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

PRELIMINARY STATEMENT

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

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

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

Executive Summary

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

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

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

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

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

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

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

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

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

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

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

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

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

² UNHR, General Comment No. 25 para. 20

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

Statement of Preliminary Findings and Conclusions

BACKGROUND

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

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

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

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

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

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

LEGAL FRAMEWORK

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

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

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

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

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

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

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

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

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

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

Electoral System

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

Presidential Election

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

National Assembly Election

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

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

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

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

Provincial Assembly Elections

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

ELECTION ADMINISTRATION

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

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

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

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

⁸ UNHRC, General Comment No. 25 para. 20

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

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

¹¹ Law 8/2007, 2002, 2

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

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

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

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

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

¹² Law 9/2014, Art. 44.

¹³ U.N. (ICCPR): General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service (Article 25), para. 20, reads "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant." The AU Charter on Democracy, Elections, and Governance, art 17.1 reads, "Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections."

VOTER EDUCATION

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

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

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

VOTER REGISTRATION

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

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

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

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

¹⁶ Lei no. 6/2013, art. 9

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

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

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

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

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

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

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

CANDIDATES, PARTIES, AND THE CAMPAIGN ENVIRONMENT

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

¹⁹ Deliberação n.º 6/CNE/2014

²⁰ Deliberação n.º 14/CNE/2014

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

²² Deliberação n.º 65/CNE/2014

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

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

Registration of candidates

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

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

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

Campaign

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

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

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

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

²⁷ *Ibid.*, art. 3(4).

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

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

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

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

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

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

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

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

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

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

Campaign Finance

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

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

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

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

MEDIA ENVIRONMENT

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

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

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

PARTICIPATION OF WOMEN

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

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

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

³⁴ UN, International Covenant on Civil and Political Rights.

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

CIVIL SOCIETY AND DOMESTIC OBSERVATION

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

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

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

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

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

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

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

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

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

ELECTORAL DISPUTE RESOLUTION

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

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

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

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

VOTING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁴⁴UN (CCPR): General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service (Article 25), para. 20, reads "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant." The AU Charter on Democracy, Elections, and Governance, art 17.1 reads

"Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections."

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

CLOSING AND COUNTING

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

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

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

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

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

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

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

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

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