



**Guinea Bissau
FINAL REPORT
Early Presidential Election
28 June – 26 July 2009**

**EUROPEAN UNION
ELECTION OBSERVATION MISSION**

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I. EXECUTIVE SUMMARY

The early presidential election was held in two rounds on 28 June and 26 July 2009 to elect a new president for a mandate of five years to replace president João Bernardo “Nino” Vieira, who was killed on 2 March 2009. Following an invitation from the National Election Commission (*Comissão Nacional de Eleições – CNE*) and the government of Guinea Bissau, the European Union (EU) established an Election Observation Mission (EOM) in the country to evaluate the electoral process. The EU EOM arrived on 6 June 2009 and remained in the country for the duration of the process, until 6 August 2009. Its mandate was to conduct a comprehensive assessment of the electoral process in accordance with international principles and best practices for democratic elections as well as the laws of Guinea Bissau. The Chief Observer was Johan Van Hecke. The EU EOM deployed one of the largest international observation missions with 21 observers from 14 Member States and was present in all 27 constituencies (*círculos eleitorais*) during the two rounds.

The presidential election was the fourth held since the establishment of a multi-party system in 1991 and was of fundamental importance for bringing institutional normalcy to the country. The process was organized by the CNE in a professional, dedicated and transparent way and according to international principles. Despite the tense and insecure situation created by the killing of one candidate and a member of the Popular National Assembly (*Assembleia Nacional Popular – ANP*) the day before the start of the first round electoral campaign, voters and candidates fully enjoyed during the entire process their rights to vote and to be voted within an environment of freedom of expression, movement and association. Guineans, however, showed their discontent with the killings and arbitrary arrests of former and current government officials when turnout is compared with the legislative election held less than eight months earlier; participation went from 82 percent down to 60 percent. Election day in both rounds were peaceful and orderly, despite some minor incidents involving attempts of double voting and irregularities, like earlier closing of polling stations and improper sealing of ballot boxes. The two rounds of electoral campaign started unenthusiastic, without tensions, but its last days saw a regrettable exchange of unfounded accusations and use of state resources for electoral purposes in a clear breach of the codes of conduct signed by most of the 11 candidates.

The legal framework provided for a democratic and inclusive democratic process and respected the fundamental rights for conducting an election in line with international principles. There were, however, some shortcomings that have to be addressed to avoid the confusion seen during counting and tallying activities: early voting by the military and other essential personnel was not well organized and understood creating delays during the counting and aggregation processes. The CNE exceptional authorization for the highly mobile voters in the archipelago of Bolama-Bijagós to vote in any polling station and in any island did not fully complied with the law, but the decision was in line with international good practices to promote voter participation and to eschew impediments to voting. Provisions in the electoral law are not always compatible with the Constitution, like the timeframes for replacement of candidates in case of death or resignation.

The National Election Commission operated with integrity competence and transparency. Contrary to past elections, the election body received funds from the government and international contributions in time to organize and execute its activities according to the electoral calendar. It managed to conduct the process in an efficient and impartial manner generally replicated at regional level. There were no complaints filed during the two rounds.

The same voters' lists used in the first round were distributed to the polling stations for the run-off election. For the first round, the government agency in charge of voter registration issued copies of cards to a total of 13,022 voters during approximately 30 days in April and May. A total of 593,765 Guineans were eligible to vote on 28 June and 26 July. Out-of-country registration was not conducted by the Guinean diplomatic representations. The presidential election used the same register for the 2008 legislative election, with no updates despite being required by law. The EU EOM reiterates that yearly updates of the register and a permanent voter register are a good practice in many countries. The CNE and CREs should have the property of the voters' register and be responsible for the entire process of registration.

In the first round, the three-week long period of a timid electoral campaign started on 6 June and

was conducted mostly in a peaceful and orderly way despite the violent incidents that preceded it and the raise in negative tone during the last days of the campaign, when a few candidates started exchanging accusations about the responsibility for the current political and economic situation of the country. However, there were no incidents and candidates were free to hold rallies and meetings without limitations to their freedom of speech and movement, although a few told the EU EOM they still felt intimidated by the events that led to the election and that preceded the electoral campaign. Voters were also free to attend political rallies free of harassment and in a peaceful way. The EU EOM did not observe or received reports of major incidents involving electoral activities, besides minor cases of destruction of some campaign materials. The climate of insecurity and fear observed mainly in the capital, Bissau, may have contributed to the voters' apathy and lack of enthusiasm compared to past elections and to an increase in the level of abstention. However, it did not seem to have interfered with the campaign activities or limited the capacity of candidates to convey their messages and of voters to express their preferences.

The two-week electoral campaign for the second round was also held in a peaceful manner despite being contaminated by persistent serious, inflammatory and unsupported accusations made by the Party for Social Renovation (PRS) candidate against his adversary, who in turn seemed to freely capitalize on government officials and public activities and use of state resources to support his electoral objectives. During the campaign, the National Movement for the Civil Society expressed its concern with the PRS use of military issues in the campaign with the alleged objective of creating fractures in the armed forces; it also called on the candidates to abstain from using state resources, especially vehicles. The use of the media for personal attacks did not contribute to the expected commitment to a national reconciliation. Also, the absence of a public debate between the two candidates diminished the opportunities for voters to be informed about the candidates programs and ideas. Candidates, however, were able to move freely across the country and to express their opinions without interference or intimidation.

The public and private media covered the electoral process generally with a neutral tone. Freedom of the press was fully respected. However, during the second round, the electronic public media reversed its balanced reporting during the first round and openly leaned toward the ruling party candidate. The extreme financial and technical difficulties faced especially by the state-owned media impacted negatively on its ability to offer a full coverage of the electoral campaign and delayed the start of free airtime programming for the candidates. The private media maintained their readers constantly aware of the electoral process, with different levels of balance in their coverage but with general neutral tone of the public counterparts. However, one radio

station announced the partial results of both rounds before the formal announcement by the CNE ignoring the recommendations to the media to abstain from such reports.

The incapacity of most candidates to effectively deploy delegates in all regions and the country's high illiteracy levels impacted negatively on their ability to efficiently scrutinize the polls. The situation was worsened by the legal impediment to civil society participation in domestic observation. However, the presence in both rounds of representatives of the main political parties during voting and counting in all polling stations observed by the EU EOM contributed to enhance the transparency of the process and offset the absence of domestic observers.

A positive development during the two rounds was the strong presence of women as members of polling stations' staff, in many cases as head of the polling officials. However, women continue to have a modest presence in the government—five women among 22 ministers—and are practically absent in the higher echelons of the electoral administration; the CNE secretariat has no female members and just one woman is among the non-permanent members of the CNE plenary. The electoral campaign rallies for the second round saw, however, the constant and active presence of the only female and defeated presidential candidate, Francisca Vaz Turpin, in support of one of the run-off candidates. According to EU EOM observers, women were majority in almost all rallies.

The human rights situation is still problematic but citizens enjoyed their full civil and political rights, and no cases were observed or reported of flagrant intimidation of voters or limitations to the free movement of persons. The police provided adequate protection and acted effectively; and some individuals were arrested during the second round process for unauthorized issuing of voters' cards and attempting to vote with someone else's card. Human rights, however, is still a delicate problem when the issue are other freedoms and guarantees. The Guinean Human Rights League denounced that the judicial system is practically nonexistent outside the capital and that the situation of the judiciary is dramatic. Economic and social rights are not respected; salaries are not paid on time, and there is no water, sewage and electric infrastructure besides poor health and education services.

Election day in both rounds transpired in a calm and orderly environment. Voting was conducted smoothly in the 27 constituencies, and there was no lack of electoral material reported or observed by the EU EOM. Candidates' representatives were present in all polling stations visited by the EU observers during the different stages of the election, and no complaints were submitted at those polling stations. Another positive indication of the CNE and CREs efforts to improve the election administration was the assessment by the EU EOM observers of the overall process on election day during the second round as good in 75 percent of the cases, against 52 percent in the first round,¹ and satisfactory in 22 percent (44 percent) of the polling stations visited. Also, the problems with the sealing of ballot boxes as stressed by the EU EOM during the first round seemed to have been adequately addressed if measured by the 90 per cent (53 percent in the first round) of boxes properly sealed during the second round.

In spite of the restrictions on domestic observation, civil society organizations have developed a positive and pro-active attitude towards supporting actions to reduce instances of political violence during the election period, organizing civic education programs and facilitating the distribution of election materials.

¹ Ratings were poor, satisfactory and good.

Vote counting was assessed as “good” or “satisfactory” in all polling stations visited by the EU EOM and all complied with closing and counting procedures. No major problems in the counting and reconciliation in the polling stations visited were reported or observed during the two rounds, although in one of them in the run-off election the total of ballots didn’t match the number of voters in the manual list, where each voter is check-marked. There were no complaints filed in both rounds, and candidates’ representatives were present during closing and counting at all polling stations visited by the EU EOM. The results were signed by all candidates’ representatives in the polling stations observed, and all were given a copy of the results (*acta síntese*). The sensitive materials were properly packaged for transport to the CREs in almost all polling stations observed, where the results were immediately publicly posted once the count had been completed.

No complaints were registered by the Regional and National Election Commissions during both rounds of polling, counting and tabulation of results. Despite the existence of clear general procedures for submitting complaints, there seems to be no tradition or culture of challenging decisions, a peculiarity that might be explained by a frail judiciary. Consensual deliberation mechanisms set in place by the election framework at regional and national level —the CNE/CREs plenary sessions— allowed for adequate redress of complaints and challenges, with the candidates’ delegates also able to fully participate in the process.

The new president of Guinea Bissau, the PAIGC candidate Malam Bacai Sanhá, will be sworn-in for a five-year mandate on 8 September 2009. .

A set of recommendations is included at the end of this report for consideration by the authorities aiming at improving the electoral process, among them:

- Attribution of *de facto* normative and/or interpretative powers to the National Election Commission. The CNE should be provided with tools to be able to adapt and update technical electoral procedures, clarify omission in the law and streamline organisational management aspects.
- Nomination of a non-partisan executive secretariat at the National Election Commission by means of changing the nomination and appointment procedures. Its four members are currently elected by two-thirds of the Popular National Assembly and generally reflecting the distribution of seats. The ruling party has always the capacity to name most of its members.
- Provide the CNE with administrative and budgetary independence through the inclusion of a specific section and funds allocation in the national budget. In order to strengthen the CNE’s independence, the election management body should have direct access to an adequate fixed annual allocation of resources ascribed to the national general budget.
- Implement the provision for the vote of the Guinean Diaspora, and extend it to the presidential election.
- Provisions in the law regarding public funding to candidates and political parties should be effectively implemented prior to the start of the campaign period. Small parties and a much needed new generation of politicians would have the chance to contest elections on a more levelled playing field. Public funding of parties and candidates is a fundamental tool to strengthen competitive democracy and allow a pluralistic participation. Consider, however, the establishment of thresholds (minimum percentage of votes in an election or number of signatures) to avoid the uncontrolled proliferation of candidates and political parties.

- Introduce mechanisms to allow for effective auditing of political party source of finance. In case the state contributes with financial support to the political parties and its campaign activities, auditing within a reasonable timeframe of one to two month after the poll should promote transparency of funding instead of an annual declaration as set out in the Law of Political Parties. It is also imperative that an auditing system be established for the political parties to check, before election day, campaign activities and other electoral expenses and origin of funds. Expenses should have a ceiling and parties sanctioned when infringing expenses limits.
- Civil society should be given the right to actively participate in the monitoring of the registration of voters and polls.

II. INTRODUCTION

Following an invitation from the National Election Commission (*Comissão Nacional de Eleições* – CNE) and the Government of the Republic of Guinea Bissau, the European Union (EU) established an Election Observation Mission (EOM) for the early presidential election. The European Union Election Observation Mission arrived in the country on 6 June 2009 and stayed two months to observe the two rounds of the election on 28 June and 26 July 2009. The Mission observed the tabulation and aggregation activities during both rounds and the official announcement of results. The election was the fourth to elect a president since 1991 when a semi-presidential, multi-party system was introduced to replace the one-party system prevailing since the independence of Guinea Bissau from Portugal in 1974.

Guinea Bissau is divided into nine regions and 27 constituencies (*círculos eleitorais*)² where voters elected the new president for a five-year mandate. The estimated 1.6 million inhabitants live mostly in the north and south regions generally in poor conditions, with lack of basic infrastructure both in the urban and rural zones. Many families share what is called “*tabancas*,” a compound or sole unit housing several families, and gathered according to their ethnicity. The capital, Bissau, is connected by tarmac roads and reliable communications to the main cities in the north and part of the south; all the regions, however, offer a precarious infrastructure of roads, medical services and transportation. At the arrival of the Mission, security was the main concern, as well as safety in terms of accidents and health hazards. The killing of president João Bernardo “Nino” Vieira and of the chief of the armed forces, Tagme Na Waye, as well as of one of the candidates right before the start of the election campaign were fresh on the minds of the Guineans and a tense situation prevailed during the first weeks of the electoral process, easing gradually after the first round.

All these factors, added to the 2,686 polling stations established by the National Election Commission to attend 593,557 voters, some of them located in remote areas, presented a challenge to the Mission. These were the main points of consideration when the four-member Core Team (CT)³, later joined by the Chief Observer, designed and implemented the deployment of 6 Long Term Observers (LTOs) and 10 Short Term Observers (STOs) from 14 EU member states to observe the electoral activities before, during and after the election. There was no delegation from the European Parliament and no locally-recruited observers (diplomats accredited to Guinea Bissau are not allowed by law to observe elections). The Mission liaised with and promoted meetings with all other international observation missions, and maintained constant

² There are two other constituencies for the Diaspora (Europe and Africa) but the Guineans abroad were disfranchised as result of lack of financial resources to register and hold an out-of-country election.

³ Chief of Mission (CO), Johan Van Hecke (Belgium); Deputy Chief of Mission, António Reis (Portugal); Legal and Electoral Expert, Lars Lagergren (Sweden); Media Analyst and Press Officer, Claudia Aranda (Portugal); Observers Coordinator, Sylvie Blanchier (France). The Operations and Security Expert, José Guitian (Spain), worked under direct IOM contract.

contact with electoral and government officials, security forces, candidates, media representatives and the public in general

The mandate of the EU EOM, headed by Johan Van Hecke, was to conduct a comprehensive assessment of the electoral process in accordance with international principles for genuine democratic elections and the Declaration of Principles for International Election Observation, commemorated by several international organisations in a meeting at the United Nations in 2005. The Core Team arrived on 6 June 2009 and departed on 6 August 2009. The EU EOM applied the same methodology used by the EU in other observation missions and covered all the regions of the country.

This was the third electoral process observed by the European Union in Guinea Bissau, after the presidential election in 2005 and the legislative election in 2008.

