

# **Consolidation of the Recommendations made by International Elections Observers** to the Mozambican Electoral System

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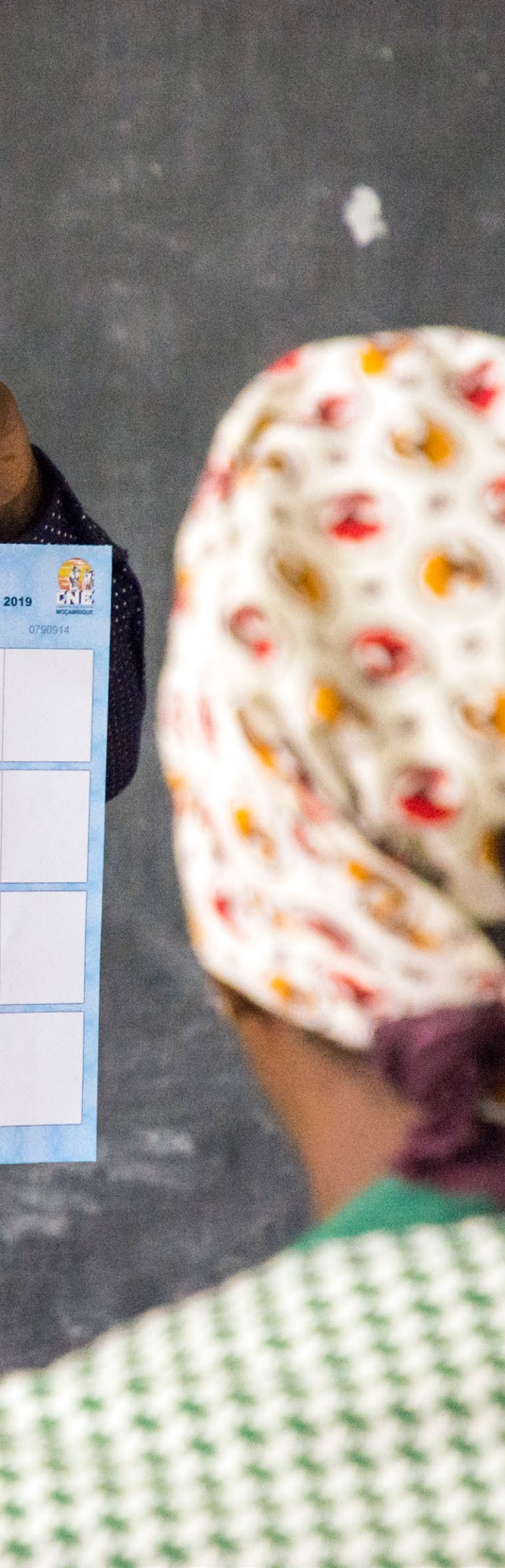
Mozambique Elections 2019:  
Presidential, Legislative and Provincial Assemblies



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 **REPÚBLICA DE MOÇAMBIQUE**  
**COMISSÃO NACIONAL DE ELEIÇÕES**  
**ELEIÇÃO DO PRESIDENTE DA REPÚBLICA**  
CIDADE DE MAPUTO

|                             |   |
|-----------------------------|---|
| <b>FILIFE JACINTO NYUSI</b> |     |
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## 1. Introduction

Mozambique elections are conducted every five years periodically since the enactment of a new Constitution in 1992 for a multi party-political system holding first democratic elections in 1994. After the announcement by the President of Republic, sixth democratic elections were held for electing a president, members of the national assemblies and third elections for members of ten provincial assemblies in 2019. Governors for each province were elected for the first time. The elections for all three tiers took place on the same day whereby the voters cast ballots through three different ballot papers except for Maputo city voters where it does not have a provincial assembly.

The president is elected through an absolute majority of the votes whereas the members in the national assembly and provincial assemblies are elected through proportional representation system using d'Hondt method for the calculation of seats. Two seats in the national assembly are represented through out of country voting where each seat is allocated for Africa and Rest of the World. There are 250 members for the national assembly and 794 members for 10 provincial assemblies.

Every election endures challenges during implementation. Although Mozambique had quite strengthened Election Management Bodies (EMBs), numerous challenges have been experienced while implementing 2019 general and provincial elections that are credible, transparent, and accepted by electorates.

