public campaign finance was supposed to be released 21 days in advance of the start of the campaign, though reports from political parties indicate that the money was only received seven days in advance of the start of campaigning. As with previous elections, The Carter Center recommends that greater effort be made to ensure that public campaign finance is disbursed to parties in a timely manner and that the ruling party refrain from utilizing state resources in their campaigns.

MEDIA ENVIRONMENT

The media play an indispensable role during democratic elections by educating voters and political parties about major issues, thus giving them access to information so they can make a truly informed decision.³³

The Higher Council for Social Communications (*Conselho Superior de Comunicação Social*, or CSCS) is responsible for oversight of media in Mozambique, including access to information, objectivity in reporting, and overall freedom of the press. The CSCS is composed of 11 members, four of which are indicated by political parties, two by the president, three by the Journalist Union, one by media companies, and one by magistrates. The CSCS also handles complaints filed by the general public and stakeholders with respect to political parties' access to airtime during the electoral campaign and also about the right to replicate. The CSCS carries out a media monitoring effort during the campaign period and produces regular reports.

There are also civil society groups, such as the Center for Interdisciplinary Studies in Communication (*Centro de Estudos Interdisciplinares de Comunicação*, or CEC), carrying out similar media monitoring activities using a structured methodology. According to preliminary findings of the CEC, media coverage of the campaign has been somewhat favorably geared towards the ruling party either in terms of time of coverage or quality of information.

PARTICIPATION OF WOMEN

International and regional obligations protect women's rights and ensure their democratic right to participation.³⁴ Mozambique is signatory of several regional and international conventions and protocols regarding gender equality; among them stand the Protocol to the African Charter on Human and Peoples' Rights concerning the Rights of Women in Africa (December 2005) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (June 1993).

Despite the fact that there are no provisions in the Mozambique electoral framework for gender quotas, women candidates were relatively well-represented in these elections. At the national level, while no party nominated a woman as a presidential candidate, FRELIMO, RENAMO, and MDM did nominate some women candidates for national assembly positions. FRELIMO had the highest percentage of women candidates on the national assembly ballot with 40 percent. RENAMO and MDM had the second and third highest percentages of female candidates at 27.6

³³ OSCE, Election Observation Handbook (Fifth Edition), p. 48.

³⁴ UN, International Covenant on Civil and Political Rights.

and 20.7, respectively. Across all parties, women candidates made up just 29.9 percent in the legislative elections.

CIVIL SOCIETY AND DOMESTIC OBSERVATION

According to public international law, all people have the right to participate in the public affairs of their country.³⁵ This includes the right of citizens to participate in non-governmental organizations.³⁶ Other sources extend this to the right to take part in citizen observer organizations, and to contribute to voter education efforts.³⁷ Through these means, civil society can actively play an essential role in upholding an electoral process that is accountable, while also building confidence in the process. Mozambique's constitution holds that "all citizens have the right and duty to participate in the process of expansion and consolidation of democracy at all levels of society and the State."³⁸

Many associational forms of civil society have their roots in either traditional structures or in party political organizing (e.g. certain women and youth groups, private sector organizations, producer collectives, unions, etc.) whose ties to the state and certain political parties varies. Civil society in the form of non-governmental organizations is confined mainly to urban areas and includes many organizations that over the years have proven effective watchdogs and advocates on issues including international debt relief, human rights, land reform, corruption, and democratic elections.

One of the largest citizen observer organizations is the Electoral Observatory (*Observatório Eleitoral*, or OE). The OE is a partnership of eight Mozambican civil society organizations, established to promote the transparency and peaceful conduct of the electoral process. The OE consists of the following: the Mozambican Association for the Development of Democracy (AMODE), the Center for the Study of Democracy and Development (CEDE), the Christian Council of Mozambique (CCM), the Islamic Council of Mozambique (CISLAMMO), the Episcopal Conference of Mozambique (Catholic Church), the Institute for Civic Education (FECIV), the League of Human Rights (LDH) and the Organization for Conflict Resolution (OREC). The OE and its members have a long history of election observation in Mozambique, with FECIV and AMODE having conducted election observation going back to 1999. The creation of OE represents a contribution of Mozambican civil society to free and fair elections.

During election day, OE deployed approximately 2,500 observers across the country. Additionally, OE planned to conduct a PVT (Parallel Vote Tabulation) with technical assistance from EISA. The Carter Center regrets that OE was unable to obtain accreditation for all of their observers in advance of election day, particularly in Nampula province where no OE observers (a total of 400) had accreditation as of the opening of the polls. In Nampula, OE was able to obtain all accreditations before the end of polling but were unfortunately unable to distribute them as necessary to observers to deploy across the province as planned, limiting their

³⁵ U.N., International Covenant on Civil and Political Rights, art. 25(a); AU, African Charter on Human and People's Rights, art. 13(1); U.N., Universal Declaration of Human Rights, art. 21(a).

³⁶ U.N., Convention on the Elimination of All Forms of Discrimination against Women, art. 7.

³⁷ EISA, Principles for Election Management, Monitoring and Observation in the SADC Region, p.19.

³⁸ Article 73, paragraph 1, of Constitution of the Republic of Mozambique

observation in the province. Such late provision of accreditation seriously undermines the ability of citizen observers to conduct their work effectively. Mozambican authorities should take specific steps to ensure this does not happen in future elections, and citizen observers should strive to meet deadlines and submit their applications for accreditation in a timely manner.

ELECTORAL DISPUTE RESOLUTION

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process. Effective dispute resolution mechanisms are essential to ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.³⁹ Voters and other electoral stakeholders must be given, and must perceive that they possess, a voice in the quality of the electoral process if the process is to retain credibility.

Recent changes to the legal framework introduced a three-tier election dispute resolution mechanism for complaints. The changes improved the electoral dispute resolution system overall, although some procedures are in need of refinement and harmonization with other laws.

Complaints with respect to the irregularities of the count as well as the tabulation process at the district, city, and provincial levels must be submitted immediately to the chairperson of the polling station or district, city, and provincial election commission, respectively, and are to be decided *in situ*, or “on site.” Decisions of the polling station and district or city election commission can be appealed to the Law Court in the district within 48 hours of the publishing of respective results. Decisions of the Law Court in the district must be made within 48 hours of the filing of the claim and are subject to appeal to the Constitutional Council within three days.

Electoral dispute resolution-related reforms increase authority within the judiciary branch and simplify procedures for filing election petitions. Complaints will now be heard by district courts rather than the CNE as in previous elections, which is a positive step addressing concerns regarding any potential conflict of interest of an election management body adjudicating complaints it may be involved in. Appeals on any complaints will go directly to the Constitutional Council.

VOTING

The quality of voting operations on election day is crucial to determining whether an election lives up to its democratic obligations. According to Mozambique’s international and regional commitments, all citizens should enjoy the right to universal and equal suffrage,⁴⁰ and all citizens have the right to vote,⁴¹ subject only to reasonable and objective limitations. A core obligation under international law is that elections shall be held by secret ballot, which is recognized as a

³⁹ U.N., Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 47.

⁴⁰ U.N., International Covenant on Civil and Political Rights, art. 25; U.N., Universal Declaration of Human Rights, art. 21.

⁴¹ International Covenant on Civil and Political Rights, art. 25; AU, African Charter on Human and People’s Rights, art. 13; ACHR, art. 23.

means of ensuring that the will of the people is expressed freely and that a cast ballot cannot be connected with a voter to avoid intimidation and political retribution.⁴²

For the 2014 elections, the number of polling stations in Mozambique was 17,012. The maximum number of voters assigned to polling station was 800. While this allowed adequate access to the process by voters, EISA and Carter Center observers reported occasional crowds and long queues in the provinces of Inhambane, Sofalá, Manica, Tete, Zambézia, Nampula and Niassa, especially in the morning and early afternoon hours.

EISA and Carter Center teams observed voting at a total of 434 polling stations across the country. EISA and Carter Center observers found that the implementation of procedures by polling staff was “very good” or “reasonable” at 98 percent of stations observed. Polling station staff conducted their responsibilities professionally under sometimes difficult conditions. During the voting process, the atmosphere was mostly calm and peaceful.

In stations observed by EISA and Carter Center observers, polls opened largely on time. Only three percent of the polling stations visited experienced a delay of over half an hour, and in no observed area did the delays affect the ability of all registered voters to vote within the timeframe of election day.

In these elections, ballot papers are provided in sequential serial numbers that corresponds to the range of numbers indicated on ballot stubs, and are in turn assigned to specific polling stations. The practice of having serial numbers on both ballots and ballot stubs was introduced for these elections as a tool to better track electoral material distribution and reduce possible fraud at polling stations. Although this was no doubt instituted to improve logistical and administrative processes, , the combination of these measures together with the access to the list of voters for every polling station poses very real potential threats to the essential right of the secrecy of the ballot, particularly in rural areas. In addition, the current procedures for special voting by polling station staff, police, and others, could compromise the secrecy of the vote in locations where few special votes are cast.⁴³ The Carter Center recommends that the CNE take steps to ensure that the secrecy of the ballot is protected in future elections, while finding alternative safeguards for fraud and increasing transparency in the process.

Carter Center and EISA observers noted that no political party was successful in identifying an adequate number of persons to serve as polling station staff while also recruiting adequate numbers of party agents for all 17,012 polling stations. The polling station staff nominated by political parties were, in most cases, not nominated to the CNE with enough time to be trained on their roles and responsibilities. Although the CNE held additional training sessions, including one just days before polling, no political party fully complied with this provision.

⁴² U.N., International Covenant on Civil and Political Rights, art. 25; U.N., Universal Declaration of Human Rights, art. 23. EISA and Electoral Commission Forum of SADC Countries, Principles for Election Management, Monitoring, and Observation in the SADC Region, p. 24.

⁴³ Some voters, including CNE members and polling staff, police, and journalists, are able to cast special votes at stations where they are not registered. For these voters, individual ballots are placed in special envelopes, making it possible to identify in some cases the voting preference of an individual.

The Carter Center notes that the politicization of the electoral administration infrastructure down to the level of polling staff does not fully comply with the international standard for independent, neutral, and professional electoral bodies.⁴⁴ The Carter Center encourages all stakeholders, including the national assembly, to consider the opportunity to revise the articles in the electoral laws referring to the presence of political party members within the election administration bodies while finding other means of maintaining parties' confidence in the system.

On election day, Carter Center and EISA observers noted that party agents were present in less than half of polling stations observed in the morning, but that their presence increased during the afternoon and were at their highest numbers during the count. During the voting process, the Carter Center and EISA observers noted that FRELIMO party agents were present in 98 percent of stations observed, RENAMO in 61 percent, and MDM in 63 percent. Some stations observed had more than one agent present from the same party, and in the majority of these cases, the agents were from the FRELIMO party. In 18 percent of polling stations, FRELIMO was the only political party represented.

Observers noted that no political party had adequate gender representation among their party agents. In stations observed, 33 percent of FRELIMO party agents were women, 28 percent of MDM party agents were women, and 17 percent of RENAMO party agents were women. The Center encourages all political parties to strengthen efforts to ensure that women are better represented among party agents in future elections.

Of the 434 stations observed during the polling process, 20 percent were missing some polling staff, typically one or more of the teller positions dedicated for political parties.

In limited instances where the number of polling station staff was not adequate to conduct polling, EISA and Carter Center observers saw the combination of several smaller polling stations in a district into one larger polling station. Observers in Beira noted one polling center with temporary staff that was the result of the combination of 14 smaller centers from across the district. The result of such combination created confusion, with polling station staff being deputized into new roles, and no clear procedures on how to handle the combination of voters' roles and ballot papers. Polling staff in these locations were unfamiliar with voting procedures and could not identify the number of registered voters in the location.

Citizen observers from the OE were noted in 13.2 percent of polling stations observed, and citizen observers from other organizations were present in 32 percent of stations observed. No cases were reported of observers having challenges with sufficient access to the process.

On election day, the Carter Center noted that approximately 1,000 party agents, including agents from all three political parties contesting the presidential elections, had not yet received their

⁴⁴UN (CCPR): General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service (Article 25), para. 20, reads "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." The AU Charter on Democracy, Elections, and Governance, art 17.1 reads "Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections."

accreditation. The Carter Center also regrets challenges reported with missing accreditation of national observers from one of the largest citizen observer organizations, the Electoral Observatory (*Observatório Eleitoral*, or OE), on election day in Nampula province, where accreditation for all 400 observers was not available as of the opening of the polls. Although the CNE worked quickly to address these problems, the Center wishes to underscore the critical role that party agents and citizen observers play in ensuring transparent elections and fostering public confidence. To this end, the Center urges the CNE to reconsider deadlines for timely accreditation, and urges observers and political parties to meet those deadlines, so that all are able to receive them in a timely fashion.

CLOSING AND COUNTING

Accurate and fair vote counting plays an indispensable role in ensuring the electoral process is democratic and reflects the will of the voters. International and regional commitments require that votes be counted by an independent and impartial electoral management body. The counting process must be public, transparent, and free of corruption.⁴⁵

Carter Center and EISA observers observed counting at 32 polling stations in 27 districts. Although the closing and counting process was lengthy, in most cases, EISA and TCC observers noted that the environment and counting process was very good or reasonable in 97 percent of stations observed. Observers noted that procedures related to unused ballots and the reconciliation of ballot accounts were done adequately; procedures for the verification of ballots (confirmation of the serial numbers) were either done inadequately or not done at all in 22 percent of stations observed.

Although the polling process was conducted largely in atmosphere of calm, EISA and Carter Center observers did note a number of isolated incidents during the counting process, including blocking of roads and clashes between police and protestors outside of a counting center in Angoche (Nampula province) resulting in the use of tear gas and gunfire; blocking of streets by protestors outside of a counting center in Beira (EPC Amilcar Cabral, 07002806) resulting in the use of gunfire by police to disperse the crowd; and an exchange of gunfire approximately three to four blocks from a counting center in Nampula city. Although these incidents were serious in nature, they were localized events and do not affect the credibility of the process as a whole and its outcome.

While the Carter Center was encouraged by a strong presence of political party agents from multiple parties during the counting process, the Center noted that in 15 of 27 stations observed there were multiple agents from FRELIMO, and that in two stations observed there were multiple agents from MDM.⁴⁶

The Carter Center was encouraged by a low number of invalid ballots at polling stations observed, which is an important improvement upon previous electoral processes.

⁴⁵ UNHRC, General Comment 25, para. 20; UN, Convention against Corruption, Art. 18.

⁴⁶ The law does not permit the presence of multiple agents from the same party inside a station.

The Carter Center conducts election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct for International Election Observation adopted at the United Nations in 2005.

A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and former First Lady Rosalynn Carter, in partnership with Emory University, to advance peace and health worldwide.

**PARA DIVULGAÇÃO IMEDIATA
17 de OUTUBRO de 2014**

**MISSÃO DE OBSERVAÇÃO ELEITORAL
MOÇAMBIQUE, ELEIÇÕES PRESIDENCIAIS, LEGISLATIVAS E PROVINCIAIS,
OUTUBRO DE 2014**

DECLARAÇÃO PRELIMINAR

**O “CARTER CENTER” CUMPRIMENTA OS MOÇAMBICANOS PELA
VOTAÇÃO MAIORITARIAMENTE PACÍFICA; EXORTA À CALMA
ENQUANTO DECORRE O PROCESSO DE APURAMENTO**

Maputo, Moçambique

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A Missão de Observação Eleitoral do “The Carter Center” (TCC) está em Moçambique desde Setembro de 2014, na sequência de um convite do Ministério de Negócios Estrangeiros e Cooperação. O Centro está a trabalhar em Moçambique em parceria com o “Electoral Institute for Sustainable Democracy in Africa (EISA) [Instituto Eleitoral para a Democracia Sustentável em África], e em conjunto a missão integrada destacou 87 observadores representando 40 países no dia da votação. A Missão EISA – Carter Center é chefiada por Raila Odinga, antigo Primeiro-Ministro do Quênia, em parceria com Denis Kadima, Director Executivo do EISA e John Stremlau, Vice-Presidente dos Programas de Paz do Carter Center. O EISA distribuiu por todo o país 23 observadores de longo prazo oriundos de 13 países antes do dia da votação para avaliar os preparativos para as eleições. No dia da votação, os observadores do EISA e do TCC visitaram 543 assembleias de voto em 82 distritos para observar a abertura, votação e contagem. Os observadores continuam nas áreas de observação para avaliar a conclusão da contagem e apuramento dos resultados a nível distrital, provincial e nacional. Todas as avaliações são feitas de acordo com normas internacionais para eleições, e a missão de observação foi realizada de acordo com a Declaração de Princípios para a Observação Eleitoral Internacional.

Esta declaração é preliminar; um relatório final será publicado alguns meses após o processo eleitoral.

Sumário Executivo

A 15 de Outubro Moçambique realizou eleições Presidenciais, Legislativas e para Assembleias Provinciais. Estas são as quintas eleições nacionais desde que o histórico Acordo Geral de Paz entre a Frente de Libertação de Moçambique (FRELIMO) e a Resistência Nacional Moçambicana (RENAMO) pôs fim a uma trágica guerra civil. Um regresso recente a hostilidades armadas recordou a todos os moçambicanos a importância de salvaguardar a sua paz e instituições democráticas ganhas com tanta dificuldade, numa altura em que crescem esperanças e expectativas de que uma economia dinâmica e em rápido crescimento se torne numa economia mais inclusiva. Sejam quais forem os candidatos e partidos que saíam vencedores, estas eleições trarão mudanças históricas num outro momento da história de Moçambique.

O *Carter Center* cumprimenta os cidadãos de Moçambique que saíram às ruas no dia das eleições para exercer o seu direito ao voto em mais de 17.000 assembleias de voto, espalhadas de uma ponta a outra do país.

A missão conjunta de observação do *Carter Center* e do Instituto Eleitoral para a Democracia Sustentável em África (EISA) destacaram observadores de curto e de longo prazo desde 25 de Agosto para avaliar o contexto jurídico e constitucional para estas eleições, a situação dos preparativos eleitorais e o período da campanha eleitoral. Vinte e três observadores de longo prazo oriundos de 13 países foram distribuídos pelo EISA em todo o país antes do dia da votação para avaliar os preparativos para as eleições. No próprio dia da votação a equipa conjunta do EISA e do TCC destacaram 87 observadores de 40 países, que visitaram 543 assembleias de voto em 82 dos 151 distritos para observar a votação e a contagem. Uma equipa de 57 observadores permanece em todas as 10 províncias e na cidade de Maputo para continuar a observar o apuramento de resultados a nível distrital, provincial e nacional.

Um quadro eleitoral negociado que veio a ser aprovado em Fevereiro de 2014 abrangeu várias deficiências de eleições anteriores. Também estabeleceu a fórmula para constituir novos órgãos eleitorais a nível distrital, provincial e nacional, nomeadamente que os partidos com representação parlamentar teriam delegados a todos os níveis da Comissão Nacional de Eleições (CNE) e do Secretariado Técnico de Administração Eleitoral (STAE), bem como pessoal nas mesas de voto. Também incluía um novo mecanismo para a consideração de queixas eleitorais através do sistema judiciário, em vez do organismo de administração eleitoral como em eleições anteriores.

A campanha decorreu numa atmosfera geralmente pacífica e tolerante, com excepção de confrontos entre activistas partidários em Gaza, cidade de Nampula e Angoche no último dia da campanha, que alegadamente causaram três mortes, uma nota lamentável no processo. O

presidente da CNE falou sem rodeios em momentos chave para encorajar uma campanha pacífica.

O *Carter Center* elogia o profissionalismo e capacidade de resposta da CNE durante o processo eleitoral, em particular os seus esforços claros e prontos para resolver questões surgidas no período pré-eleitoral relativamente a questões do acesso de observadores ao período de apuramento¹, bem como os seus esforços para resolver um problema na província de Nampula no dia da votação em relação à falta de acreditação para observadores locais. O *Carter Center* cumprimenta a CNE e o STAE pelo seu trabalho para facilitar o acesso a informação relevante por parte de todos os intervenientes ao longo de todo o processo eleitoral e encoraja a CNE a procurar outras oportunidades e iniciativas para continuar a abrir o processo eleitoral aos cidadãos de Moçambique.

No dia das eleições os observadores observaram a abertura e o fecho das mesas de voto, o decurso da votação, de modo geral num ambiente ordeiro e pacífico, e a contagem dos votos. Durante a votação, os agentes da CNE realizaram as suas responsabilidades com profissionalismo. De modo geral os observadores notaram que a presença de delegados dos partidos e de membros de partidos políticos entre o pessoal das mesas de voto não foi abrangente. Os observadores notaram que a FRELIMO estava geralmente mais bem representada e 18 por cento das assembleias observadas durante a votação tinham apenas o agente do partido FRELIMO. A afluência nas assembleias observadas pelo *Carter Center* pareceu moderada, e semelhante à afluência em eleições recentes.

Embora o processo de votação tenha decorrido em grande medida numa atmosfera de tranquilidade, os observadores do EISA e do *Carter Center* registaram alguns incidentes isolados durante o processo de contagem, incluindo a obstrução de estradas e confrontos entre a polícia e manifestantes no exterior de um centro de contagem em Angoche (Província de Nampula) que resultou no uso de gás lacrimogénico e em tiroteio; bloqueio de estradas por manifestantes no exterior de um centro de contagem na Beira (EPC Amílcar Cabral, 07002806), que resultou no recurso a disparos pela polícia para dispersar a multidão; e numa troca de tiros aproximadamente a 3 ou 4 quarteirões de um centro de contagem na cidade de Nampula. Embora estes incidentes tivessem sido de natureza grave, foram eventos localizados e não afectam a credibilidade do processo e o seu resultado.

Actualmente decorre o processo de apuramento de votos em todo o país e o processo eleitoral ainda não terminou. As constatações e observações aqui apresentadas são preliminares. Um relatório final das conclusões gerais do *Carter Center* será divulgado nos próximos meses.

O *Carter Center* gostaria de fazer as seguintes recomendações ao governo moçambicano, aos partidos políticos e às autoridades eleitorais:

1. À medida que avança o apuramento de resultados em curso, encorajamos os cidadãos e as partes envolvidas a manterem a actual atmosfera de tranquilidade, a respeitarem o processo e permitir que a CNE e o STAE concluam o seu trabalho.

