



PRELIMINARY STATEMENT

Well-organised voting preceded by a campaign marred by violence, limitations to fundamental freedoms and doubts about the quality of the voter register.

Maputo, 17 October 2019

The preliminary statement of the EU Election Observation Mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including district, provincial and national tabulations, the adjudication of petitions and the declaration of final results. The EU EOM is now only in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for future improvement of the electoral processes.

Summary

- On 15 October Mozambicans elected the president, members of the Assembly of the Republic, members of provincial assemblies and governors. Although there was a considerable number of participants, the electoral process was dominated by the three main parties: the ruling Mozambican Liberation Front (FRELIMO), Mozambican National Resistance (RENAMO), and the Mozambican Democratic Movement (MDM).
- The electoral process took place in a polarised and challenging environment where inter-party violence was prevalent as well as mistrust between the main political parties and a lack of confidence that the electoral administration and the judiciary were independent and free from political influence. One week before the elections, the murder of a prominent national observer by members of the national police force had the effect of exacerbating an already existing climate of fear and self-censorship prevalent in Mozambican society.
- Logistical election preparations were adequate and generally on time. EU observers visited 807 polling stations in all provinces throughout the country. Overall, EU observers assessed opening and voting procedures as good or very good in almost all observed polling stations and described the process as smooth, orderly, and peaceful. The counting process was assessed less favourably with EU observers highlighting that the fact that established procedures were not always adhered to. The absence of national observers in almost half of polling stations visited did not contribute to the transparency of the process.
- Established national observer groups experienced difficulties with accreditation, frustrating their efforts to have a wide national coverage and to implement parallel vote tabulation. On the other hand, a considerable number of previously unknown observer groups managed to secure their accreditation in the days immediately prior to elections, bringing their number from 10,000 to 42,000, many of whose affiliations were undisclosed. During voting, EU

observers identified a number of organisations unknown to the national observer community of Mozambique.

- There was a lack of stakeholder confidence in the impartiality and independence from political influence, both in the party-nominated membership and the civil society component of the National Electoral Commission (CNE). The CNE missed important legal deadlines, including the late disbursement of public campaign financing to political parties, an aspect which affected the participation of many contenders in the campaign. There was also poor public communication by electoral authorities to keep all political parties and the public informed about key stages in the electoral process.
- A total of 13,161,063 citizens were registered to vote. Registration figures revealed an increase in the number of registrants in all provinces, with a substantive increase in Gaza where the number of registered voters almost doubled since the 2014 polls. Gaza passed from being the second smallest electoral constituency in 2014 to the fourth largest and gained eight mandates. Technical shortfalls and tight timeframes resulted in provisional voter registration data being approved as final data without a consensus among CNE members. An undisclosed number of multiple registrations and inaction by the accountable institutions adversely affected the quality of the voter register. Even though RENAMO continued to question the integrity of the voter register, the party accepted going to the polls under the prevailing conditions.
- Campaign activities took place in a tense environment with regular incidents of a violent nature involving party members or supporters. Despite calls urging political parties to calm their supporters, attacks and aggressions against party members and supporters, the torching of houses, and the purposeful obstruction of campaigning continued, with candidates and speakers at rallies using an increasingly aggressive tone. Limitations to freedoms of assembly and movement of opposition parties were often reported. This included impediments to campaign activities, with blocked road accesses or occupation of previously announced venues. The campaign of RENAMO's presidential candidate was particularly affected on a regular basis as was that of MDM's presidential candidate.
- An unlevel playing field was evident throughout the campaign. The ruling party dominated the campaign in all provinces and benefited from the advantages of incumbency, including unjustified use of state resources, and more police escorts and media coverage than opponents. Other presidential candidates faced several occasions when police escort was not available. Compulsory financial contributions to the ruling party and/or compulsory participation of civil servants and teachers in FRELIMO's campaign activities were reported in almost all provinces.
- A lack of public trust was observed in the impartiality of the national police forces, who were often perceived as more supportive of the ruling party and not managing properly the election-related incidents and complaints. Furthermore, opposition parties were reluctant to share their campaign schedules with the police, fearing that this advance notice would not be handled by the police in a discreet manner, resulting in the occupation and blockage of planned venues.
- The EU EOM media monitoring unit noted an imbalance in news bulletins and programmes covering the campaign. In both types of programmes, FRELIMO received the largest share of

coverage, often in an uncritical tone, followed by RENAMO and MDM. The President of the Republic was often shown or mentioned in his official capacity, promoting projects, and giving speeches in national celebrations. Such coverage blurred the line between campaign and official functions and provided a disproportionate advantage to the incumbent and the ruling party.