EMBs manage to overcome some of the challenges through their previous experiences, technical assistance from international organization and following recommendations provided by observation groups in the previous elections. 2019 elections by and large were technically well-managed, however, some of the areas still require improvement embracing the international standard of electoral practices. Mozambique electoral process entails recommendations from the observers that could provide robust support for EMBs to enhance the credibility and transparency that ensue acceptance of the electoral process by all.

## 2. Objective

Election Observation is essential for any election supporting the democratic process of a country. It assesses whether the results of an election truly reflect the will of the people. It aims to provide accurate and impartial reporting regarding elections

and its processes for public and stakeholders. Recommendations provide support to the EMBs to tailor their approach towards election management and also bring reforms towards the process.

Similarly, in 2019 national and international groups have provided key recommendations to the 2019 elections process and therefore, can assist EMBs for implementing future electoral processes that meets the international standards. The objective of this document is only to reflect those recommendations provided by the international observers and does not intend to analyze the electoral process entirely.

### **3. Recommendations**

#### **3.1 Legal Provisions**

- The practice of electoral reforms before the elections such as amendments to the electoral framework six months prior the elections should be avoided. Following international best practices, amendments to the electoral laws should be ensured one year ahead of elections, so that Constitutional Council can provide oversight for consistency, constitutionality, and feasibility before the endorsement of the Parliament.
- Internal operational and logistics capacity of the election management bodies and the communication mechanisms should ensure guarantee full compliance with legal provisions and instructions by the lower levels of administration.
- There should be reconsideration of the extension of the 48-hour timeframe for district courts and the five-day deadline for the Constitutional Council to issue decisions of the electoral claims and complaints.
- Clear provisions should be made in the law to avoid multiple interpretation of valid and invalid ballots and broaden the interpretation of valid ballots in accordance with the international standards.

#### **3.2 Voter Registration and Voter List**

- Introduce a robust permanent and continuous voter registration process to establish the eligibility of eligible citizens to vote to avoid problems with accuracy

and completion of data. Voter registration is crucial to the electoral process since the voters in each province affects the number of seats for that province as representation to the Assembly of Republic.

- Conduct an independent audit of the provisional voter register before the final voter registration is publicized, in which effective data can ensure quality list. This can result in making institution more accountable to the process and build confidence among stakeholders towards the election management bodies. Subsequently, deduplication process for cleansing double registered voters should be conducted for accurate data.
- Extend the number of days for the verification and error corrections in the voter register in addition after having improved the proximity of verification posts to voters.

#### **3.3 Election Campaign**

- There should be coordination among election management bodies, security bodies, and other electoral authorities to avoid impediments to campaign activities. More concerted effort is needed for each political party to avoid any confrontations or political/electoral violence during campaign period.
- Stricter provisions should be brought to prohibit the use of children and civil servants during the political campaign levying higher penalties to the political parties as institution imputation.
- Ensure expedite process for the disbursement of public campaign financing to the political parties as well as to the presidential candidates according to the law.

#### **3.4 Election-related Training**

- The Constitutional Council should make provisions of organizing training to political parties and other stakeholders in relation to the submitting complaints and appeals. During elections political parties have not adhere to proper procedures for filing the complaints to the respective authorities.
- There is a need of extensive training to the judges and magistrate due to late amendments and approval of electoral law as some decisions to the appeals in

# FACTSHEET

Mozambique Elections 2019: Presidential, Legislative and Provincial Assemblies



**Election Day** 15 Oct 2019



**Polling Time** 07 - 18 hrs

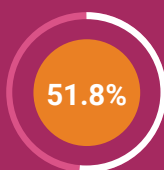
## TOTAL REGISTERED VOTERS

13,162,321

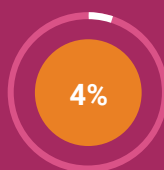


Men 47% 53% Women

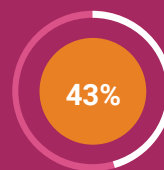
## FACTS & FIGURES



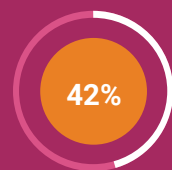
**Voters Turnout**  
(Increase in turnout from 48.84% in 2014)



**Invalid Votes**  
(Decrease in invalid votes from 13.17%)



**Polling Staff**  
were Women



**Representatives**  
in Parliament are Women



**20,570**  
Polling Stations



**143,990**  
Polling Staff



**27**  
Registered Political Parties



**4**  
Presidential Candidates

this election have been made citing laws pertaining to the previous elections.

