



MOZAMBIQUE

EUROPEAN UNION ELECTION FOLLOW-UP MISSION 2013

SUMMARY

Within its long-standing commitment to Mozambique's democratisation process, the European Union has deployed five Election Observation Missions (EOM) to Mozambique: in 1994, 1999, 2004 and 2009 for general elections, and 2003 for municipal elections.

From 22 May to 16 June 2013, the European Union deployed an Election Follow-Up Mission (EU EFM) to Mozambique to assess the progress made in electoral reforms and in electoral technical assistance projects. The mission was led by former EU EOM 2009 Chief Observer, Fiona Hall, member of the European Parliament, and assisted by two election experts Tânia Marques and Alexander Gray. The mission focused its assessment on the implementation of the recommendations formulated by previous EU EOMs as well as by other election observation missions. The EU EFM offers proposals for targeted recommendations to the authorities and EU member states to improve future electoral processes, in particular Mozambique's 2013 local and 2014 general elections.

During its presence in the country, the EU EFM conducted meetings with various interlocutors involved in electoral processes, election management bodies – CNE, STAE and the Constitutional Council – members of the government, representatives of parliamentary parties, , the Parliamentary Committee for Public Administration, Local Power and Social Communication in charge of the reform of the electoral legislation, representatives of extra-parliamentary political parties, media, civil society organisations, the National Human Rights Commission, Youth Parliament, the national observer group Observatório Eleitoral, international donors and aid agencies. While in Mozambique, the EU EFM also watched and commented the on-going voter registration process. The mission took place in a tense political context generated by a number of violent incidents, that disrupted the peaceful atmosphere that has prevailed in the country in the last decades.

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Main Findings

- The EU EOM 2009 addressed the shortcomings of the last electoral process in 25 recommendations. The mission identified crucial areas that needed to be addressed such as

consistency of the provisions of the different laws to regulate candidates' nomination, the possibility of substituting candidates, time frames for the different stages of the electoral process and the system of complaints and appeals regarding irregularities during voting, counting and tabulation of results. Some of these recommendations were directly linked with a need for revision of the electoral laws, others were related to technical aspects of the electoral process and may only be assessed at a later stage during the 2013 and 2014 elections.

- A new electoral package has been approved in 2013 that has generally brought improvements to the electoral process. It has incorporated a number of the EU EOM 2009 recommendations: areas that were previously under National Electoral Commission (*Comissão Nacional de Eleições* – CNE) regulations such as election observation, the process and procedures for the nomination of candidates (different legal provisions have been harmonised), and a deadline for the disbursement of public funding for campaigning to political parties. It provides for an extended election calendar to avoid the continual overlapping of the different phases of the process.

- The new electoral laws are not free from controversy in a number of areas. The requirement of candidates to have no criminal record is possibly unconstitutional. The system of complaints and appeals was not revisited to tackle the practice of refusing complaints at the polling station level. The practice of ballot stuffing is apparently addressed by the deletion from the law of article 85 - known to legitimise ballot stuffing – and by the introduction of serial numbers on the ballots, but this has raised questions regarding the possibility of opening space for violations of the secrecy of vote. The new laws remain ambiguous regarding the substitution of ineligible candidates and do not provide for the distribution of copies of the voter register to political parties.

- Although expectations were high, the 2013 electoral package reflects the particular interests of political parties rather than a clear general law that can be applied with lasting effect to guarantee the political rights of citizens. A number of issues, such as political space for contestants, misuse of state resources, the role of police during elections, and self-censorship in the media, depend on the will to implement the law, and above all on the political will to hold genuine elections.

- The 13-member new National Electoral Commission (CNE) was completed on 24 May 2013 with the swearing in of the new President, Sheikh Abdul Carimo. It is composed by eight members representing political parties on a proportional basis (five from FRELIMO, two from RENAMO one from MDM), three from civil society and two magistrates. The two RENAMO representatives are not taking part but their absence has a higher political impact than a technical one (the CNE can function and take decisions with half of its members present). Still, the CNE faces a credibility challenge as its action has been seen as lacking transparency, fairness and impartiality and as showing links with ruling party interests.

- From 25 May until 23 July 2013, a full new voter registration exercise is being conducted in view of the 2013 municipal elections and the 2014 presidential, legislative and provincial elections. The EU EFM questions the need for this exercise given that the previous biometric voter registration took place in 2007 with updates in 2008 and 2009 using basically the same technology, and that there are no assurances that the new mechanism will be implemented effectively. In fact, as the voter card is relatively easy to obtain in relation to a national identity card, voter registration is traditionally high in Mozambique (76% participation in 1994, 85% in 1999, 98% in 2004 and 96 % in 2004) which contrasts with voter participation (turnout was 88 % in 1994, less than 70% in 1999, 36%

in 2004, and around 45% in 2009) But registration got off to a rocky start. Interlocutors fear that technical and human setbacks, when combined with political motivations, may adversely affect public participation in both voter registration and turnout.

- The 11- member National Human Rights Commission was legally established at the end of 2009 but was not composed until September 2012 (four members proposed by civil society, three representing political parties (two FRELIMO and one RENAMO), three members appointed by the prime-minister and one appointed by the Bar Association. To start functioning, the government still needs to approve three documents providing for permanent staff (civil servants), internal procedures, and rights and benefits of commissioners.
- The EU EFM organised a workshop on 13 June 2013 to debate the mission's first findings with national and international stakeholders: representatives from government, the Constitutional Council, the parliamentary commission for electoral reform, electoral authorities, political parties, civil society organisations, the media and the diplomatic and international donor community.

EU EFM Proposals

Taking into consideration the efforts made to improve future electoral processes in Mozambique, and the views expressed by Mozambican stakeholders, the EU EFM presents a number of targeted proposals for short term actions in priority areas.

Promote Democratic Dialogue

1. At political dialogue level, the EU could encourage the Government of Mozambique to facilitate the immediate approval of pending documents enabling the National Commission on Human Rights to start functioning.
1. Organisation of periodic multi-party liaison committees to discuss the progress of election operations and serve as an unofficial forum to handle complaints and diffuse tensions regarding campaign activities.

Political Rights

2. The EU EFM strongly proposes the consolidation of civic and voter education efforts to improve voter participation, especially aimed at youth and women in rural areas.

Legal Framework

3. Representation of the public prosecutor's office at CPEs and CDEs could facilitate electoral authorities' knowledge and handling of possible electoral malpractices.
4. Promote implementation of the regulations of usage of state resources.

Election Administration

5. CNE could publish and maintain an up to date a list of all presented complaints and their actual status.
6. The CNE could maintain open communication channels by holding regular and systematic meetings with political parties, civil society organisations, police.
7. All CNE deliberations could be made immediately public, via the CNE website and through the media
8. Political parties could benefit from access to the voter register, and in advance of campaign period.
9. The CNE could increase the number of voting booths inside polling stations to accommodate around five voters at a time. This would expedite voting and ensure voters are not deterred from exercising their right to vote due to long queues.

Media

10. Review of the press law to provide adequate conditions for access to information sources and definition of state and justice secrecy;
11. Workshops for journalists, including community radios, could be organised by an appropriate national organisation in relation to the new electoral package.

Government

12. The role of police in electoral processes needs to be revisited and clearly defined. This could be facilitated through countrywide awareness campaigns on human rights, including political rights and role of police during electoral processes targeting the police.

EU Delegation and International Diplomatic Missions

13. Organise a systematic and comprehensive diplomatic election watching for 2013 municipal elections.