- There is no legal provision for a quota system to guarantee women's representation in elected bodies or in party lists. Nevertheless, the 2014 elected parliament had 90 women out of the 250 members. Women also hold prominent positions: Speaker of Parliament, two out of the three parliamentary benches, the presidency of the Constitutional Council, the Attorney-General and deputy Attorney-General and a number of other leadership positions in public institutions.

The European Union Election Observation Mission (EU EOM) has been present in Mozambique since 31 August following an invitation from the Government and the National Electoral Commission (CNE). The Mission is led by Chief Observer, Sánchez Amor, Member of the European Parliament. In total, the EU EOM deployed 170 observers from the 28 EU Member States plus Norway, Switzerland and Canada across the country to assess the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Mozambique. A seven-member delegation of the European Parliament, headed by José Manuel García-Margallo y Marfil member of the European Parliament, also joined the mission and fully endorses this Statement. On election day, observers visited 807 polling stations to observe voting and counting. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.

Preliminary Findings

Background

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

A total of 27 political groupings contested the general and provincial assembly elections. Although there was a considerable number of participants, the electoral process was dominated by the three main parties: the ruling Mozambican Liberation Front (FRELIMO), Mozambican National Resistance (RENAMO), and the Mozambican Democratic Movement (MDM).

Despite the signature of the Peace and National Reconciliation agreement on 6 August, the electoral process took place in a polarised and challenging environment where inter-party violence was prevalent. Constant features throughout the process included mistrust between the main political parties and a lack of confidence that the electoral administration (CNE and STAE) and the judiciary were independent and free from political influence. One week before the elections, the murder of a prominent national observer by members of the national police force had the effect of exacerbating an already existing climate of fear and self-censorship prevalent in Mozambican society. This incident resulted in further limitations to national observation efforts, including instances of hotels in Gaza becoming fearful to accommodate observers. In addition, the ongoing insurgent attacks in some districts of Cabo Delgado, resulting in a number of

displaced persons created an environment of uncertainty on how elections would take place in these areas. Mozambique also had to manage the human and economic consequences of two devastating cyclones that hit the country in March and April this year.

Legal Framework

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

The legal framework provides an acceptable basis for the conduct of democratic elections in line with regional and international principles subscribed to by Mozambique. The legislation approved at the end of May 2019 includes provisions to accommodate the changes introduced by the 2018 amendment to the Constitution related to decentralisation, namely the new electoral system for provincial assemblies and the election of provincial governors.¹ The late publication of the new electoral laws delayed the necessary training of election officials, judicial bodies and party representatives on the new legislation and procedures.

A number of deficiencies still persist in the legislation. These include: the stipulation of the serial number on the ballot paper and the public announcement of the ballot number during counting, raising concerns about the secrecy of the vote; the provision limiting the validity of a ballot to an “X” sign or the voter’s fingerprint resulting in the potential invalidation of ballots that clearly indicate the voters’ intention; the absence of a clear prohibition to use administrative resources and civil servants for campaigning purposes; the overlapping between the timeframes for the Constitutional Council to adjudicate appeals against provincial electoral results and the 15-day deadline for the CNE’s declaration of results; insufficient timeframes for the courts to deal with appeals (48-hour for the district courts and the five days for the Constitutional Council).

Election Administration

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

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

The CNE missed important legal deadlines without offering any reasonable justification at the same time that it required other stakeholders to strictly follow legal provisions and deadlines. Some administrative delays were observed, including the late disbursement of public campaign financing to political parties, an aspect which affected the participation of many contenders in the campaign. Candidate lists were only made available to the public one week before the elections. CNE decisions were not readily available on its website or by other means. There was also poor public communication by electoral authorities to keep extra-parliamentary parties and the public informed about key stages in the electoral process.