¹ EISA and The Carter Center Welcome CNE Commitment to Transparency of Mozambique's Electoral Process, October 10, 2014

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2. Os partidos políticos deveriam trabalhar em conjunto para encontrar maneiras de aumentar a confiança nos órgãos de administração eleitoral, e ao mesmo tempo evitar acções que possam politizar o seu trabalho. Para futuras eleições, Moçambique deve considerar reformas adicionais que tornem a estrutura, composição e operações das autoridades eleitorais mais consistentes com as boas práticas e obrigações internacionais, para garantir a independência e imparcialidade do órgão de administração eleitoral².
 3. O Centro recomenda a publicação dos resultados eleitorais por mesa de voto para reforçar ainda mais a transparência do processo.
 4. Reconsiderar e respeitar prazos claros para a submissão de pedidos de acreditação para observadores e delegados de partidos, para garantir o tempo adequado para a sua produção e distribuição, para que eles estejam disponíveis com bastante antecedência em relação às eleições e poderem ser eficientemente utilizados.
 5. A polícia deve aplicar, de forma justa, equitativa e profissional, todas as leis e regulamentos à volta da segurança das actividades de campanha, e a detenção, investigação e prisão de qualquer pessoa que viole as leis das campanhas. Por seu lado, os partidos devem trabalhar com a polícia para facilitar a segurança e ordem pública em eventos de campanha.

² UNHR, General Comment No. 25, para. 20

Declaração de Constatações e Conclusões Preliminares

ANTECEDENTES

Ao longo da maior parte das duas últimas décadas, Moçambique tem sido considerado como uma história de sucesso de transição pós-conflito, democracia multipartidária e liberalização económica. Organizou com êxito quatro eleições gerais (1994, 1999, 2004, 2009), cujos resultados foram, em grande parte, aceites e considerados como reflectindo a vontade do eleitorado. Em cada eleição sucessiva, observou-se um reforço da manutenção no poder da Frente de Libertação de Moçambique (FRELIMO). O actual presidente, Armando Guebuza, recebeu 75 por cento do voto popular para a presidência em 2009, e o seu partido garantiu 191 dos 250 assentos na Assembleia da República. Entretanto, o declínio eleitoral da Resistência Nacional de Moçambique (RENAMO) tem continuado desde as eleições de 1999, face à concorrência nova do Movimento Democrático de Moçambique (MDM).

Após quase duas décadas de guerra civil, Moçambique teve as suas primeiras eleições democráticas em 1994. Amplamente consideradas como genuinamente democráticas, as eleições ilustraram até que ponto as duas forças principais, FRELIMO e RENAMO, estavam empenhadas na paz e na introdução da política multipartidária. O *Carter Center* observou as eleições de 1999 em Moçambique que, na generalidade, foram pacíficas e bem administradas. O *Carter Center* também observou as eleições de 2004 de Moçambique, que mostraram alguns sinais positivos, incluindo um período de campanha e processo de votação pacíficos, e uma melhor responsabilização durante a contagem dos votos. Não obstante, houve preocupações relativamente à exactidão dos cadernos eleitorais e, tal como em 1999, problemas com a falta de transparência e no apuramento dos resultados nacionais, que atrasaram o anúncio dos resultados nacionais e prejudicaram a credibilidade do processo.

As eleições gerais de 2014 em Moçambique constituem um momento importante, embora muito desafiante, no até então bem-sucedido desenvolvimento do país no pós-guerra. As eleições decorrem num ambiente de incerteza quanto à direcção do desenvolvimento continuado do país e de preocupação quanto à sua estabilidade. Emergiu um segundo partido de oposição, alterando potencialmente a dinâmica do instalado sistema bipartidário. As novas descobertas de reservas de recursos naturais são fonte de esperança de que esta nação cronicamente dependente da ajuda internacional venha a ser capaz de manter elevados níveis de crescimento económico e, finalmente, traduzir isso num desenvolvimento humano generalizado.

Moçambique regressou a hostilidades armadas em 2012 pela primeira vez desde que o acordo de paz pôs fim a uma cruel guerra civil em 1992. Embora um outro acordo negociado tenha posto fim à luta recente imediatamente antes do início da campanha eleitoral, o desarmamento dos combatentes da oposição não foi total, havendo problemas fundamentais por resolver que dificultam a consolidação de uma democracia mais plena.

O *Carter Center* está a avaliar o processo eleitoral uma vez mais comparativamente ao quadro jurídico de Moçambique para as eleições e às obrigações do país em termos de eleições democráticas ao abrigo do direito público internacional. É essencial uma avaliação do ambiente

pré-eleitoral e da preparação para as eleições para poder determinar até que ponto os aspectos fundamentais do processo eleitoral são coerentes com as obrigações de Moçambique ao abrigo do direito internacional, incluindo tratados regionais e internacionais. A República de Moçambique ratificou ou aderiu à Convenção das Nações Unidas sobre a Eliminação de Todas as Formas de Discriminação contra as Mulheres, Convenção das Nações Unidas sobre os Direitos da Criança, Pacto Internacional das Nações Unidas sobre os Direitos Civis e Políticos, Convenção Internacional das Nações Unidas sobre a Eliminação de Todas as Formas de Discriminação Racial, Convenção das Nações Unidas contra a Corrupção, Carta Africana dos Direitos do Homem e dos Povos da UA, Protocolo da UA sobre a Carta Africana dos Direitos do Homem e dos Povos relativamente aos Direitos das Mulheres em África, Convenção da União Africana sobre Prevenção e Combate da Corrupção, Protocolo da SADC contra a Corrupção, Protocolo da SADC sobre Cultura, Informação e Desporto, Comunicado das NU n.º 488/1992 (Toonen vs. Austrália), Convenção das NU de Viena sobre Leis e Tratados (1155 U.N.T.S. 331, 8 I.L.M. 679, entrou em vigor em 27 de Janeiro de 1980). Além destes, a República de Moçambique assinou também a Convenção das NU sobre os Direitos das Pessoas com Deficiência.

QUADRO JURÍDICO

É essencial um quadro jurídico sólido para administrar eleições democráticas e para assegurar que um país cumpre as suas obrigações internacionais. O quadro jurídico compreende disposições constitucionais, leis e regulamentos internos relativos ao processo eleitoral. Com base nos seus compromissos internacionais, Moçambique está obrigado a tomar medidas para promover os princípios do Estado de Direito, reconhecendo que as leis devem ser coerentes com os princípios internacionais dos direitos humanos.³

As eleições presidenciais, para a assembleia nacional e as assembleias provinciais são reguladas por um quadro jurídico abrangente, incluindo a constituição e a lei 15/2009, que estabelece o regime jurídico para a realização simultânea de eleições presidenciais, para a assembleia nacional e assembleias provinciais. As eleições presidenciais e para a assembleia nacional são governadas pela lei 8/2013, alterada recentemente pela lei 12/2014 e adoptada como um compromisso dos partidos políticos. As eleições das assembleias provinciais são governadas pela lei 4/2013, recentemente alterada pela lei 11/2014. A lei eleitoral compreende regras sobre campanhas, financiamento, delitos eleitorais e cobertura pela comunicação social. Entre outra legislação aplicável conta-se a lei 5/2013, alterada pela lei 8/2014 sobre recenseamento eleitoral, e a lei 6/2013, alterada pela lei 9/2014 sobre administração eleitoral, a lei 6/2006, alterada pela lei 5/2008 sobre o Conselho Constitucional, a lei 7/91 sobre os partidos políticos, e a lei 9/1991 e lei 7/2001 sobre a liberdade de associação e manifestação.

O quadro jurídico de Moçambique provê, em geral, uma base sólida para a realização de eleições democráticas e reflecte as normas internacionais. Em geral, a legislação eleitoral foi aprovada com antecedência suficiente para permitir a todos os intervenientes informarem-se sobre as regras.

³ UN, International Covenant on Civil and Political Rights, art. 2; AU, African Charter for Human and People's Rights, art. 1; Universal Declaration of Human Rights, art 21(3); International Covenant on Civil and Political Rights, art 25 (b).

A constituição assegura os direitos e liberdades fundamentais, inclui os princípios básicos do sistema eleitoral e contém salvaguardas contra alterações frequentes, pois os requisitos para alterações são mais rigorosos do que para as outras leis.

Os regulamentos e decisões da Comissão Nacional de Eleições (CNE) suplementam o quadro jurídico, tal como o fazem os acórdãos do Conselho Constitucional.⁴ Foram adoptados diversos regulamentos da CNE sobre várias matérias, incluindo a decisão N.º 65/CNE/2014, que decide o número de assentos atribuídos por círculo eleitoral, e a decisão N.º 64/CNE/2014, que aprovou os cadernos eleitorais, regulou a distribuição do financiamento público para campanhas eleitorais e decidiu sobre o processo que determinou a ordem dos candidatos nos boletins de voto. A CNE produziu também manuais para o pessoal das mesas de voto.

Em resposta às críticas relacionadas com o monopólio do poder da FRELIMO e com o boicote da RENAMO às eleições autárquicas do ano passado, A FRELIMO acordou numa série de reformas eleitorais apresentadas pela RENAMO. As leis e regulamentos resultantes melhoraram o quadro jurídico geral, que se apresenta como uma base sólida para a realização de eleições democráticas.

O quadro eleitoral negociado trata de várias recomendações anteriores das organizações internacionais de observação, incluindo um calendário alargado para o processo eleitoral, procedimentos para o registo de candidatos e divulgação do número de eleitores recenseados em cada mesa de voto. Outra reforma negociada permitiu a membros partidários da FRELIMO, da RENAMO e do MDM participarem a todos os níveis da administração eleitoral, até ao nível de membros das mesas de voto. Entre outras reformas conta-se o requisito de verificação das mãos dos membros das mesas de voto e as superfícies das mesas de contagem de votos em termos de tinta, sujidade ou outras substâncias que possam sujar os boletins de voto antes da contagem ou de reduzir a probabilidade de estragos acidentais.

Sistema Eleitoral

A essência de qualquer sistema eleitoral deve ser a tradução da vontade popular num governo representativo, embora não seja prescrito nenhum sistema eleitoral específico⁵. Moçambique tem eleições a três níveis: ao nível nacional para a presidência e a assembleia nacional, ao nível provincial para as assembleias provinciais, e ao nível local para o presidente do conselho executivo e assembleias municipais. As eleições gerais de 2014 em Moçambique incluem votação ao nível nacional e provincial para a presidência, assembleia nacional e assembleias provinciais.

Eleição Presidencial

⁴ Deliberation No. 1/CC/2014 of Feb. 20; Decision No. 9/CC/2014 of Aug. 5; Decision No. 8/CC/2014 of July 31.

⁵ U.N., International Covenant on Civil and Political Rights, Art. 25(b); United Nations Human Rights Council, General Comment 25, para. 21; International IDEA Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 28.

O presidente da república é eleito directamente por voto popular, com maioria absoluta de votos válidos. Caso nenhum candidato obtenha a maioria exigida na primeira volta, será realizada uma segunda volta entre os dois candidatos mais votados no prazo de 30 dias após a validação e proclamação dos resultados da primeira volta. O candidato com maior número de votos na segunda volta é eleito. O presidente é eleito por um mandato de cinco anos e pode ser eleito por duas vezes consecutivas.

Eleição da Assembleia Nacional

A assembleia nacional, com 250 deputados e uma só câmara (parlamento), é eleita por um período de cinco anos, segundo um sistema proporcional de lista fechada com 13 distritos eleitorais de membros múltiplos que correspondem às 10 províncias administrativas do país, à cidade de Maputo, e a dois círculos eleitorais de fora do país – um para África e outro para o “resto do mundo”. O círculo eleitoral de África consiste na África do Sul, Suazilândia, Zimbabué, Malawi, Zâmbia, Tanzânia e Quênia, enquanto o círculo eleitoral para o resto do mundo compreende Portugal e Alemanha. Os mandatos da assembleia nacional foram distribuídos pela CNE em conformidade com o Art.º 165º da Lei 8/2013 e estão em conformidade com o princípio do sufrágio igualitário⁶.

Os partidos políticos e coligações de partidos podem participar nas eleições com listas fechadas de candidatos apresentadas por círculo. No sistema proporcional de lista fechada, os eleitores podem votar apenas num partido e não podem escolher o candidato da sua preferência para a lista proposta. Consequentemente, quanto mais alta a posição do candidato na lista, maior a probabilidade de ser eleito. A selecção e ordem dos candidatos nas listas são decididos pelos partidos. Os eleitores votam nas mesas de voto no partido sem necessariamente conhecerem os nomes dos candidatos na lista, e não podem votar em partidos diferentes para lugares diferentes⁷.

Eleição das Assembleias Provinciais

O número total de mandatos para as assembleias provinciais totaliza 811 em todo o país, variando entre 70 em Inhambane e Gaza, 92 na Zambézia e 93 em Nampula. Como na assembleia nacional, o sistema eleitoral para as assembleias provinciais é um sistema proporcional de lista fechada.

ADMINISTRAÇÃO ELEITORAL

Um dos meios eficazes de promover a transparência de um processo eleitoral e de facilitar a participação de cidadãos num processo democrático genuíno é a existência de um órgão de administração eleitoral independente e imparcial. Um órgão transparente e profissional é considerado um meio eficaz de garantir que outras obrigações internacionais relacionadas com o processo democrático sejam cumpridas⁸. A administração eleitoral deve garantir também uma administração pública responsável, eficiente e eficaz, na medida em que tal se relaciona com as

⁶ U.N., International Covenant on Civil and Political Rights, art. 25(b).

⁷ O método usado para distribuir assentos aos partidos vencedores é o Método D'Hondt, também conhecido como método da média mais alta.

⁸ UNHRC, General Comment No. 25 para. 20

eleições e é responsabilidade sua garantir que o processo eleitoral decorre em conformidade com as obrigações regionais e internacionais de Moçambique relativas a eleições democráticas e direitos humanos⁹.

A Comissão Nacional de Eleições (CNE) é criada pela Lei 8/2007¹⁰, posteriormente alterada duas vezes. A CNE é responsável por supervisionar o recenseamento eleitoral, a realização das eleições e de referendos¹¹. A CNE é responsável pela implementação geral de eleições, com o apoio administrativo do Secretariado Técnico da Administração Eleitoral (STAE).

Globalmente, as partes interessadas, incluindo todos os partidos políticos, relataram que a CNE conduziu as suas responsabilidades com antecedência em relação às eleições, com neutralidade, profissionalismo e transparência. A confiança que os interessados depositaram na CNE e na sua credibilidade foi um marco positivo destas eleições e uma melhoria importante em relação a eleições anteriores.

A Lei 9/2014 introduziu algumas modificações importante na estrutura da CNE, permitindo que os três partidos com representação parlamentar tenham representantes a todos os níveis do órgão. Em resultado disso, a CNE é agora composta por 17 membros (aumento a partir de 13). Cinco são indicados pela FRELIMO, quatro pela RENAMO e um pelo MDM. São nomeados dois vice-presidentes pelos dois maiores partidos do parlamento, actualmente a FRELIMO e a RENAMO. Os restantes sete membros, incluindo o presidente, são nomeados por organizações da sociedade civil. Além disso, estes partidos têm garantia de representação na CNE e STAE ao nível provincial, distrital e da cidade, e podem também nomear um membro em cada uma das mais de 17 000 mesas de voto em Moçambique¹².

A representação dos partidos políticos a todos os níveis da administração eleitoral pretende aumentar a confiança dos partidos políticos em relação a possíveis fraudes e manipulações. Apesar do fundamento político subjacente a estas reformas eleitorais, o *Carter Center* nota que a politização da infra-estrutura de administração eleitoral não está em plena conformidade com as normas internacionais para órgãos eleitorais independentes, neutros e profissionais¹³. O *Carter Center* encoraja todos os intervenientes, incluindo a assembleia nacional, a considerarem a oportunidade para rever os artigos em todas as leis eleitorais que façam referência à presença de membros de partidos políticos nos órgãos de administração eleitoral, encontrando outros meios para manter a confiança dos partidos no sistema.

O *Carter Center* elogia a CNE pelo seu compromisso com a transparência e pelo trabalho de facilitação do acesso a informação relevante para todos os intervenientes ao longo do período

⁹ Venice Commission, Code, sec. II.3.1.c

¹⁰ Law 8/2007 (Articles 1 - 3, Anexo 3)

¹¹ Law 8/2007, 2002, 2

¹² Law 9/2014, Art. 44.

¹³ U.N. (ICCPR): Comentário Geral No. 25: O Direito a Participar em Assuntos Públicos, Direitos de Voto e o Direito a Acesso Igual ao Serviço Público (Artigo 25), no parag. 20 lê-se “Deve ser estabelecida uma autoridade eleitoral independente para supervisionar o processo eleitoral e garantir que ele é conduzido de forma justa, imparcial e de acordo com as leis que são compatíveis com o Tratado”. Na Carta da UA sobre Democracia, Eleições e Governança, no art 17.1 lê-se “Estabelecer e reforçar órgãos e reforçar órgãos eleitorais nacionais independentes e imparciais responsáveis pela administração das eleições”.

pré-eleitoral. O Centro encoraja a CNE a procurar outras oportunidades e iniciativas para continuar a abrir o processo eleitoral aos cidadãos de Moçambique. A este respeito, o *Carter Center* encoraja a CNE a facilitar a disponibilidade do quadro jurídico eleitoral aos cidadãos. O *Carter Center* recomenda a publicação dos resultados eleitorais por mesa de voto em toda a comunicação social possível, incluindo o portal da CNE, jornais, rádio ou outros.

A CNE desempenhou um importante papel durante a campanha eleitoral mediando o conflito entre os partidos e apelando a manifestações pacíficas. A CNE também iniciou a instalação dos comités de resolução de conflitos a todos os níveis. O *Carter Center* recomenda a institucionalização destes sistemas para garantir que possam ser implementados em futuros processos eleitorais.

EDUCAÇÃO CÍVICA DE ELEITORES

A educação cívica de eleitores é uma parte essencial do ciclo eleitoral, e é reconhecida pela lei internacional como um meio importante para garantir que um eleitorado informado consegue exercer o seu direito de voto sem obstáculos, para garantir um sufrágio universal e igualitário¹⁴. A educação cívica de eleitores em Moçambique é de importância particularmente crítica considerando que a taxa de iliteracia do país é de cerca de 50 por cento¹⁵ e que foram realizadas três eleições simultaneamente.

Em Moçambique, a CNE é a principal responsável pela educação cívica dos eleitores¹⁶. Antes das eleições de 2014, houve campanhas de educação cívica e eleitoral para garantir que o eleitorado tinha vontade e estava pronto para participar plenamente. Os métodos de divulgação incluíram sensibilização porta-a-porta, cartazes e programas na televisão e rádios comunitárias, em português e línguas locais.

Os observadores de longo prazo do EISA testemunharam actividades das campanhas de educação cívica em todas as províncias executadas pelo STAE, bem como por algumas organizações da sociedade civil. Em geral, a maior parte das partes interessadas achou a educação cívica dos eleitores satisfatória. Apesar disso, os representantes do MDM e da RENAMO manifestaram preocupações quanto ao recrutamento dos agentes de educação cívica eleitoral, alegando uma tendência a favor da FRELIMO. Os agentes de educação cívica encontraram problemas logísticos, como falta de transporte e de recursos, em algumas áreas rurais. Alegadamente, os agentes de educação cívica encontraram problemas em algumas áreas controladas pela RENAMO do distrito de Gorongosa, província de Sofala. Nas áreas urbanas, os observadores do *Carter Center* constataram a omnipresença de cartazes mostrando os passos da votação.

¹⁴ International Covenant on Civil and Political Rights, art. 25(b); AU, Declaration on the Principles Governing Democratic Elections in Africa, art. 1; U.N., United Nations Human Rights Council, General Comment No. 25 on “the Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” para. 11.

¹⁵ http://www.unicef.org/infobycountry/mozambique_statistics.html

¹⁶ Lei no. 6/2013, art. 9

RECENSEAMENTO ELEITORAL

O recenseamento eleitoral é reconhecido como um meio importante para garantir o direito de voto e deve ser disponibilizado sem obstáculos ao maior conjunto possível de cidadãos para garantir um sufrágio universal e igualitário¹⁷. O direito de sufrágio universal e igualitário é fundamental nas democracias e é uma parte fundamental das eleições democráticas. Embora o *Carter Center* no tenha observado directamente o processo, acolhe com agrado o facto de o processo de recenseamento eleitoral em Moçambique ter satisfeito a maior parte dos partidos políticos e outras partes interessadas.

De acordo com o calendário oficial, o recenseamento eleitoral em território nacional de Moçambique foi calendarizado para o período de 30 de Janeiro a 14 de Abril de 2014, com um período de recenseamento especial de 1 a 31 de Março para os cidadãos residentes no estrangeiro¹⁸. De acordo com reportagens da comunicação social, o recenseamento foi realizado por 4 078 equipas, em 6.689 postos, organizado pelo STAE sob supervisão da CNE.

A 29 de Janeiro, um dia antes do início marcado para o recenseamento, a CNE adiou o arranque do período de recenseamento para 1 de Março em Moçambique e 16 de Março no estrangeiro¹⁹. Alegadamente, verificaram-se algumas dificuldades durante o processo de recenseamento eleitoral, incluindo precipitação intensa nas zonas centro e norte do país, bem como falta ou roubo de equipamento. As partes interessadas relataram aos observadores do *Carter Center* que devido à actual luta entre RENAMO e forças do governo, o recenseamento eleitoral na província de Sofala chegou a iniciar-se na primeira semana de Maio.

Após uma extensão adicional de 10 dias²⁰, o recenseamento eleitoral terminou a 9 de Maio, e os números foram divulgados, mas infelizmente não identificados como preliminares²¹. Polemicamente, a CNE anunciou no dia 3 de Agosto “números finais do recenseamento” que em apresentavam discrepâncias em algumas províncias, e o número total de eleitores recenseados subiu. Esta alteração no total de eleitores conduziu a uma redistribuição de lugares na assembleia nacional atribuídos às províncias de Gaza, Nampula, Sofala e Zambézia²², o que deu origem a críticas por parte dos partidos políticos que já tinham apresentado o número de candidatos requeridos em cada província.

¹⁷ UN, International Covenant on Civil and Political Rights, art. 25(b); AU Declaration on the Principles Governing Democratic Elections in Africa, art. 1; United Nations Human Rights Council, General Comment No. 25 on “os Regulamentos para registo de eleitores estão estabelecidos ao abrigo da Lei 5/2013 e requerem que a lista de eleitores seja mantida de modo transparente e preciso, proteja o direito de cidadãos qualificados a se registarem e impeça o registo ilícito ou fraudulento ou a retirada de eleitores elegíveis e esteja em conformidade com os compromissos internacionais de Moçambique”. Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service, para. 11.