III. POLITICAL BACKGROUND

A. Political History

Portugal recognized officially Guinea Bissau independence in 1974 after the Portuguese “carnation” revolution, one year after João Bernardo “Nino” Vieira, president of the self-declared Popular National Assembly together with Guinean freedom fighters had unilaterally declared independence on 24 September 1973. Amílcar Cabral is the reference name in the political history of the country, the founding father of Guinea Bissau. He was born in 1924 in Bafatá, son of a Cape Verdean father and Guinean mother. He studied in Cape Verde and later at the age of 21 went to Portugal where he graduated as agronomist. Together with his half-brother, Luis Cabral, and other companions, he created the African Party for the Independence of Guinea and Cape Verde (*Partido Africano para a Independência da Guiné e Cabo Verde* – PAIGC) in 1956. The party name reflected the secular alliance between Cape Verde and then Guinea ruled by the Portuguese as a single administrative unit until 1878.

Although the armed struggle only started in 1963, the PAIGC is probably the leading reference for the anti-colonial movements in Portuguese Africa. Amílcar Cabral did not survive to witness independence; he was assassinated in Guinea Conakry in 1973, but remained a political icon and the true hero of the nation. His brother, Luis, acted as president from 1974 to 1980 when he was challenged by “Nino” Vieira, who took power in November 1980. The political reasons for the coup are mainly rooted in the refusal of native Guineans to accept the idea of a union between Cape Verde and Guinea Bissau. They uncovered the first signs of divisions within PAIGC, which has been ruling the country since independence, with a small hiatus between 2000 and 2003. PAIGC ruled the country under a single-party system from independence until 1991, when a multi-party system opened the way for holding the first election in 1994.

B. Political Context

Since its independence, Guinea Bissau has experienced a series of profound, sometimes violent, political changes. The first government of the single ruling party, the PAIGC, survived until 1980 when a military coup installed João Bernardo “Nino” Vieira as president. Several coup attempts through the 1980s failed to unseat him from office, and in 1994 he was elected president in the first reportedly free elections in the country, gaining 52 percent, against Kumba Yalá’s, the Party for Social Renovation (PRS) candidate, 48 percent. However, a military coup and a civil war in 1998 eventually led to his ouster in 1999.



The Chief Observer meets interim President Raimundo Pereira.
(Photo: EU EOM)

In February 2000, an interim government, headed by Malam Bacai Sanhá, turned over presidential power to opposition leader Kumba Yalá following two rounds of what was considered then transparent elections (Kumba Yalá received 72 percent and PAIGC's Bacai Sanhá 28 percent). A coup in September 2003 ousted president Yalá and shortly after a Political Transition Charter was signed by all but one of the political parties. This provided for a transitional period, during which parliamentary elections should be held in six months and a presidential election one year later. Henrique Rosa was sworn in as president of the transition government and legislative elections were held in March 2004. After some delays, presidential elections were set to 19 June 2005, when "Nino" Vieira, running as independent, was again brought to power after defeating Bacai Sanhá in a run-off election (Kumba Yalá came in third).

"Nino" Vieira was not able to complete his five-year mandate; he was assassinated on 2 March 2009, hours after the killing of the chief of the armed forces, Tagme Na Waie. The president of the Popular National Assembly (ANP), Raimundo Pereira, became the interim president and advanced the 2010 presidential election for 28 June 2009. Two PAIGC members of the ANP, including one of the presidential candidates, were killed the day before the start of the electoral campaign, and government and judiciary officials, former ministers and a musician were beaten, arrested or intimidated in actions officially explained as to prevent a coup attempt. It was under such climate of fear and intimidation that Guineans accompanied the electoral campaign, which culminated, though, in an orderly and peaceful election day on 28 June 2009. No candidate obtained an absolute majority and Bacai Sanhá and Kumba Yalá replicated the 2000 election facing each other again in a second round. Malam Bacai Sanhá won comfortably the run-off election with 63.31 percent of the votes against his opponent's 36.69 percent.⁴

The semi-presidential multi-party system was established in the country in 1991, and the first multi-party system elections were held three years later. The transition from the one-party system instituted after independence did not, however, bring the expected political stability. Military coups and dissolutions of the Popular National Assembly (*Assembleia Nacional Popular* –ANP) fed recurrent political crises perpetuating instability in the political and administrative structures of the country. The situation was worsened by killings and coups that translated in not one elected

⁴ The formal announcement by the CNE of the official results was on 1 August 2009. Malam Bacai Sanhá was to be sworn-in on 8 September 2009. There is no specific time frame for the sworn-in of the president in the case of early elections; for regular presidential elections the candidate elected is empowered the last day of the mandate of the current president.

president being able to finish his mandate. However, despite their alleged participation in some of the political events and its traditional exercise of power beyond their constitutional mandate, the military have been outside the electoral processes and committed to guarantee a peaceful environment.

The 2009 presidential election was of particular importance to the efforts to bring institutional normalcy to the country in a period in which the president, the chief of the armed forces, the president of the National Assembly were all exercising their functions on an interim basis.

C. Key Political Actors

PAIGC is the historic party of Guinea Bissau and has been in government for the last 35 years, except for a three-year period (2000-2003) when the PRS elected its leader, Kumba Yalá, as president. PAIGC is undoubtedly the main political actor and all political debate revolves, directly or indirectly, around its performance and its leaders. Carlos Domingos Gomes Jr., or Cadogo, was elected PAIGC's president during the party's congress in June 2008. Cadogo, a former close ally of president "Nino" Vieira, and who later became his main adversary, was sworn in on 2 January 2009 along with other members of the new PAIGC government after the party's landslide victory in the legislative election. The PAIGC received a clear absolute majority of 67 (against 45 in the last legislature) of the contested 100 seats. During both the legislative and presidential elections, PAIGC ran the most expensive campaign if calculated by the amount of rallies, activities of its supporters and intensity of its electoral propaganda.

Malam Bacai Sanhá, the 62-year old presidential PAIGC candidate, was acting president of Guinea Bissau from 14 May 1999 to 17 February 2000, and president of Popular National Assembly (*Assembleia Nacional Popular* – ANP) from 1994 to 1999. He was born in the Quinara region and belongs to the *Beafada* ethnic group. This was his third attempt at becoming elected president of the country, after losing to Yalá in 1999 and to "Nino" Vieira in 2005. He was appointed president after the end of civil war in 1999 to succeed "Nino" Vieira and to serve until new elections could be held later that year. Sanhá challenged PAIGC president Carlos Gomes Junior for the party leadership at the PAIGC's seventh ordinary congress in June-July 2008. Gomes was reelected receiving 578 votes against 355 for Sanhá. Despite their political differences, Gomes publicly supported Sanhá during the 2009 electoral campaign.

Kumba Yalá, 56, is the PRS uncontested leader, and despite living abroad he still commands the party's supporters, mostly Guineans of the ethnic group *balanta*. Maybe in consequence of his regular absence of the country, PRS went through internal divisions recently and many of its leaders left in what the press considered the implosion of the party. PRS obtained 28 seats in the last legislative election, losing seven in comparison with its past representation in the National Assembly. Kumba Yalá campaigned intensively in all nine regions of the country during the two rounds and fared well as expected in his *balanta*'s strongholds, but surprisingly losing in the most populated one, the region of Oio.

Henrique Rosa, 61, a businessman, was interim president of the country after a military couple toppled Kumba Yalá on September 2003. The government was dissolved and a 25-member Committee for Restoration of Democracy and Constitutional Order was established under Rosa, who had the support of most political parties and civil society. He ran as independent in the 2009 presidential election and was the third most voted candidate, and came in first in many constituencies of the capital, Bissau, and the Biombo region.

All other candidates contesting the presidential election have very modest expression in the political life of country (see list of candidates in Registration of Political Parties and Candidates).

IV. LEGAL ISSUES

A. Legal Framework

The legislative framework in Guinea Bissau generally provides for holding of genuine democratic elections according to international principles. Governed by the Constitution of 1984 (last amended in 1996⁵) it protects fundamental freedoms and political rights in accordance with international principles embedded in the International Covenant on Civil and Political Rights (ICCPR)⁶. The electoral framework is regulated by: Law on Voter Registration (Law 2/98), Law for the Election of the President and the Popular National Assembly (Law 3/98), Law on the National Election Commission (Law 4/98), and Law on International Election Observation (Law 4/94). Additional legal regulations pertaining to elections are found in the Criminal Code, in the Law on the Right of Meetings and Demonstration (Law 3/92), in the law regulating the constitution of political parties and other norms developing the fundamental political rights proclaimed in the Constitution.

Civil and political freedoms, such as freedom of movement, of assembly, of association and the right to vote and to stand as a candidate are guaranteed by law and widely respected by the national stakeholders and parties. Access to participation in all aspects of public life, as well as equal rights and opportunities for women and men in regard to elections, is broadly reflected in the legal framework.

The Law⁷ structures the judicial system in one high Court, the Supreme Court of Justice (*Supremo Tribunal de Justiça - STJ*) based in the capital and regional courts in all eight regions and the autonomous sector of Bissau. First instance courts at sector level exist but suffer from poor infrastructure and experience reluctance of the local population to adhere to the law. Special courts based in Bissau are the Commerce Court (*Tribunal do Comércio*), the Office of General Accounting (*Tribunal de Contas*) and a Military Court. Local traditions and consuetudinary law are widely accepted, while not always in conformity with the constitutional law. The sector courts decisions may also be challenged by traditional authorities (*Régulos* or *Homens grandes*) who truly embody local power parallel to state authorities.

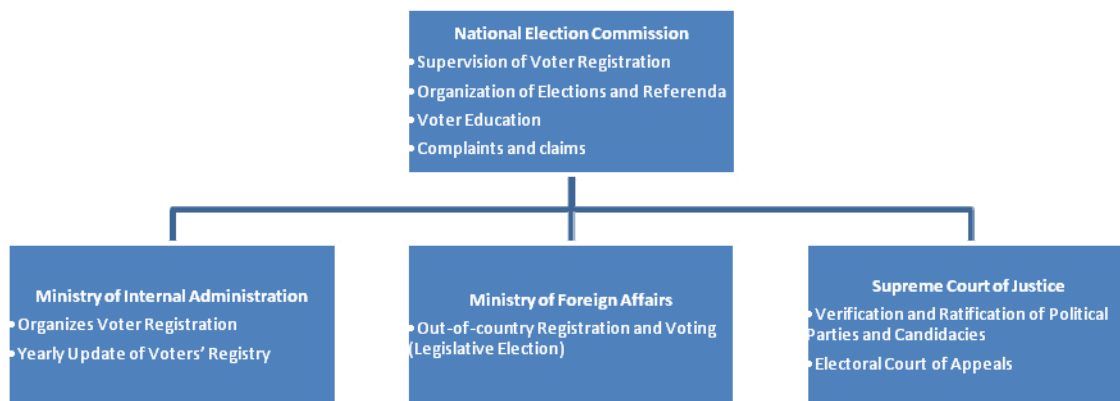
The legal framework envisages a shared electoral institutional responsibility among several organs of the state. The National Election Commission supervises voter registration, organizes elections and referenda, voter education activities, and decides on election complaints and protests. The Ministry of Internal Administration is responsible for organizing voter registration and its yearly updating. The Ministry of Foreign Affairs is, responsible for out-of-country registration and voting. The Supreme Court of Justice verifies and ratifies party candidacies and decides on electoral disputes acting as the Electoral Court of Appeal. Finally, the Presidency of the Republic announces the elections dates.

⁵ Since Guinea Bissau's independence the Constitution has been amended six times: on 16 May 1984, 4 May 1991, 4 December 1991, 26 February 1993, 9 June 1993 and 4 December 1996.

⁶ Guinea Bissau signed the International Covenant on Civil and Political Rights (ICCPR) on 12 September 2000. Ratification is pending.

⁷ Law 3/2002, 20 November on the Judicial Structure of Guinea Bissau.

The electoral framework fails in certain areas to develop and explain in detail its clauses and reveals inconsistencies, like the timeframe for holding parliamentary and presidential elections. Sovereign organs, such as the Presidency of the Republic and the Popular National Assembly, with five and four years of mandates respectively, should be elected within a reasonable timeframe before the expiration of their mandates. The electoral law (Article 185) states that the President of the Republic is to take office on the last day of his/hers predecessors mandate, which sets the date for Presidential elections within the timeframe of the mandate. This clause, however, is in contradiction with Article 3 which stipulates that presidential and legislative election should be held in the year of term of office between the 23 of October and the 25 November.⁸ Also, the Constitution determines that the National Assembly should be renewed every four years, implying that its new members should be elected before the end of the four-year term, in contradiction with the electoral law. Moreover, the law doesn't provide a specific timeframe for the swearing-in of the president in special cases like death or resignation of the incumbent; it just refers to the Constitution (Articles 67 and 71) which does not specify a timeframe. The date of 8 September 2009 for the swearing-in of Malam Bacai Sanhá was the result of an agreement among several political actors and the Popular National Assembly (ANP).



Some imprecise electoral procedures observed during the first round voting, such as those related to anticipated and military voting, were corrected by the CNE and properly administered during the second round. The law stipulates⁹ that voters shall vote in the polling station corresponding to their registration locations. Exceptionally, members of the Regional Elections Commissions, polling staff and party delegates can cast a ballot at the polling station they are assigned to work on election day, which may not eventually be the one where they were registered. The CNE and the candidates' delegates agreed, however, on changing voting procedures in the islands of Bolama-Bijagós to allow voters to cast their ballots in any polling station and in any island (see Electoral administration). These voters are not, however, exempt from presenting basic voting requirements such as a valid voter's card, despite not being listed in that particular voters' lists when voting outside their registration area. The polling station staff is supposed to send these voters' ballots in envelopes to the local CRE to be checked against the full list of voters of the constituency and, if correct, included in the final results tallying sheets (*actas de apuramento*).

⁸ Electoral Law 3/98.

⁹ Article 68, Electoral Law 3/98.

The main electoral law (Law 3/98) regulates both presidential and legislative elections and in certain areas reveals inconsistencies and uncertainties. Article 109 states that a candidate can renounce the candidature up to 20 days before election, in article 137 the timeframe is 15 days to abstain from standing. A deceased or incapacitated candidate can in article 110 be replaced until 10 days before election day and in article 136 the timeframe is 15 days. The law is also very rigid in certain areas and leaves no space for flexibility. In article 81, the law states that if there are more votes than recorded voters for a polling station, the election for that specific polling station must be repeated within 48 hours¹⁰. One of the most common mistakes during voting is that a voter is not check-marked in the voters list when casting the vote. However, no polling station in Guinea Bissau reported any case of more counted ballots than voters.

B. Electoral System

Guinea Bissau is politically organized under a semi-presidential, proportional representation electoral system with a president of the republic, a Popular National Assembly (*Assembleia Nacional Popular*, ANP) and a government headed by a prime minister. The president is directly elected by absolute majority (50 percent plus one vote), in two rounds if necessary¹¹, for a five-year mandate and can be reelected for one term; the 100 members of the ANP are elected for a four-year mandate under a proportional system, and the prime minister is named by the president of the republic according to the election results and party composition of the assembly¹². While the legal framework generally respects fundamental rights, it lacks provisions for the voting of the Diaspora (Guineans residing in Europe and Africa) in presidential elections. It is estimated that around 200,000 Guineans were eligible to vote and consequently disenfranchised. It also prohibits domestic electoral observation leaving it up to political parties the monitoring of the electoral process. Other shortcomings of the legal framework that should be addressed include the CNE's lack of normative power regarding the updating of electoral regulations and its financial dependency on governmental budgetary support.