¹ The amended legislation comprises law 2/2019 regulating the presidential and parliamentary elections, law 3/2019 regulating the provincial assemblies and provincial governor elections.

Election Preparations

Polling preparations were adequate and delays in the electoral calendar had little impact on election logistics.

Logistical election preparations were adequate and generally on time. Ballot papers and other essential election materials were produced under CNE supervision in South Africa and delivered directly to provincial electoral authorities. A sufficient number of poll workers, including a reserve contingent, were trained ahead of the polls. RENAMO and MDM were unable to entirely fulfil their quotas for members of polling stations and shortly before the election day announced that opposition parties would work jointly to ensure the presence of party agents at every polling station. Opposition parties shared that in some provinces the deployment of their agents was made difficult as the locally-recruited agents were subject to pressure within their communities.

Voter Register

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

A total of 13,161,063 citizens were registered to vote. Registration figures revealed an increase in the number of registrants in all provinces, with a substantive increase in Gaza where the number of registered voters almost doubled since the 2014 polls. This apparent anomaly provoked public response from opposition political parties, civil society organisations and comment from the President of the National Institute of Statistics (INE) who claimed that data from the recently concluded census indicated that such a number of eligible voters would not be possible in Gaza until 2040. Gaza passed from being the second smallest electoral constituency in 2014 to the fourth largest, whereas Nampula and Zambezia were under-registered by over 1.3 million voters.

With the fresh seat allocation for the Assembly of the Republic most provinces either lost or gained one or two mandates. In contrast, Gaza gained eight mandates. The legal framework offers safeguards against fraudulent registration and ensure accuracy in the voter register, including the correction of material errors. Notwithstanding, insufficient measures were taken to ensure the quality of the voter register. Technical shortfalls and tight timeframes resulted in provisional voter registration data being approved as final data, without a consensus among CNE members. An undisclosed number of multiple registrations and inaction by the accountable institutions adversely affected the quality of the voter register. The Attorney General's Office might have acted more expeditiously to investigate complaints regarding the voter register. Even though RENAMO continued to question the integrity of the voter register, the party accepted going to the polls under the prevailing conditions.

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

Candidate Nomination

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

The requirements imposed to stand for presidential, parliamentary, and provincial elections are in line with international and regional principles. Four candidates participated in the presidential elections - Filipe Nyusi of FRELIMO, Ossufo Momade of RENAMO, Daviz Simango of MDM, and Mário Albino of the United Movement Action for Integral Salvation (AMUSI). For

parliamentary elections, lists of 26 political groupings were approved but only five of these competed in all 13 constituencies.² For provincial assemblies, seven out of 16 parties had their lists of candidates approved.³ Only FRELIMO, RENAMO and MDM competed for all provincial assemblies.

The eligibility of four FRELIMO candidates competing for governor was challenged on the grounds that they were not registered voters in the province in which they were standing (Maputo, Nampula, Manica and Niassa).

Campaign Environment

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

Campaign activities took place in a tense environment with regular incidents of a violent nature involving party members or supporters. Poor safety and security measures for crowd management and transportation of persons to and from campaign events resulted in a number of traffic accidents that claimed the lives of over 30 people. There was also loss of life when 10 people were crushed to death at a rally in Nampula. Despite CNE's press conference during the second week of campaigning urging political parties to calm their supporters, attacks and aggressions against party members and supporters, the torching of houses, and the purposeful obstruction of campaigning continued, with candidates and speakers at rallies using an increasingly aggressive tone when referring to opponents. Although candidates enjoy immunity during the election period, three candidates, two from RENAMO and one from New Democracy, were arrested and later released in Gaza and Inhambane provinces. The PODEMOS head of list for legislative elections for Maputo province was seriously beaten and unable to continue his campaign.