- Party agents, polling staff and counting staff should be provided with separate training. Reinforce effective training programs for the polling and counting staff including at district and provincial levels to ensure clarification on procedures for aggregation of results.
- Election management bodies should continue to emphasize access for vulnerable groups in polling staff training to address the shortcomings in the access provided in the 2019 elections. Such training could be supported by the development of a disability and inclusion manual.

### 3.5 Electoral Operations and Logistics

- The transportation of ballot papers to the polling centers through a distribution plan from the election management bodies at the central level should ensure utmost secrecy right from the start of printing. This would safeguard the ballot paper from pre-voting or pre-marked making election management bodies more accountable.
- Election management bodies should publish original copies of polling station results for public verification on their website to increase transparency and confidence in the electoral process.
- There should be clear counting procedures for the tabulation of results consistent in all provinces. At the district level invalid ballots requires second layer of scrutiny for

requalification with consistent procedures across all provinces.

- Ensure that the election results are affixed at the polling centers and also online for transparency following the results protocol and as provisioned by law.
- There needs to be proper handover of the sensitive and non-sensitive materials with robust retrieval plan after the elections.
- Polling staff perform their tasks for long hours- setting up polling station for voting to counting process. The counting process is extremely long and vulnerable to the certain aspects of the process such as inconsistencies in tabulation process due to fatigue. Improvement can be brought through dividing teams to work in shifts when a team is trained on voting process and other on the counting resulting likely in more efficient process and much more decent working hours.
- Arrangements should be made for providing priority for voting to the people with disabilities, women and elderly voters.
- Polling stations gradually should be made accessible to people with disabilities.

### 3.6 Voter Education, Gender Equality, and Inclusion

- A broad voter education strategy should be developed to increase the participation of voters from low turnouts in elections.
- More cohesive approach is needed to work with Civil Society Organizations (CSOs) to



reach the remote, marginalized and rural parts of the country providing them with access to adequate information.

- Effectively mobilizing media (Internet, digital, social media) with tailored content of elections as part of civic and voter education campaign will be important for citizens to access for information. Voter education in local dialects could advantage the citizens understanding about the electoral process.
- Introducing mandatory quota system would ensure increase women's participation in order to increase the number of women as candidates by all political parties.
- Election management bodies should collaborate with CSOs, especially women's organizations and others involved in voter education for women and other programs aimed at increasing women's participation in political processes.
- Voter turnout data should be disaggregated by sex to allow a better understanding of the women's voting tendencies and patterns.
- There is need for improved voter education ahead of the next election: a bottleneck in the processing of voters for this election was the provision of detailed voting instructions to each and every individual voter before a voter cast their ballot, regardless of need.
- Election management bodies should develop effective electoral information, education and communication materials tailored for people with disabilities using various formats including braille, audio and closed caption.

### 3.7 Institutional Strengthening

- To ensure confidence among stakeholders in the composition of selecting/electing members of the National Electoral Commission (CNE) as per the constitutional provisions of party-nominated and civil society membership.
- Develop an effective National Electoral Commission (CNE) public communication strategy including transparent publication of all decisions.
- Organize regular consultative meetings with political parties, convening regular communications briefings and dissemination of information to all stakeholders during the electoral cycle.
- Election management bodies should work with the national assembly and other relevant stakeholders to bring improvement in the law over the subordinate hierarchy between the central and lower levels of election management.

### 3.8 Election Observation and Monitoring

- Ensure that the observers have easy access to the polling centres, counting locations at polling station and district and provincial levels.
- Election management bodies should ensure timely accreditations of observers, media and party agents including creating a safe and intimidation free environment for observation and monitoring of the process.