The Law for the Election of the President and the Popular National Assembly specifies a minimum voting age of 18 years. According to the Constitution, a presidential candidate must be at least 35 years, and hold citizenship by birth with both parents also being citizens by birth. The president is the Head of State and Commander in Chief of the Armed forces and shall act as a symbol for unity and as an assurance of national independence and of the Constitution. Some of the powers and functions of the President are;

- call for extraordinary National Assembly meetings;
- nominate or dismiss the Prime Minister;
- instate Supreme Court judges;
- promulgate laws;
- declare a state of emergency;
- set dates for elections.

¹⁰ In most countries is common practice to draw at random and eliminate as many ballots as the difference between votes and voters, and, thus, to avoid the time and cost of a new election. If the difference is too large and the same problem occurred in several other polling stations then the election is cancelled.

¹¹ If no absolute majority is obtained a second round between the two frontrunners must be organized within 21 days from the announcement of the final results.

¹² Article 68/g of the Constitution.

In special circumstances the president can dissolve the National Assembly, dismiss the Government and refuse to promulgate laws passed by the National Assembly.

C. Universal and Regional Principles

Democratic benchmarks for good electoral practice mainly revolve around principles as enshrined in the Universal Declaration on Human Rights (UDHR) and Article 25 of the International Covenant for Civil and Political rights (ICCPR) of 1966: *periodic elections, universal and equal suffrage; right to stand for public office; right to vote; and genuine elections allowing for the free expression of the will of the people*. Guinea Bissau has signed the ICCPR and is a party to the UDHR, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of Racial Discrimination (ICERD). Although the ICCPR was adopted by the Popular National Assembly¹³ in 1989, the ratification instrument was not deposited to the United Nations since Guinea Bissau does not appear in the UN database as a party to this treaty.¹⁴ At regional level, Guinea Bissau ratified the African Charter on Human and Peoples' Rights (ACHPR) and signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ACHPR-PW, March 2005). Within its regional security and economic framework, the ECOWAS Member States signed a Protocol on Democracy and Good Governance, Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (December 2001).

D. Domestic and International Observers

While the legal framework generally respects fundamental rights it lacks provisions for broad domestic observation leaving it to political parties the task to monitor the electoral process. However, the ability of political parties to organize and deploy observers is doubtful since a few parties only have the resources and national representation to effectively cover the country. Furthermore, Guinea Bissau's high illiteracy levels reflect on the party representative's aptitude to understand and scrutinize the poll. Civil society groups have expressed the wish to be able to participate in domestic observation and showed interest in supporting voter education campaigns. Despite the strong opposition of the political parties, it is imperative a change in the law in order to bring domestic observers to the Guinean electoral processes activities to enhance transparency in addition to the political party agents. When playing a neutral and non-partisan role and reporting objectively, domestic observers highlight shortcomings in the elections and alleviate potential for conflict. Their generally large numbers, ample geographical presence and knowledge of local situations make them easily aware of irregularities, intimidation or corruption in their areas of responsibility. In post-conflict situations, like in Guinea Bissau, domestic observation can play a crucial role in areas where international presence is not possible, and give participation in the process to groups in society who may traditionally be excluded from the decision-making process.

The law regulates the rights and duties of international observers within international accepted principles. The law recognizes the observers as, primarily, being part of the African Union, United Nations and the European Union and fully able to fulfil their mandate without any hindrance or limitation. The CNE has shown flexibility to extend invitations to other regional and international organizations allowing for a number of organizations to participate in the observation process. Rights and duties of observers include i) freedom of movement throughout

¹³ Resolution 3/89

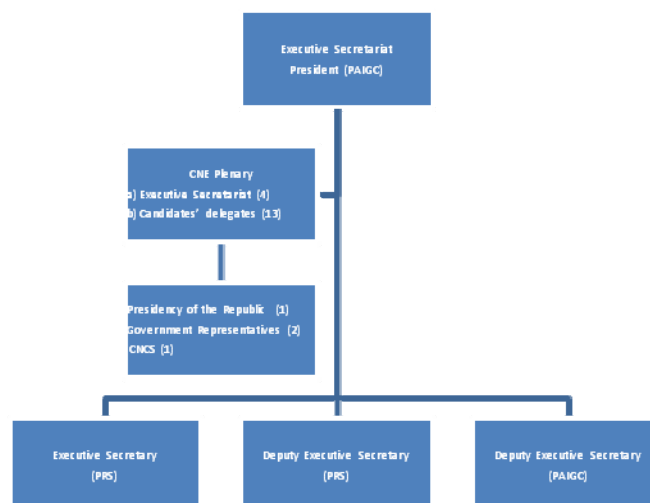
¹⁴ International Federation for Human Rights, *The Observatory*, October 2008.

the entire country, ii) freedom to contact any institution or individuals linked to the electoral process, iii) right to obtain any information and documents relating to the electoral process, iv) observation of the entire process including voter registration, campaign, voting, counting and tabulation and vi) the right to be informed of all complaints and appeals during and after the balloting. Besides the European Union, other international organizations like the African Union, the Community of Countries of Portuguese Official Language (CPLP), the economic organization for West Africa ECOWAS, the Francophonie, RADHO and diplomatic representations¹⁵ were present in both rounds of the election.

V. ELECTION ADMINISTRATION

A. The National Election Commission (CNE)

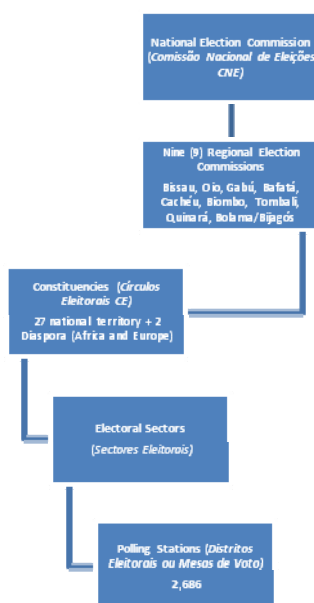
The National Election Commission was established as a permanent and independent body responsible for organizing the elections in Guinea Bissau. Its competence and structure, as established in the Law on the National Election Commission (Law 4/98), does not provide the CNE with regulatory, budgetary and normative power as all regulations have to be adopted by the Popular National Assembly (ANP). Powers that are afforded to the CNE include supervising voter registration, approving voter registration bulletins and voter card design, devising, printing and distributing ballot papers, deciding upon the number and location of polling stations, managing CNE financial resources, conducting voter education, distributing free air time for political party propaganda and the adjudication of complaints.



The electoral administration consists of a new four-member permanent Executive Secretariat elected and appointed by the ANP in February 2009 for a four year mandate, plus nine Regional Election Commissions; the secretariat, the representatives of the 13 candidates contesting the election, representatives of the president of the republic and of the National Council for Social

¹⁵ The electoral law forbids the accreditation as observers of diplomats accredited to Guinea Bissau. Representatives of the embassies of the United States, United Kingdom, Japan and Canada based in Dakar, Senegal, were in Bissau observing the election

Communication (CNCS) and two government delegates compose the plenary of the CNE¹⁶. The CNE meets in plenary sessions and decides on consensus whenever possible. In case the CNE fails to reach consensus the law provides for the Secretariat to decide by majority, with the President holding a qualified vote. The CNE is appointed by two-thirds of the ANP and its partisan secretariat reflects the 2008 legislative election results: two members from the PAIGC and two from PRS. The nine CREs are only active during the election period and are composed of a president and a plenary, which included a representative from each of the 13 candidates contesting the poll.



For electoral purposes, there are eight regions in the country and one autonomous sector, Bissau. These are divided in 29 geographically defined constituencies (or *círculos eleitorais*) which in the presidential election become virtually one national constituency; 27 constituencies are on national territory and two abroad for the Diaspora. Electoral constituencies are further sub-divided into sectors and these into electoral districts (*distritos eleitorais*), composed of one polling centre (*assembleia de voto*) which may have one or more stations (*mesa de assembleia de voto- MAV*). In remote areas, the CNE may exceptionally deploy mobile polling stations (*mesa móvel*) to reach voters who live in *tabancas* far from polling sites. The Regional Election Commissions (CREs) decide on the number of mobile stations according to the distribution and location of the electoral population.

The CNE does not enjoy budgetary independence, and rather relies on a specific ANP budget line. Due to its very limited governmental financial support, the CNE faces real challenges in conducting its activities that add to its poor human and material resources. Contrary to past elections, when the CNE had to deal with constants delays in the disbursement of funds to operate

¹⁶ The composition of the secretariat reflects the 2008 legislative election results: the president is from the PAIGC, the Executive Secretary from PRS and the Deputy Secretaries are PAIGC and PRS. The non permanent members are selected by their respective candidates, parties or institutions and have a mandate starting 90 days before election day and ending with the declaration of the final results. The date of the early presidential election was announced on March 31 but the non permanent members of the CNE did not start their duties until late May when the nomination process of the presidential candidates was finished.

and to organize the elections, this time it received all disbursements on time, including from the government, largely improving the administration of the election and considerably facilitating its operations. A direct allocation of funds as part of the government overall budget would give the CNE independence from the political actors in the Assembly, flexibility in its activities and financial guarantees for its operations. A strong international donor support to the electoral process, administered by the UNDP through an International Donor Basket Fund, was essential to guarantee that electoral process could be developed and implemented according to an electoral chronogram.

B. The Administration of the Election

The National Election Commission performed in a professional, independent and generally transparent manner. Despite logistical difficulties, and arrival one week before election day, electoral material was distributed on time to all nine regions of the country, and then to the 2,686 polling stations and mobile polling stations. The election cost of US\$4,965.709 (approximately €3.8 million, including €2.4 million from the European Union) for the two rounds was almost fully financed by international contributions and a small government funding. Portugal contributed with printing and delivery of sensitive and non-sensitive material at a cost of around €224,000. The prompt release of funds by international donors allowed the CNE to administer the process in an efficient and effective way.

The majority of the 13,420 election officials deployed across the nine regions of the country during the first round were again mobilized for the second round and trained on specific issues to overcome some shortcomings of the first round, like the proper sealing of ballot boxes and how to deal with early voting, two delicate issues brought to the attention of the electoral officials by the EU EOM in its first preliminary statement. The CNE decided to allow voters in Bolama-Bijagós, one of the 27 constituencies (*círculos eleitorais*), to vote in any island or polling station; it was an adequate solution in accordance with international good practices, although not fully according to the law¹⁷, to avoid impediments to voting and to reduce abstention. The highly mobile electoral population of the islands had already successfully experimented with free-place-polling during the first round, with voters' names check-marked later. The original initiative for the second round to send to each polling station the full voters' list for the constituency to facilitate the control of voters at that level was later reversed by a CNE plenary session, in which the PRS representative was absent. The polling stations received the respective list of voters, and votes of those voters not on the lists were placed in envelopes and sent to the CRE to be checked against the constituency list and eventually tabulated.

The CNE is generally well respected by Guineans and international stakeholders. The executive secretariat has shown determination to uphold electoral principles and effectively maintained transparency through all the process. Regardless the criticism as to the political affiliation of the secretariat, it is nonetheless a fact that it serves the purpose of "checks and balances" within the Commission, as main parties are bound to cooperate beyond their political agendas. Even so, several interlocutors expressed to the EU EOM a preference for a non-partisan Secretariat composition.

The Two Rounds

¹⁷ Each polling station has around 400 voters, and voters can only vote at the polling station where they were registered and only those voters whose names appear on the voters' list at the polling station are allowed to vote (Article 68/1).

Despite a tight timeframe, shortage of own resources and a new Executive Secretariat, the CNE was able to follow the established electoral calendar and both rounds of the presidential election cycle were conducted without any significant incident. The salary disputes followed by strikes or threats of strikes that have marred previous elections did not occur this time. Although the leadership of the CNE had no experience in electoral administration, the executive secretariat could rely on an experienced core group of staff in the different departments and in the different CREs as well. The international support was timely both regarding funding and human resources. UNDP had an advisory role with a team in Bissau working directly with the CNE and also one advisor (UNVs) at each CRE location during both rounds of elections.

The electoral preparations for the June 28 election followed the planned schedule and sensitive and non-sensitive materials were well on time sent to the CREs to be distributed to the polling stations. Candidates' delegates were trained in a three-day seminar promoted by the United Nations. However, there were some complaints regarding the training of the MAV members and allegations that the CREs were not always neutral when training the polling staff. Early voting took place in Bissau; the election law¹⁸ offers the possibility of early voting for military and security personnel, and workers in air or maritime transportation. Voting is held 72 hours before election day at the CREs, where voters have to justify the early voting and then receive a ballot, which is sealed in an envelope and sent to the respective polling station. The decision to conduct early voting came late and the CRE staff received insufficient training and information on early voting procedures. Despite the small number of voters (around 170 in the first round), the early voting process was not properly understood and carried out by the CRE of Bissau and it was later known that the ballot envelopes did not contain the information necessary and only very few early votes reached their destination.

Logistically, election day on June 28 passed without any major problems with all essential material distributed on time and with an acceptable number of polling staff members for the stations to open on time. However, the process left some lessons learned, especially in Bissau, where the lack of good organization during the tabulation phase slowed the process permeated by long and tense discussions among the members of the CRE. In other regions the process was generally orderly and smooth without significant problems and with good cooperation between the candidates' delegates and the CRE. The main problem, however, for polling station members and CRE staff was the tabulation procedures and filling the tallying sheets (*actas de apuramento*). The EU EOM and most of the observation missions also noted that ballot boxes in many polling stations were not properly sealed. As no challenges against the results were filed within 48 hours of the announcement of the preliminary results, the CNE was able to announce final results for the first round on July 4 and, according to the law, to set the election date for the second round within the 21 days timeframe, on 26 July.

The CNE took all reports of shortcomings and recommendations made by the EU EOM and other international observation missions after the first round in a very serious way. In a post-election evaluation of the first round among members of the CNE, CREs, civil society and UNDP technicians supporting the process, the group came up with a series of recommendations to improve procedures and operations. As result, the CNE issued clear guidelines for early voting, and issued detailed instructions for the members of the polling stations on the different procedures during election day, especially regarding the process of closing and counting of votes. Security measures for the second round were also enhanced with military and police personnel stationed close to the polling stations.

¹⁸ Article 53 in the Law for the Election of the President and the Popular National Assembly.