Limitations to freedoms of assembly and movement of opposition parties were often reported and verified by EU observers. EU observers confirmed 20 cases of serious impediments to campaign activities, with blocked road accesses or occupation of previously announced venues. The campaign of RENAMO's presidential candidate was particularly affected on a regular basis⁴ as was that of MDM's presidential candidate.⁵ Such cases constitute a flagrant violation of the electoral law on equal access of candidates to public spaces.

An unlevel playing field was evident throughout the campaign. The ruling party dominated the campaign in all provinces and benefited from the advantages of incumbency, including unjustified use of state resources, and more police escorts and media coverage than opponents. Other presidential candidates faced several occasions when police escort was not available, especially in provincial border zones. This was particularly visible in the province of Inhambane where incidents of violence and obstruction to campaigning were filmed by TV stations. The EU EOM observed the use of state resources at one third of FRELIMO campaign events. Compulsory financial contributions to the ruling party and/or compulsory participation of civil servants and teachers during work hours in FRELIMO's campaign activities were reported in

² FRELIMO, RENAMO, MDM, PARENA and PVM.

³ FRELIMO, RENAMO, MDM, PAHUMO, AMUSI, PARENA, PARESO.

⁴ In Matola and Boane (province of Maputo), in Mocubela, Milange, Nicoadala, Gurué and Alto Molocue (Zambézia), in Angónia and Tete City (Tete), Massinga (Inhambane) and in Mandlakazi (Gaza), Machaze (Manica), Pemba (Cabo Delgado) and Caia (Sofala).

⁵ In Govuro (Inhambane), Xai Xai, Mandlakazi and Chokwe (Gaza), Macossa and Gondola (Manica).

Nampula, Zambézia, Sofala, Tete, Cabo Delgado, Manica, Inhambane and Gaza. Furthermore, there were widespread reports of ruling party supporters collecting voter cards or voter card numbers throughout the country.

A lack of public trust was observed as regards the impartiality of national police forces, often perceived as being more supportive of the ruling party and not managing properly the election-related incidents and complaints. Distrust was further exacerbated by the assassination of a senior election observer, Anastácio Matavel, by active members of the police. Furthermore, opposition parties were reluctant to share their campaign schedules with the police, fearing that this advance notice would not be handled by the police in a discreet manner, resulting in the occupation and blockage of planned venues, namely football pitches and city markets by the ruling party supporters, thus limiting the freedom of assembly of opposition parties.

Media

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

Public *Televisão de Moçambique* (TVM) and *Rádio Moçambique* (RM) provided free airtime to election contestants. The EU EOM media monitoring unit⁶ noted an imbalance in news bulletins and programmes covering the campaign. In both types of programmes, FRELIMO received the largest coverage share, often in an uncritical tone, followed by RENAMO and MDM. The President of the Republic was often shown or mentioned in his official capacity, promoting projects, and giving speeches in national celebrations. Such coverage blurred the line between campaign and official functions and provided a disproportionate advantage to the incumbent and the ruling party. The participation of women in politics had little coverage. Most coverage was given to women candidates and women politicians of FRELIMO with those of the opposition and smaller parties receiving minimal coverage. Notably the First Lady received considerable media exposure.

TVM allocated more airtime in news bulletins and in the election programme “*Diário de Campanha*” in favour of FRELIMO and its presidential candidate. In “*Diário de Campanha*”, TVM provided 47 per cent of coverage to FRELIMO, 24 per cent to RENAMO, 22 per cent to MDM and 3 per cent to AMUSI. The remaining parties received less than 1 per cent each. The campaign coverage programme “*Diário de Campanha*” regularly opened with FRELIMO and its presidential candidate campaigns, offering to the incumbent a privileged timing. The evening primetime news *Telejornal*, TVM provided extensive coverage of government initiatives and presidential official functions.