#### 4. Observation Groups' Recommendations: 2019 Presidential, Legislative and Provincial Assemblies

| Organization/Areas | European Union   | EISA  | African Union   | Commonwealth   | ECF-SADC | Francophonie | SADC-SEOM |
|--------------------|--|---|---|--|----------|--------------|-----------|
| Legal Framework    | broaden the provision of marking on ballots for valid votes  |   | Ensure electoral lega framework is consolidated, streamlined and consistent |  |          |              |           |
|                    | Integrate electoral laws into one electoral and procedural code  | Inclusive and wholistic legislative review that ensures the codification of Electoral Law |   | Streamlining and consolidating electoral laws into an accessible body of law ahead of the next electoral cycle.                  |          |              |           |
|                    | Submit electoral laws for Constitutional Council oversight before their approval by Parliament for ensuring consistency, constitutionality and feasibility |   |   | Consider the legal provision of a quota system for youth representatives to the Local Authority and National Assembly elections. |          |              |           |
|                    | Broaden the provision of marking on ballots for valid votes  |   |   |  |          |              |           |
|                    | Reintroduce second layer of scrutiny of invalid ballots  |   |   |  |          |              |           |
|                    |  |   |   |  |          |              |           |

| Organization/Areas                             | European Union   | EISA   | African Union  | Commonwealth  | ECF-SADC   | Francophonie | SADC-SEOM   |
|--|--|--|--|---|--|--------------|---|
| <b>Voter Registration</b>                      | Establish a reliable permanent voter register  |  |  | Review the entire voter registration process to build in the necessary checks and balances in the law in order to ensure transparency |  |              | Introduce a continuous voter's registration system  |
|  | Conduct an independent audit of the provisional voter register                               |  | Place mechanisms to instill confidence in the accuracy of the voter register | Timeframe for closing the voter register must be reviewed to allow enough time for an independent audit                               |  |              |   |
| <b>Electoral Management and Administration</b> | provide funds timely to EMBs which includes release of timely campaign finance to parties    |  |  |   |  |              | Timely disbursement of finances to support political parties as provided for by the electoral law |
|  | Clarity in the subordinate hierarchy between central and lower levels of election management | Parliament should consider further reforms to strengthen the institutional framework to make provincial and district structures accountable to the CNE |  |   |  |              |   |
|  | Implement effective public communication strategy  |  |  | Provide proper voting instructions to all voters and engage with CSOs reaching voters in more remote, marginalised and rural parts    | Need to strengthen voter education programmes      |              |   |
|  | Publish original copies of polling station results for public verification in CNE website    |  | Ensure timely, transparent tabulation and release of accurate results        | Publish original copies of polling station results for public verification on the CNE website   | Expedite official announcement of election results |              |   |

| Organization/Areas                             | European Union   | EISA   | African Union   | Commonwealth  | ECF-SADC   | Francophonie   | SADC-SEOM |
|--|--|--|---|---|--|--|-----------|
| <b>Electoral Management and Administration</b> |  | Reforms should be considered technical and policy EMBs into one independent body           |   |   | Encourage collaboration between STAE and CNE to avoid disseminating conflicting information to electoral staff |  |           |
|  |  |  |   | Bring reforms in voting process such as queue management                                  |  | Expedite the voting process at the stations avoiding waiting queues for voters |           |
|  |  |  |   | Review the role of polling officers to simplify the management of polling at the stations |  |  |           |
|  |  |  |   | Streamline the counting process that does not detract from accuracy and transparency      |  |  |           |
|  |  |  |   |   |  |  |           |
| <b>Election Campaign</b>                       | Implement existing prohibition on the misuse of state resources for political campaign   | Follow the statutory timelines for the disbursement of campaign funds to political parties | Enforce laws that limit the misuse of state resources during campaigns. | Ensure timely disbursement of campaign funds  |  |  |           |
|  | Ensure freedom of movement for candidates and parties for right to assembly, conduct campaign activities in a safe environment and free from violent acts. |  |   |   |  |  |           |