As in the first round, the logistical preparations for the second round started well in advance with distribution of electoral material to the CREs as soon as ballots and tallying sheets arrived in the country¹⁹. For other non-sensitive materials the CNE had a sufficient stock left from the first round. A total of 227 military personnel voted early in Bissau and this time the CRE was better prepared and the process did not hold back the preparations for election day on 26 July. However, two days before election day the CNE decided to make procedural changes, but the instructions were issued and sent too late to the regions for the information to reach all polling stations. Not all CREs received the new instructions on time and others did not distribute the instructions as they realized it was too late to reach all polling stations on time. Only the Bissau CRE made a serious attempt to distribute the instructions getting a mixed result with stations trying to apply the new procedures while others used the same methods as during the first round.

C. Voter and Civic Education

An intense civic and voter education campaign, involving the CNE, the media, civil society and international organizations, focused on motivating Guineans to vote and to reduce the first round high abstention rate (40 percent). The campaign also reminded voters on the election procedures, the importance of voting, voting rights and, above all, to accept the results. The conduct of a peaceful and nonviolent campaign and the acceptance of election results as a sign of democratic maturity were also repeated subjects during the campaign and part of a code of conduct signed by most candidates at the beginning of the electoral process. In line with the EU EOM's 2005 and 2008 recommendations the topic regarding the tendency of ethnic voting was touched upon by the various civic education campaigns. The CNE also decided not to use the country flag theme on its T-shirts and posters for the second round since they confused the voter with the colours of PAIGC. Also, the main objective of the campaigns was to motivate voters to vote through a plan of activities at regional level. The popular street theatre performances were carried out by the CNE in all regions, especially in the areas that registered higher abstention rates in the 28 June election.

VI. VOTER REGISTRATION

The electoral law on voter registration (Law 2/98) requires the update of the voters list on a yearly basis and allows for the permanent validity of the voter register. There was no update of the voters' list for the 28 June election, although voters were able to replace their voters' cards and change their addresses. Voter registration falls under the responsibility of the Ministry of Internal Administration, while overall supervision of the process lies with the National Election Commission. Within the ministry, it is up to the Secretariat for Territorial Administration and its Technical Cabinet for Electoral Support (GTAPE) to organize and implement voter registration activities. The ministry further delegates the implementation of the voter registration to the National Institute for Statistics and Census (INEC).

A. Replacement Cards

GTAPE and INEC issued copies of cards to a total of 13,022 voters during approximately 30 days in April and May. A total of 593,765 persons are eligible to vote, the same number registered for the 2008 legislative election. The number of polling stations, however, increased from 2,662 *mesas de assembleia de voto*, in 2008, to 2,686 to accommodate voters in remote areas and those who refuse to vote in *tabancas* housing other ethnic groups. The use of the 2008 voters' list was explained by the CNE as result of the short time to carry a full update of the register and the fact

¹⁹ As in the first round ballots and tallying sheets were printed in Portugal.

that the presidential election was being held less than a year after the legislative election. However, the unexpected issuing of replacement voters' cards also during the second round in the regions of Bafatá and Quinara prompted the CNE to warn that voters could only vote if their names were in the voters' register. The reaction came after the National Movement of the Civil Society for Peace, Democracy and Development (MCS) cautioned in a press statement that persons linked to PRS were issuing replacement cards. The Ministry of Territorial Administration, responsible for voter's registration activities under supervision of the CNE, said that local registration commissions were in fact issuing cards but that, under no circumstances, the number of voters would be changed. EU EOM observers reported that two persons in Bafatá were arrested accused of issuing and buying voters' cards.

VOTERS AND POLLING STATIONS BY REGION				
Regions	Registered Voters 2008 and 2009	Number of Polling Stations	Numbers of Electoral Circles	Number of Sectors
Tombali	35,705	198	2	5
Quinara	22,729	132	2	4
Oio	85,221	444	4	5
Biombo	39,150	183	2	4
Bolama Bijagós	15,634	74	1	7
Bafatá	78,023	395	3	6
Gabú	80,083	391	4	5
Cacheu	75,339	339	3	8
SAB	161,881	528	6	6
África			1	3
Europe			1	4
TOTAL	593,765	2,684	29	57

Source: National Election Commission (CNE), 2009

B. Voter Profile

While carrying on the voter registration in 2008, INEC collected information regarding the type of document used for registration and also recorded the gender and age of registrants. Guinean citizens are allowed to register by presenting a valid identity card, passport, birth certificate or other national document. The majority of rural population does not hold identity cards and is, therefore, allowed to register by presenting two witnesses. INEC statistical information showed that up to 73 percent of female registrants used witnesses for voter registration purposes compared to 55 percent for males. Regarding age groups, INEC revealed that out of the total registered population only 3.8 percent fell within the age group of 18 to 28 years. The largest registered age group was between 29 and 38 years with 39 percent, followed by 23 percent between 39 and 48 years. Registrants older than 49 years made up the remaining 32 percent. Both INEC and CNE were unable to come up with an explanation regarding the exceptionally low number of youngsters and first time voters in the 2008 voters' list. The poor and delicate situation of the country encouraging apathy and disinterest, the short period of time for registration, and the lack of an adequate information campaign might be the causes associated with such low percentage of youth participation. Further analyses on the reasons for such low participation should be part of the exercise when designing future civic and voter education campaigns.

VII. REGISTRATION OF CANDIDATES

A. Legal Requirements

The process of registration of a presidential candidate is regulated by the Law for the Election of the President and the Popular National Assembly (Law 3/98)²⁰ and the Constitution²¹. The requirements expressed in the legal documents are basic and acceptable according to international standards. The Constitution requires a presidential candidate to be at least 35 years of age, and hold citizenship by birth with both parents also citizens by birth. The election law requires that nomination papers to be submitted 60 days before the date of election to the president of the Supreme Court of Justice (*Supremo Tribunal de Justiça* -STJ). The documents required include the voter card, criminal record, and the candidate's and parents' birth certificate confirming the citizenship. In case the candidate or parents have no birth certificates, citizenship can be confirmed by three witnesses. Candidates can be nominated by registered political parties or by an association of citizens as an independent candidate. Independent candidates require 5,000 signatures from eligible voters with a minimum of 50 voters from at least 5 of the 9 regions.

Of the 20 requests of candidacies received by the Supreme Court, eight were rejected on May 13 due to irregularities in the presentation of party and personal documents and incompatibility²². One rejected candidate, Pedro Infanda, appealed and succeeded to reverse the decision being confirmed as a candidate on May 20 increasing the total number of candidates to 13²³. Pedro Infanda later withdrew his candidacy on June 8 alleging lack of personal security and general instability in the country. Two other well known candidates, Francisco Fadul and Aristides Gomes, also appealed the rejection of their candidacies but the STJ upheld its decision. One accepted candidate, Paulo Mendonça, filed a complaint against the acceptance of the candidacy of one of the front runners, Henrique Rosa, alleging that Henrique Rosa's father birth certificate had been issued in Lisbon. The STJ rejected the appeal arguing that it was a common practice for children born in the colonies to be registered in Lisbon. Witnesses also confirmed the father to have been born in Bafatá, although he also had the Portuguese nationality. In its rulings on candidacies, the STJ makes use of several instruments from the political party statutes to relevant laws such as Law on Citizenship (*Lei da Cidadania*), the Civil Code (*Código Civil*) and the Criminal Code (*Código Penal*).

CANDIDATES*	
1	BACIRO DABÓ: Independent
2	FRANCISCA “Zinha” VAZ TURPIN: <i>União Patriótica Guineense</i> - UPG
3	SERIFO BALDÉ: Partido Democrático Socialista para Salvação Guineense - PDSSG
4	PEDRO INFANDA: Liga de Protecção Ecológica - LIPE
5	AREGADO MANTENQUE TÉ: Partido dos Trabalhadores - PT
6	MALAM BACAI SANHÁ: Partido Africano para a Independência da Guiné e Cabo Verde - PAIGC
7	HENRIQUE PEREIRA ROSA: Independent

²⁰ Articles 105-108.

²¹ Article 63.

²² One candidate, Francisco Fadul, president of the Accounting Office (*Tribunal de Contas*) did not resign from his government post as required by law.

²³ He was rejected after the STJ regarded his application invalid since it was against the party statutes requiring party approval from the entire leadership. He succeeded in proving he had the required party support from the Ecological Protection League (*Liga de Protecção Ecológica* – LIPE).

8	LUÍS NANCASSA: Independent
9	KUMBA YALÁ: Partido da Renovação Social - PRS
10	JOÃO CARDOSO: Independent
11	MAMADÚ IAIA DJALÓ: Partido da Nova Democracia - PND
12	PAULO MENDONÇA: Independent
13	IBRAIMA DJALÓ: Independent
Source: CNE * Note: BACIRO DABÓ was killed on 5 June and PEDRO INFANDA withdrew his candidacy .	

B. Proliferation of Candidates

Out of the 11 candidates in the first round, three received 93.2 percent of the 337,957 valid votes: Malam Bacai Sanhá (39.59), Kumba Yalá (29.42) and Henrique Rosa (24.19). The other eight candidates shared 12,497 votes with one receiving less than a 1,000 (Paulo Mendonça, 949 votes). In order to avoid frivolous candidacies, and parties, the introduction of a system of fees, or deposits, and/or a higher number of signatures should be considered for future elections. This system could help limit the proliferation of political parties and candidates while affordable fees could be refunded if a candidate attains a certain proportion of valid votes (threshold).

VIII. ELECTION CAMPAIGN

A. Background

The human rights situation in Guinea Bissau is still problematic but citizens enjoyed their full civil and political rights, their rights to vote, to stand as candidates and their freedoms of association, of assembly and of expression. There were no cases observed or reported of flagrant intimidation of voters or limitations to the free movement of persons and of candidates. The police provided adequate protection of voters and candidates' delegates while campaigning and proved efficient when it was needed to separate supporters from different parties during rallies in the capital. Human rights become a problem, though, when involving certain other freedoms and guarantees; the judicial system is practically non-existent outside the capital, where in turn citizens have no trust in its functioning. Impunity is still at large for the perpetrators of crimes like the killings of officials and political actors, and drug trafficking. The killing of president "Nino" Vieira and of other well known political figures, like Baciro Dabó and Helder Proença, as well as arbitrary detention of persons, had no judicial follow up and some of them puzzled the population who is still waiting for arrests in the case of the killing of the president. The situation of the judiciary was characterized by the vice-president of the Guinean Human Rights League as dramatic and without a solution in sight. The League denounced abuses by the armed forces, arbitrary detentions in the border, women and children's abuses, and, above all, a historic interference of the security forces in the political life of the country. Also, economic and social rights are not respected; salaries are not paid on time or at all, union freedoms exist according to the sensibility of each government, and there are no water, sewage and electric systems in the country.

B. Overview of the First Round

The three-week long period of a timid electoral campaign started on 6 June and was conducted mostly in a peaceful and orderly way despite the violent incidents that preceded it and the raising negative tone during the last days of the campaign, when a few candidates started exchanging accusations about the responsibility for the current political and economic situation of the country. However, there were no incidents since the events of 5 June, and candidates were free to

hold rallies and meetings without limitations to their freedom of speech and movement, although some of them told the EU EOM they still felt intimidated by the those events. With the election drawing near, life in the capital returned to normal. Voters were also free to attend political rallies free of harassment and in a peaceful way. The EU EOM did not observe or received reports of major incidents involving electoral activities, besides minor cases of destruction of some campaign materials. The climate of insecurity and fear observed mainly in the capital, Bissau,



PRS candidate Kumba Yalá, (Photo: EU EOM)

may have contributed to the voters' apathy and lack of enthusiasm compared to past elections and to an increase in the level of abstention. However, it did not seem to have interfered with the campaign activities or limited the capacity of candidates to convey their messages and of voters to express their preferences.

The three main candidates (PAIGC's Malam Bacai Sanhá, PRS's Kumba Yalá and the independent Henrique Rosa) concentrated their campaign in trying to cover the nine electoral regions. The eight other candidates faced difficulties that limited their activities mainly to Bissau, and few extended their campaign to the interior; the reasons, as told to the EU EOM, going from personal incapacity to raise funds to the lack of financial support from the government. The campaign was based mostly on posters glued to the walls in the urban areas, and door-to-door campaigning seemed to be the favourite strategy of candidates. The EU EOM identified the lack of a level playing field, and the security conditions, as its main concerns during the electoral process²⁴. Besides the lack of financial means to carry out their campaigns, most of the candidates also denounced the use of state resources by the PAIGC candidate and his supporters. EU EOM observers received reports of official vehicles and boats being used by campaign supporters of the PAIGC candidate, including the prime minister in his travels to the regions. Gifting, or vote buying, was a commonly observed practice across the country. It is not unusual for candidates to offer gifts (rice, bicycles, zinc roof plates and other goods) to the chief of *tabancas*, a practice that also carries with it the availability of financial resources.

Candidates seemed to have generally observed their commitment to a Code of Conduct signed on 30 May 2009 by eight of the 11 contestants²⁵ in which they promised not to use violence or acts

²⁴ See the Chief Observer statement on 16 June 2009 at www.EU EOMgbissau.com.

²⁵ Among the three main candidates, only Henrique Rosa didn't sign the document, as well as Serifo Baldé, Aregado Manteque and Ibraima Djaló.

of intimidation by their supporters, improper language or make false or unsupported accusations during the electoral campaign. Some candidates heated up their campaigns during the last few days with accusations of wrongdoing and incompetence directed at the PAIGC. However, in general, the tone of the campaign has been positive with candidates concentrating their speeches on how they plan to bring stability and development to the country; a very different approach when compared to the 2008 legislative elections when they exchanged daily accusations of corruption and of links with drug trafficking. They also committed themselves to accept the results and, in case of disagreements, to resort to legal means.

C. Overview of the Second Round

The two-week electoral campaign for the second round was held in a peaceful manner despite being contaminated by persistent serious, inflammatory and unsupported accusations made by the PRS candidate against his adversary, who in turn seemed to freely capitalize on government officials and public activities and use of state resources to support his electoral objectives. During the campaign, the National Movement for the Civil Society expressed its concern with the PRS use of military issues in the campaign with the alleged objective of create fractures in the armed forces²⁶; it also called on the candidates to abstain from using state resources, especially vehicles. The use of the media for personal attacks did not contribute to the expected commitment to a national reconciliation. Also, the absence of a public debate between the two candidates diminished the opportunities for voters to be informed about the candidates programs and ideas. Candidates, however, were able to move freely across the country and to express their opinions without interference or intimidation.



PAIGC candidate Malam Bacai Sanhá, right, and Prime Minister Carlos Gomes Jr. (Photo: EU EOM)

The military limited their activities to supporting the electoral administration in securing the election material, after assuring publicly of the existence of sufficient security conditions for holding the elections and a peaceful environment. Voters, however, continued to show a general disinterest and lack of spontaneity during the electoral campaign; the shows of support to candidates and the parades of trucks and cars were limited and involved groups of militants of the main political parties, and rallies seemed to attract people more for the caps and t-shirts given

²⁶ A PRS official warned that Prime Minister Carlos Gomes Jr. was planning to fire the *balanta* top brass in the military if the PAIGC candidate was elected as new president. *Balanta* is Kumba Yala's ethnic group. The armed forces reacted requesting the candidates to avoid issues that might create tensions within the military.

away and musical shows than a real interest to hear the candidates. Moreover, the still tense situation stretching from the killings of 2 March and 5 June, the exchange of inflammatory accusations between the candidates and the perspective that either candidate would not easily accept defeat sent many residents out of the capital in search of safer places.