¹⁸ Decreto n.º 59/2013 do Conselho de Ministros

¹⁹ Deliberação n.º 6/CNE/2014

²⁰ Deliberação n.º 14/CNE/2014

²¹ Alguns relatos dos meios de comunicação sugerem que este anúncio incluía um total de 7.709.736 eleitores registados. O n.º total de eleitores registados supostamente aumentou em 177.083.

²² Deliberação n.º 65/CNE/2014

Pela primeira vez, os cadernos eleitorais, incluindo o número de eleitores recenseados por mesa de voto, foram distribuídos aos partidos políticos com muita antecedência em relação à data das eleições, como medida para aumentar a transparência do processo.

O número total de eleitores recenseados para as eleições de 2014 é de 10.874.328²³, que é apenas 89,11 por cento da população em idade eleitoral, segundo os dados fornecidos pelo Instituto Nacional de Estatística (INE). Em Cabo Delgado, o recenseamento atingiu 102 por cento do número esperado de eleitores, enquanto Sofala e a cidade de Maputo registaram o segundo e terceiro número mais elevado, com 98,95 e 96,29 por cento, respectivamente. A província menos bem-sucedida foi Nampula, que registou 85,03 por três do número total eleitores possíveis. O número total de eleitores recenseados no círculo de África é de 86.985, quase metade dos quais residem na África do Sul. Foram recenseados 1.835 eleitores em Portugal e na Alemanha.

CANDIDATOS, PARTIDOS E AMBIENTE DA CAMPANHA

O pluralismo político e a possibilidade de escolha genuína para os eleitores são aspectos fundamentais da democracia. O tratamento equitativo dos candidatos e partidos durante uma eleição, bem como a manutenção de um ambiente de campanha aberto e transparente, são importantes para assegurar a integridade do processo eleitoral democrático. Moçambique subscreve várias obrigações internacionais importantes em relação a candidatos, partidos e ambiente de campanha, incluindo garantir que todos os cidadãos têm o direito a serem eleitos²⁴ e o direito à liberdade de reunião.²⁵

Registo de candidatos

Os compromissos internacionais de Moçambique incluem assegurar “um verdadeiro pluralismo político, uma diversidade ideológica e um sistema multi-partidário que se exercem através do funcionamento de partidos políticos...”²⁶ Para alcançar esta importante ambição, Moçambique fica também obrigado a assegurar que “todos os cidadãos têm oportunidades jurídicas iguais de se proporem a si próprios como candidatos em eleições.”²⁷

A constituição e a lei 8/2013 estipulam que o processo de registo de candidaturas para a eleição presidencial. Consequentemente, para concorrer à eleição, qualquer dos potenciais candidatos deve ser apoiado por assinaturas reconhecidas de pelo menos 10.000 eleitores registados.²⁸

²³ Este total inclui 3.058.386 cidadãos registados antes das Eleições Municipais de 2013, que ficaram dispensados de se voltarem a registar.

²⁴ Declaração Universal dos Direitos Humanos, art. 21(1); International Covenant for Civil and Political Rights, art. 25(b); African Charter for Human and People’s Rights, art 13(1).

²⁵ International Covenant for Civil and Political Rights, art. 21; African Charter for Human and People’s Rights, art. 11.

²⁶ CIS, Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Commonwealth of Independent States, art. 9(2).

²⁷ *Ibid.*, art. 3(4).

²⁸ Usa-se a lista de eleitores para comparar a validade dos números dos cartões, e se o nº que aparece na documentação parece inconsistente com o que consta na lista dos eleitores, a assinatura é considerada inválida. Nestas eleições, as assinaturas tiveram que ser reconhecidas em notário individualmente, o que representou um peso maior para os partidos mais pequenos.

O Conselho Constitucional tem a responsabilidade de rever a validade dos requisitos²⁹ e validar as candidaturas, e não há possibilidade de recurso da sua decisão. De entre 11 candidatos propostos, o Conselho Constitucional aprovou três candidatos e rejeitou oito por insuficiência de assinaturas de apoio.³⁰ As assinaturas foram rejeitadas por diversas razões, entre as quais por não estarem reconhecidas por um notário ou por indicação incorrecta dos números dos cartões dos eleitores ou porque os eleitores assinaram por vários candidatos.³¹

Os partidos políticos referiram satisfação com o processo de registo para candidatos para a assembleia nacional, citando uma abordagem mais cooperativa adoptada pela CNE para estas eleições, que permitiu uma aprovação mais rápida dos candidatos.

A Campanha

O período de campanha teve lugar de 31 de Agosto a 12 de Setembro. Apesar de o período de campanha ter sido maioritariamente pacífico, os observadores de longo prazo do EISA registaram incidentes isolados de intimidação e violência. Infelizmente o último dia da campanha foi marcado por confrontos entre apoiantes partidários na cidade de Nampula e em Angoche, tendo sido reportados feridos e três mortes. A campanha repetiu preocupações já familiares de eleições anteriores sobre a utilização pelo partido no poder de recursos do estado para a sua campanha. Para além disso, o papel da polícia e a sua relação com os partidos da oposição surgiu como uma área importante de discórdia durante estas eleições.

A maior parte da actividade da campanha consistiu de angariação de votos “porta-a-porta”, comícios e colocação de cartazes e distribuição e prospectos. A maior parte das infracções à campanha relatadas foi de menor importância, tais como estragar ou remover os cartazes dos oponentes. Em alguns casos a polícia deteve e prendeu os suspeitos na cadeia por essas infracções.

Ao longo do período da campanha os observadores de longo prazo registaram um desequilíbrio de recursos a favor da FRELIMO e queixas do seu uso continuado e ilícito de recursos estatais para a sua campanha. Os registos dos observadores de longo prazo também anotaram a presença de veículos do estado em actividades de campanha em diversas partes do país.

Na maior parte do tempo, os partidos políticos foram capazes de organizar e levar a cabo as suas actividades livremente. No entanto, houve relatos de membros e candidatos do MDM serem hostilizados e ameaçados por activistas e membros da FRELIMO. Numa ocasião, a caravana presidencial do candidato do MDM foi confrontada e ameaçada por uma multidão de apoiantes da FRELIMO em Gaza.

Os observadores de longo prazo registaram que membros dos partidos de oposição em várias províncias relataram que não confiavam na polícia local e portanto não partilhavam os seus planos de campanha com ela, como requerido. Esta falta de cooperação também foi referida pela polícia. Os representantes de partidos políticos da oposição declararam que, quando de facto

²⁹ Deliberação No 1/CC/2014 de 20 de Fevereiro.

³⁰ Acórdão N° 9/CC/2014 de 5 de Agosto.

³¹ Isto é proibido pela Lei Eleitoral, Art. 135.

informavam a polícia dos seus planos, essa informação era passada a membros ou agentes do partido FRELIMO, que depois criavam obstruções a essas actividades planeadas.

Em várias ocasiões o Presidente da CNE, Abdul Carimo, fez apelos públicos à calma e pedindo aos partidos políticos que se abstivessem de violência. Ele também comunicou com candidatos e dirigentes dos partidos, e numa ocasião viajou para as províncias centrais para acalmar as tensões crescentes.

No último dia da campanha houve comícios por todo o país. O candidato presidencial do MDM encerrou a sua campanha na Beira, o candidato da RENAMO em Nampula e o candidato da FRELIMO em Maputo. Os relatos indicam um dia geralmente pacífico excepto em Nampula, onde surgiram escaramuças durante o dia entre militantes da FRELIMO e da RENAMO, que resultaram em relatos de feridos e uma morte. Em Angoche, confrontos entre os mesmos dois partidos resultaram na notificação de duas mortes. Estes incidentes lamentáveis mancharam o que de outro modo seria um dia pacífico de campanha por todo o país. A seguir ao encerramento da campanha, os relatos dos observadores durante o período “silencioso” indicavam tranquilidade.

Financiamento da Campanha

Moçambique está obrigado a tomar medidas para impedir a corrupção, particularmente no contexto do financiamento da campanha.³² Os regulamentos sobre financiamento da campanha deveriam fazer cumprir um processo transparente no qual todos os partidos políticos e candidatos sejam tratados de forma igual. Mesmo quando todas estas condições ideais são cumpridas, não se apaga a vantagem principal dos recursos disponíveis para o partido no poder, que é ampliada pela utilização pelo partido dos recursos do estado na campanha.

O sistema de financiamento público atribuiu cerca de USD\$2.000.000 às campanhas políticas de vários partidos e candidatos presidenciais. Um terço deste montante foi atribuído aos três candidatos presidenciais, em partes iguais. Outro terço foi distribuído a candidatos à assembleia nacional, enquanto o último terço foi atribuído aos candidatos a assembleias provinciais. A primeira tranche de financiamento público à campanha deveria ter sido entregue 21 dias antes do início da campanha, embora relatórios de partidos políticos indiquem que o dinheiro só foi recebido sete dias antes do lançamento da campanha. Tal como em eleições anteriores, o *Carter Center* recomenda que se façam maiores esforços para assegurar que o financiamento público da campanha seja atempadamente desembolsado aos partidos e que o partido no poder se abstenha de utilizar os recursos do estado nas suas campanhas.

AMBIENTE DA COMUNICAÇÃO SOCIAL

Os meios de comunicação social têm um papel indispensável durante eleições democráticas, ao trazerem esclarecimentos aos eleitores e aos partidos políticos sobre questões relevantes, assim lhes dando acesso a informação para que eles possam tomar uma decisão verdadeiramente informada.³³

³² U.N. Convention Against Corruption, art. 7, 18, 37; African Union Convention on Corruption, art. 7.

³³ OSCE, Election Observation Handbook (Fifth Edition), p. 48.

O Conselho Superior de Comunicação Social (CSCS) é responsável pela fiscalização dos meios de comunicação social em Moçambique, incluindo o acesso à informação, objectividade nas reportagens e liberdade de imprensa em geral. O CSCS é composto por 11 membros, quatro dos quais são indicados por partidos políticos, dois pelo presidente, três pelo Sindicato dos Jornalistas, um pelas empresas de comunicação social e um pelos magistrados. O CSCS também trata das reclamações apresentadas pelo público em geral e outros intervenientes em relação ao acesso dos partidos políticos ao tempo de antena durante a campanha eleitoral, assim como ao direito de resposta. O CSCS leva a cabo um esforço de monitoria durante o período de campanha e elabora relatórios regulares.

Há grupos da sociedade civil, tais como o Centro de Estudos Interdisciplinares de Comunicação (CEC), que executam actividades semelhantes de monitoria utilizando uma metodologia estruturada. De acordo com constatações preliminares do CEC, a cobertura da campanha pelos *media* tem sido de alguma forma ‘engrenada’ para favorecer o partido no poder, quer em termos do tempo de cobertura, quer da qualidade da informação.

PARTICIPAÇÃO DAS MULHERES

Compromissos internacionais e regionais protegem os direitos das mulheres e garantem o seu direito democrático à participação.³⁴ Moçambique assinou várias convenções e protocolos regionais e internacionais relativos a igualdade de género, entre os quais se destacam o Protocolo à Carta Africana dos Direitos Humanos e dos Povos sobre os Direitos das Mulheres em África (Dezembro de 2005) e a Convenção sobre a Eliminação de Todas as Formas de Discriminação contra as Mulheres (*CEDAW*) (Junho de 1993).

Apesar do facto de não haver disposições no quadro eleitoral moçambicano quanto a cotas de género, as candidatas do sexo feminino estavam relativamente bem representadas nestas eleições. A nível nacional, embora nenhum dos partidos tivesse proposto uma mulher como candidata presidencial, a FRELIMO, a RENAMO e o MDM indigitaram algumas mulheres para lugares na assembleia nacional. A FRELIMO teve a maior percentagem de candidatas na votação para a assembleia nacional, representando 40 por cento. A RENAMO e o MDM tiveram a 2ª e a 3ª maiores percentagens de mulheres candidatas, com 27,6 e 20,7 por cento, respectivamente. No total de todos os partidos, as candidatas do sexo feminino perfaziam apenas 29,9 por cento nas eleições legislativas.

A SOCIEDADE CIVIL E OS OBSERVADORES NACIONAIS

De acordo com a legislação pública internacional, todas as pessoas têm o direito de participar nos assuntos públicos do seu país.³⁵ Isto inclui o direito de os cidadãos participarem em organizações não governamentais.³⁶ Outras fontes estendem isto ao direito de tomar parte em organizações de observação no âmbito da cidadania, e de contribuir para os esforços de educação

³⁴ UN, International Covenant on Civil and Political Rights.

³⁵ U.N., International Covenant on Civil and Political Rights, art. 25(a); AU, African Charter on Human and People's Rights, art. 13(1); U.N., Universal Declaration of Human Rights, art. 21(a).

³⁶ U.N., Convention on the Elimination of All Forms of Discrimination against Women, art. 7.

eleitoral.³⁷ Através destes meios, a sociedade civil pode de forma activa ter um papel essencial no apoio a um processo eleitoral responsável, ao mesmo tempo que reforça a confiança no processo. A constituição de Moçambique defende que “todos os cidadãos têm o direito e o dever de participar no processo de expansão e consolidação da democracia a todos os níveis da sociedade e do Estado”.³⁸

Muitas formas associativas da sociedade civil têm as suas raízes em estruturas tradicionais ou na organização política dos partidos (ex: certos grupos de mulheres ou de jovens, organizações do sector privado, colectivos de produção, sindicatos, etc.) cujos laços com o estado e com certos partidos políticos variam. A sociedade civil na forma de organizações não governamentais está limitada sobretudo às zonas urbanas e inclui muitas organizações que ao longo dos anos se têm mostrado sentinelas eficazes e agentes de advocacia em questões que incluem alívio da dívida internacional, direitos humanos, reforma da terra, corrupção e eleições democráticas.

Uma das maiores organizações de observação na area da cidadania é o Observatório Eleitoral (OE). O OE é uma parceria de oito organizações da sociedade civil moçambicana, estabelecida para promover a transparência e a condução pacífica do processo eleitoral. O OE engloba as seguintes organizações: Organização Moçambicana para o Desenvolvimento da Democracia (AMODE), Centro de Estudos de Democracia e Desenvolvimento (CEDE), Conselho Cristão de Moçambique (CCM), Conselho Islâmico de Moçambique (CISLAMO), Conferência Episcopal de Moçambique (da Igreja Católica), Forum da Educação Cívica (FECIV), Liga dos Direitos Humanos (LDH) e Organização para Resolução de Conflitos (OREC). O OE e os seus membros têm uma longa história de observação de eleições em Moçambique, tendo particularmente o FECIV e a AMODE realizado observação eleitoral desde 1999. A criação do OE representa uma contribuição da sociedade civil moçambicana para eleições livres e justas.

Durante o dia da votação o OE destacou aproximadamente 2.500 observadores por todo o país. Para além disso, o OE planeava levar a cabo um apuramento paralelo de votos (*PVT*) com assistência técnica do EISA. O *Carter Center* lamenta que o OE não tivesse conseguido obter a acreditação para todos os seus observadores antes do dia das eleições, particularmente na província de Nampula, onde nenhum observador do OE (num total de 400) tinha recebido a acreditação no momento da abertura das assembleias de voto. Em Nampula, o OE conseguiu obter a acreditação para todos os seus observadores antes do final da votação mas infelizmente não a tempo de os distribuir como necessário, colocando os observadores através província como planeado, limitando a sua observação na província. Uma emissão tão tardia da acreditação debilita gravemente a capacidade de os observadores locais levarem a cabo o seu trabalho de maneira eficaz. As autoridades moçambicanas devem tomar medidas específicas para garantir que isto não aconteça em futuras eleições, e os observadores locais devem empenhar-se em cumprir os prazos e submeter os seus pedidos de acreditação atempadamente.

RESOLUÇÃO DE CONFLITOS ELEITORAIS

Procedimentos eficazes, claros e justos para a resolução de conflitos eleitorais são uma parte essencial de um processo eleitoral funcional. É essencial ter mecanismos eficientes para a

³⁷ EISA, Principles for Election Management, Monitoring and Observation in the SADC Region, p. 19.

³⁸ Article 73, paragraph 1, of Constitution of the Republic of Mozambique

resolução de conflitos de modo a garantir que há soluções eficazes para a correcção de violações dos direitos fundamentais relacionados com o processo eleitoral.³⁹ Os eleitores e outros intervenientes eleitorais devem ter voz, e ter a percepção que a têm, na qualidade do processo eleitoral, se queremos que esse processo eleitoral mantenha credibilidade.

Alterações recentes no quadro legal introduziram um mecanismo de resolução de conflitos eleitorais em três níveis. As alterações melhoraram o sistema de resolução de conflitos eleitorais globalmente, embora alguns procedimentos necessitem de ser aperfeiçoados e harmonizados com outras leis.

Reclamações em relação a irregularidades da contagem bem como com o processo de apuramento a nível distrital, de cidade e provincial devem ser submetidas imediatamente ao presidente da assembleia de voto ou comissão eleitoral distrital, de cidade ou provincial, respectivamente, e devem ser decididas *in situ*, isto é, no próprio local. As decisões da mesa da assembleia de voto ou da comissão distrital, de cidade ou provincial podem ter recurso no Tribunal Judicial do distrito no prazo de 48 horas da publicação dos respectivos resultados. As decisões do Tribunal Judicial do distrito devem ser feitas no prazo de 48 horas da apresentação da queixa e estão sujeitas a recurso ao Conselho Constitucional no prazo de três dias.

As reformas relacionadas com resolução de conflitos eleitorais aumentam a autoridade do sector judicial e simplificam os procedimentos para a apresentação de petições eleitorais. As reclamações serão agora ouvidas por tribunais distritais em vez da CNE como em eleições anteriores, o que é um passo positivo para responder a preocupações relativas a algum potencial conflito de interesses pelo facto de um órgão de administração eleitoral julgar reclamações nas quais ele pode estar envolvido. Os recursos sobre qualquer reclamação irão directamente para o Conselho Constitucional.

VOTAÇÃO

A qualidade das operações de votação no dia das eleições é crucial para determinar se uma eleição está à altura das suas obrigações democráticas. De acordo com os compromissos internacionais e regionais de Moçambique, todos os cidadãos devem gozar do direito ao sufrágio universal e igual,⁴⁰ e todos os cidadãos têm o direito de votar,⁴¹ sujeito apenas a limitações razoáveis e objectivas. Uma obrigação central, ao abrigo da lei internacional, é que as eleições devem ser feitas por voto secreto, o que é considerado como um meio de garantir que a vontade do povo é expressa livremente e que um voto lançado na urna não pode ser relacionado com um eleitor para evitar intimidação e retribuição política.⁴²

³⁹ U.N., Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 47.

⁴⁰ U.N., International Covenant on Civil and Political Rights, art. 25; U.N., Universal Declaration of Human Rights, art. 21.

⁴¹ International Covenant on Civil and Political Rights, art. 25; AU, African Charter on Human and People's Rights, art. 13; ACHR, art. 23.

⁴² U.N., International Covenant on Civil and Political Rights, art. 25; U.N., Universal Declaration of Human Rights, art. 23. EISA and Electoral Commission Forum of SADC Countries, Principles for Election Management, Monitoring, and Observation in the SADC Region, p. 24.

Para as eleições de 2014, o número de postos de votação em Moçambique foi de 17.012. O número máximo de eleitores registado por posto de votação foi 800. Embora isto permitisse um acesso adequado ao processo por parte dos eleitores, os observadores do EISA e do Carter Centre relatam a existência ocasional de multidões e longas filas nas províncias de Inhambane, Sofala, Manica, Tete, Zambézia, Nampula e Niassa, especialmente de manhã e primeiras horas da tarde.

As equipas do EISA e do *Carter Center* observaram a votação num total de 434 postos de votação em todo o país. Os observadores do EISA e do *Carter Center* acharam que a implementação dos procedimentos foi “muito boa” ou “razoável” em 98 por cento dos postos de votação em todo o país. O pessoal dos postos de votação realizam as suas responsabilidades de forma profissional por vezes em condições difíceis. Durante o processo de votação, o ambiente era na maior parte do tempo calmo e pacífico.

Nos postos observados por observadores do EISA e do *Carter Center*, as mesas abriram maioritariamente a horas. Apenas 3 por cento dos postos de votação visitados tiveram um atraso de mais de meia hora, e em nenhuma das áreas observadas os atrasos afectaram a capacidade dos eleitores registados de votarem dentro do prazo limite do dia de votação.

Nestas eleições os boletins de voto são fornecidos em números de série sequenciais que correspondem à série de números indicada no talão dos boletins e que por sua vez são atribuídos a mesas de voto específicas. A prática de ter números em série simultaneamente nos boletins e nos talões dos boletins foi introduzida para estas eleições como um instrumento para melhor rastrear a distribuição do material eleitoral e reduzir a possível fraude nos postos de votação. Embora isto tenha sido indubitavelmente instituído para melhorar os processos logísticos e administrativos, a combinação destas medidas com o acesso às listas dos eleitores para cada uma das mesas de voto levanta ameaças potenciais muito reais ao direito essencial ao sigilo do voto, particularmente em zonas rurais. Além disto, os actuais procedimentos de votação especial para pessoal por pessoal das mesas de voto, polícias e outros pode comprometer o sigilo do voto em locais onde muito poucos votos especiais são lançados.⁴³ O *Carter Center* recomenda que a CNE tome medidas para garantir que o sigilo do voto seja protegido em futuras eleições, enquanto procura salvaguardas alternativas quanto a fraude e crescente transparência no processo.

Os observadores do *Carter Center* e do EISA notaram que nenhum partido político foi bem sucedido na identificação de um número adequado de pessoas para servir como pessoal assistente da mesa de votação, bem como no recrutamento de um número adequado de delegados partidários para todos os 17.012 postos de votação. O pessoal das mesas de voto nomeado pelos partidos políticos não tinha sido, na maior parte dos casos, proposto à CNE com tempo suficiente para serem treinados sobre o seu papel e responsabilidades. Embora a CNE tenha feito sessões de formação adicionais, incluindo uma apenas a dias da votação, nenhum partido político cumpriu totalmente esta disposição.