There was a different trend on public *Rádio Moçambique Antena Nacional* (RM). RM provided additional time to opposition and lesser known political parties and candidates in its weekly debate-style programme, *Linha Directa*, and in the daily *Agenda de Campanha*. Nevertheless, in the campaign coverage programme “*Diário de Campanha*”, RM granted more coverage to FRELIMO. In “*Diário de Campanha*”, FRELIMO had 36 per cent of coverage, RENAMO 25 per cent and MDM 23 per cent, and 3 per cent to AMUSI. Other parties received one or less per

⁶ The EU EOM monitored public *Televisão de Moçambique* (TVM) and *Rádio Moçambique* (RM), privately-owned television channels *Soico TV* (STV), *Miramar TV*, *Sucesso TV*, daily newspapers *Notícias*, *O País*, *Diário de Moçambique* and weeklies *Savana*, *Zambeze* and *Magazine Independente*. The TV channels monitoring period comprised the slot 18h – 24h.

cent each. In its news bulletins, RM allocated its largest share to the activities of the Government.

The daily newspaper, *Notícias*, showed a similar trend, allocating the largest share of its editorial content to FRELIMO (34 per cent) and Government activities (18 per cent). The incumbent President was often on the front-page performing official functions.

The privately-owned *Soico Television* (STV), *TV Miramar*, and *TV Sucesso* also provided unbalanced coverage in favour of the ruling party and its presidential candidate, although presenting a comprehensive coverage of political parties allegedly involved in violence or impeded to campaign.

Participation of Women

Women hold key positions in public life.

There is no legal provision for a quota system for women's representation in elected bodies or in party lists. Nevertheless, the main political parties traditionally adopt a quota for the participation of women in party statutes. The 2014 elected parliament had 90 women out of the 250 members. Key positions are held by women: Speaker of Parliament, two out of the three parliamentary benches, the presidency of the Constitutional Council, the Attorney-General and deputy Attorney-General and a number of other leadership positions of public institutions.

With the recent introduction of capturing gender data during the voter registration exercise, women represented 52 per cent of registered voters for the 2019 general elections. Women made up 16.6 per cent of the candidates in the general elections. There were no women candidates for the Presidency, while 256 women successfully registered for legislative elections and 988 for provincial assembly elections, including five women candidates for governor positions.

National Observers

Established national observer groups experienced difficulties with accreditation.

Despite submitting timely requests, established national observer groups experienced difficulties with accreditation, frustrating their efforts to have a wide national coverage and to implement the planned sample for a parallel vote tabulation.

Some provincial electoral commissions (CPEs) requested more documents than those required by law, others claimed technical problems with the equipment that produces the accreditations, in others CPE staff were training poll workers and were not present to receive accreditation requests, and many CPEs reacted slowly to produce accreditations. The law provides a five-day deadline from submission of the request for CPEs to grant accreditation, but with many organisations submitting requests at the same time, and with the obstacles described above, CPEs were issuing accreditations right up to and including election day. Thousands of requests went unanswered.

Notwithstanding human resource restraints, national observer platforms issued regular briefings to keep the public informed on election day. On the other hand, a considerable number of undisclosed observer groups managed to secure their accreditation in the days immediately prior to elections. Their numbers quickly increased from 10,000 to almost 42,000 without disclosing their affiliation, as announced by the election administration. During voting, EU observers

identified a number of organisations unknown to the national observer community of Mozambique.

Election Day

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

EU observers visited 807 polling stations in all provinces throughout the country. Opening was observed in 73 of these polling stations and closing and counting in 69.

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

The EU EOM assessed the overall conduct of polling operations as good or very good in almost every observed polling station and described the process as smooth, orderly, and peaceful. Polling procedures were adhered to, and polling staff performed well. The presence of FRELIMO, RENAMO, and MDM party agents in 99 per cent, 81 per cent, and 42 per cent of observed polling stations, respectively, contributed to the transparency of the process. The layout in most observed polling stations ensured the secrecy of the vote. More than half of observed polling stations were accessible for persons with disabilities.

EU observers assessed the counting process as good or very good in 58 of the 69 of the observed polling stations. In 47 of them, EU observers described the process as transparent and reported that poll workers performed with good intentions, although established ballot reconciliation procedures were not adhered to in the majority of the observed polling stations. The EU EOM observed four cases of ballot stuffing in Sofala and Manica. The absence of national observers in almost half of observed polling stations did not contribute to the transparency of the process. Party agents and party-appointed poll workers received a copy of the polling station results protocol, but in 14 observed polling stations results were not posted publicly. There were few complaints submitted on polling day.