(Photo: EU EOM)

D. Campaign Finance

The candidates did not receive financial support from the government, thus creating an imbalance in the playing field in detriment of the smaller parties and independent candidates unable to match the organizational capacity and financial power of the most influential parties. The state, according to the Electoral Law (Article 47), determines the amount of its contribution to the political parties “in accordance to its possibilities.” Since the state is in a difficult financial situation, with many civil servants facing more than four months in salary arrears, there was no contribution to the political parties. The law forbids the direct financing of election campaigns by foreign governments or government institutions and allows contributions only from supporters, candidates and income from electoral activities. Therefore, only those candidates with better organizational structures and an established electorate had the financial capacity to promote a national election campaign, while the majority of the 11 candidates contesting the election were limited to regional activities, resorting often to different and less expensive strategies to motivate voters, like door-to-door campaigning instead of big rallies.

IX. MEDIA AND ELECTIONS

A. Media Environment

Since the approval of the Press Law in 1991 the media expanded in number of outlets and became more diversified with the proliferation of radio stations and newspapers, both in the private and public sectors. Radio is the main medium and is widely available and considered the most important source of news information. However, the persistent lack of technical and financial resources remains the main obstacle to an independent and impartial media, threatening the current general climate of freedom of press and expression. Professionalism and ethics in journalism is generally fair but remains vulnerable due to the reliance of journalists (public and

private) on logistical and financial support to cover the events. There were no major incidents reported or observed affecting the media's freedom to report on the campaign of the candidates, although some media faced harassment due to the publication of articles related to the 5 June killings and to an alleged coup d'état attempt²⁷.

Radio: The state-owned *Rádiodifusão Nacional* (RDN) is the only radio station with actual national coverage. The main private radios *Bombolom* and *Galáxia de Pindjiguiti* have limited geographical reach but gained solid credibility and popularity since their creation in the nineties; the Catholic Church radio station *Sol Mansi* has a wider regional coverage reaching as far as the remote areas of the north of the country; also the Protestant Church radio *Rádio Nossa* (from *Igreja Universal do Reino de Deus*), established in 2004, has been growing in terms of geographical reach. In the rural areas people rely mostly on the community radios for information.

Community radios and TV stations: There is an increasing number of community and local radio stations throughout the country broadcasting in Portuguese, Creole and in local languages. The network of community radios was launched in 1994 by the local NGO *Acção para o Desenvolvimento* (AD). Most of the community radios were established afterwards by local and international NGOs to promote local development projects and are generally financed by international donors. Currently, there are 28 community radios and three community television stations members of the Guinea Bissau National Network of Community Radios (*Rede Nacional das Rádios Comunitárias da Guiné-Bissau – RENARC*).

Newspapers: The print media is also diverse with seven newspapers; most of the titles are privately owned (*Bantaba di Nobas*, *Diário de Bissau*, *Gazeta de Notícias*, *Kansaré* and *Última Hora*); and there are two state-owned publications, *Nô Pintcha*, founded in 1975, and the Ministry of Defense gazette *O Defensor*. The state newspaper *Nô Pintcha* is published on a weekly basis, while private newspapers tend to publish sporadically because of financial constraints. The distribution is limited mostly to the capital, Bissau, though the state newspaper *Nô Pintcha* has distribution centres in the main regional capitals.

Television and News Agency: The state also runs the only nation-wide television station in the country, *Televisão da Guiné-Bissau* (TGB), and the news agency *Agência de Notícias da Guiné-Bissau* (ANG), but both face serious technical and financial difficulties. TGB was off air the entire electoral campaign period due to technical reasons. However, and thanks to the Portuguese state-owned television station for Africa (*Rádio e Televisão de Portugal – RTP África*), TGB was able to offer free airtime to the candidates and coverage of both rounds of the presidential elections through a two-hour free signal relayed by RTP África. The state news agency ANG, although maintaining an office and a core group of journalists, has lost its importance as a source of information with the expansion of the private and community radios which are locally based or have a network of stringers reporting directly from the field. Some of the ANG journalists are

²⁷ On 17 June the director of the newspaper *Diário de Bissau* was called by the State Intelligence Services (*Serviços de Informação do Estado – SIE*) to explain the publication on that same day of “non official” versions about the killings of Baciro Dabó and Helder Proença. Also the director of the private radio *Galáxia de Pindjiguiti* and stringer for *Voice of America* (VOA) was called on 15 June by the Deputy Attorney General to explain before the regional court of Bissau the broadcasting of a piece of news (released on 22 May) related to the alleged involvement of politicians and military in a coup d'état attempt to abort the 28 June election.

currently also working as stringers for the main international media or have established their own private newspapers.

Internet and International Media: Internet access is unrestricted. A group of Guinean journalists has recently created a blog (*Nobas di Eleiçon*) dedicated to the elections, with support from the European Union. A newspaper (*Kansaré*) is available on the internet but it is not regularly updated. Internet access is still out of reach to many Guineans living in the urban areas due to financial constraints and the permanent power outage. Some major international media have a permanent office in Bissau (*Rádio e Televisão de Portugal – RTP África* and *LUSA News Agency*) while others are represented by local stringers (*BBC, Radio France Internationale - RFI, Reuters, Voice of America – VOA; Deutsche Welle – DW, Rádiodifusão Portuguesa - RDP*).

B. Legal Framework

Freedom of press was generally respected²⁸ during the campaign period for both of the two rounds of the early presidential elections in line with Guinean Bissau national and international principles of freedom of expression²⁹. The rights and responsibilities of the media are specified in the Guinean legal framework which reflects general principles of freedom of the press. The Guinean media are regulated by the instruments in the Constitution, the Press Law, the Electoral Law and by specific recommendations and guidelines for media coverage of the election published by the press regulatory agency, the National Council of Social Communication, or *Conselho Nacional de Comunicação Social* (CNCS). Article 56 of the Constitution guarantees freedom of the press, and stresses that state media must be independent from economic and political powers. The 1991 Press Law (Law 4/91) provides for freedom of the press and freedom of speech, guarantees creation of media institutions and states the independence and pluralism of state media. The Press Law also contains provisions for the protection of journalists including a prohibition on censorship, the right to access to the official sources of information and the right to protect sources.

The Press Law does not explicitly mention the community radios and TV stations because they were established after the publication of the Press Law and the Electoral Law. However, the existing legal framework also does not exclude them, therefore community radios and TVs should abide by the rights and responsibilities established in those legal instruments. Still there is no specific law on community radios and televisions and many of the community radios stations are not licensed by the Guinea Bissau Broadcasting regulator (*Instituto das Comunicações da Guiné-Bissau - ICGB*). Their statutes, though, are being discussed —lacking so far a consensus— in RENARC, organization whose own statutes contain provisions for the definition of community radios³⁰ and its promotion as an alternative source of information.

²⁸ Guinea-Bissau is described as having one of the most pluralistic media landscape in the region, surrounded as it is by countries with limited media freedom. Guinea-Bissau was ranked 81st out of 173 countries in *Reporters Without Borders Press Freedom Index 2008*, compared to Senegal in 86th, Guinea Conakry in 99th and Gambia in 137th.

²⁹ United Nations Declaration of Human Rights, 1948, Article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and seek, receive and impart information and ideas through any media and regardless frontiers".

³⁰ In the statutes of Guinea Bissau National Network of Community Radios (*Rede Nacional das Rádios Comunitárias da Guiné-Bissau – RENARC*) community radio stations are defined as non-profit, community-based broadcasters created to offer community service to the population of a certain area and to promote community participation and freedom of expression.

The rights and responsibilities of the media during the elections are set out in the Electoral Law. Article 37 establishes the right of political parties and candidates to access to free airtime on radio and television, during the entire campaign period (Radio: 10 minutes for each candidate, TV: five minutes for each). The order of airing free airtime programs (*Tempo de Antena*) is set by a draw conducted by the CNE one week before the start of the campaign period. The line-up order changes on daily basis allowing political parties and candidates to have different timetables each day. Equal treatment to all political parties and candidates is ensured by Article 39 of the Press Law, while Article 45 prohibits political propaganda on private media during the campaign period; Article 33 prohibits publication of opinion polls or *sondagens* during the campaign period and until one day after polling day and Article 34 prohibits diffusion of defamation, calumnies, calls to disorder or insurrection and calls to hate, violence or war.

The legal framework (Law 6/91) also regulates the competences of the press regulatory agency, the National Council of Social Communication (CNCS). The CNCS is an independent body, functioning in and funded by the Popular National Assembly. The CNCS is composed of nine members³¹ with a four-year mandate. It was created to ensure rights of information, freedom of the press, the independence and the pluralism of the media and the right of political parties and candidates to access free airtime as well as to make recommendations on the media licensing requests to the Guinea Bissau broadcasting regulator (*Instituto das Comunicações da Guiné-Bissau* - ICGB). The main role of CNCS is to mediate on media conflicts and make recommendations with regard to its competences. Decisions taken by the CNCS are not binding, except decisions with regard to complaints and conflicts related to access to free airtime by political parties and candidates as well as the decisions related to the right of rebuttal (*direito de resposta*).

A commission to create the Guinea Bissau Observatory for Freedom of Press and Journalistic Ethics (*Observatório da Liberdade de Imprensa e da Ética Jornalística da Guiné-Bissau - OLIEJ*) was established to discuss the Observatory statutes; the Observatory aims to assess the freedom of the press situation in Guinea Bissau and to ensure media freedom, independence and professionalism. The Observatory is to be formed by representatives of the civil society and members of the journalists union (*Sindicato de Jornalistas e Técnicos de Comunicação Social da Guiné-Bissau* – SINJOTECS), as well as by representatives of the national media. The commission, however, suspended its work before reaching a consensus with regard to the statutory provisions to install the Observatory.

C. Monitoring of the Electoral Coverage

Print and electronic media, public and private, provided extensive coverage of both rounds of the presidential election throughout the monitoring period, despite the serious technical and financial difficulties, and kept the citizens well informed about the process, especially in the capital city. For the second round of the elections the media in general tried to intensify coverage of the two contestants promoting debates and interviews with the candidates, their wives and high ranking party members. The state newspaper *Nô Pintcha* published interviews with both candidates, while the private radio *Sol Mansi* broadcasted an interview with the wife of PRS candidate, Elisabeth

³¹ A magistrate nominated by the Supreme Court of Justice (*Supremo Tribunal de Justiça*), three ANP elected members, two members appointed by the Head of the State, one journalist named by the Journalists' Association and two representatives of a private and a public media outlet.

Yalá. RTP África tried to organize a debate between Malam Bacai Sanhá and Kumba Yalá, which was accepted by the PRS candidate but not by the PAIGC contestant³².

Public and private radio played an important role by airing CNE-produced voter and civic education programs, contributing, in the second round, to try to reduce the abstention rate registered in the first round. In the rural areas, community radios played an essential role by disseminating information on the electoral process in coordination with the Regional Election Commissions (CREs). The media also gave a crucial contribution to the transparency of the electoral process by broadcasting the announcement of results by the CNE and contributing to maintain the peaceful environment by airing the defeated presidential candidate statement accepting the results³³, as well as the appeal from both candidates to their respective supporters to observe moderation in their displays of joy or frustration. These statements were repeatedly broadcasted contributing to keep the public informed, calm and tranquil with regard to the post-electoral process, where all attention and concerns were directed.

The level of professionalism in journalism is generally fair but remains vulnerable. Campaign periods are perceived as an opportunity for the media and journalists to increase their revenues, especially those working for the state-owned media with unpaid salaries for several months. It is common practice to expect from the political candidates to pay an established fee to compensate the journalists' expenses related to the media coverage of the campaign events. Some journalists were also alleged to supplement their incomes by acquiring extra sponsorship of articles related to the campaign. In the case of the community radios, the journalistic impartiality and ethics is always questioned due to, on one hand, the lack of training of the young journalists and of financial means and, on the other, the general perception as a media sector not abiding by any kind of regulation. Community radios do not follow a clear pattern when it comes to financing their radio operations; they depend mostly on donations that are not controlled by any entity. At the time of the campaign period for the first round some community radios were said to operate and cover the election campaign with funds received from political parties and candidates.

A financial contribution of around €15.500 fund from UNOGBIS helped the media to cover both rounds of the electoral campaign and sponsored a two-day seminar for journalists on electoral coverage and ethics. The funds were also used to provide equipment and cash for purchase of fuel to private, public and community media. The state-owned television TGB received a cash contribution and the CNE paid for the airing of voter and civic education programs³⁴. Newspapers also participated in the campaign by disseminating voter and civic education activities and election information.

The initiative of the community radio *Voz de Quelelé* to broadcast partial results during the first round —an action reproached by CNE— led to a debate between journalists, the journalists'

³² In the 2000 election, a debate between the same two candidates became a harsh exchange of personal accusations instead of political issues, experience that the PAIGC's candidate would probably not be interested in repeating.

³³ The PRS's candidate Kumba Yalá announced his acceptance of the results at a press conference organized immediately after the announcement of the provisional results by the CNE, on 29 July 2009, saying that "as democrats we have to recognize the victory of our adversary and felicitate him."

³⁴ The CNE selection of the media was based on criteria such as geographical reach, audience ratings and ethnic targeting; and included the state-owned radio station *Rádiodifusão Nacional (RDN)*, four private radios (*Rádio Bombolom*, *Galáxia de Pindjiguiti*, *Nossa* and *Sol Mansi*), community radios and one television (*Televisão da Guiné-Bissau - TGB*).

union and the press regulatory body (CNCS) about whether or not provisional results posted at *mesa de assembleia de voto* level could be published and broadcasted by the media, namely radio stations, during and after the election day, considering that the law does not explicitly forbids such announcements. The law states clearly, however, that opinion polls and projections of results are prohibited. After a plenary session, on 22 July, CNCS issued a recommendation advising the media to abstain from commenting on the provisional results published at *mesa de assembleia de voto* level, even if not forbidden by law. The CNCS made the recommendation based on what it called the fragility of democracy and social peace prevailing in the country. The electronic media seemed to have generally accepted the recommendation and abstained from publicizing results during the second round. However, the same community radio, *Voz de Quelelé*, allegedly broadcasted the results as they were being posted at the polling stations in the capital.

An UNOGBIS-funded Media Supervisor Group which also monitored the media during the first round of the elections considered that public and private media offered in general a fair coverage of the process, despite of lack of resources. The findings of the group, composed by members of UNOGBIS, CNCS, SINJOTECS and civil society (*Liga Guineense de Direitos Humanos – LGDH* or Guinean League for Human Rights), generally matched with the results of EU EOM media monitoring unit.