O *Carter Center* nota que a politização da infra-estrutura de administração eleitoral até ao nível do pessoal da mesa de voto não respeita integralmente a norma internacional para órgãos

⁴³ Alguns eleitores, incluindo membros da CNE e agentes das mesas de voto, policiais e jornalistas, podem entregar o seu voto em mesas onde não estão registados. Para estes eleitores, boletins de voto separados são colocados em envelopes especiais, tornando possível identificar em alguns casos a opção de voto de um indivíduo.

eleitorais independentes, neutros e profissionais.⁴⁴ O *Carter Center* encoraja todos os intervenientes, incluindo a assembleia nacional, a considerar a oportunidade para rever os artigos nas leis eleitorais que se referem à presença de membros dos partidos políticos dentro dos órgãos de administração eleitoral, enquanto se procuram outros meios para manter a confiança dos partidos no sistema.

No dia das eleições os observadores do *Carter Center* e do EISA notaram que os delegados dos partidos estavam presentes em menos de metade dos postos de votação observados durante a manhã, mas a sua presença aumentou durante a tarde e estavam em maior número durante a contagem. Durante o processo de votação, os observadores do *Carter Center* e do EISA notaram que os delegados da FRELIMO estavam presentes em 98 por cento dos postos de votação observados, os da RENAMO em 61 por cento, e os do MDM em 63 por cento. Alguns dos postos observados tinham mais do que um delegado do mesmo partido e na maior parte destes casos os delegados eram do partido FRELIMO. Em 18 por cento das mesas de voto, a FRELIMO era o único partido político representado.

Os observadores notaram que nenhum partido político tinha uma representação adequada de género entre os seus delegados. Nas mesas de votação observadas, 33 por cento dos delegados do partido FRELIMO eram mulheres, 28 por cento dos delegados do MDM eram mulheres e 17 por cento dos delegados do partido RENAMO eram mulheres. O Centro encoraja todos os partidos políticos a fazerem esforços para garantir que as mulheres estejam mais representadas entre os delegados dos partidos em futuras eleições.

Das 434 mesas de voto observadas durante o processo de votação, 20 por cento tinham falta de algum pessoal, tipicamente uma ou mais das posições de escrutinadores destinadas aos partidos políticos.

Em casos limitados em que o número de membros do posto de votação não era adequado para levar a cabo a votação, os observadores do *Carter Center* e do EISA viram várias mesas de voto pequenas de um mesmo círculo eleitoral juntarem-se numa mesa de voto maior. Observadores na Beira notaram um centro de votação com pessoal temporário que resultava da combinação de 14 centros menores de outros postos do distrito. O resultado dessa combinação gerou confusão, com agentes dos postos de votação a assumirem novos papéis por substituição, e sem procedimentos claros sobre como tratar a combinação das listas dos eleitores e dos boletins de voto. Os agentes de votação (MMVs) nesses locais não estavam familiarizados com os procedimentos de votação e não conseguiam identificar o número de eleitores registados no local.

Observadores locais do OE foram identificados em 13,2 por cento das mesas de voto observadas e observadores locais de outras organizações estavam presentes em 32 por cento das mesas

⁴⁴ UN (CCPR): Comentário Geral No. 25: O Direito a Participar em Assuntos Públicos, Direitos de Voto e o Direito a Acesso Igual ao Serviço Público (Artigo 25), no parag. 20 lê-se “Deve ser estabelecida uma autoridade eleitoral independente para supervisionar o processo eleitoral e garantir que ele é conduzido de forma justa, imparcial e de acordo com as leis que são compatíveis com o Tratado.” Na Carta da UA sobre Democracia, Eleições e Governança, no art 17.1 lê-se “Estabelecer e reforçar órgãos eleitorais nacionais independentes e imparciais responsáveis pela administração das eleições.”

observadas. Não foi reportado nenhum caso de observadores com problemas de acesso suficiente ao processo.

No dia da votação, o *Carter Center* notou que aproximadamente 1000 delegados partidários, incluindo agentes dos três partidos políticos concorrentes à eleição presidencial, ainda não tinham recebido a sua acreditação. O *Carter Center* também lamenta problemas reportados em relação à falta de acreditação de observadores nacionais de uma das maiores organizações da sociedade civil, o Observatório Eleitoral (OE), no dia da votação na província de Nampula, onde a acreditação de todos os 400 observadores não estava disponível no momento da abertura das mesas de voto. Embora a CNE tenha trabalhado rapidamente para tratar destes problemas, o Centro deseja sublinhar o papel crítico que têm os delegados partidários e os observadores da sociedade civil na garantia de eleições transparentes e na promoção da confiança pública. Para tal, o Centro exorta a CNE a reconsiderar os prazos para uma acreditação atempada, e exorta os observadores e partidos políticos a respeitarem esses prazos, para que todos possam receber a referida acreditação em devido tempo.

ENCERRAMENTO E CONTAGEM

A contagem exacta e justa dos votos tem um papel indispensável na garantia de que o processo eleitoral é democrático e reflecte a vontade dos eleitores. Os compromissos internacionais e regionais requerem que os votos sejam contados por um órgão de administração eleitoral independente e imparcial. O processo de contagem deve ser público, transparente e livre de corrupção.⁴⁵

Os observadores do *Carter Center* e do EISA observaram a contagem em 32 mesas de voto em 27 distritos. Embora o processo de encerramento e contagem fosse demorado, na maior parte dos casos os observadores do TCC e do EISA notaram que o ambiente e o processo de contagem foi muito bom ou razoável em 97 por cento dos postos de votação observados. Os observadores notaram que os procedimentos relativos aos boletins de voto não utilizados e a reconciliação da contagem dos votos foram feitos de forma adequada; os procedimentos para verificação dos boletins de voto (confirmação dos números de série) ou foram feitos inadequadamente ou não foram feitos de todo, em 22 por cento dos postos de votação observados.

Apesar de o processo de votação ter decorrido em grande medida numa atmosfera de tranquilidade, os observadores do EISA e o *Carter Center* registaram alguns incidentes isolados durante o processo de contagem, incluindo obstrução de estradas e confrontos entre a polícia e manifestantes no exterior de um centro de contagem em Angoche (província de Nampula) que resultaram no uso de gás lacrimogénico e tiroteio; bloqueio de estradas por manifestantes em protesto no exterior de um centro de contagem na Beira (EPC Amílcar Cabral, 07002806) que resultaram no recurso a disparos pela polícia para dispersar a multidão; e numa troca de tiros aproximadamente a 3 ou 4 quarteirões de um centro de contagem na cidade de Nampula. Embora estes incidentes tivessem sido de natureza grave, foram eventos localizados e não afectam a credibilidade do processo e o seu resultado.

⁴⁵ UNHRC, General Comment 25, para. 20; UN, Convention against Corruption, Art. 18.

Embora o *Carter Center* tenha ficado satisfeito pela presença forte de delegados de partidos políticos de diversos partidos durante o processo de contagem, o Centro registou que em 15 dos 27 postos de votação observados havia vários delegados da FRELIMO, e que em dois postos observados havia vários delegados do MDM.⁴⁶

O *Carter Center* congratula-se pelo baixo número de votos inválidos nos postos de votação observados, o que representa uma melhoria importante em relação a processos eleitorais anteriores.

O Carter Center faz observação eleitoral de acordo com a Declaração de Princípios da Observação Eleitoral Internacional e o Código de Conduta para Observação Eleitoral Internacional adoptado pelas Nações Unidas em 2005.

O “The Carter Center” é uma organização não-governamental e sem fins lucrativos que tem ajudado a melhorar a vida de pessoas em mais de 80 países através da resolução de conflitos; promoção da democracia, dos direitos humanos e de oportunidades económicas; prevenção de doenças; e melhoria dos cuidados de saúde mental. O Carter Center foi fundado em 1982 pelo anterior Presidente norte-americano, Jimmy Carter, e anterior Primeira Dama Rosalynn Carter, em parceria com a Universidade de Emory, para promover a paz e a saúde a nível mundial.

⁴⁶ A lei não permite a presença de diversos agentes do mesmo partido dentro de um posto de votação.



FOR IMMEDIATE RELEASE
Oct. 27, 2014

ELECTION OBSERVATION MISSION
MOZAMBIQUE PRESIDENTIAL, LEGISLATIVE, AND PROVINCIAL ASSEMBLY
ELECTIONS, OCTOBER 2014

THE CARTER CENTER CALLS ON STAKEHOLDERS TO RESPECT
DEMOCRATIC PROCESSES

Maputo, Mozambique

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Following observation of the pre-election environment and election day itself, 54 observers from The Carter Center and the Electoral Institute of Sustainable Democracy in Africa (EISA) remained deployed across the country to observe the immediate post-election period, including tabulation and certification of results at the district and provincial levels, as well as the complaints process. Observers witnessed a tabulation process that lacked clear, consistent procedures, was disorderly, and in some cases lacked the transparency necessary to enhance confidence in the process.

The Carter Center notes that Mozambique's elections were conducted within a framework negotiated and agreed to by political parties and ratified by the national assembly. The Carter Center and EISA observers visited 543 polling stations on election day and reported a generally peaceful and orderly process, without any significant irregularities.¹

The Carter Center urges all parties to continue to respect the electoral process and to utilize established mechanisms for the resolution of any election-related complaints. The electoral dispute-resolution mechanisms in place for these elections are the result of negotiations between political parties and are an improvement upon procedures in place for past elections.²

¹ The Carter Center, "The Carter Center Congratulates Mozambicans on Largely Peaceful Vote; Encourages Calm as the Tabulation Process Continues," Oct. 17, 2014.

² For more information about the electoral dispute-resolution mechanisms, see the Center's preliminary statement released on Oct. 17.

Mozambique's political parties and leaders should liaise closely with relevant authorities to ensure that any complaints are filed appropriately and can be resolved in a timely manner.

Tabulation

Tabulation of results is an integral phase of the electoral process that ensures the will of voters is accurately and comprehensively reflected in final results.³

Fifty-four observers from The Carter Center and EISA observed the tabulation of results at the district and provincial levels, as well as the complaints process in 26 districts across Mozambique. Observers witnessed a tabulation process that lacked clear, consistent procedures, was disorderly, and in some cases lacked the transparency needed to enhance confidence in the process.

The Carter Center offers the following recommendations to improve the tabulation process in future elections in Mozambique:

- Electoral results should be published by polling station to further reinforce the transparency of the process.
- Clear regulatory provisions should be developed to establish meaningful access for observers to all stages of counting and tabulation, in addition to the rest of the electoral process.⁴
- Clear and detailed procedures should be developed, with advance training for staff, on improved verification, tabulation, and results publications processes.

Summary of Observations

Overall, observers evaluated the tabulation process as very good or reasonable in 73 percent of districts observed, poor in 12 percent of districts observed, and not credible in 15 percent of districts observed. In the districts where observers evaluated the process as poor or not credible, the main problems were a lack of understanding of the process by tabulation center staff and a lack of clear procedures. Observers reported that the tabulation process lacked clear, consistent procedures, was disorderly, and in some cases lacked a level of transparency critical to enhancing confidence in the process.

Observers received reports of possible manipulation of results in two tabulation centers visited — Lichinga in Niassa province, and in the Beira district of Sofala province — and are aware of allegations of manipulation of results during the tabulation period.⁵ Where these allegations

³ U.N., International Covenant for Civil and Political Rights, art. 25(b); AU, Declaration on the Principles Governing Democratic Elections in Africa, art. 1.

⁴ Law no. 8/2013, article 263 section 1(a) and (c) state that election observers shall enjoy freedom of movement and have the right "to observe the subsequent electoral preparations at all levels, namely the collection of data, the centralization and count of the election results at district, city provincial and central levels, including the publication, announcement, validation and proclamation of the election results." To ensure that this law is realized in practice, clear regulations should be provided to ensure that this right is adequately respected and enforced consistently.

⁵ In Lichinga, observers received numerous but unconfirmed reports that a group of people visited the tabulation center on the night of October 16 and replaced results forms. In this district, there were also unconfirmed reports of

exist, the Carter Center calls upon stakeholders to gather adequate evidence and address these concerns through appropriate mechanisms. Any allegations of manipulation of results should be addressed before any conclusions are drawn about the electoral process and its outcome.

Mozambique has a notable absence of CNE/STAE regulations concerning procedures for the transfer of materials and the tabulation of results. Although deliberation No. 2/CNE/2014 of Aug. 9 provides an overview of the relationship between different levels of the process, it does not provide detailed information about the tabulation process itself. The technical preparations and training of the district-level election staff for the tabulation were not adequate and resulted in a disorderly and slow tabulation process not meeting a number of legal deadlines.⁶ The tabulation of results should be verifiable and transparent at all levels of the election administration.⁷ The Carter Center recommends that the CNE/STAE develop clear workflow procedures for the tabulation of results at the district, provincial, and national levels for future elections.

In advance of the tabulation process, The Carter Center and EISA released a joint statement expressing concern regarding observer access to all stages of the tabulation process.⁸ While The Carter Center welcomes the fact that the CNE publicly stated that observers should have access to all stages of the process,⁹ in practice this directive was not always implemented. In some instances, EISA and Carter Center observers noted that because of either the behavior of STAE officials or unclear information regarding tabulation center locations and start times, some observers were not able to have meaningful access to all stages of the tabulation. For example, in Tete, observers were not able to obtain accurate information regarding the timing of the beginning of the tabulation process; in Pemba, observers were temporarily refused access to the tabulation center; in Inhambane, the location of the tabulation center was not initially disclosed to observers by STAE and CNE officials; and in Xai Xai, Gurué, and Chamanculo districts, observers were allowed into the room but did not have sufficient access to be able to verify data as it was entered into the system.

In all cases where observers experienced initial challenges in accessing the process, the challenges were ultimately resolved satisfactorily, but sometimes too late to allow thorough observation and assessment. Following good practice internationally, both candidates or their representatives and accredited observers should be allowed to observe the counting and

attempts to change numbers. In Sofala province, observers received reports of a Frelimo supporter who was arrested for allegedly falsifying results sheets in favor of Nyusi.

⁶ For example, Pemba and Tete city aggregation of the results past the legal deadline and accordingly also submission of the aggregated tables of results to the respective provincial election commissions past the legal deadline.

⁷ OSCE, *Election Observation Handbook* (Fifth Edition), p. 63.

⁸ EISA and The Carter Center, “EISA and The Carter Center Welcome CNE Commitment to Transparency of Mozambique’s Electoral Process,” Oct. 10, 2014.

⁹ In advance of the elections, the CNE confirmed that they would uphold Law no. 8/2013, article 263 section 1(a) and (c), which states that election observers shall enjoy freedom of movement and have the right “to observe the subsequent electoral preparations at all levels, namely the collection of data, the centralization and count of the election results at district, city provincial and central levels, including the publication, announcement, validation and proclamation of the election results.”

tabulation of the votes.¹⁰ The Carter Center recommends that steps be taken by the CNE/STAE to increase transparency during the tabulation process necessary to ensure confidence in the process and its outcome.

EISA and Carter Center observers witnessed party representatives present in the majority of tabulation centers visited. However, party representatives were not always present for all stages of the process.¹¹ In cases where no party representatives were present, it was because the parties were represented in the staff, even though these individuals are required to serve as neutral staff members and not necessarily a political party member representing the party's interests. In Meconta district of Nampula province, EISA and Carter Center observers reported that while they were given access, others were not allowed to observe, including citizen observers, the media, and political party representatives.

The legal framework and CNE regulations leave room for interpretation as to when tabulation should begin and what the procedures should consist of. Furthermore, while a CNE regulation indicates a division of responsibilities between the CNE and STAE, the text is subject to different interpretations.¹² Observers reported that in at least two district offices, STAE conducted operations alone.¹³ It was up to the tabulation center chairperson to decide if the processing of results protocols would begin once all materials and protocols were received, or if they would be processed on a rolling basis. EISA and Carter Center observers witnessed both methods during the tabulation process. Most of the observed district election committees conducted tabulation on a rolling basis, while at least eight waited for all polling material to arrive. As a consequence, a discrepancy was noted between starting times.¹⁴

In some locations, observers noted that staff received inadequate supplies to support tabulation, limited to calculators and stationery, which resulted in a mix of aggregation methods. While in most cases computers were used to aggregate results, sporadic cases of using only paper or chalkboard were witnessed.

In regard to the verification of polling station results during subsequent tabulation processes, EISA and Carter Center observers noted only six cases in which polling station results were reviewed and verified at some stage of the tabulation process. In the majority of locations observed, the tabulation process consisted of copying figures from the polling station results sheet and entering them into the aggregated results. In future elections, written tabulation procedures should include clear steps for the verification of results, a critical component of a

¹⁰ Southern African Development Community. Principles and Guidelines Governing Democratic Elections. Mauritius: Southern African Development Community, 2004. Para 7.8. United Nations Center for Human Rights. Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections. New York and Geneva: United Nations, 1994, para 112.

¹¹ In 44 percent of centers, all three parties contesting the presidential elections were represented; in 16 percent of centers only FRELIMO was represented; and in all other instances, either a combination of parties was represented, or it was not possible for observers to determine which party agents were present.

¹² Directiva sobre sufrágio e apuramento dos resultados das eleições, presidenciais, legislativas e das assembleias provinciais de 2014.

¹³ These districts were Chokwé, Gaza Province, and Ilha de Moçambique, Nampula Province.

¹⁴ In one case, in Montepuez, Cabo Delgado, EISA and Carter Center observers reported that actual tabulation did not begin until Oct. 18.

tabulation process. In particular, the Center recommends that Mozambique establish clear procedures for cases where there are mathematical problems with results sheets (*editais*), such as numbers not totaling correctly or the number of valid votes exceeding the number of registered voters.

####

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**PARA DIVULGAÇÃO IMEDIATA
27 de OUTUBRO de 2014**

**MISSÃO DE OBSERVAÇÃO ELEITORAL
ELEIÇÕES PRESIDENCIAIS, LEGISLATIVAS E PROVINCIAIS EM MOÇAMBIQUE,
OUTUBRO DE 2014**

**O “CARTER CENTER” APELA AOS INTERVENIENTES PARA
RESPEITAREM OS PROCESSOS DEMOCRÁTICOS**

Maputo, Moçambique

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Após a observação do ambiente pré-eleitoral e do próprio dia da votação, 54 observadores do *Carter Center* e do “Instituto Eleitoral para a Democracia Sustentável em África” (EISA) permaneceram destacados em diversos pontos do país para observar o período pós-eleitoral, incluindo o apuramento e certificação de resultados a nível distrital e provincial, bem como o processo de reclamações. Os observadores testemunharam um processo de apuramento sem procedimentos claros e consistentes, desordenado e em alguns casos sem a transparência necessária para aumentar a confiança no processo.

O *Carter Center* regista que as eleições em Moçambique foram realizadas num quadro negociado e acordado por partidos políticos e ratificado pela assembleia nacional. Os observadores do *Carter Center* e do EISA visitaram 543 assembleias de voto no dia da votação e registaram um processo de modo geral pacífico e ordeiro, sem irregularidades significativas.¹

O *Carter Center* exorta todos os partidos a continuarem a respeitar o processo eleitoral e a utilizarem os mecanismos estabelecidos para resolução de quaisquer reclamações relacionadas com as eleições. Os mecanismos para resolução de conflitos em vigor para estas eleições são o resultado de negociações entre partidos políticos e representam uma melhoria em relação a

¹ The Carter Center, “O Carter Center Cumprimenta os Moçambicanos pela Votação Maioritariamente Pacífica; Exorta à Calma Equanto Decorre o Processo de Apuramento”, 17 de Outubro de 2014.

procedimentos estabelecidos para eleições anteriores.² Os partidos e os dirigentes políticos de Moçambique devem estabelecer laços estreitos com as autoridades relevantes para garantir que quaisquer reclamações sejam devidamente registadas e possam ser resolvidas atempadamente.

Apuramento

O apuramento dos resultados é a parte integrante do processo eleitoral que garante que a vontade dos eleitores seja reflectida de forma exacta e abrangente nos resultados finais.³

Cinquenta e quatro observadores do *Carter Center* e do EISA observaram o apuramento dos resultados a nível distrital e provincial, bem como o processo de reclamações em 26 distritos em diversos pontos de Moçambique. Os observadores testemunharam um processo sem procedimentos claros e consistentes, desordenado e em alguns casos sem a transparência necessária para aumentar a confiança no processo.

O *Carter Center* apresenta as seguintes recomendações para melhorar o processo de apuramento em futuras eleições em Moçambique:

- Os resultados eleitorais devem ser publicados por assembleia de voto para reforçar a transparência do processo.
- Devem ser desenvolvidas disposições regulamentares claras para providenciar aos observadores um acesso sério a todas as fases de contagem e apuramento, para além do restante processo eleitoral.⁴
- Devem ser desenvolvidos procedimentos claros e detalhados, com formação antecipada do pessoal, sobre processos melhorados de verificação, apuramento e publicação de resultados.

Resumo de Observações

De modo geral, os observadores avaliaram o processo de apuramento de resultados como muito bom ou razoável em 73 por cento dos distritos observados, fraco em 12 por cento dos distritos observados e não credível em 15 por cento dos distritos observados. Nos distritos em que os observadores avaliaram o processo como fraco ou não credível, os principais problemas foram falta de compreensão do processo por parte do pessoal do centro de apuramento, bem como falta de procedimentos claros. Os observadores relataram que o processo de apuramento não tinha procedimentos claros e consistentes, estava desordenado e em alguns casos faltava um nível de transparência necessária para aumentar a confiança no processo.

² Para mais informação sobre os mecanismos de resolução de conflitos eleitorais, ver a declaração preliminar do Centro emitida a 17 de Outubro.

³ N.U., Pacto Internacional sobre os Direitos Civis e Políticos, art. 25(b); U.A., Declaração sobre os Princípios que Regem as Eleições Democráticas em África, art. 1.

⁴ A Lei no. 8/2013, artigo 263, secção 1(a) e (c) afirma que os observadores eleitorais terão liberdade de movimento e têm o direito de "observar os preparativos eleitorais subsequentes a todos os níveis, nomeadamente a recolha de dados, a centralização e contagem dos resultados eleitorais aos níveis distrital, de cidade, provincial e nacional, incluindo a publicação, anúncio, validação e proclamação dos resultados das eleições." Para garantir que esta lei é cumprida na prática, devem existir regulamentos claros para assegurar que esse direito é devidamente respeitado e aplicado de forma consistente.