| Organization/Areas                           | European Union   | EISA  | African Union  | Commonwealth  | ECF-SADC                                       | Francophonie | SADC-SEOM |
|--|--|---|--|---|--|--------------|-----------|
| <b>Media</b>                                 | Convert Superior Council of Social Communication (CSCS) into an independent regulatory body where it is transparent board of directors and members are selected through competitive system |   |  |   |  |              |           |
|  | Improve legal framework to ensure public broadcasters are governed by independent Board of directors accountable to parliament rather than government                                      |   |  |   |  |              |           |
|  | Amend penal code, press law and other legislation to abolish provisions detrimental to freedom and expression  |   |  |   |  |              |           |
|  |  |   | Continue with efforts to provide balance media coverage during elections | Political Party to improve their media capacity to take full advantage of the free broadcast time allocated in public media |  |              |           |
|  |  |   |  |   |  |              |           |
| <b>Election observation and party agents</b> | Ensure timely accreditation of party agents and observers  | Review accreditation procedures for citizen observers to ensure timely, user-friendly and efficient consideration of accreditation requests         | Simplify accreditation process for CSO interested in observing elections | Ensure smooth operation for accreditation observers   | Accelerate accreditation of domestic observers |              |           |
|  | Create a safe and intimidation-free environment for observers, party representatives   | EMB to establish a platform for stakeholder engagement to provide space for open consultation and promote the transparency of the electoral process | CSOs to ensure timely submission of accreditation application            |   |  |              |           |

| Organization/Areas   | European Union | EISA   | African Union   | Commonwealth  | ECF-SADC | Francophonie   | SADC-SEOM   |
|----------------------|----------------|--|---|---|----------|--|---|
| To the Government    |                |  | Sustain and strengthen the peace process  |   |          |  | Introduce affirmative action and legislated gender quotas |
|                      |                |  | Consider further expanding diaspora voting to other countries for broader participation of citizens |   |          |  |   |
|                      |                |  | Conclude the investigations surrounding Matevele's death and ensure that justice is served          |   |          |  |   |
| To political parties |                |  | Work towards the consolidation of the peace and democratic processes                                |   |          | Avoid any behaviour that could generate a climate of tension or even violence while pending for the election results |   |
|                      |                | Should take more deliberate steps to adopt affirmative actions to promote the participation of women, youth and persons with disability. | Adopt measure aimed at encouraging the participation of women and youth in leadership positions.    | Consider adopting and implementing special measures, such as voluntary quotas, to achieve gender balance within their own decision-making structures. Create empowered youth-led wings and youth caucuses designed to actively involve young people in policy- and decisionmaking |          | Greater tolerance and coexistence between the party differences  |   |

| Organization/Areas                   | European Union | EISA  | African Union   | Commonwealth  | ECF-SADC | Francophonie | SADC-SEOM |
|--------------------------------------|----------------|---|---|---|----------|--------------|-----------|
| <b>To political parties</b>          |                |   | Utilise the dialogue space created by CNE as a forum for discussion, prevention and resolution of electoral challenges in a peaceful and consensual manner.                                     | Political parties review best mode made fairer and more inclusive, ensuring that decisions are taken in the interest of the electorate and of the country, and not of one or two political parties only |          |              |           |
| <b>Civil societies organizations</b> |                |   | Continue with advocacy initiatives on electoral reforms, particularly promoting women, youth, minority groups and persons with disabilities political participation.                            | Develop effective electoral information, education and communication materials tailored for PWDs, using various formats including braille, audio and closed caption                                     |          |              |           |
|                                      |                |   | Adopt a collaborative approach with the CNE and STAE to strengthen electoral processes  | Continue engage in voter education with all sections of the population, with an emphasis on marginalised groups and provinces   |          |              |           |
| <b>Security Agencies</b>             |                | Police continue to build the levels of stakeholders trust through enhanced professionalization. | Remain professional and impartial in providing security services to election stakeholders throughout the electoral period, including the protection of human rights during security operations. |   |          |              |           |

## 5. Annex: Full Report on Observation Groups' Recommendations

**European Union**, Final Report (English): <https://bit.ly/313Ljmw>

**EISA**, Preliminary Report (English): <https://bit.ly/346U29m>

**African Union**, Preliminary Report (English): <https://bit.ly/343fdsV>

**Commonwealth**, Final Report (English): <https://bit.ly/313vH25>

**ECF-SADC**, Preliminary Report (English): <https://bit.ly/313M6Uw>

**ECF-SADC**, Preliminary Report (Portuguese): <https://bit.ly/3iMhhJH>

**Francophonie**, Preliminary Report (French): <https://bit.ly/3h4T8xM>

**SADC**, Preliminary Report (English): <https://bit.ly/3h4M7gf>

**CPLP**, Preliminary Report (Portuguese): <https://bit.ly/31XCHwW>

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