D. EU EOM Media Monitoring

The EU EOM media monitoring unit³⁵ covered a set of public and private broadcast and print media. Radios were monitored from 07.00 hours to 24.00 hours and TV during the broadcasting period between 20.00 hours and 24.00 hours. Each medium was assessed for the amount of time and space devoted to the candidates, the government and to voter education as well as the quality of the coverage (negative, neutral or positive). Results were collected from recordings of television and radio and copies of newspapers.

In the first round of the elections, the public and private media covered the electoral process in a generally neutral tone although with different levels of balance among the three most influential candidates. All eleven candidates had free access to state radio *Rádiodifusão Nacional – RDN* and the state television *Televisão da Guiné-Bissau – TGB*, fulfilling the election regulations. RDN started airing daily free airtime programs to candidates (*Tempo de Antena*) from the date the interim president, Raimundo Pereira, confirmed 28 June as election day, while TGB started airing free airtime six days later when it started to relay its signal through RTP África.

Publishing or broadcasting electoral propaganda on private media during the campaign period is prohibited by law (Article 45 of the Electoral Law); however, private media outlets broadcasted and published paid airtime either disguised as hard news (*Especial Eleições/ Magazine Informativo / Jornal Eleitoral* or Special) or overtly as official information (*Comunicados* or Press Releases). During the first round of the elections *Rádio Bombolom* and *Rádio Galáxia de Pindjiguiti* aired on 25 June a political ad of candidate Malam Bacai Sanhá.

³⁵ From 10 to 26 June and from 10 to 24 July 2009, time periods that corresponds to both rounds of the electoral campaign calendar, the EU EOM monitored a cross section of media outlets. The media included one television (the state-owned *Televisão da Guiné-Bissau – TGB*), five Bissau based radios (the state-owned *Rádiodifusão Nacional – RDN*, private radios *Bombolom*, *Galáxia de Pindjiguiti*, *Sol Mansi* and community radio *Rádio Jovem*) and five newspapers (the state-owned *Nô Pintcha*, and private *Gazeta de Notícias*, *Diário de Bissau*, *Kansaré* and *Última Hora*).

During the second round, the electronic public media reversed its reasonably balanced coverage registered during the first round and openly favoured the official party candidate, Malam Bacai Sanhá, in a violation of the legal requirement for equal access to all candidates. TGB devoted 33 percent of its news programming, *Telejornal*, to the PAIGC candidate while giving 16 percent to his adversary, Kumba Yalá.

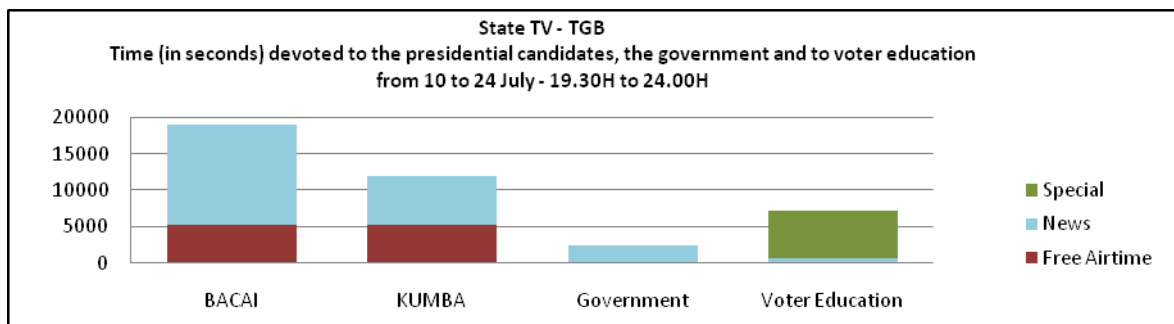


Chart 1

The same bias was recorded in the coverage by the national public radio, *Rádiodifusão Nacional* (RDN) where Malam Bacai Sanhá received 42 percent of the total airtime of its news programs against 18 percent given to the PRS candidate. The two candidates, though, shared equal free airtime in the state-owned media; the tone used remained neutral.

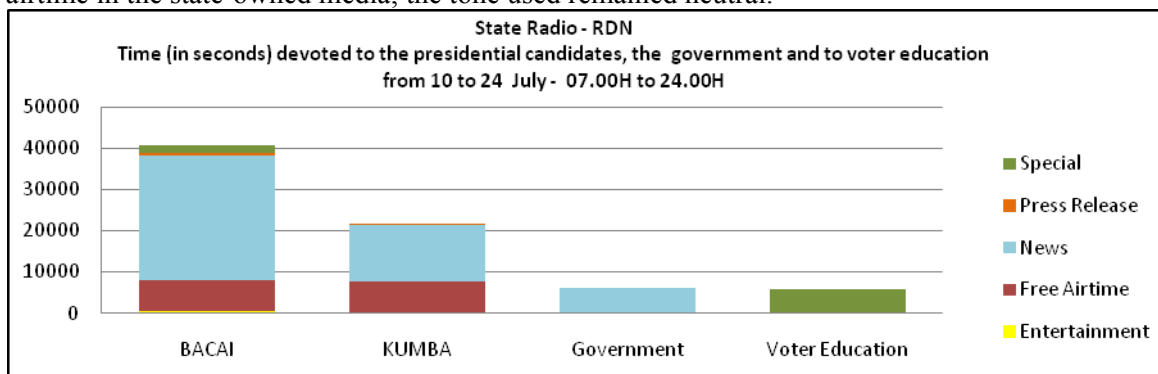


Chart 2

However, the state-owned newspaper *Nô Pintcha* showed professionalism by balancing and using a neutral tone in its reporting of the two candidates during the entire campaign, and keeping its readers well informed about the electoral process.

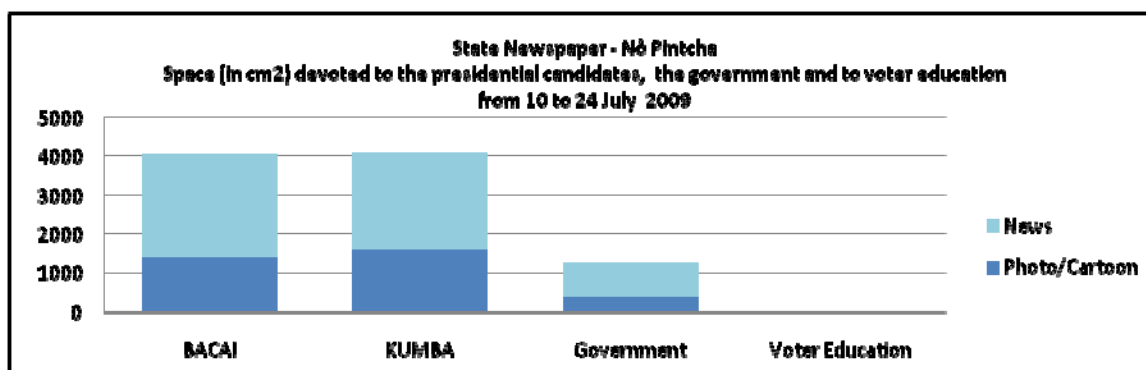


Chart 3

Private media provided a wide range of information, using most of the time a neutral tone, and managed to keep voters informed about the electoral process, reaching a greater balance than in the first round. The main private radios showed balance in their coverage although *Bombolom* devoted more time to the PRS candidate while *Galáxia de Pindjiguiti* to PAIGC's.

X. GENDER

A. Legal Framework and Rights Promotion

The Guinean legal framework provides for civic and political freedoms and access to participation in all aspects of public life, as well as equal rights and opportunities for women and men in regard to elections. Women comprise 53 percent of the total registered electorate; the adult female illiteracy rate is above 70 percent. Women face significant traditional and social discrimination, and the female members of certain ethnic groups can't own or manage land or inherit property. Domestic violence against women is common, and female genital mutilation is widespread. Having less access to education and being more likely to live in poverty than men, women are undoubtedly politically disadvantaged when it comes to be supported by political parties, included in party lists or participate in the political decision making structure.

Gender equality and promotion of women rights are some of the priorities proposed by the cooperation program between UNFPA (United Nations Population Fund) and the government of Guinea Bissau, through the Ministry of Woman, Family, Social Cohesion and Fight against Poverty (*Ministério da Mulher, Família, Coesão Social e Luta Contra a Pobreza*) and the Women and Children Institute (*Instituto da Mulher e da Criança – IMC*). Among other goals, the program targets the effective implementation of the legal and social protection policies and instruments for the promotion of gender and human rights equality and equity, which comprises a legal framework for the rights of the women adjusted to the international conventions³⁶ and to the national emergencies, as well as the reinforcement of the institutional capacities. The IMC has been supporting the Guinea Bissau Women's Political Platform (*Plataforma Política das Mulheres da Guiné-Bissau*) in its activities to promote women's rights and the encouragement of female participation in the political life of the country within the strategy to reinforce the institutional capacities. Moreover, a package of laws proposals and its discussion at the Popular National Assembly (ANP) are under preparation; the package comprises laws on violence against women (including legislation for the abandonment of female genital mutilation), reproductive health and traffic in human beings. At the same time, the IMC is preparing a National Policy for the Gender Equality and Equity (*Política Nacional de Igualdade e Equidade de Género*) with the support of the United Nations System in Guinea-Bissau (UNDP, UNFPA, UNOGBIS and UNICEF).

The Guinea Bissau Women's Political Platform (*Plataforma Política das Mulheres da Guiné-Bissau*)³⁷, which during the past legislative election was active in promoting quotas for women in the ANP and an increasing participation of women in the Guinean political life; in this presidential election it focused its activities on voter education and on monitoring the presidential candidates' speeches. With the support of international donors (the Swiss cooperation and

³⁶ Convention on the Elimination of all Forms of Discrimination Against Women – CEDAW.

³⁷ Guinea Bissau Women's Political Platform (*Plataforma Política das Mulheres da Guiné-Bissau*) was created in November 2008 with the support of the Network for Women of the Parliament Forum of the Community of Portuguese Speaking Countries, the United Nations System in Guinea-Bissau and civil society and constitutes a channel for the defense and the promotion of women's rights and the encouragement of female participation in the political decision making process.

development organization Swissaid), the Women’s Political Platform, during the first round of the elections, accompanied each of the eleven presidential candidates in their campaign activities in order to monitor whether or not gender issues were included in the candidates speeches, discussions or political programs. During the second round, the Platform had the intention to interview both candidates about their respective gender agenda, which would be aired on the radio and TV, but the project did not materialize. Nevertheless, the Guinea Bissau Women’s Political Platform was active carrying out voter education activities during both rounds of elections aiming to contribute to decrease the abstention rate in the second round of the presidential election. The Women’s Political Platform deployed 40 civic animators across the country to reinforce the CNE voter education messages appealing to the participation of the voters, men and women.

B. Women as Candidates and Participation

For the early presidential election only one woman, Francisca “Zinha” Vaz Turpin, ran for president among the other 10 male candidates. She was a member of the ANP (1994-1998) for the Guinea Bissau Resistance –Bafatá Movement (RGB – MB) and president of the Municipal Chamber of Bissau. During the government of Kumba Yalá (2000–2003) she was a political advisor with cabinet rank and founded the Guinean Patriotic Union (UPG).

As for female participation in the electoral process, EU EOM observers noticed a massive presence of women during rallies and political meetings in the regions, where they were however poorly represented in the Regional Election Commissions (*Comissões Regionais de Eleições – CREs*) and among local electoral administration officials. A positive development during the two rounds was the strong presence of women as members of polling stations’ staff, in many cases as head of the polling officials. However, women continue to have a modest presence in the government — five women among 22 ministers —and are practically absent in the higher echelons of the electoral administration; the CNE secretariat has no female members and just one woman is among the non-permanent members of the CNE plenary. The electoral campaign rallies for the second round saw the constant and active presence of the defeated presidential candidate, Francisca Vaz Turpin, who offered her support to PAIGC’s candidate, Malam Bacai Sanhá.

XI. CIVIL SOCIETY

Civil society had an active role in the electoral process, despite its financial and legal limitations to following it properly. The election law on observation only provides for international observers and political parties and candidates’ delegates to observe the election process but does not allow domestic observation. Despite this restriction on domestic observation, civil society organizations have developed a positive and pro-active attitude towards supporting actions to reduce instances of violence or of lack of material during the election period. Also, different groups organized informal monitoring teams in support of the election administration by voluntarily offering to pass on information regarding potential shortcomings involving distribution of materials or instances of tension or disturbances during election day. Civil society groups, in cooperation with local authorities and the CNE, organized civic education programs, which undoubtedly facilitated the dissemination of a message of tranquillity, order and peace regarding the campaign period, the poll and the post electoral period. An initiative of the Civil Society Movement (*Movimento da Sociedade Civil - MSC*) aiming at a peaceful and transparent presidential poll culminated with the signing by almost all candidates of a Code of Conduct. The code was based on the ethics norms established in the electoral law which calls candidates to abstain from defamatory declarations and inciting violence, refrain from disorderly conduct and, above all, accept the official results.

XII. ELECTION DAY

A. Opening and Voting

First Round: The election was held in a peaceful and orderly manner, and there were no significant irregularities or incidents observed or reported to the EU EOM observers. The presence of candidates' delegates at all polling stations contributed to the transparency of the process. The EU EOM observed 83 polling stations in the urban and rural zones of 18 of the 27 constituencies (*círculos eleitorais*) in eight of the nine regions of the country. EU EOM observers evaluated the process as good or satisfactory³⁸ in 98 percent of observed polling stations. Voting activities started at 07:00 hours and were conducted in a calm, orderly manner, without tensions, although with a lower turnout compared to the 2008 legislative election, estimated between 57 and 65 per cent (it was officially 60 percent) in the polling stations visited by the EU EOM observers. The polling stations generally opened on time and the lack of election material in a few polling stations was not a major problem. There were no complaints lodged in the polling stations visited. Secrecy of the vote was respected in all polling stations observed, with few exceptions due to the positioning of the booth. Polling staff generally followed voting procedures (checking for inked finger, entry of voters' numbers, punching of voters' cards, inking of fingers) but in almost half of the polling stations observed the ballot boxes were not properly sealed. There was some confusion about the sealing of the ballot boxes and in some cases polling officials thought the boxes should be sealed at closing of voting; however, the presence of candidates' delegates avoided any possible irregularities or tampering with the boxes. Security in the polling stations was lax since in more than 25 percent of the *mesas de assembleias de voto* (MAVs) observed there were no civil security agents. However, there were no incidents or cases of intimidation observed or reported to the EU EOM. Women, who comprise more than half of the electorate, had a strong participation in voting and in the polling stations; more than 40 percent of the members of the staff of the polling stations visited by the EU EOM were women, although few were presiding the MAVs.