Os observadores receberam relatos de possível manipulação de resultados em dois centros de apuramento visitados – Lichinga na província do Niassa, e no distrito da Beira na província de Sofala – e têm consciência de acusações de manipulação de resultados durante o período de apuramento. Onde estas acusações existirem, o *Centro Carter* convida as partes interessadas para reunirem provas adequadas e responder a estas preocupações através de mecanismos apropriados. Quaisquer acusações de manipulação de resultados devem ser tratadas antes de tirar conclusões sobre o processo eleitoral e os seus resultados.⁵

Moçambique tem uma falta bastante perceptível de regulamentos sobre procedimentos para a transferência de materiais e o apuramento de resultados. Embora a deliberação N° 2/CNE/2014 de 9 de Agosto providencie uma visão geral da relação entre os diferentes níveis do processo, ela não dá informação detalhada sobre o próprio processo de apuramento. Os preparativos técnicos e a formação do pessoal eleitoral a nível do distrito para o apuramento não foram adequados e resultaram num processo de apuramento desordenado e lento, que não conseguiu cumprir vários prazos legais.⁶ O apuramento de resultados deve ser verificável e transparente a todos os níveis da administração eleitoral.⁷ O *Carter Center* recomenda que a CNE/STAE desenvolvam procedimentos claros sobre o fluxo do trabalho para o apuramento de resultados a nível distrital, provincial e nacional para futuras eleições.

Antes do processo de apuramento, o *Carter Center* e o EISA emitiram uma declaração conjunta exprimindo preocupação relativamente ao acesso dos observadores a todas as fases do processo de apuramento.⁸ Embora o *Carter Center* tenha apreciado o facto de a CNE ter declarado publicamente que os observadores deviam ter acesso a todas as fases do processo⁹, na prática esta directiva nem sempre foi implementada. Em algumas circunstâncias, os observadores do EISA e do *Carter Center* notaram que, devido quer ao comportamento de oficiais do STAE, quer a informação confusa acerca da localização dos centros de apuramento e às horas de início, alguns observadores não conseguiram ter um acesso significativo a todas as fases do apuramento. Por exemplo, em Tete os observadores não conseguiram obter informação exacta quanto às horas de início do processo de apuramento; em Pemba, foi temporariamente recusado aos observadores o acesso ao centro de apuramento; em Inhambane, a localização do centro de apuramento não foi inicialmente divulgada aos observadores pelos oficiais do STAE e da CNE; nos distritos de Xai-

⁵ Em Lichinga, os observadores receberam cometários numerosos mas não confirmados de que um grupo de pessoas tinha visitado o centro de apuramento na noite de 16 de Outubro e substituído formulários de resultados. Neste distrito houve também relatos não confirmados de tentativas de alterar números. Na província de Sofala, os observadores receberam informação de que um apoiante da Frelimo tinha sido preso por alegadamente falsificar as folhas de resultados a favor de Nyusi.

⁶ Por exemplo, a agregação de resultados de Pemba e da cidade de Tete para além do prazo legal e por consequência também a apresentação das tabelas agregadas de resultados às respectivas comissões eleitorais provinciais fora do prazo.

⁷ OSCE, *Manual de Observação Eleitoral* (5ª Edição), p. 63.

⁸ EISA e The Carter Center, "EISA and The Carter Center Welcome CNE Commitment to Transparency of Mozambique's Electoral Process," Oct. 10, 2014.

⁹ Antes das eleições a CNE confirmou que cumpriria a Lei n° 8/2013, artigo 263, secção 1(a) e (c), que refere que os observadores eleitorais gozarão de liberdade de movimento e terão o direito de "observar os preparativos eleitorais subsequentes a todos os níveis, nomeadamente a recolha de dados, a centralização e contagem dos resultados eleitorais a nível distrital, de cidade, provincial e central, incluindo a publicação, anúncio, validação e proclamação dos resultados eleitorais."

Xai, Gurùe e Chamanculo, os observadores puderam entrar na sala mas não tiveram acesso suficiente para poder verificar dados à medida que eles eram registados no sistema.

Em todos os casos em que os observadores enfrentaram desafios iniciais no acesso ao processo, os desafios foram em última instância resolvidos satisfatoriamente, mas por vezes demasiado tarde para poder permitir uma observação e avaliação minuciosas. De acordo com as boas práticas internacionais, ambos os candidatos ou seus representantes e os observadores acreditados deveriam poder observar a contagem e apuramento dos votos.¹⁰ O *Carter Center* recomenda que sejam tomadas medidas pela CNE/STAE para aumentar a transparência durante o processo de apuramento, necessária para garantir a confiança no processo e no seu resultado.

Os observadores do EISA e do *Carter Center* viram representantes de partidos presentes na maior parte dos centros de apuramento visitados. Contudo, os representantes dos partidos nem sempre estavam presentes durante todas as fases do processo.¹¹ Nos casos em que os representantes dos partidos não estavam presentes, era porque esses partidos estavam representados no pessoal, apesar de estar prescrito que essas pessoas devam ser membros neutros e não necessariamente um membro de um partido político representando os interesses do partido. No distrito de Meconta, na província de Nampula, os observadores do EISA e do *Carter Center* reportaram que, embora eles tivessem tido acesso, a outros não foi permitido observar, incluindo observadores da sociedade civil, meios de comunicação social e representantes de partidos políticos.

O quadro legal e os regulamentos da CNE deixam espaço para interpretação quanto ao momento em que o apuramento se deve iniciar e qual o procedimento a seguir. Além disso, embora um regulamento da CNE indique uma divisão de responsabilidades entre a CNE e o STAE, o texto está sujeito a diferentes interpretações.¹² Os observadores informaram que pelo menos em dois gabinetes distritais o STAE realizou as operações sozinho.¹³ Coube ao presidente do centro de apuramento decidir se os protocolos de processamento de resultados se iniciariam logo que todos os materiais e protocolos fossem recebidos, ou se eles seriam processados à medida que fossem recebendo resultados parciais. Os observadores do EISA e do *Carter Center* viram a utilização de ambos os métodos durante o processo de apuramento. A maior parte das comissões eleitorais dos distritos observados realizaram o apuramento por etapas, enquanto pelo menos oito esperaram que chegasse todo o material eleitoral. Consequentemente, notou-se uma discrepância entre as horas de início¹⁴.

¹⁰ Southern African Development Community (SADC). Principles and Guidelines Governing Democratic Elections. Mauritius: Southern African Development Community, 2004. Para 7.8. United Nations Center for Human Rights. Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections. New York and Geneva: United Nations, 1994, para 112.

¹¹ Em 44 por cento dos centros, os três partidos que participaram nas eleições presidenciais estavam representados; em 16 por cento dos centros, apenas a FRELIMO estava representada; e em todas as outras circunstâncias, ou estava representada uma combinação de partidos, ou não foi possível aos observadores determinar quais os delegados partidários presentes.

¹² Directiva sobre sufrágio e apuramento dos resultados das eleições, presidenciais, legislativas e das assembleias provinciais de 2014.

¹³ Esses distritos foram Chokwè, Província de Gaza e Ilha de Moçambique, na Província de Nampula.

¹⁴ Em um caso, em Montepuez, Cabo Delgado, os observadores do EISA e do *Carter Center* registaram que o próprio apuramento não se iniciou antes do dia 18 de Outubro.

Em alguns locais os observadores notaram que o pessoal recebeu fornecimentos inadequados para apoiar o apuramento, limitados a calculadoras e artigos de papelaria, o que resultou numa mistura de métodos de agregação. Enquanto na maior parte dos locais se usaram computadores para agregar resultados, verificaram-se casos esporádicos de uso apenas de papel ou quadro e giz.

Em relação à verificação dos resultados das assembleias de voto durante os processos subsequentes de apuramento, os observadores do EISA e do *Carter Center* registaram apenas seis casos em que os resultados dos postos de votação foram revistos e verificados em alguma fase do processo de apuramento. Na maior parte dos locais observados, os processos de apuramento consistiram em copiar de números dos editais da mesa de voto e seu registo nos resultados agregados. Em futuras eleições, procedimentos de apuramento registados por escrito devem incluir passos claros para a verificação dos resultados, o que é um componente crítico de um processo de apuramento. Em particular, o Centro recomenda que Moçambique estabeleça procedimentos claros para os casos em que ocorram problemas matemáticos com os editais, tais como os totais não darem certo ou o número de votos válidos exceder o número de eleitores registados.

Appendix E

Table of Recommendations from Previous Missions

RECOMMENDATIONS ON THE ELECTORAL LAW

1999 General Elections	2003 Municipal Elections	2004 General Elections
<ul style="list-style-type: none"> • Design an efficient, sustainable and precise electoral process. • Correct contradictions in electoral laws regarding enfranchisement. • Review campaign financing system and guarantee that public campaign funds are disbursed on timely basis • Clarify role of national and international observers and provide full access to all phases of the electoral process. 	<ul style="list-style-type: none"> • Voters roll needs to be corrected, completed and integrated so it is not inflated. • Existing register needs to be reconciled. • Existing register needs to be verified at provincial level. • Separate databases need to be integrated into one single database platform. • Detailed information on delimitation of each municipality (for municipal elections). 	<ul style="list-style-type: none"> • Improve credibility and accuracy of voter register and produce annually a list with the number of registered voters per polling station. • Design effective tabulation processes.

RECOMMENDATIONS TO THE CNE and STAE

1999 General Elections	2003 Municipal Elections	2004 General Elections
<ul style="list-style-type: none"> • Reduce size of CNE from current 17 to maybe five to nine. • Create mechanisms to ensure credibility and impartiality of the body. An option is reducing political party representation and increase role of independent members of civil society groups. CNE president could be a consensus choice. • Establish clear rules and operating procedures, as well as specific responsibilities and rights of CNE members. • Consider steps to streamline functions of the various levels of CNE offices. • Consider making STAE an independent body with permanent technical staff. 	<ul style="list-style-type: none"> • Consider reducing size and limiting roles of political parties in CNE to reassure its credibility, transparency and impartiality. • CNE must ensure all electoral officials are well trained in tabulation process on the basis of clearly established and timely regulations acceptable to all parties. • Provide training to media on electoral process, changes in electoral law and how to best cover election campaigns free of political bias. • Work with political parties to produce a code of conduct to govern behavior of political parties and supporters during elections • Engage with national and international observers to increase geographic mobility and full access to all electoral processes. 	<ul style="list-style-type: none"> • Thoroughly investigate irregularities, implement appropriate responses and communicate the results to the public to improve voter confidence. • Review CNE size and partisan structure. • Allow for the establishment of enough polling stations to enable more voter to reach polling stations and increase voter turnout. • Provide impartial election security and provide further training on the appropriate presence of security on election day. • Encourage, with help of political parties, greater political participation among citizens and build public confidence in electoral process.

RECOMMENDATIONS ON ELECTION DAY PROCEDURES

1999 General Elections	2003 Municipal Elections	2004 General Elections
<ul style="list-style-type: none">• Limit voting to single day <p>Standardizing rules of producing, distributing and using party agent credentials.</p> <p>Standardizing polling station configuration, including orientation of voting booths.</p> <p>Numbering ballot papers to facilitate closing and counting processes.</p> <p>End voting day at an earlier hour to provide more daylight during closing and counting.</p>	<p>Call on Mozambicans to increase voter participation.</p>	<p>Hold one-day elections</p>

RECOMMENDATION ON ELECTORAL RESULTS

1999 General Elections	2003 Municipal Elections	2004 General Elections
<ul style="list-style-type: none">• Expedite counting and tabulation processes.• Shorten period between election day and announcement of official results.• Election results reporting system should have the capacity to produce information much earlier during tabulation and verification period.• Allow party representatives and observers to monitor data while process is ongoing.• Encourage greater role for civil society groups, national observers and independent media to collect and disseminate information about election results.• Consider permitting those groups to engage in independent parallel vote tabulations (PVT) to verify and enhance confidence in elections• Increase training and information exchange among political parties, civil society groups and persons involved in electoral process.	<ul style="list-style-type: none">• Permit adequate observation of tabulation process and/or verification of the data to foster transparency.• All levels of tabulation, all steps in the process, all relevant documents and all involved software and hardware should be accessible for observation.• Announcement of credible results should be made in a timely fashion.	<ul style="list-style-type: none">• Results should be announced by polling station and not by district.• Increase transparency and effectiveness of tabulation. Improve communications and transport infrastructure for tabulation processes.• Additional training on the counting process for election officials and party agents necessary to ensure validity of results.• Guarantee observer's access to tabulation processes.• Ensure timely announcement of results and respect deadlines established by law.

RECOMMENDATIONS ON ELECTORAL DISPUTE RESOLUTION

1999 General Elections	2003 Municipal Elections	2004 General Elections
<ul style="list-style-type: none">• Adopt electoral regulations for thorough review or recount of tally sheets or a whole/partial recount of ballots• Allow observers to have full access to those reviews.• Consider reforming institutions and processes for electoral dispute resolution. Currently the Supreme Court is responsible for dispute resolution. A Constitutional Council should be created for that matter to encourage impartiality		<ul style="list-style-type: none">• Avoid lingering questions about the credibility of results since it may negatively affect the operation of democratic institutions.• Constitutional Council should intensify its commitment to the timely review of complaints and work to ensure that the submission process is clear to concerned political parties.• Concerns of political parties should be reviewed on substantive grounds and not be rejected out of hand because of procedural errors.

Appendix F

Deployment Plan

Cater Center and EISA Election Observation Mission Deployment Plan – Mozambique 2014			
Team no.	Province	Based in	Areas of coverage (districts)
1	Maputo city	Maputo city	Maputo city
2			
3			
4			
5			
6			
7	Maputo Province	Maputo city	Maputo city, Marracuene, Manhiça
8		Matola city	Matola, Matutuíne
9	Gaza	Xai-Xai	Xai-Xai, Mandlakazi, Chibuto
10		Chókwé	Chókwé, Massingir
11		Chókwé	Chókwé, Mabalane, Guijá
12	Inhambane	Inhambane city	Inhambane, Maxixe, Funhalouro
13		Vilankulo	Vilankulo, Massinga
14		Vilankulo	Vilankulo, Inhassoro, Govuro
15	Sofala	Beira	Beira, Dondo, Gorongosa
16		Marromeu	Marromeu, Caia, Maringué
17		Beira	Beira, Búzi, Chibabava
18	Manica	Chimoio	Chimoio, Gondola, Macossa, Tambara
19		Sussundenga	Sussundenga, Machaze, Massangena
20		Manica town	Manica, Bárue, Guro
21	Tete	Tete city	Tete city, Moatize, Mutarara
22		Tete city	Tete city, Changara
23		Chitima or Songo	Cahora-Bassa, Marávia
24		Ulongué	Angónia, Macanga, Chifunde
25	Zambézia	Quelimane	Quelimane, Namacurra, Maganja da Costa
26		Gurué	Gurué, Alto Molocué
27		Mocuba	Mocuba, Morrumbala
28		Gurué	Gurué, Milange
29	Nampula	Nampula city	Nampula city, Murrupula, Ribáue
30		Nampula city	Nampula city, Meconta, Monapo
31		Ilha de Moçambique	Ilha, Mossuril, Mongincual, Nacala, Mamba
32		Angoche	Angoche, Moma
33	Cabo Delgado	Pemba	Pemba, Chiúre
34		Montepuez	Montepuez, Namuno
35		Mueda	Mueda, Mocímboa da Praia
36	Niassa	Lichinga	Lichinga, Majune
37		Cuamba	Cuamba, Metarica, Maúa
38		Cuamba	Cuamba, Mandimba, Mecanhelas

Appendix G

Checklists

Opening

Mozambique 2014



User/Team	
Observation Time	
1. ★ Province:	<input type="checkbox"/> CD <input type="checkbox"/> Inhambane <input type="checkbox"/> Manica <input type="checkbox"/> Maputo Cidade <input type="checkbox"/> Maputo Provincia <input type="checkbox"/> Niassa <input type="checkbox"/> Nampula <input type="checkbox"/> Sofala <input type="checkbox"/> Tete <input type="checkbox"/> Zambézia <input type="checkbox"/> Gaza
2. ★ Electoral District: <i>Please double-check your response for accuracy.</i>	
3. ★ Polling Station ID:	
4. Is the center in an urban or rural area?	<input type="checkbox"/> Urban <input type="checkbox"/> Rural
6. How many stations are at the center?	
7. Were there obstacles or barriers on the way to the center that could have inhibited general public access?	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #7 is equal to "Yes"	
8. If 'yes', state: <i>examples might include: distance from villages, washed-out bridge.</i>	
9. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the *center*? <i>If station and center are one, consider this as "OUTSIDE the *station*." Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<input type="checkbox"/> Prohibited campaigning <input type="checkbox"/> Prohibited campaign material <input type="checkbox"/> Intimidation <input type="checkbox"/> Violence <input type="checkbox"/> Significant disorder <input type="checkbox"/> Security (beyond regulations) <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #6 is greater than "1"	
10. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the center (but outside the station)? <i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<input type="checkbox"/> Prohibited campaigning <input type="checkbox"/> Prohibited campaign material <input type="checkbox"/> Ineffective queue management <input type="checkbox"/> Intimidation <input type="checkbox"/> Violence <input type="checkbox"/> Significant disorder <input type="checkbox"/> Security (beyond regulations) <input type="checkbox"/> Other <input type="checkbox"/> None
11. Insert your arrival time (please use 24 hour clock): <i>For example: 3:00 pm should be 15:00 hrs.</i>	
12. If present, please indicate the presiding officer's gender: <i>If the presiding officer is not present now but comes back before your departure, please adjust this answer.</i>	<input type="checkbox"/> Female <input type="checkbox"/> Male
13. ★ How many staff are working at the polling station?	
ANSWER ONLY IF Question #13 is less than "7"	
14. Which polling staff members are missing or, in the case of Tellers, are not fully represented? <i>The polling station staff is supposed to have seven members: *1 Presiding Officer *1 Deputy Presiding Officer *1 Secretary *4 Tellers</i>	<input type="checkbox"/> Presiding Officer (red uniform) <input type="checkbox"/> Deputy Presiding Officer (green uniform) <input type="checkbox"/> Secretary (blue uniform) <input type="checkbox"/> Tellers (yellow uniforms)
ANSWER ONLY IF Question #14 includes "Tellers (yellow uniforms)"	
15. Which of the following Tellers was missing?	

Scroll to the bottom of the page for answer choices. Teller 1 (i) Confirms that the voter's name is in the electoral register(s) (ii) Confirms in the register, that the voter has now exercised his/her right to vote, by ticking off the name. Teller 2 Helps the voter dip his/her right index finger in the flask of indelible ink Teller 3 Returns the voter card to the voter and politely invites him/her to leave the polling station. Teller 4 Acts as an auxiliary and exercises his/her duties outside the polling center, organizing the voters to enjoy their rights in a tranquil and orderly manner, namely by: (i) Helping the voter identify his/her polling station based on the number in the register; (Fig 14: Identification of the polling station) (ii) Guiding the voters to head towards their respective polling stations; (iii) Also helping the voters to identify their number in the order of their enrollment in the replica of the electoral register; (iv) Guides the voter to enter the polling station, in coordination with the chairperson (presiding officer); and (v) Identifies, by means of tickets, all the voters who were present at the polling station before 18.00, so that they can continue to vote, even after the time scheduled for the close of polls.

☐ Teller 1 ☐ Teller 2 ☐ Teller 3 ☐ Teller 4

16. Number of FEMALE staff present (excluding presiding officer):	
17. Number of registered voters:	
18. Which, if any, prohibited or disruptive circumstances did you observe in the station? <i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<input type="checkbox"/> Prohibited campaigning <input type="checkbox"/> Prohibited campaign material <input type="checkbox"/> Intimidation <input type="checkbox"/> Violence <input type="checkbox"/> Significant disorder <input type="checkbox"/> Security (beyond regulations) <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #18 does not include "None"	
19. If any issues, please state:	
20. Were any of the following materials missing, insufficient, or incorrect?	<input type="checkbox"/> Signposting banner <input type="checkbox"/> Indelible ink <input type="checkbox"/> Booths/screens <input type="checkbox"/> Ballot papers <input type="checkbox"/> Ballot box(es) <input type="checkbox"/> Voter list(s) <input type="checkbox"/> Seals <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #20 includes "Other"	
21. If 'other', please state:	
ANSWER ONLY IF Question #20 does not include "None"	
22. If materials are missing, insufficient, or incorrect, please state:	
23. Does the station appear to be accessible to physically challenged persons, including the elderly? <i>The UN Convention on the Rights of People with Disabilities establishes an obligation for states to take measures to identify and eliminate obstacles and barriers to accessibility. This requires that people with disabilities will have an opportunity to participate on an equal basis in both rural and urban areas.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #23 is equal to "No"	
24. If 'no', state the impediments as well as any efforts to overcome the impediments or assist the challenged persons:	
25. Did the polling station open during your observation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #25 is equal to "No"	
26. If 'no', please state:	
ANSWER ONLY IF Question #25 is equal to "Yes"	
27. ★ At what time did the polling station open?	
28. If the polling station opened MORE THAN 30 MINUTES late, what are the reasons that caused the polling station to open late? <i>The polling station is by regulation supposed to open at 7:00 AM.</i>	<input type="checkbox"/> Missing materials <input type="checkbox"/> Absent polling staff <input type="checkbox"/> Unrest <input type="checkbox"/> Other
ANSWER ONLY IF Question #28 includes "Other"	
29. If 'other', please state:	
30. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.	

FULLY - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. *ADEQUATELY* - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. *INADEQUATELY* - The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). *NOT AT ALL* - The procedure was omitted or was not followed meaningfully. *NOT OBSERVED* - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.

☐ I have read and understand the definitions.