(Photo: EU EOM)

Second Round: As in the first round, election day was largely peaceful and orderly. No cases of intimidation were reported and all polling stations observed were operational within an hour of opening time. Electoral material was delivered on time to polling stations in all nine regions and was complete in 97 percent of the polling stations observed by the EU EOM, against 92 percent in the first round, reflecting the efforts by the CNE and CREs to improve the distribution and

³⁸ Ratings were poor, satisfactory and good.

delivery of materials. There were no campaign activities inside or outside the polling stations, although some statements by the candidates and other party officials during the day might be interpreted as directed to encourage people to vote for a specific candidate. Candidates' representatives were present in all 107 polling stations visited by the EU observers during the different stages of the election, and no complaints were submitted at those polling stations.

Another positive indication of the CNE and CREs efforts to improve the election administration was the assessment by the EU EOM observers of the overall process on election day as good in 75 percent of the cases, against 52 percent in the first round, and satisfactory in 22 percent (44 percent) of the polling stations visited. Also, the problems with sealing of ballot boxes as stressed by the EU EOM during the first round seemed to have been adequately addressed if measured by the 90 per cent (53 percent in the first round) of boxes properly sealed during the second round. There were no problems observed or reported in relation to the conduct of the security forces, police and military, although in 30 percent of the polling stations visited by the EU observers there were no security agents (*agente de protecção*) present.



Voters tried to clean the indelible ink. (Photo: EU EOM)

The voting cycle, from the arrival of voters at the polling stations through the return of his/her punched voting card, was carried out without incidents in the polling stations observed. However, there were some minor incidents and irregularities: in Bissau (constituency 27) a person tried to vote with someone else's voter card³⁹; in Quinara, the president of a polling station was harassed by some people; a voter with a voter card without number tried to vote in constituency 29, Bissau; two persons voted with voters' cards belonging to other voters in Bambadinca, Bafatá, and were taken by the police, and a polling station in Fulacunda, Quinara, closed two hours earlier, at 15:00 hours, with the agreement of the candidates' representative and the local CRE. The PRS representative to the CNE also complained that two voters in constituencies 24 and 25, Bissau, tried to vote but were told that someone had already voted for them; the EU EOM confirmed both cases at the polling stations.

B. Closing and Counting

³⁹ Voting was halted for some time until the CNE president ordered to resume it and the person turned to the police.

First Round: Polling stations closed at 17:00 hours in the same quiet and orderly atmosphere observed during the day, and voters could freely exercise their franchise. EU EOM observers rated the closing and counting procedures as satisfactory or good in 95 percent of the polling stations visited. In 90 percent of the cases the number of ballots matched with the total number of voters checked in the registry and/or entered in the manual voters' list. Although counting was carried out according to established procedures in the polling stations observed, there were minor inconsistencies in the closing procedures in 12 percent of the *assembleias de voto* visited: spoiled or contested ballots were not put in the envelopes, manual voters' lists were not closed and signed by the polling staff and parties' delegates, number of voters checked in the registry did not match number on the manual voters' list, and sensitive materials were not properly packaged for transport to the Regional Election Commissions (CREs). Candidates' delegates were present in all polling stations contributing to a higher transparency of the process. Delegates signed the tallying sheets, or *Actas de Apuramento*, in all polling stations observed by the EU EOM and also received a copy of the *Acta Síntese*, which was in turn posted at the premises of the polling station. There were no complaints formally filed during the closing and counting process. International observers were present in 20 percent of the polling stations visited. The EU EOM observed the consolidation of results at CRE and CNE levels as well as the official announcement of the results.



(Photo: EU EOM)

Second Round: Most polling stations closed on time, at 17:00 hours. Counting was assessed as “good” or “satisfactory” in all polling stations visited by the EU EOM and all complied with closing and counting procedures. No major problems in the counting and reconciliation in the polling stations visited were reported or observed, although in one of them the total of ballots didn't match the number of voters in the manual list, where each voter is check-marked. There were no complaints filed, and candidates' representatives were present during closing and counting at all polling stations visited by the EU EOM. The results were signed by all candidates' delegates in the polling stations observed, and all were given a copy of the results (*acta síntese*). The sensitive materials were properly packaged for transport to the CREs in 88 percent of the polling stations observed, where the results were immediately publicly posted once the count had been completed. The EU EOM also observed the tabulation of votes at CRE level and the formal announcement of the results by the CNE.

XIII. RESULTS

A. Aggregation

The aggregation of results at Regional Election Commission (CRE) level consisted first of the verification of polling station tally sheets and the total numbers of voters in a particular constituency and of votes won by each candidate⁴⁰. Polling station results were then entered and digitally aggregated on an Excel sheet program by a CNE IT expert. Political parties and coalitions were invited to send their own experts to monitor the process. In general, the CREs received the blank, invalid, contested and valid ballots in proper sealed envelopes, in addition to the voters' lists, polling station documents and copies of tallying sheets, both the *acta de apuramento* (polling station results sheet) and the *acta síntese* (polling station results sheets for candidates' delegates). These had to be duly signed by all polling staff members and delegates' representatives to be considered valid.

The CRE plenary deliberates and decides on all matters pertaining to the regional aggregation process. Therefore, protests and complaints submitted by party delegates to the CRE are decided at regional level. Decisions in the plenary are taken by consensus contributing to the transparency of the overall process. In general, the CREs plenary activities were carried out swiftly with the first results in the second round being finalized hours after closing of the polling stations. CRE presidents showed flexibility and creativity in solving problems sometimes breaching the electoral law as was the case in the islands of Bolama-Bijagós. The absence of clear procedures in both the electoral law and the CNE's polling stations manuals regarding the tabulation process added to certain confusion. Particularly, the tabulation of transferred votes was in violation of the election law, although no candidates' delegates have filed written or verbal complaints. Party delegates demonstrated good knowledge of the electoral framework and procedures.



CNE president, Desejado Lima da Costa, announces the final results.
(Photo: EU EOM)

⁴⁰ Articles 85 and 86, Electoral Law 3/98 on Constituency Tabulation.

The shortcomings notwithstanding, the results aggregation process was rated by the EU EOM as ‘good’ or ‘satisfactory’ in 100 percent of observed polling stations. In 57 percent of observed aggregations, polling station results were being altered at the CRE level, although it was always observed to be due to procedural errors. No significant irregularities were detected by EU EOM observers in the observed aggregation processes. No formal complaints were filed by CRE members or candidates’ representatives about the aggregation process. In fact, the presence of political party representatives generally contributed to the overall transparency of the process. There were no unauthorized people present in the observed CREs. Also, only 14 percent of the CRE plenary members were women, indicating again that while women had a higher presence among polling station staff and the general electorate they had less presence within political party structures.

B. Provisional and Final Results

Provisional election results for the first round were announced by the CNE on 2 July 2009 while final results were officially announced two days later. For the second round, the counting and aggregation processes were quicker and the CNE announced the provisional results three days after the election and, in the absence of complaints, the final results 48 hours after on 1 August 2009. This was in conformity with the Election Law which stipulates that results must be announced at the national level in a 7 to 10 day period following celebration of elections⁴¹. Results were widely publicized in the media while the printed media. Within the following 48 hours of the official announcement of results, the CNE shall also complete a comprehensive results map to be published in the official gazette (*Boletim Oficial*)⁴².

In the first round, three of the 11 candidates shared more than 93 percent of the votes: PAIGC’s Malam Bacai Sanhá (39.59), PRS’ Kumba Yalá 29.42) and independent Henrique Rosa (24.19). Null and blank votes were more than 5 percent of the total votes, what was considered as a reaction and protest vote to the killings of the two members of ANP, one of them a presidential candidate.

FIRST ROUND RESULTS		
CANDIDATES	TOTAL VOTES	%
Baciro Dabó	0	0.00
Francisca Vaz Turpin	1.219	0.36
Serifo Baldé	1.794	0.53
Pedro Infanda	0	0.00
Aregado Manteque Té	1.736	0.51
Malam Bacai Sanhá	133.786	39.59
Henrique Pereira Rosa	81.751	24.19
Luis Nancassa	1.195	0.35
Kumba Yalá	99.428	29.42
João Cardoso	4.115	1.22

⁴¹ Article 96, Electoral Law 3/98, on the publication of national election results.

⁴² Article 99, Electoral Law 3/98, on the official elections results map which should include: i) total number of registered voters, ii) total number of cast ballots, iii) number of votes and percentage attributed to each party or coalition, iv) and the name of elected candidates.

Mamadu Iaiá Djaló	10.495	3.11
Paulo Mendonça	949	0.28
Ibraima Djaló	1.489	0.44
VALID VOTES	337.957	
BLANK	5.295	
NULL	12.717	
DISPUTED	371	
NO. OF VOTERS	356.340	
TOTAL VOTERS	593.765	
PARTICIPATION		60.00
ABSTENTION		40.00

Malam Bacai Sanhá was the winner of the second round election and is to be the seventh president of Guinea Bissau on 8 September 2009. The candidate of the African Party for the Independence of Guinea and Cape Verde (PAIGC) won comfortably receiving 63.31 percent of the 362.736 votes cast, against 36.69 percent given to his opponent, Kumba Yalá, running for the Party for Social Renovation (PRS). Kumba Yalá accepted his defeat hours after the announcement of the provisional results, easing the tensions among those who thought he would dispute the counting and send his supporters to the street as he did in the presidential election of 2005. Two days before the second round election, Yalá and Bacai Sanhá signed an UN-African Union sponsored memorandum of understanding committing the two candidates to accept the results. Rumours that some type of financial settlement was also part of the agreement were strongly denied by the promoters of the memorandum. The official final results were the following:

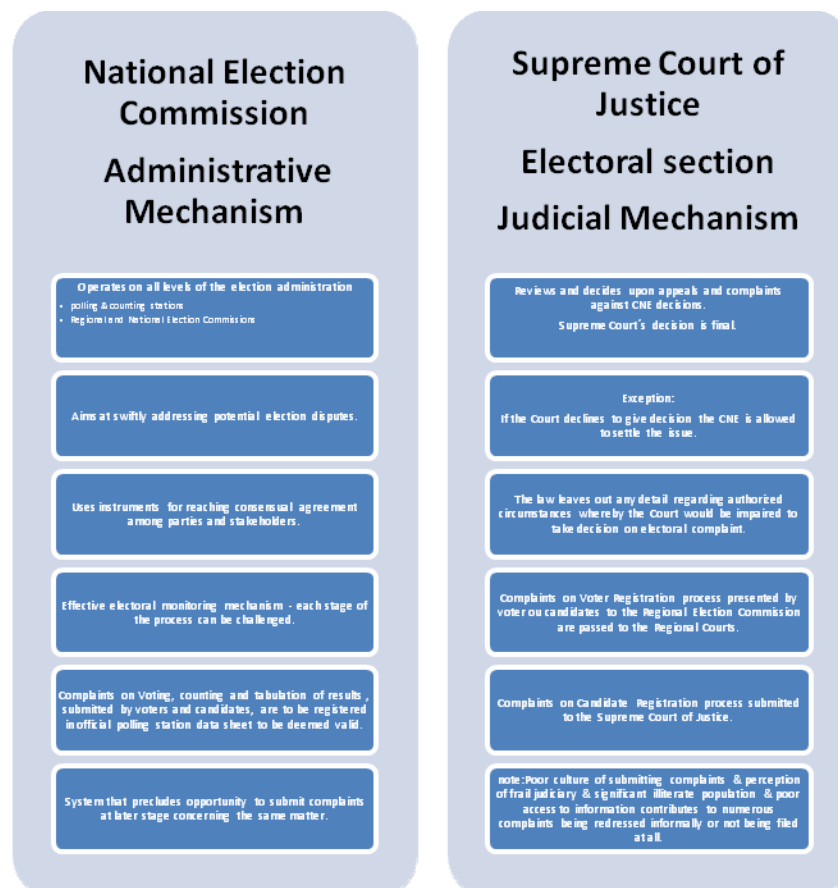
SECOND ROUND RESULTS		
CANDIDATES	TOTAL VOTES	%
Malam Bacai Sanhá	224.259	63,31
Kumba Yalá	129.973	36,69
Valid votes	354.232	97,66
Blank	4.236	1,17
Null	4.268	1,18
Disputed	0	0,00
No. of voters	362.736	61,09
Abstention	231.029	38,91
Total voters	593.765	-

XIV. COMPLAINTS AND APPEALS

A. Complaints Mechanisms

An acceptable election complaint mechanism with a dual component – an administrative mechanism through the National Election Commission and a judicial mechanism through the

Supreme Court of Justice – aims at swiftly and effectively addressing election disputes. The provision for legal remedy for election related irregularities and infractions is in line with international principles of effective “remedy for acts violating the fundamental rights granted by the constitution or by the law” as set out in the Universal Declaration of Human Rights. The electoral law establishes an election complaints mechanism with a dual component:



1. An administrative mechanism through the National Election Commission which operates at every level of the election administration. It includes instruments for reaching consensual agreements among contesting parties. This legal dispute solving method aims at swiftly addressing potential election disputes involving the political stakeholders.
2. The Supreme Court of Justice, specifically its electoral section, to which complaints and appeals against CNE decisions shall be submitted. It is nonetheless possible, in case the STJ declines to give a decision to rule on a specific electoral issue, that the CNE is allowed to settle the issue. The law leaves out any detail regarding authorized circumstances whereby the STJ would be impaired to take a decision on an electoral complaint.

The legal framework allows for an effective electoral monitoring since each stage of the election process can be challenged. Complaints relating to the voter registration process can be presented by voters and candidates' delegates alike. The local registration commission sends the complaint to the Regional Court for decision. As for candidates' registration, complaints are to be submitted to the Supreme Court of Justice while complaints about voting, counting and tabulations of results should, in first instance, be addressed to the CNE. Voters and candidates' delegates have

the right to submit complaints regarding polling while these, to be considered as valid, must be registered in the official polling station data sheet, a system that precludes the opportunity to complain at a later stage concerning the same matter. It is not unusual for parties to lodge a complaint a few days after the occurrence of an alleged irregularity and doing so they are disqualified for proper redress. Even though general procedures for submitting complaints and the jurisdiction of the tribunals are clearly established (i.e. the Supreme Court of Justice being the apex of the judicial system with an electoral court section dedicated to the resolution of complaints) there seems to be no culture of submitting written complaints combined with a general perception of, at times, a frail judiciary. With a significant illiterate population, party delegates included, with poor access to information outside the capital, Bissau contributes to numerous complaints being redressed informally or not being filed at all.

B. Infringements and Sanctions

The electoral law includes a section on infringements which is fairly comprehensive and details contraventions regarding the pre-election phase (i.e. candidacy registration), infraction of campaign rules and election related violations⁴³. Sanctions vary from the application of small fines to imprisonment from a few months up to five years. Heavier penalties are applicable in cases of proven electoral corruption or attempted fraud which can go up to eight years imprisonment. Depending on criminal prosecution, electoral offenses can be dealt by ordinary courts with appeal to the Supreme Court of Justice. The STJ decision is final. Similarly to previous elections, prosecutions of electoral offenses are rare. With few exceptions, political parties or candidates are generally technically not prepared to initiate legal actions and might be discouraged to do so by the weak judicial structure in the country.