31. How closely did EMPTY BALLOT BOX DEMONSTRATION adhere to regulations?	<input type="checkbox"/> Fully <input type="checkbox"/> Adequately <input type="checkbox"/> Inadequately <input type="checkbox"/> Not at all <input type="checkbox"/> Not observed
ANSWER ONLY IF Question #31 is equal to "Inadequately"	
32. Please state the reasons for not choosing Fully or Adequately:	
ANSWER ONLY IF Question #31 is equal to "Not at all"	
33. Please state the reasons for not choosing Fully or Adequately:	
34. How closely did BALLOT BOX SEALING procedures adhere to regulations?	<input type="checkbox"/> Fully <input type="checkbox"/> Adequately <input type="checkbox"/> Inadequately <input type="checkbox"/> Not at all <input type="checkbox"/> Not observed
ANSWER ONLY IF Question #34 is equal to "Inadequately"	
35. Please state the reasons for not choosing Fully or Adequately:	
ANSWER ONLY IF Question #34 is equal to "Not at all"	
36. Please state the reasons for not choosing Fully or Adequately:	
37. How closely did the READING OF SEAL NUMBERS adhere to regulations?	<input type="checkbox"/> Fully <input type="checkbox"/> Adequately <input type="checkbox"/> Inadequately <input type="checkbox"/> Not at all <input type="checkbox"/> Not observed
ANSWER ONLY IF Question #37 is equal to "Inadequately"	
38. Please state the reasons for not choosing Fully or Adequately:	
ANSWER ONLY IF Question #37 is equal to "Not at all"	
39. Please state the reasons for not choosing Fully or Adequately:	
40. Which parties/candidates were represented by agents at the polling station?	<input type="checkbox"/> FRELIMO male agent <input type="checkbox"/> FRELIMO female agent <input type="checkbox"/> MDM male agent <input type="checkbox"/> MDM female agent <input type="checkbox"/> RENAMO male agent <input type="checkbox"/> RENAMO female agent <input type="checkbox"/> Other male agent <input type="checkbox"/> Other female agent
41. Which election observation groups were present?	<input type="checkbox"/> AU females <input type="checkbox"/> AU males <input type="checkbox"/> EU females <input type="checkbox"/> EU males <input type="checkbox"/> SADC females <input type="checkbox"/> SADC males <input type="checkbox"/> OE females <input type="checkbox"/> OE males <input type="checkbox"/> Other males <input type="checkbox"/> Other females
42. Which, if any, of the following groups did not have sufficient access to the process?	<input type="checkbox"/> Candidate/Party agents <input type="checkbox"/> International observers <input type="checkbox"/> Citizen observers <input type="checkbox"/> Polling staff <input type="checkbox"/> Media <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #42 is not equal to "None"	
43. If any, please state:	
44. Did you observe any interference leading to negative impact on the election process? If so, which of the following groups were responsible for interference? <i>Select 'None' if no interference was observed.</i>	<input type="checkbox"/> Candidate/Party agents <input type="checkbox"/> International observers <input type="checkbox"/> Citizen observers <input type="checkbox"/> Polling staff <input type="checkbox"/> Media <input type="checkbox"/> Voters <input type="checkbox"/> Security <input type="checkbox"/> Local officials <input type="checkbox"/> Religious/traditional leaders <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #44 does not include "None"	
45. If any interference, please state:	
46. Time of Departure (Station):	
47. Were there any officially lodged complaints by the time of departure? <i>If applicable, ask the Presiding Officer if present, or ask observers from other organizations or party/candidate agents.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #47 is equal to "Yes"	
48. If 'yes', please state: <i>officially lodged complaints?</i>	
49. Were there any problems reported to you by those present rather than those observed directly by you?	<input type="checkbox"/> Yes <input type="checkbox"/> No

(e.g., agents, observers, voters)

ANSWER ONLY IF Question #49 is equal to "Yes"

50. If 'yes,' please state:

Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.

51. How would you evaluate party/candidate agents' performance?

☐ Adequate

☐ Inadequate

☐ Not Applicable

ANSWER ONLY IF Question #51 is equal to "Inadequate"

52. If 'inadequate,' please state:

53. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

VERY GOOD - Procedures were always or almost always applied correctly.

Any procedural errors observed were very minor and did not affect the integrity or transparency of the process. REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to

affect the integrity or transparency of the process POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process.

☐ I have read and understand the definitions.

54. What is your team's evaluation of the implementation of procedures by staff at this station?

This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.

☐ Very Good

☐ Reasonable

☐ Poor

☐ Not Credible

ANSWER ONLY IF Question #54 is equal to "Poor"

55. What were the main reasons for not choosing Very Good or Reasonable?

ANSWER ONLY IF Question #54 is equal to "Not Credible"

56. What were the main reasons for not choosing Very Good or Reasonable?

57. Before moving ahead, please review the following definitions regarding the overall assessment of the OPENING ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

VERY GOOD - No significant problems were observed with the implementation of procedures or environment. The process was fully transparent. REASONABLE - Observed problems did not affect significantly

the integrity or transparency of the opening process, but there is room for improvement. POOR - Significant problems with any of the following may have compromised the integrity of the process: Errors in implementing opening procedures; Polling staff subject to intimidation or interference; Observers restricted. NOT CREDIBLE - Observed problems with the opening likely compromised the integrity of the process.

☐ I have read and understand the definitions.

58. ★ What is your team's overall assessment of the election environment and process at this station?

☐ Very Good

☐ Reasonable

☐ Poor

☐ Not Credible

ANSWER ONLY IF Question #58 is equal to "Poor"

59. What were the main reasons for not choosing Very Good or Reasonable?

ANSWER ONLY IF Question #58 is equal to "Not Credible"

60. What were the main reasons for not choosing Very Good or Reasonable?

61. Any other comments?

Polling

Mozambique 2014



User/Team	
Observation Time	
1. ★ Province:	<input type="checkbox"/> CD <input type="checkbox"/> Inhambane <input type="checkbox"/> Manica <input type="checkbox"/> Maputo Cidade <input type="checkbox"/> Maputo Provincia <input type="checkbox"/> Niassa <input type="checkbox"/> Nampula <input type="checkbox"/> Sofala <input type="checkbox"/> Tete <input type="checkbox"/> Zambézia <input type="checkbox"/> Gaza
2. ★ Electoral District:	
<i>Please double-check your response for accuracy.</i>	
3. ★ Polling Station ID:	
4. Is the center in an urban or rural area?	<input type="checkbox"/> Urban <input type="checkbox"/> Rural
6. How many stations are at the center?	
7. Were there obstacles or barriers on the way to the center that could have inhibited general public access?	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #7 is equal to "Yes"	
8. If 'yes', state:	
<i>examples might include: distance from villages, washed-out bridge.</i>	
9. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the *center*?	<input type="checkbox"/> Prohibited campaigning <input type="checkbox"/> Prohibited campaign material <input type="checkbox"/> Intimidation <input type="checkbox"/> Violence <input type="checkbox"/> Significant disorder <input type="checkbox"/> Security (beyond regulations) <input type="checkbox"/> Other <input type="checkbox"/> None
<i>If station and center are one, consider this as "OUTSIDE the *station*." Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	
ANSWER ONLY IF Question #6 is greater than "1"	
10. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the center (but outside the station)?	<input type="checkbox"/> Prohibited campaigning <input type="checkbox"/> Prohibited campaign material <input type="checkbox"/> Ineffective queue management <input type="checkbox"/> Intimidation <input type="checkbox"/> Violence <input type="checkbox"/> Significant disorder <input type="checkbox"/> Security (beyond regulations) <input type="checkbox"/> Other <input type="checkbox"/> None
<i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	
11. Insert your arrival time (please use 24 hour clock):	
<i>For example: 3:00 pm should be 15:00 hrs.</i>	
12. If present, please indicate the presiding officer's gender:	<input type="checkbox"/> Female <input type="checkbox"/> Male
<i>Skip if the presiding officer is not present. If the presiding officer appears before departure, please adjust this answer.</i>	
13. ★ How many staff are working at the polling station?	
ANSWER ONLY IF Question #13 is less than "7"	
14. Which polling staff members are missing or, in the case of Tellers, are not fully represented?	<input type="checkbox"/> Presiding Officer (red uniform) <input type="checkbox"/> Deputy Presiding Officer (green uniform) <input type="checkbox"/> Secretary (blue uniform) <input type="checkbox"/> Tellers (yellow uniforms)
<i>The polling station staff is supposed to have seven members: *1 Presiding Officer *1 Deputy Presiding Officer *1 Secretary *4 Tellers</i>	
ANSWER ONLY IF Question #14 includes "Tellers (yellow uniforms)"	
15. Which of the following Tellers was missing?	

Scroll to the bottom of the page for answer choices. Teller 1 (i) Confirms that the voter's name is in the electoral register(s) (ii) Confirms in the register, that the voter has now exercised his/her right to vote, by ticking off the name. Teller 2 Helps the voter dip his/her right index finger in the flask of indelible ink Teller 3 Returns the voter card to the voter and politely invites him/her to leave the polling station. Teller 4 Acts as an auxiliary and exercises his/her duties outside the polling center, organizing the voters to enjoy their rights in a tranquil and orderly manner, namely by: (i) Helping the voter identify his/her polling station based on the number in the register; (Fig 14: Identification of the polling station) (ii) Guiding the voters to head towards their respective polling stations; (iii) Also helping the voters to identify their number in the order of their enrollment in the replica of the electoral register; (iv) Guides the voter to enter the polling station, in coordination with the chairperson (presiding officer); and (v) Identifies, by means of tickets, all the voters who were present at the polling station before 18.00, so that they can continue to vote, even after the time scheduled for the close of polls.

☐ Teller 1 ☐ Teller 2 ☐ Teller 3 ☐ Teller 4

16. Number of FEMALE staff present (excluding presiding officer):

17. ★ Number of registered voters:

18. ★ Approximate number of voters who have voted by time of arrival:

If the number of voters is not directly recorded by the polling staff, it may be necessary to ask the presiding officer or other staff to estimate the number of voters or calculate by other means.

19. Which, if any, prohibited or disruptive circumstances did you observe in the station?

☐ Prohibited campaigning ☐ Prohibited campaign material
☐ Intimidation ☐ Violence ☐ Significant disorder
☐ Security (beyond regulations) ☐ Other ☐ None

Select "None" if you did not observe any prohibited or disruptive circumstances.

ANSWER ONLY IF Question #19 does not include "None"

20. If any issues, please state:

21. ★ Were any of the following materials missing, insufficient, or incorrect?

☐ Signposting banner ☐ Indelible ink ☐ Booths/screens
☐ Ballot papers ☐ Ballot box(es) ☐ Voter list(s)
☐ Seals ☐ Other ☐ None

ANSWER ONLY IF Question #21 includes "Other"

22. If 'other', please state:

ANSWER ONLY IF Question #21 does not include "None"

23. If materials are missing, insufficient, or incorrect, please state:

24. Does the station appear to be accessible to physically challenged persons, including the elderly?

The UN Convention on the Rights of People with Disabilities establishes an obligation for states to take measures to identify and eliminate obstacles and barriers to accessibility. This requires that people with disabilities will have an opportunity to participate on an equal basis in both rural and urban areas.

☐ Yes ☐ No

ANSWER ONLY IF Question #24 is equal to "No"

25. If 'no', state the impediments as well as any efforts to overcome the impediments or assist the challenged persons:

26. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

FULLY - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. *ADEQUATELY* - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. *INADEQUATELY* - The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). *NOT AT ALL* - The procedure was omitted or was not followed meaningfully. *NOT OBSERVED* - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.

27. How closely did CHECKING FOR INK procedures adhere to regulations?	<input type="checkbox"/> Fully	<input type="checkbox"/> Adequately	<input type="checkbox"/> Inadequately	<input type="checkbox"/> Not at all	<input type="checkbox"/> Not observed
ANSWER ONLY IF Question #27 is equal to "Inadequately"					
28. Please state the reasons for not choosing Fully or Adequately:					
ANSWER ONLY IF Question #27 is equal to "Not at all"					
29. Please state the reasons for not choosing Fully or Adequately:					
30. How closely did VOTER IDENTIFICATION procedures adhere to regulations?	<input type="checkbox"/> Fully	<input type="checkbox"/> Adequately	<input type="checkbox"/> Inadequately	<input type="checkbox"/> Not at all	<input type="checkbox"/> Not observed
ANSWER ONLY IF Question #30 is equal to "Inadequately"					
31. Please state the reasons for not choosing Fully or Adequately:					
ANSWER ONLY IF Question #30 is equal to "Not at all"					
32. Please state the reasons for not choosing Fully or Adequately:					
33. How closely did VOTER INSTRUCTION procedures adhere to regulations?	<input type="checkbox"/> Fully	<input type="checkbox"/> Adequately	<input type="checkbox"/> Inadequately	<input type="checkbox"/> Not at all	<input type="checkbox"/> Not observed
ANSWER ONLY IF Question #33 is equal to "Inadequately"					
34. Please state the reasons for not choosing Fully or Adequately:					
ANSWER ONLY IF Question #33 is equal to "Not at all"					
35. Please state the reasons for not choosing Fully or Adequately:					
36. How closely did BALLOT CASTING procedures adhere to regulations?	<input type="checkbox"/> Fully	<input type="checkbox"/> Adequately	<input type="checkbox"/> Inadequately	<input type="checkbox"/> Not at all	<input type="checkbox"/> Not observed
<i>Were ballots folded correctly before casting?</i>					
ANSWER ONLY IF Question #36 is equal to "Inadequately"					
37. Please state the reasons for not choosing Fully or Adequately:					
ANSWER ONLY IF Question #36 is equal to "Not at all"					
38. Please state the reasons for not choosing Fully or Adequately:					
39. How closely did INKING FINGERS procedures adhere to regulations?	<input type="checkbox"/> Fully	<input type="checkbox"/> Adequately	<input type="checkbox"/> Inadequately	<input type="checkbox"/> Not at all	<input type="checkbox"/> Not observed
ANSWER ONLY IF Question #39 is equal to "Inadequately"					
40. Please state the reasons for not choosing Fully or Adequately:					
ANSWER ONLY IF Question #39 is equal to "Not at all"					
41. Please state the reasons for not choosing Fully or Adequately:					
42. How closely did CROSSING NAMES OFF VOTERS LIST procedures adhere to regulations?	<input type="checkbox"/> Fully	<input type="checkbox"/> Adequately	<input type="checkbox"/> Inadequately	<input type="checkbox"/> Not at all	<input type="checkbox"/> Not observed
ANSWER ONLY IF Question #42 is equal to "Inadequately"					
43. Please state the reasons for not choosing Fully or Adequately:					
ANSWER ONLY IF Question #42 is equal to "Not at all"					
44. Please state the reasons for not choosing Fully or Adequately:					
45. How closely did ASSISTED VOTING procedures adhere to regulations?	<input type="checkbox"/> Fully	<input type="checkbox"/> Adequately	<input type="checkbox"/> Inadequately	<input type="checkbox"/> Not at all	<input type="checkbox"/> Not observed
ANSWER ONLY IF Question #45 is equal to "Inadequately"					
46. Please state the reasons for not choosing Fully or Adequately:					
ANSWER ONLY IF Question #45 is equal to "Not at all"					
47. Please state the reasons for not choosing Fully or Adequately:					
48. Which, if any, of the following ineligible voters were allowed to vote?	<input type="checkbox"/> Persons not on list - unauthorized <input type="checkbox"/> Persons with unapproved ID <input type="checkbox"/> Persons without ID <input type="checkbox"/> Voters already crossed off list <input type="checkbox"/> Voters already inked				

	<input type="checkbox"/> Underage persons <input type="checkbox"/> Security personnel - unauthorized <input type="checkbox"/> Voters by proxy (e.g. relatives) <input type="checkbox"/> Voters improperly assisted <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #48 does not include "None"	
49. Please state, including any 'others' noted:	
50. Which, if any, of the following eligible voters were NOT allowed to vote?	<input type="checkbox"/> Persons on list with ID <input type="checkbox"/> Polling staff <input type="checkbox"/> EMB members <input type="checkbox"/> Citizen observers <input type="checkbox"/> Party/candidate agents <input type="checkbox"/> Security personnel - authorized <input type="checkbox"/> Journalists - national <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #50 does not include "None"	
51. Please state, including any 'others' noted:	
52. Are ballot boxes correctly sealed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>All seals should be correctly applied and ballot boxes should be secure from tampering.</i>	
ANSWER ONLY IF Question #52 is equal to "No"	
53. If 'no', state:	
54. Are additional polling materials secured from potential theft or misuse?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Additional materials should be stored compactly and out of the way of traffic in the polling station. Disorganized or poorly stored materials are vulnerable to tampering.</i>	
ANSWER ONLY IF Question #54 is equal to "No"	
55. If 'no', state: <i>storing materials</i>	
56. Is the polling station layout in accordance with procedures?	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #56 is equal to "No"	
57. If 'no', state:	
58. Does the polling station layout effectively facilitate the flow of voters?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>The layout should allow voters to move through the process without skipping steps or crossing paths with other parts of the queue.</i>	
ANSWER ONLY IF Question #58 is equal to "No"	
59. If 'no', state:	
60. * Are voters able to cast their ballots in secret? <i>e.g. Secrecy of the ballot should not be undermined or violated because of layout issues such as crowding, exposed booths, or family/group voting.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #60 is equal to "No"	
61. If 'no', please state:	
62. Was the number of staff working in the polling station sufficient for a timely and orderly practice?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not observed
ANSWER ONLY IF Question #62 is equal to "No"	
63. If 'no', state:	
64. How long did a typical voter have to wait in the queue before entering the polling station? <i>If there is no queue, enter 0, otherwise, ask the second or third voter in line how long they have waited so far to inform your estimate. Provide your answer in minutes. For example, if a voter waited 1.5 hours, enter 90 (minutes).</i>	<input type="text"/>
65. How long did it take a typical voter to complete the voting process once they entered the polling station? <i>The voting process begins when the voter enters the polling station and ends when the voter has cast his or her ballot and is able to leave the polling station. Watch two or three voters carry out the voting process, and provide an estimate in minutes of how long the process took.</i>	<input type="text"/>
66. Which, if any, of the following irregular processes did you observe?	<input type="checkbox"/> Multiple voting <input type="checkbox"/> Ballot stuffing

	<input type="checkbox"/> Interruption of voting <input type="checkbox"/> Voter intimidation <input type="checkbox"/> Illicit assistance <input type="checkbox"/> Family voting <input type="checkbox"/> Possible vote buying/selling <input type="checkbox"/> Violation of secrecy of the ballot <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #66 does not include "None"	
67. If any irregularities, please state: <i>Please comment on the frequency and severity of the irregularities, noting the extent of their impact on the voting process.</i>	
68. ★ Which parties/candidates were represented by agents at the polling station?	<input type="checkbox"/> FRELIMO male agent <input type="checkbox"/> FRELIMO female agent <input type="checkbox"/> MDM male agent <input type="checkbox"/> MDM female agent <input type="checkbox"/> RENAMO male agent <input type="checkbox"/> RENAMO female agent <input type="checkbox"/> Other male agent <input type="checkbox"/> Other female agent
69. Which election observation groups were present?	<input type="checkbox"/> AU females <input type="checkbox"/> AU males <input type="checkbox"/> EU females <input type="checkbox"/> EU males <input type="checkbox"/> SADC females <input type="checkbox"/> SADC males <input type="checkbox"/> OE females <input type="checkbox"/> OE males <input type="checkbox"/> Other males <input type="checkbox"/> Other females
70. Which, if any, of the following groups did not have sufficient access to the process?	<input type="checkbox"/> Candidate/Party agents <input type="checkbox"/> International observers <input type="checkbox"/> Citizen observers <input type="checkbox"/> Polling staff <input type="checkbox"/> Media <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #70 does not include "None"	
71. If any, please state:	
72. Did you observe any interference leading to negative impact on the election process? If so, which of the following groups were responsible for interference? <i>Select 'None' if no interference was observed.</i>	<input type="checkbox"/> Candidate/Party agents <input type="checkbox"/> International observers <input type="checkbox"/> Citizen observers <input type="checkbox"/> Polling staff <input type="checkbox"/> Media <input type="checkbox"/> Voters <input type="checkbox"/> Security <input type="checkbox"/> Local officials <input type="checkbox"/> Religious/traditional leaders <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #72 does not include "None"	
73. If any interference, please state:	
74. Time of Departure (Station):	
75. Were there any officially lodged complaints by the time of departure? <i>If applicable, ask the Presiding Officer if present, or ask observers from other organizations or party/candidate agents.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #75 is equal to "Yes"	
76. If 'yes', please state: <i>officially lodged complaints?</i>	
77. Were there any problems reported to you by those present rather than those observed directly by you? <i>(e.g., agents, observers, voters)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #77 is equal to "Yes"	
78. If 'yes,' please state: <i>Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.</i>	
79. How would you evaluate voters' understanding of voting procedures?	<input type="checkbox"/> Adequate <input type="checkbox"/> Inadequate <input type="checkbox"/> Not Applicable
ANSWER ONLY IF Question #79 is equal to "Inadequate"	
80. If 'inadequate', please state:	
81. How would you evaluate party/candidate agents' performance?	<input type="checkbox"/> Adequate <input type="checkbox"/> Inadequate <input type="checkbox"/> Not Applicable
ANSWER ONLY IF Question #81 is equal to "Inadequate"	
82. If 'inadequate', please state:	
83. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.	

VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process. REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process.

☐ I have read and understand the definitions.

84. What is your team's evaluation of the implementation of procedures by staff at this station?

This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.

☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible

ANSWER ONLY IF Question #84 is equal to "Poor"

85. What were the main reasons for not choosing Very Good or Reasonable?

ANSWER ONLY IF Question #84 is equal to "Not Credible"

86. What were the main reasons for not choosing Very Good or Reasonable?

87. Before moving ahead, please review the following definitions regarding the overall assessment of the ELECTION ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

VERY GOOD - The environment and process fully allowed voters to exercise freely their right to vote. The process was fully transparent. REASONABLE - The environment and process were acceptable in ensuring that voters could freely exercise their right to vote. Any observed problems did not affect significantly the integrity or transparency of the process. POOR - For some voters, the environment or process was not conducive to the free exercise of the right to vote, equality, or transparency. Observed problems may have compromised the integrity of the process. NOT CREDIBLE - The environment or the process prevented voters from freely exercising their right to vote or affected the fairness of polling. Observed problems likely compromised the integrity of the polling process.

☐ I have read and understand the definitions.

88. ★ What is your team's overall assessment of the election environment and process at this station?

☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible

ANSWER ONLY IF Question #88 is equal to "Poor"

89. What were the main reasons for not choosing Very Good or Reasonable?

ANSWER ONLY IF Question #88 is equal to "Not Credible"

90. What were the main reasons for not choosing Very Good or Reasonable?

91. Any other comments?

Closing

Mozambique 2014



User/Team	
Observation Time	
1. ★ Province:	<input type="checkbox"/> CD <input type="checkbox"/> Inhambane <input type="checkbox"/> Manica <input type="checkbox"/> Maputo Cidade <input type="checkbox"/> Maputo Provincia <input type="checkbox"/> Niassa <input type="checkbox"/> Nampula <input type="checkbox"/> Sofala <input type="checkbox"/> Tete <input type="checkbox"/> Zambézia <input type="checkbox"/> Gaza
2. ★ Electoral District:	
<i>Please double-check your response for accuracy.</i>	
3. ★ Polling Station ID:	
4. Is the center in an urban or rural area?	<input type="checkbox"/> Urban <input type="checkbox"/> Rural
6. How many stations are at the center?	
7. Were there obstacles or barriers on the way to the center that could have inhibited general public access?	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #7 is equal to "Yes"	
8. If 'yes', state:	
<i>examples might include: distance from villages, washed-out bridge.</i>	
9. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the *center*?	<input type="checkbox"/> Prohibited campaigning <input type="checkbox"/> Prohibited campaign material <input type="checkbox"/> Ineffective queue management <input type="checkbox"/> Intimidation <input type="checkbox"/> Violence <input type="checkbox"/> Significant disorder <input type="checkbox"/> Security (beyond regulations) <input type="checkbox"/> Bussing activities <input type="checkbox"/> Other <input type="checkbox"/> None
<i>If there are not multiple polling stations for a "center," then please answer this question as "OUTSIDE the station." Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	
ANSWER ONLY IF Question #6 is greater than "1"	
10. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the center (but outside the station)?	<input type="checkbox"/> Prohibited campaigning <input type="checkbox"/> Prohibited campaign material <input type="checkbox"/> Ineffective queue management <input type="checkbox"/> Intimidation <input type="checkbox"/> Violence <input type="checkbox"/> Significant disorder <input type="checkbox"/> Security (beyond regulations) <input type="checkbox"/> Other <input type="checkbox"/> None
<i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	
11. Insert your arrival time (please use 24 hour clock):	
<i>For example: 3:00 pm should be 15:00 hrs.</i>	
12. If present, please indicate the presiding officer's gender:	
<i>Skip if the presiding officer is not present. If the presiding officer appears before departure, please adjust this answer.</i>	
13. ★ How many staff are working at the polling station?	
ANSWER ONLY IF Question #13 is less than "7"	
14. Which polling staff members are missing or, in the case of Tellers, are not fully represented?	<input type="checkbox"/> Presiding Officer (red uniform) <input type="checkbox"/> Deputy Presiding Officer (green uniform) <input type="checkbox"/> Secretary (blue uniform) <input type="checkbox"/> Tellers (yellow uniforms)
<i>The polling station staff is supposed to have seven members: *1 Presiding Officer *1 Deputy Presiding Officer *1 Secretary *4 Tellers</i>	
ANSWER ONLY IF Question #14 includes "Tellers (yellow uniforms)"	
15. Which of the following Tellers was missing?	

Scroll to the bottom of the page for answer choices. Teller 1 (i) Confirms that the voter's name is in the electoral register(s) (ii) Confirms in the register, that the voter has now exercised his/her right to vote, by ticking off the name. Teller 2 Helps the voter dip his/her right index finger in the flask of indelible ink Teller 3 Returns the voter card to the voter and politely invites him/her to leave the polling station. Teller 4 Acts as an auxiliary and exercises his/her duties outside the polling center, organizing the voters to enjoy their rights in a tranquil and orderly manner, namely by: (i) Helping the voter identify his/her polling station based on the number in the register; (Fig 14: Identification of the polling station) (ii) Guiding the voters to head towards their respective polling stations; (iii) Also helping the voters to identify their number in the order of their enrollment in the replica of the electoral register; (iv) Guides the voter to enter the polling station, in coordination with the chairperson (presiding officer); and (v) Identifies, by means of tickets, all the voters who were present at the polling station before 18.00, so that they can continue to vote, even after the time scheduled for the close of polls.

☐ Teller 1 ☐ Teller 2 ☐ Teller 3 ☐ Teller 4

16. Number of FEMALE staff present (excluding presiding officer):	<input type="text"/>
17. ★ Number of registered voters:	<input type="text"/>
18. ★ Approximate number of voters who have voted by time of arrival:	<input type="text"/>
<i>If the number of voters is not directly recorded by the polling staff, it may be necessary to ask the presiding officer or other staff to estimate the number of voters or calculate by other means.</i>	
19. Which, if any, prohibited or disruptive circumstances did you observe in the station? <i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<input type="checkbox"/> Prohibited campaigning <input type="checkbox"/> Prohibited campaign material <input type="checkbox"/> Ineffective queue management <input type="checkbox"/> Intimidation <input type="checkbox"/> Violence <input type="checkbox"/> Significant disorder <input type="checkbox"/> Security (beyond regulations) <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #19 does not include "None"	
20. If any issues, please state:	<input type="text"/>
21. Were any of the following materials missing, insufficient, or incorrect?	<input type="checkbox"/> Signposting banner <input type="checkbox"/> Numbered tickets <input type="checkbox"/> Indelible ink <input type="checkbox"/> Booths/screens <input type="checkbox"/> Ballot papers <input type="checkbox"/> Ballot box(es) <input type="checkbox"/> Voter list(s) <input type="checkbox"/> Seals <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #21 includes "Other"	
22. If 'other', please state:	<input type="text"/>
ANSWER ONLY IF Question #21 does not include "None"	
23. If materials are missing, insufficient, or incorrect, please state:	<input type="text"/>
24. Does the station appear to be accessible to physically challenged persons, including the elderly? <i>The UN Convention on the Rights of People with Disabilities establishes an obligation for states to take measures to identify and eliminate obstacles and barriers to accessibility. This requires that people with disabilities will have an opportunity to participate on an equal basis in both rural and urban areas.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #24 is equal to "No"	
25. If 'no', state the impediments as well as any efforts to overcome the impediments or assist the challenged persons:	<input type="text"/>
26. Did you observe the official closing of the polling station? <i>Generally, a polling station is closed when announced by the judge. Closing of the polling station may take place before the last voter casts a ballot if there are voters in the queue at when closing is announced.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #26 is equal to "No"	
27. If 'no', please state:	<input type="text"/>
28. At what time was the closing of the polling station announced?	<input type="text"/>

The closing time should match the time in regulations unless an emergency change was made by the EMB. In Mozambique, the station should close at 18:00.

29. Approximately how many voters were waiting in the queue at the time of closing?

30. Did you observe the last vote at the polling station?

☐ Yes ☐ No

ANSWER ONLY IF Question #30 is equal to "Yes"

31. If 'yes', at what time did the last voter vote?

ANSWER ONLY IF Question #29 is greater than "0"

32. Were all eligible persons in the queue at the time of closing allowed to vote?

☐ Yes ☐ No ☐ Not observed

33. Which, if any, of the following ineligible voters were allowed to vote?

☐ Persons not on list - unauthorized
☐ Persons with unapproved ID ☐ Persons without ID
☐ Voters already crossed off list ☐ Voters already inked
☐ Underage persons ☐ Security personnel - unauthorized
☐ Voters by proxy (e.g. relatives)
☐ Voters improperly assisted ☐ Other ☐ None

ANSWER ONLY IF Question #33 does not include "None"

34. Please state, including any 'others' noted:

35. Were any and all voters prevented from joining the queue after closing?

☐ Yes ☐ No ☐ Not observed

36. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

FULLY - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY - The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL - The procedure was omitted or was not followed meaningfully. NOT OBSERVED - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.

☐ I have read and understand the definitions.

37. How closely did the CLOSING ANNOUNCEMENT procedures adhere to regulations?

☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all
☐ Not observed

ANSWER ONLY IF Question #37 is equal to "Inadequately"

38. Please state the reasons for not choosing Fully or Adequately:

ANSWER ONLY IF Question #37 is equal to "Not at all"

39. Please state the reasons for not choosing Fully or Adequately:

40. How closely did the QUEUE MANAGEMENT procedures adhere to regulations?

☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all
☐ Not observed

At the time of closing announcement, all persons in line should receive a numbered ticket to represent their place in the queue.

ANSWER ONLY IF Question #40 is equal to "Inadequately"

41. Please state the reasons for not choosing Fully or Adequately:

ANSWER ONLY IF Question #40 is equal to "Not at all"

42. Please state the reasons for not choosing Fully or Adequately:

43. ★ How closely did the CLEANING procedures adhere to regulations?

☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all
☐ Not observed

** hands should be dry and cleaned of ink and dirt (Art. 88 of the Electoral law no. 8/2013.) * table should also be cleaned*

ANSWER ONLY IF Question #43 is equal to "Inadequately"

44. Please state the reasons for not choosing Fully or Adequately:

ANSWER ONLY IF Question #43 is equal to "Not at all"

45. Please state the reasons for not choosing Fully or Adequately:

46. How closely did the SEALING OF BALLOT BOXES (incl. SLOT) procedures adhere to regulations?	<input type="checkbox"/> Fully <input type="checkbox"/> Adequately <input type="checkbox"/> Inadequately <input type="checkbox"/> Not at all <input type="checkbox"/> Not observed
ANSWER ONLY IF Question #46 is equal to "Inadequately"	
47. Please state the reasons for not choosing Fully or Adequately:	
ANSWER ONLY IF Question #46 is equal to "Not at all"	
48. Please state the reasons for not choosing Fully or Adequately:	
49. How closely did the RECORDING OF SEAL NUMBERS procedures adhere to regulations?	<input type="checkbox"/> Fully <input type="checkbox"/> Adequately <input type="checkbox"/> Inadequately <input type="checkbox"/> Not at all <input type="checkbox"/> Not observed/observable
<i>Observers/agents should also have the opportunity to record seal numbers.</i>	
ANSWER ONLY IF Question #49 is equal to "Inadequately"	
50. Please state the reasons for not choosing Fully or Adequately:	
ANSWER ONLY IF Question #49 is equal to "Not at all"	
51. Please state the reasons for not choosing Fully or Adequately:	
52. Which parties/candidates were represented by agents at the polling station?	<input type="checkbox"/> FRELIMO male agent <input type="checkbox"/> FRELIMO female agent <input type="checkbox"/> MDM male agent <input type="checkbox"/> MDM female agent <input type="checkbox"/> RENAMO male agent <input type="checkbox"/> RENAMO female agent <input type="checkbox"/> Other male agent <input type="checkbox"/> Other female agent
53. Which election observation groups were present?	<input type="checkbox"/> AU females <input type="checkbox"/> AU males <input type="checkbox"/> EU females <input type="checkbox"/> EU males <input type="checkbox"/> SADC females <input type="checkbox"/> SADC males <input type="checkbox"/> OE females <input type="checkbox"/> OE males <input type="checkbox"/> Other males <input type="checkbox"/> Other females
54. Which, if any, of the following groups did not have sufficient access to the process?	<input type="checkbox"/> Candidate/Party agents <input type="checkbox"/> International observers <input type="checkbox"/> Citizen observers <input type="checkbox"/> Polling staff <input type="checkbox"/> Media <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #54 does not include "None"	
55. If any, please state:	
56. Did you observe any interference leading to negative impact on the election process? If so, which of the following groups were responsible for interference?	<input type="checkbox"/> Candidate/Party agents <input type="checkbox"/> International observers <input type="checkbox"/> Citizen observers <input type="checkbox"/> Polling staff <input type="checkbox"/> Media <input type="checkbox"/> Voters <input type="checkbox"/> Security <input type="checkbox"/> Local officials <input type="checkbox"/> Religious/traditional leaders <input type="checkbox"/> Other <input type="checkbox"/> None
<i>Select 'None' if no interference was observed.</i>	
ANSWER ONLY IF Question #56 does not include "None"	
57. If any interference, please state:	
58. Time of Departure (Station):	
59. Were there any officially lodged complaints by the time of departure?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If applicable, ask the Presiding Officer if present, or ask observers from other organizations or party/candidate agents.</i>	
ANSWER ONLY IF Question #59 is equal to "Yes"	
60. If 'yes', please state: <i>officially lodged complaints?</i>	
61. Were there any problems reported to you by those present rather than those observed directly by you?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>(e.g., agents, observers, voters)</i>	
ANSWER ONLY IF Question #61 is equal to "Yes"	
62. If 'yes,' please state: <i>Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.</i>	
63. How would you evaluate party/candidate agents' performance?	<input type="checkbox"/> Adequate <input type="checkbox"/> Inadequate <input type="checkbox"/> Not Applicable
ANSWER ONLY IF Question #63 is equal to "Inadequate"	
64. If 'inadequate', please state:	
65. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.	

VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process. REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process.

☐ I have read and understand the definitions.

66. What is your team's evaluation of the implementation of procedures by staff at this station?

This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.

☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible

ANSWER ONLY IF Question #66 is equal to "Poor"

67. What were the main reasons for not choosing Very Good or Reasonable?

ANSWER ONLY IF Question #66 is equal to "Not Credible"

68. What were the main reasons for not choosing Very Good or Reasonable?

69. Before moving ahead, please review the following definitions regarding the overall assessment of the CLOSING ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

VERY GOOD - No significant problems were observed with the implementation of procedures or environment. The process was fully transparent. REASONABLE - Observed problems did not affect significantly the integrity or transparency of the closing process, but there is room for improvement. POOR - Significant problems with any of the following may have compromised the integrity of the results: Errors in implementing closing procedures; Polling staff subject to intimidation or interference; Observers restricted. NOT CREDIBLE - Observed problems with the closing likely compromised the integrity of the results.

☐ I have read and understand the definitions.

70. * What is your team's overall assessment of the election environment and process at this station?

☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible

ANSWER ONLY IF Question #70 is equal to "Poor"

71. What were the main reasons for not choosing Very Good or Reasonable?

ANSWER ONLY IF Question #70 is equal to "Not Credible"

72. What were the main reasons for not choosing Very Good or Reasonable?

73. Any other comments?

Counting

Mozambique 2014



User/Team	
Observation Time	
1. * Province:	<input type="checkbox"/> CD <input type="checkbox"/> Inhambane <input type="checkbox"/> Manica <input type="checkbox"/> Maputo Cidade <input type="checkbox"/> Maputo Provincia <input type="checkbox"/> Niassa <input type="checkbox"/> Nampula <input type="checkbox"/> Sofala <input type="checkbox"/> Tete <input type="checkbox"/> Zambézia <input type="checkbox"/> Gaza
2. * Electoral District:	
<i>Please double-check your response for accuracy.</i>	
3. * Polling Station ID:	
4. Is the center in an urban or rural area?	<input type="checkbox"/> Urban <input type="checkbox"/> Rural
6. How many stations are at the center?	
7. Were there obstacles or barriers on the way to the center that could have inhibited general public access?	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #7 is equal to "Yes"	
8. If 'yes', state:	
<i>examples might include: distance from villages, washed-out bridge.</i>	
9. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the center?	<input type="checkbox"/> Intimidation <input type="checkbox"/> Violence <input type="checkbox"/> Significant disorder <input type="checkbox"/> Security (beyond regulations) <input type="checkbox"/> Other <input type="checkbox"/> None
<i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	
ANSWER ONLY IF Question #6 is greater than "1"	
10. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the center (but outside the station)?	<input type="checkbox"/> Intimidation <input type="checkbox"/> Violence <input type="checkbox"/> Significant disorder <input type="checkbox"/> Security (beyond regulations) <input type="checkbox"/> Other <input type="checkbox"/> None
<i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	
11. Insert your arrival time (please use 24 hour clock):	
<i>For example: 3:00 pm should be 15:00 hrs.</i>	
12. If present, please indicate the presiding officer's gender:	<input type="checkbox"/> Female <input type="checkbox"/> Male
<i>Skip if the presiding officer is not present. If the presiding officer appears before departure, please adjust this answer.</i>	
13. * How many staff are working at the polling station?	
ANSWER ONLY IF Question #13 is less than "7"	
14. Which polling staff members are missing or, in the case of Tellers, are not fully represented?	<input type="checkbox"/> Presiding Officer (red uniform) <input type="checkbox"/> Deputy Presiding Officer (green uniform) <input type="checkbox"/> Secretary (blue uniform) <input type="checkbox"/> Tellers (yellow uniforms)
<i>The polling station staff is supposed to have seven members: *1 Presiding Officer *1 Deputy Presiding Officer *1 Secretary *4 Tellers</i>	
ANSWER ONLY IF Question #14 includes "Tellers (yellow uniforms)"	
15. Which of the following Tellers was missing?	

Scroll to the bottom of the page for answer choices. Teller 1 (i) Confirms ☐ Teller 1 ☐ Teller 2 ☐ Teller 3 ☐ Teller 4

that the voter's name is in the electoral register(s) (ii) Confirms in the register, that the voter has now exercised his/her right to vote, by ticking off the name. Teller 2 Helps the voter dip his/her right index finger in the flask of indelible ink Teller 3 Returns the voter card to the voter and politely invites him/her to leave the polling station. Teller 4 Acts as an auxiliary and exercises his/her duties outside the polling center, organizing the voters to enjoy their rights in a tranquil and orderly manner, namely by: (i) Helping the voter identify his/her polling station based on the number in the register; (Fig 14: Identification of the polling station) (ii) Guiding the voters to head towards their respective polling stations; (iii) Also helping the voters to identify their number in the order of their enrollment in the replica of the electoral register; (iv) Guides the voter to enter the polling station, in coordination with the chairperson (presiding officer); and (v) Identifies, by means of tickets, all the voters who were present at the polling station before 18.00, so that they can continue to vote, even after the time scheduled for the close of polls.

16. Number of FEMALE staff present (excluding presiding officer):

17. ★ Which, if any, prohibited or disruptive circumstances did you observe in the station?

Select "None" if you did not observe any prohibited or disruptive circumstances.

☐ Intimidation ☐ Violence ☐ Significant disorder
☐ Security (beyond regulations) ☐ Other ☐ None

ANSWER ONLY IF Question #17 does not include "None"

18. If any issues, please state:

19. ★ Were any of the following materials missing, insufficient, or incorrect?

☐ Tamper-proof bags ☐ Metal trunk ☐ Results sheets
☐ Minutes ☐ Signposting banner ☐ Stamps
☐ Light source ☐ Batteries ☐ Other ☐ None

ANSWER ONLY IF Question #19 includes "Other"

20. If 'other', please state:

ANSWER ONLY IF Question #19 does not include "None"

21. If materials are missing, insufficient, or incorrect, please state:

22. Does the station appear to be accessible to physically challenged persons, including the elderly?

The UN Convention on the Rights of People with Disabilities establishes an obligation for states to take measures to identify and eliminate obstacles and barriers to accessibility. This requires that people with disabilities will have an opportunity to participate on an equal basis in both rural and urban areas.

☐ Yes ☐ No

ANSWER ONLY IF Question #22 is equal to "No"

23. If 'no', state the impediments as well as any efforts to overcome the impediments or assist the challenged persons:

24. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

FULLY - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY - The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL - The procedure was omitted or was not followed meaningfully. NOT OBSERVED - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.

☐ I have read and understand the definitions.

25. ★ How closely did the UNUSED BALLOT procedures adhere to regulations?

☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all
☐ Not observed

ANSWER ONLY IF Question #25 is equal to "Inadequately"

26. * Please state the reasons for not choosing Fully or Adequately:

ANSWER ONLY IF Question #25 is equal to "Not at all"

27. Please state the reasons for not choosing Fully or Adequately:

28. * How closely did the RECONCILIATION OF BALLOT ACCOUNTS procedures adhere to regulations?

This procedure takes place during the second stage and typically includes:

** determining the total of number of voters who voted according to the voter's list; * unsealing the ballot box and counting the number of ballots;*

**reconciling the number of ballots in the box with the number of voters according to the voters' list or other record of the total number of persons who cast ballots;*

☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all
☐ Not observed

ANSWER ONLY IF Question #28 is equal to "Inadequately"

29. Please state the reasons for not choosing Fully or Adequately:

ANSWER ONLY IF Question #28 is equal to "Not at all"

30. Please state the reasons for not choosing Fully or Adequately:

31. * How closely did BALLOT VERIFICATION adhere to regulations?

This procedure occurs in the third stage and relates to the reading and verification of serial numbers.

☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all
☐ Not observed/observable

ANSWER ONLY IF Question #31 is equal to "Inadequately"

32. Please state the reasons for not choosing Fully or Adequately:

ANSWER ONLY IF Question #31 is equal to "Not at all"

33. Please state the reasons for not choosing Fully or Adequately:

34. * How closely did BALLOT SORTING adhere to regulations?

This procedure occurs in the third stage and requires that staff correctly determine candidate marked on the ballot and then place the ballot in the correct pile.

☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all
☐ Not observed/observable

ANSWER ONLY IF Question #34 is equal to "Inadequately"

35. Please state the reasons for not choosing Fully or Adequately:

ANSWER ONLY IF Question #34 is equal to "Not at all"

36. Please state the reasons for not choosing Fully or Adequately:

37. * How closely did BALLOT COUNTING adhere to regulations?

☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all
☐ Not observed

ANSWER ONLY IF Question #37 is equal to "Inadequately"

38. Please state the reasons for not choosing Fully or Adequately:

ANSWER ONLY IF Question #37 is equal to "Not at all"

39. Please state the reasons for not choosing Fully or Adequately:

40. * How closely did CONFRONTATION/CONFORMATION OF DATA adhere to regulations?

page 21: Fourth stage – confrontation/confirmation of the data recorded When the qualification of the votes is complete; a) The first and second tellers (i) Count and announce the votes in each pile b) The third and fourth tellers (i) Check the data recorded on the board/note pad

☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all
☐ Not observed/observable

ANSWER ONLY IF Question #40 is equal to "Inadequately"

41. Please state the reasons for not choosing Fully or Adequately:

ANSWER ONLY IF Question #40 is equal to "Not at all"

42. Please state the reasons for not choosing Fully or Adequately:

43. * How closely did COMPLETION OF DOCUMENTS AND MINUTES adhere to regulations?

☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all
☐ Not observed/observable

ANSWER ONLY IF Question #43 is equal to "Inadequately"

44. Please state the reasons for not choosing Fully or Adequately:

ANSWER ONLY IF Question #43 is equal to "Not at all"

45. Please state the reasons for not choosing Fully or Adequately:

46. How closely did ANNOUNCEMENT OF RESULTS (verbal) procedures adhere to regulations?

☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all
☐ Not observed/observable

ANSWER ONLY IF Question #46 is equal to "Inadequately"

47. Please state the reasons for not choosing Fully or Adequately:				
ANSWER ONLY IF Question #46 is equal to "Not at all"				
48. Please state the reasons for not choosing Fully or Adequately:				
49. How closely did DISTRIBUTION OF RESULTS (copies of results sheets) procedures adhere to regulations?	Fully	Adequately	Inadequately	Not at all
	Not observed/observable			
ANSWER ONLY IF Question #49 is equal to "Inadequately"				
50. Please state the reasons for not choosing Fully or Adequately:				
ANSWER ONLY IF Question #49 is equal to "Not at all"				
51. Please state the reasons for not choosing Fully or Adequately:				
52. How closely did POSTING OF RESULTS (at station/center) procedures adhere to regulations?	Fully	Adequately	Inadequately	Not at all
	Not observed/observable			
ANSWER ONLY IF Question #52 is equal to "Inadequately"				
53. Please state the reasons for not choosing Fully or Adequately:				
ANSWER ONLY IF Question #52 is equal to "Not at all"				
54. Please state the reasons for not choosing Fully or Adequately:				
55. How closely did PACKING OF MATERIALS adhere to regulations?	Fully	Adequately	Inadequately	Not at all
	Not observed/observable			
ANSWER ONLY IF Question #55 is equal to "Inadequately"				
56. Please state the reasons for not choosing Fully or Adequately:				
ANSWER ONLY IF Question #55 is equal to "Not at all"				
57. Please state the reasons for not choosing Fully or Adequately:				
58. * Number of registered voters:				
59. * Number of voters who voted: (number of voters crossed off list)				
60. * Total number of voters who did not vote: (number of voters not crossed off list)				
61. * PRESIDENTIAL Number of ballots received from STAE:				
62. * PRESIDENTIAL Number of unused and unusable ballots:				
63. * PRESIDENTIAL Number of spoiled ballots:				
64. * PRESIDENTIAL Number of ballots in box:				
65. * PRESIDENTIAL Number of invalid ballots:				
66. * PRESIDENTIAL Number of blank ballots (if counted separately):				
67. * PRESIDENTIAL Number of valid ballots:				
68. * PRESIDENTIAL Number of protested ballots:				
69. LEGISLATIVE Number of ballots received from STAE:				
70. LEGISLATIVE Number of spoiled ballots:				
71. LEGISLATIVE Number of unused and unusable ballots:				
72. LEGISLATIVE Number of ballots in box:				
73. LEGISLATIVE Number of invalid ballots:				
74. LEGISLATIVE Number of blank ballots (if counted separately):				
75. LEGISLATIVE Number of valid ballots:				
76. LEGISLATIVE Number of protested ballots:				
77. PROVINCIAL Number of ballots received from STAE:				
78. PROVINCIAL Number of unused and unusable ballots:				
79. PROVINCIAL Number of spoiled ballots:				
80. PROVINCIAL Number of ballots in box:				
81. PROVINCIAL Number of invalid ballots:				
82. PROVINCIAL Number of blank ballots (if counted separately):				
83. PROVINCIAL Number of valid ballots:				
84. PROVINCIAL Number of unused and unusable ballots:				

85. Please record the number of votes for Filipe Jacinto Nyussi (FRELIMO):	<input type="text"/>
86. Please record the number of votes for Daviz Mbepo Simango (MDM):	<input type="text"/>
87. Please record the number of votes for Afonso Marceta Macacho Dhlakama (RENAMO):	<input type="text"/>
88. Please record the number of LEGISLATIVE votes for FRELIMO:	<input type="text"/>
89. Please record the number of LEGISLATIVE votes for MDM:	<input type="text"/>
90. Please record the number of LEGISLATIVE votes for RENAMO:	<input type="text"/>
91. Please record the number of LEGISLATIVE votes for OTHER parties:	<input type="text"/>
92. Please record the number of PROVINCIAL votes for FRELIMO:	<input type="text"/>
93. Please record the number of PROVINCIAL votes for MDM:	<input type="text"/>
94. Please record the number of PROVINCIAL votes for RENAMO:	<input type="text"/>
95. Please record the number of PROVINCIAL votes for OTHER parties:	<input type="text"/>
96. Did observers/agents have an opportunity to sign the results?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not observed
ANSWER ONLY IF Question #96 is equal to "No"	<input type="text"/>
97. If 'no', state:	<input type="text"/>
ANSWER ONLY IF Question #96 is equal to "Yes"	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not observed
98. If 'yes', did any observers elect not to sign the results?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not observed
ANSWER ONLY IF Question #98 is equal to "Yes"	<input type="text"/>
99. If 'yes', state:	<input type="text"/>
100. ★ Which parties/candidates were represented by agents at the polling station?	<input type="checkbox"/> FRELIMO male agent <input type="checkbox"/> FRELIMO female agent <input type="checkbox"/> MDM male agent <input type="checkbox"/> MDM female agent <input type="checkbox"/> RENAMO male agent <input type="checkbox"/> RENAMO female agent <input type="checkbox"/> Other male agent <input type="checkbox"/> Other female agent
101. ★ Which election observation groups were present?	<input type="checkbox"/> AU females <input type="checkbox"/> AU males <input type="checkbox"/> EU females <input type="checkbox"/> EU males <input type="checkbox"/> SADC females <input type="checkbox"/> SADC males <input type="checkbox"/> OE females <input type="checkbox"/> OE males <input type="checkbox"/> Other males <input type="checkbox"/> Other females
102. ★ Which, if any, of the following groups did not have sufficient access to the process?	<input type="checkbox"/> Candidate/Party agents <input type="checkbox"/> International observers <input type="checkbox"/> Citizen observers <input type="checkbox"/> Polling staff <input type="checkbox"/> Media <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #102 is not equal to "None"	<input type="text"/>
103. If any, please state:	<input type="text"/>
104. ★ Did you observe any interference leading to negative impact on the election process? If so, which of the following groups were responsible for interference? <i>Select 'None' if no interference was observed.</i>	<input type="checkbox"/> Candidate/Party agents <input type="checkbox"/> International observers <input type="checkbox"/> Citizen observers <input type="checkbox"/> Polling staff <input type="checkbox"/> Media <input type="checkbox"/> Voters <input type="checkbox"/> Security <input type="checkbox"/> Local officials <input type="checkbox"/> Religious/traditional leaders <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #104 does not include "None"	<input type="text"/>
105. If any interference, please state:	<input type="text"/>
106. Time of Departure (Station):	<input type="text"/>
107. ★ Were there any officially lodged complaints by the time of departure? <i>If applicable, ask the Presiding Officer if present, or ask observers from other organizations or party/candidate agents.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #107 is equal to "Yes"	<input type="text"/>
108. If 'yes', please state: <i>officially lodged complaints?</i>	<input type="text"/>
109. Were there any problems reported to you by those present rather than those observed directly by you? <i>(e.g., agents, observers, voters)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #109 is equal to "Yes"	<input type="text"/>
110. If 'yes,' please state: <i>Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.</i>	<input type="text"/>

111. How would you evaluate party/candidate agents' performance? ☐ Adequate ☐ Inadequate ☐ Not Applicable

ANSWER ONLY IF Question #111 is equal to "Inadequate"

112. If 'inadequate', please state:

113. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process. REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process.

☐ I have read and understand the definitions.

114. What is your team's evaluation of the implementation of procedures by staff at this station?

This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.

☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible

ANSWER ONLY IF Question #114 is equal to "Poor"

115. What were the main reasons for not choosing Very Good or Reasonable?

ANSWER ONLY IF Question #114 is equal to "Not Credible"

116. What were the main reasons for not choosing Very Good or Reasonable?

117. Before moving ahead, please review the following definitions regarding the overall assessment of the COUNTING ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

VERY GOOD - No significant problems were observed with the implementation of procedures or environment. The counting process was fully transparent. REASONABLE - Observed problems did not affect significantly the integrity or transparency of the counting process, but there is room for improvement. POOR - Significant problems with any of the following may have compromised the integrity of the results: errors in implementing counting procedures; Counting staff subject to intimidation or interference; Observers restricted. NOT CREDIBLE - Observed problems with the counting likely compromised the integrity of the results.

☐ I have read and understand the definitions.

118. ★ What is your team's overall assessment of the election environment and process at this station?

☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible

ANSWER ONLY IF Question #118 is equal to "Poor"

119. What were the main reasons for not choosing Very Good or Reasonable?

ANSWER ONLY IF Question #118 is equal to "Not Credible"

120. What were the main reasons for not choosing Very Good or Reasonable?

121. Any other comments?

Aggregation

Mozambique 2014



User/Team	
Observation Time	
1. ★ Province:	<input type="checkbox"/> CD <input type="checkbox"/> Inhambane <input type="checkbox"/> Manica <input type="checkbox"/> Maputo Cidade <input type="checkbox"/> Maputo Provincia <input type="checkbox"/> Niassa <input type="checkbox"/> Nampula <input type="checkbox"/> Sofala <input type="checkbox"/> Tete <input type="checkbox"/> Zambézia <input type="checkbox"/> Gaza
2. ★ Electoral District:	
<i>Please double-check your response for accuracy.</i>	
3. Polling Station ID:	
5. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the center? <i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<input type="checkbox"/> Intimidation <input type="checkbox"/> Violence <input type="checkbox"/> Significant disorder <input type="checkbox"/> Security (beyond regulations) <input type="checkbox"/> Other <input type="checkbox"/> None
6. ★ Insert your arrival time (please use 24 hour clock): <i>For example: 3:00 pm should be 15:00 hrs.</i>	
7. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. <i>FULLY - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY - The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL - The procedure was omitted or was not followed meaningfully. NOT OBSERVED - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.</i>	
8. ★ How closely did the TABULATION procedures adhere to regulations?	<input type="checkbox"/> Fully <input type="checkbox"/> Adequately <input type="checkbox"/> Inadequately <input type="checkbox"/> Not at all <input type="checkbox"/> Not observed/observable
ANSWER ONLY IF Question #8 is equal to "Inadequately"	
9. Please state the reasons for not choosing Fully or Adequately:	
ANSWER ONLY IF Question #8 is equal to "Not at all"	
10. Please state the reasons for not choosing Fully or Adequately:	
11. Total number of polling station results this tabulation center is responsible for: <i>Leave blank if unknown/not observable.</i>	
12. Number of polling station results received by the time of your departure: <i>Leave blank if unknown/not observable. Include TOTAL number of results quarantined.</i>	
13. Were there any results that should have received scrutiny but did not?	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #13 is equal to "Yes"	
14. If 'yes', state: <i>Which results should have received greater scrutiny and what were the circumstances?</i>	
15. How many candidates received votes that needed verification at the aggregation center?	

The next series of questions will ask you to enter the candidates' names, parties, and number of votes received. The answer that you provide to this question determines the number of "blank spaces" you will have to enter this information. If you find that the original number of candidates that you enter for this question is not accurate, please return to this question and adjust your answer rather than leaving blank spaces for candidates or omitting information.

ANSWER ONLY IF Question #15 is greater than "0"	
16. Please enter the PARTY for CANDIDATE 1:	
ANSWER ONLY IF Question #15 is greater than "0"	
17. Please enter the NUMBER OF VOTES for CANDIDATE 1:	
ANSWER ONLY IF Question #15 is greater than "1"	
18. Please enter the PARTY for CANDIDATE 2:	
ANSWER ONLY IF Question #15 is greater than "1"	
19. Please enter the NUMBER OF VOTES for CANDIDATE 2:	
ANSWER ONLY IF Question #15 is greater than "2"	
20. Please enter the PARTY for CANDIDATE 3:	
ANSWER ONLY IF Question #15 is greater than "2"	
21. Please enter the NUMBER OF VOTES for CANDIDATE 3:	
ANSWER ONLY IF Question #15 is greater than "3"	
22. Please enter the PARTY for CANDIDATE 4:	
ANSWER ONLY IF Question #15 is greater than "3"	
23. Please enter the NUMBER OF VOTES for CANDIDATE 4:	
ANSWER ONLY IF Question #15 is greater than "4"	
24. Please enter the PARTY for CANDIDATE 5:	
ANSWER ONLY IF Question #15 is greater than "4"	
25. Please enter the NUMBER OF VOTES for CANDIDATE 5:	
ANSWER ONLY IF Question #15 is greater than "5"	
26. Please enter the PARTY for CANDIDATE 6:	
ANSWER ONLY IF Question #15 is greater than "5"	
27. Please enter the NUMBER OF VOTES for CANDIDATE 6:	
ANSWER ONLY IF Question #15 is greater than "6"	
28. Please enter the PARTY for CANDIDATE 7:	
ANSWER ONLY IF Question #15 is greater than "6"	
29. Please enter the NUMBER OF VOTES for CANDIDATE 7:	
ANSWER ONLY IF Question #15 is greater than "7"	
30. Please enter the PARTY for CANDIDATE 8:	
ANSWER ONLY IF Question #15 is greater than "7"	
31. Please enter the NUMBER OF VOTES for CANDIDATE 8:	
ANSWER ONLY IF Question #15 is greater than "8"	
32. Please enter the PARTY for CANDIDATE 9:	
ANSWER ONLY IF Question #15 is greater than "8"	
33. Please enter the NUMBER OF VOTES for CANDIDATE 9:	
ANSWER ONLY IF Question #15 is greater than "9"	
34. Please enter the PARTY for CANDIDATE 10:	
ANSWER ONLY IF Question #15 is greater than "9"	
35. Please enter the NUMBER OF VOTES for CANDIDATE 10:	
ANSWER ONLY IF Question #15 is greater than "10"	
36. Please enter the PARTY for CANDIDATE 11:	
ANSWER ONLY IF Question #15 is greater than "10"	
37. Please enter the NUMBER OF VOTES for CANDIDATE 11:	
ANSWER ONLY IF Question #15 is greater than "11"	
38. Please enter the PARTY for CANDIDATE 12:	
ANSWER ONLY IF Question #15 is greater than "11"	
39. Please enter the NUMBER OF VOTES for CANDIDATE 12:	

ANSWER ONLY IF Question #15 is greater than "12"	
40. Please enter the PARTY for CANDIDATE 13:	
ANSWER ONLY IF Question #15 is greater than "12"	
41. Please enter the NUMBER OF VOTES for CANDIDATE 13:	
ANSWER ONLY IF Question #15 is greater than "13"	
42. Please enter the PARTY for CANDIDATE 14:	
ANSWER ONLY IF Question #15 is greater than "13"	
43. Please enter the NUMBER OF VOTES for CANDIDATE 14:	
ANSWER ONLY IF Question #15 is greater than "14"	
44. Please enter the PARTY for CANDIDATE 15:	
ANSWER ONLY IF Question #15 is greater than "14"	
45. Please enter the NUMBER OF VOTES for CANDIDATE 15:	
46. ★ Which parties/candidates were present at the center?	<input type="checkbox"/> FRELIMO male agent <input type="checkbox"/> FRELIMO female agent <input type="checkbox"/> MDM male agent <input type="checkbox"/> MDM female agent <input type="checkbox"/> RENAMO male agent <input type="checkbox"/> RENAMO female agent <input type="checkbox"/> Other male agent <input type="checkbox"/> Other female agent
47. ★ Which election observation groups were present?	<input type="checkbox"/> AU males <input type="checkbox"/> AU females <input type="checkbox"/> EU males <input type="checkbox"/> EU females <input type="checkbox"/> SADC males <input type="checkbox"/> SADC females <input type="checkbox"/> Other males <input type="checkbox"/> Other females
48. ★ Which, if any, of the following groups did not have sufficient access to the process?	<input type="checkbox"/> Center staff <input type="checkbox"/> Candidate/Party agents <input type="checkbox"/> International observers <input type="checkbox"/> Citizen observers <input type="checkbox"/> Media <input type="checkbox"/> Security <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #48 does not include "None"	
49. If any, please state:	
50. ★ Did you observe any interference leading to negative impact on the tabulation process? If so, which, if any, of the following groups were responsible for interference? <i>Select 'None' if no interference was observed.</i>	<input type="checkbox"/> Center staff <input type="checkbox"/> Candidate/Party agents <input type="checkbox"/> International observers <input type="checkbox"/> Citizen observers <input type="checkbox"/> Media <input type="checkbox"/> Security <input type="checkbox"/> Local officials <input type="checkbox"/> Religious/traditional leaders <input type="checkbox"/> Other <input type="checkbox"/> None
ANSWER ONLY IF Question #50 does not include "None"	
51. If any interference, please state:	
52. ★ Time of Departure (Station):	
53. ★ Were there any officially lodged complaints by the time of departure? <i>If applicable, ask the Presiding Officer if present, or ask observers from other organizations or party/candidate agents.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #53 is equal to "Yes"	
54. If 'yes', please state: <i>officially lodged complaints?</i>	
55. Were there any problems reported to you by those present rather than those observed directly by you? <i>(e.g., agents, observers, voters)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
ANSWER ONLY IF Question #55 is equal to "Yes"	
56. If 'yes,' please state: <i>Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.</i>	
57. How would you evaluate party/candidate agents' performance?	<input type="checkbox"/> Adequate <input type="checkbox"/> Inadequate <input type="checkbox"/> Not Applicable
ANSWER ONLY IF Question #57 is equal to "Inadequate"	
58. If 'inadequate', please state:	
59. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.	

VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process. REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process.

☐ I have read and understand the definitions.

60. What is your team's evaluation of the implementation of procedures by staff at this station?

This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.

☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible

ANSWER ONLY IF Question #60 is equal to "Poor"

61. What were the main reasons for not choosing Very Good or Reasonable?

ANSWER ONLY IF Question #60 is equal to "Not Credible"

62. What were the main reasons for not choosing Very Good or Reasonable?

63. Before moving ahead, please review the following definitions regarding the overall assessment of the AGGREGATION ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

VERY GOOD - No significant problems were observed with the implementation of procedures or environment. The aggregation process was fully transparent. REASONABLE - Observed problems did not affect significantly the integrity or transparency of the aggregation process, but there is room for improvement. POOR - Significant problems with any of the following may have compromised the integrity of the results: errors in implementing aggregation procedures; Election staff subject to intimidation or interference; Observers restricted; Sensitive materials not secured. NOT CREDIBLE - Observed problems with the aggregation likely compromised the integrity of the results; OR, There are significant, unexplained differences between counting results and aggregation results.

☐ I have read and understand the definitions.

64. What is your team's overall assessment of the aggregation environment and process at this center?

☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible

ANSWER ONLY IF Question #64 is equal to "Poor"

65. What were the main reasons for not choosing Very Good or Reasonable?

ANSWER ONLY IF Question #64 is equal to "Not Credible"

66. What were the main reasons for not choosing Very Good or Reasonable?

67. Any other comments?

Appendix H

Letter of Invitation



CPLP
Comunidade dos Países
de Língua Portuguesa



THE
CARTER CENTER



JOINT COMMUNIQUE ON THE EVE OF THE 2014 MOZAMBIQUE PRESIDENTIAL, LEGISLATIVE AND PROVINCIAL ASSEMBLY ELECTIONS

1. We, the Heads of Election Observation Missions of SADC, AU, Commonwealth, CPLP, ECF-SADC, EU, EISA and TCC are pleased to have been invited by the Government and the National Electoral Commission (CNE) of Mozambique to observe the Presidential, Legislative and Provincial Assembly Elections due to be held on 15 October 2014.
2. On the eve of polling day, we wish the people of Mozambique well as they embark on these important elections for their country.
3. We call upon the people of Mozambique to exercise their democratic right and civic duty by participating massively and peacefully in the elections.
4. We urge all stakeholders to ensure that the electoral process is brought to a peaceful conclusion in conformity with the Constitution and other laws of Mozambique, as well as the regional, continental and international instruments and principles to which Mozambique has subscribed.

Signed the 14th day of October 2014, Maputo, Republic of Mozambique

.....
HONOURABLE LUWELLYN LANDERS
HEAD OF THE SADC ELECTORAL
OBSERVATION MISSION

.....
HER EXCELLENCY JUSTICE SOPHIA AKUFFO
AUEOM HEAD OF MISSION

.....
HIS EXCELLENCY PEDRO PIRES
HEAD OF COMUNIDADE DOS PAISES DE
LINGUA PORTUGUESA (CPLP)

.....
RIGHT HONOURABLE HUBERT INGRAHAM
CHAIRPERSON OF THE COMMONWEALTH
OBSERVER GROUP

.....
JUSTICE RITA MAKARAU
HEAD OF THE ELECTORAL COMMISSIONS
FORUM OF SADC COUNTRIES (ECF-SADC)
ELECTORAL OBSERVATION MISSION

.....
MRS. JUDITH SARGENTINI
HEAD OF THE EUROPEAN UNION ELECTION
OBSERVATION MISSION (EUEOM)

.....
RIGHT HONOURABLE RAILA ODINGA (EISA)
HEADS OF THE ELECTORAL INSTITUTE FOR SUSTAINABLE DEMOCRACY IN AFRICA (EISA)-
THE CARTER CENTER (TCC) INTEGRATED OBSERVATION MISSION

.....
PROFESSOR JOHN STREMLAU (TCC)



COMUNICADO CONJUNTO NA VÉSPERA DA REALIZAÇÃO DAS ELEIÇÕES PRESIDENCIAIS, LEGISLATIVAS E PROVINCIAIS DE 2014 DE MOÇAMBIQUE

1. Nós, os Chefes das Missões de Observação Eleitoral da SADC, União Africana, Commonwealth, CPLP, FCE-SADC, IEISA e TCC e UE estamos satisfeitos por termos sido convidados pelo Governo e pela Comissão Nacional de Eleições (CNE) de Moçambique para observar a realização das eleições Presidenciais, Legislativas e Provinciais previstas para o dia 15 de Outubro de 2014.
2. Na véspera do dia da votação, desejamos que o povo de Moçambique possa também embarcar nestas eleições importantes para o seu país.
3. Apelamos ao povo de Moçambique para exercer o seu direito democrático e dever cívico, participando massivamente e de forma pacífica nas eleições.
4. Pedimos a todos os interessados para assegurar que o processo eleitoral seja levado a uma conclusão pacífica em conformidade com a Constituição e outras leis de Moçambique, bem como os padrões e instrumentos regionais, continentais e internacionais que Moçambique subscreveu.

Assinado aos 14 de Outubro de 2014, em Maputo, República de Moçambique

.....
SUA EXCELÊNCIA LUWEYLLN LANDERS
CHEFE DA MISSÃO DE OBSERVAÇÃO
ELEITORAL DA SADC

.....
SUA EXCELÊNCIA JUSTICE SOPHIA AKUFFO
CHEFE DA MISSÃO (MOEUA)

.....
SUA EXCELÊNCIA PEDRO PIRES
COMUNIDADE DOS PAÍSES DE LÍNGUA
PORTUGUESA (CPLP)

.....
ALTO ILUSTRE HUBERT INGRAHAM
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CHEFE DO FÓRUM DAS COMISSÕES
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O CENTRO CARTER (TCC) MISSÃO INTEGRADA DE OBSERVAÇÃO

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