The final results were not challenged by any candidate, and there were no formal complaints filed during the first and second round processes.

XV. RECOMMENDATIONS

The following recommendations and suggestions to improve the electoral process and related areas are offered for consideration and action by the Popular National Assembly, the National Election Commission, Guineans authorities, political parties and the international community.

Legal Framework

Revise the Election Law in an inclusive and consultative manner to harmonize, improve and define clear election procedures. Feasible timeline for the Popular National Assembly to revise the Electoral Law is within six to eight month of taking office.

Essential improvements include:

1. Provide for non-partisan domestic groups to observe all aspects of the election process. Civil society should be given the right to actively participate in the monitoring of the registration of voters and polls.
2. Implement the provision for the vote of the Guinean Diaspora. The Ministry of Foreign Affairs, through its Consulates, should be able to conduct voter registration for the African and European Diaspora on the basis of the electoral law that allows for yearly updates of the register. Voters should be able to participate in both Presidential and Legislative (two constituencies were specifically created for the Diaspora) polls. The international community should extend its support for the national election to include out-of-country voting.

⁴³ Electoral Law 3/98, Chapter II, on Infractions, articles 153 to 179.

3. The attribution of *de facto* normative and/or interpretative powers to the National Election Commission. The CNE should be provided with tools to be able to adapt and update technical electoral procedures, clarify omission in the law and streamline organisational management aspects.
4. Establish a clear timeframe for swearing-in of the President of the Republic in extraordinary and special situations, like death or resignation of the incumbent.
5. Guinea Bissau should promptly ratify key international human rights instruments, especially the International Covenant on Civil and Political Rights (ICCPR).

Election Management Body

Essential improvements include:

6. Nomination of a non-partisan executive secretariat at the National Election Commission by means of changing its nomination and appointment procedures. Its four members are currently elected by two-thirds of the Popular National Assembly and generally reflecting the distribution of seats. The composition of the Assembly gives the ruling party the capacity to name most of its members. It might be considered the nomination of the CNE executive secretariat through a selection of independent candidates by the Supreme Court of Justice, after submission of names of recognized independent, respected Guineans by a mixed mechanism involving the three branches of government, and/or the lawyers bar association.
7. Provide the CNE with administrative and budgetary independence through the inclusion of a specific section and funds allocation in the national budget. In order to strengthen the CNE's independence, the election management body should have direct access to an adequate fixed annual allocation of resources ascribed to the National General Budget (*Orçamento Geral do Estado* - OGE).
8. Overall voter registration activities should be under the exclusive control of the Election Management Body. Shared institutional responsibility between the government and the independent election body creates areas of friction and has the potential to impair the CNE's capacity to independently conduct the polls. For instance, the CNE, the supervisory body with overall responsibility for organizing elections, does not have the legal mandate to manage the critical voter registration process which falls under the responsibility of the Government. Changes to the law should be introduced to allow the CNE control of the entire cycle of production of the voters' list alongside the introduction of a systematic and permanent yearly voters' update as foreseen in the electoral law. The CNE and CREs should have full mandate to carry out all voter registration hence strengthening its independency and the neutrality of the register. CRE's would need to have a permanent structure in order to allow for full electoral cycle activities.
9. The voter registration process should be upgraded from manual to an Automated Fingerprint Identification System (AFIS), already used in many countries in Africa, especially in post-conflict environments, to facilitate and speed up registration through a possible active and passive process, whereby citizens go to places of registration and brigades (*brigadas de recenseamento*) visit their places of residence. The voter registration process for the 2008 legislative election, however accepted by all political parties and stakeholders, showed a very low participation and motivation of citizens, especially youngsters (3.8 percent), in comparison to same exercises in other countries in the area. The same register was used for the 2009 presidential election.

Desirable improvements include:

During the last electoral cycle 2005-2008, some of the existing regulations and procedures under the legal electoral framework continued to lack proper clarification and detailed explanation, as was the case of the voting manuals for polling staff and other procedures, like the transfer of

votes from one constituency to another. The absence of action on such issues was apparently a consequence of, on one hand, the CNE's reduced human resource capacity and, on the other, to some level of apathy and lack of government support during the 2005-2008 electoral cycle. The situation improved in 2009, but there were still mistakes and inaccuracies in the manuals for the MAVs. Therefore, the EU EOM suggests:

10. The CNE, although aware of internal weaknesses and unclear election procedures as a result of the 2005 presidential and 2008 legislative elections, did not invest in the strengthening of internal operational and management skills. National and regional administrative structures (i.e. departments of logistics and operations, IT, voter education, secretariat, administration and finance) were scarcely upgraded in terms of equipment or much needed human resources and training. It would be desirable to conduct joint training sessions for different departments at CNE and CRE levels in cooperation with regional or PALOP and CPLP homologous institutions. Equally, training of polling staff, although improved in 2009, should be strengthened by fully using the resources of the CREs, regional education structures and NGOs.
11. The CNE Executive Secretariat would benefit from professional secretary services freeing the Executive members from minor but time consuming administrative duties. Moreover, the CNE plenary session also require proper secretarial support in producing session minutes to include all discussions, deliberations and decisions taken on crucial election issues. These documents should be produced and made available to national and international stakeholders within a reasonable timeframe thus enhancing the transparency of the CNE's decision making process ,despite the efforts and actions already taken by the new CNE administration.
12. Identification requirements for voter registration should be improved in cooperation with the implementation of a national census or civil registry. The majority of Guinean citizens do not hold an identity card or birth certificate. Registration of voters, mainly in rural areas, is generally only made possible with the use of witnesses. The AFIS project could also be considered as a tool for civil registry.
13. Civic and Voter Education campaigns should receive ample financial support allowing for the design and implementation of programmes promoting civil and political rights throughout the entire electoral cycle. Campaigns targeting youth and first time voters, especially those living in more remote areas of the country, should take precedence. Furthermore, involvement of traditional authorities, such as *Régulos* and local social structures, is vital for the access to *tabancas* where illiteracy rates are high and national TV and written media have little penetration or no expression at all. Civic education campaigns need to be extended to effectively cover all national territory, including remote areas in the Tomabali and Bijagós regions. As seen during the 2009 civic education programs, cascade training to local organizations and groups should be implemented well ahead of the pre-election period. Local think-tanks such as the "*Cidadãos de Boa Vontade*", youth and women NGOs, the CNE and the School of Law should be called on to give input to the design of different campaigns targeting specific electorates. Activities should also include comprehensive programmes in schools and media pertaining to issues of civic and political rights and understanding of the democratic process.
14. Strengthening the participation of women through efforts to reach a balance in the number of women and men at all levels of the EMB. Example should be set by the CNE and CRE's with the nomination of women to relevant executive and management positions. The CNE might consider the MVA requirement of identifying men and women in the voters' control sheet (*folha de descarga*) to allow for a clear knowledge of gender participation.

Political Parties and Candidates

Consider the revision of the Electoral Law through a six- to eight-month timeframe project in cooperation with the Popular National Assembly and political parties.

Essential improvements include:

15. Provisions in the law regarding public funding to candidates and political parties should be effectively implemented prior to the commencement of the campaign period. Small parties and a much needed new generation of politicians would have the chance to contest elections on a more levelled playing field. Public funding of parties and candidates is a fundamental tool to strengthen competitive democracy and allow a pluralistic participation.
16. Introduce mechanisms to allow for effective auditing of political party source of finance. In case the state contributes with financial support to the political parties and its campaign activities, auditing within a reasonable timeframe of one to two month after the poll should promote transparency of funding instead of an annual declaration as set out in the Law of Political Parties. It is also imperative that an auditing system be established for the political parties to check, before election day, campaign activities and other electoral expenses and origin of funds. Expenses should have a ceiling and parties sanctioned when infringing expenses limits.
17. Introduce efficient mechanisms regarding political party requirements verification. The law stipulates that parties are required, as part of their internal organization, to have the approval of their members, or of a representative assembly, of the party's statutes and programs. Party's presidents are elected by the membership and statutes are non-discriminatory. Party identification, symbol and flag are unique and not phonetically or graphically similar to state entities or symbols. Contesting political parties inform the Supreme Court of Justice, 90 days prior to legislative elections, on their number of members. Dissolution of parties, due to lack of a minimum of 1,000 members, is mandatory by law although not verified. In order to avoid the proliferation of political parties, the Supreme Court of Justice (STJ) should have a stronger mandate and means to verify the compliance of legal requirements by the political parties. A STJ-designated task force could be formed in cooperation with the School of Law to analyse party requirements within the given timeframe of 90 days prior to polls, leaving the final decision to the Supreme Court plenary.
18. In order to avoid frivolous candidacies, and parties, the introduction of a system of fees, or deposits, and/or a higher number of signatures should be considered for future elections. This system could help limit the proliferation of political parties and candidates while affordable fees could be refunded if a candidate attains a certain proportion of valid votes (threshold).
19. Article 33 of the electoral law prohibits publication of opinion polls or *sondagens* during the campaign period and until one day after polling day. The timeline for such prohibition might be revisited to allow citizens to measure the political tendencies before election day. Exit polls should be clearly forbidden by law.

Desirable improvements include:

20. Training of political party delegates in election law and monitoring. Training could be organized by civil society organizations in cooperation with the CNE, civil society groups and the School of Law. Training should cover issues such as universal principles for democratic elections, Human Rights, the Electoral Code of Ethics, voting and counting procedures, nature of complains and appeals and how to file claims.

Security Sector

Essential improvements include:

21. The armed forces have historically interfered in the political life of the country since its independence. All presidents, with the exception of those named for transition governments, were deposed by military coups. It is essential for the consolidation of democracy in the country the submission of the military to the civil power. In this context, domestic and international institutions should strongly support the efforts of the EU Security Sector Reform mission, which has the de-politicization and ethnic balance of the armed forces among its objectives. Although the military have since the presidential election in 2005 adopted an off-politics attitude and contributed for the peaceful and orderly environment of the past electoral cycle, its ethnic composition is still a concern for many political analysts and politicians.

Democratization

Desirable improvements include:

22. Promote political decentralization through the organization of municipal elections within a reasonable timeframe of eight to twelve month of the ANP taking office. Although established in the Constitution, local elections were never held so far. The implementation of the first local polls should be carried out with the financial and technical support of the international community.

Media

Desired improvements included:

23. As public service with a crucial role in the Guinean society, the state-media need to have the proper conditions to carry out their job in a professional manner. The Guinean Government should establish a section on the national budget to guarantee that *TGB*, *RDN* and *Nô Pintcha* receive the required funds not only to cover payments of salaries and per diems, but also to create the technical, logistical and financial conditions that allow the public media to satisfy the right of Guineans to be properly informed.
24. In similar way, it would be advisable that during campaign period the electronic public media *RDN* and *TGB*, which by law have the obligation to offer free airtime programs to political parties on a daily basis, could receive a financial contribution, either from the Government or from the CNE, to guarantee that both media can carry out the task without any kind of problems or limitations.
25. Both public and private media could make a stronger effort, especially during electoral campaign period, to avoid accepting monetary support by political parties in order to get their activities covered. Although the financial and logistical limitations on the Guinean media sector are huge, these are bad practices that clearly jeopardize the independence and neutrality of the journalists. The publication and airing of political ads might be considered and discussed in detail by all actors involved in the electoral process since it is a common practice in other countries.
26. Also, a bad practice to be avoided is the broadcasting of political parties' propaganda during pre-campaign period. Although prohibition in Article 45 of the Electoral Law on broadcasting political propaganda on the private media refers only to the campaign period, private media should try to abide by this provision also during pre-campaign period.
27. A revision on the Electoral Law in order to establish clearer provisions on access of political parties to free airtime in the media would be advisable. Although in practice the access to free airtime programs (*Tempo de Antena*) is only applied to the public electronic media (*RDN* and *TGB*), article 37 of the Electoral Law does not specify that distinction, referring only that political parties have access to airtime "on radio and TV."

28. Community media (radio and television) statutes containing their rights and responsibilities must be clearly defined, legally recognized and publicly announced in order to bring to an end the actual ambiguous perception of their rights and obligations; the legalization of community media statutes would facilitate the licensing process of those community outlets already operating; CNCS should make part of this discussion as the agency responsible for making recommendations on licensing requests submitted to the Guinea Bissau broadcasting regulator (*Instituto das Comunicações da Guiné-Bissau - ICGB*).
29. More visibility and exposure should be given to the recommendations and deliberations of the press regulatory agency, the *Conselho Nacional de Comunicação Social – CNCS*. CNCS has shown a great level of professionalism, competence and sense of opportunity during the presidential election, contributing to the freedom, independence and pluralism of the media by issuing directives and recommendations to the media outlets reminding them of the equal access and treatment to all candidates and a balanced reporting. These recommendations were broadcasted on radio but not published in the newspapers. Public and private media might consider offering free airtime and space to the organizations promoting media freedom, independence and pluralism, especially the CNCS and the journalists' union *SINJOTECS*.
30. Consider the establishment of the Guinea Bissau Observatory for Freedom of Press and Journalistic Ethics (*Observatório da Liberdade de Imprensa e da Ética Jornalística da Guinea Bissau - OLIEJ*) to allow for surveillance of the media and ensure a continuous monitoring of the freedom, independence and professionalism of the media. The Observatory could focus on monitoring freedom of the press, professional and ethics issues, while the *SINJOTECS* could continue to promote training activities for journalists and contribute to increase the level of professionalism. The international donor community (including the European Union) might consider supporting the establishment of the Observatory.

* * *

ACRONYMS

AFIS	Automated Fingerprint Identification System
ANP	Popular National Assembly
AU	African Union
CNE	National Election Commission
CO	Chief Observer
CNCS	Conselho Nacional de Comunicação Social
CPLP	Community of Portuguese Language Countries
CRE	Regional Election Commission
CT	Core Team
DCO	Deputy Chief Observer
ECOWAS	Council for Economic Development of West Africa
EU EOM	European Union Electoral Observation Mission
LIPE	Guinean League for Ecologic Protection
LTO	Long Term Observer
ICGB	Guinea Bissau Institute of Communication
IOM	International Organization for Migration
MCS	National Movement of the Civil Society for Peace, Democracy and Development
NGO	Non-governmental Organization
OLIEJ	Observatory for Freedom of the Press and Journalistic Ethics
PAIGC	African Party for the Independence of Guinea and Cape Verde
PALOP	African Countries with Portuguese Official Language
PDSG	Guinean Democratic Social Party
PND	New Democracy Party
PRS	Social Renewal Party
PSD	Social Democrat Party
PS-GB	Socialist Party-Guinea Bissau
PT	Workers Party
SINJOTECS	Journalists and Social Communication Workers Union
STJ	Supreme Court of Justice
STO	Short Term Observer
UEMOA	Economic and Monetary Union of West Africa
UNOGBIS	United Nations Organization in Guinea Bissau
UNDP	National Union for Democracy and Progress
UPG	Guinean Patriotic Union