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EUROPEAN UNION ELECTION FOLLOW-UP MISSION

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I. Executive Summary

A European Union Election Follow-up Mission (EU EFM) was deployed in Mozambique from 6 March to 2 April 2022 to assess the degree to which the recommendations of the EU Election Observation Mission of 2019 (EU EOM) had been implemented and the progress made in electoral reforms since the last general elections. The Mission was led by José Ignacio Sánchez Amor, Chief Observer of the 2019 EU Election Observation Mission to Mozambique.

During the last electoral cycle, the outcome of the 2018 municipal elections increased the participation of opposition political parties in the elected local government bodies. However, the 2019 general and provincial assembly elections resulted in an overwhelming majority of the Mozambican Liberation Front (FRELIMO) both in parliament, with more than two-thirds of the seats, and in provincial level elected bodies, while the two main opposition parties retained minimal representation in these institutions. The EU EOM considered that the 2019 elections took place in a polarised environment, with inter-party violence, and high levels of mistrust between the main political parties, with regular reports of limitations on the freedom of assembly. The Mission noted that there was a lack of confidence in the independence of, not only the election administration and the judiciary, but also of the national police force. Failure of provincial election commissions to provide established national election observers with accreditation for election day frustrated civil society efforts, shrinking the space for their participation in public affairs.

The EU EOM therefore focused most of its recommendations on the overall institutional and human rights framework within which elections were conducted. The EU EFM was aware that since the publication of the EU EOM Final Report, the COVID-19 pandemic and the worsening of the situation in Cabo Delgado have diverted the attention of the national authorities to other areas, consequentially, little to no progress was made in implementing any of the 20 recommendations offered by the EU EOM 2019.

While a few recommendations can be implemented by the National Electoral Commission (CNE) alone, the implementation of the vast majority of the recommendations is dependent on the initiative and political will of the executive and the legislature, both branches dominated by FRELIMO. This is the case for the recommendations that require legal reviews but most importantly the ones that intend to consolidate a democratic political culture in the country. Most of the priority recommendations that relate to the overall context of protection of human rights and fundamental freedoms, accountability of national institutions and increased transparency can still be implemented before the next electoral process, should there be the political will to do so on the part of the Mozambican authorities.

Most recently, recommendations drawn from the 2021 Universal Periodic Review (UPR) of the UN Human Rights Council addressed some issues raised by the EU EOM in 2019. These included encouraging Mozambican authorities to adopt a national human rights policy and an action plan for the dissemination and implementation of recommendations from all human rights mechanisms; to strengthen prevention and accountability for reported cases of violence or intimidation and create measures to safeguard civic space, including investigations of all reported attacks on human rights defenders and the press; and to conduct training in human rights for law enforcement institutions and that any violations of the law should be investigated without impunity.

The institutional weakness of the National Human Rights Commission, yet to be aligned with the Paris Principles,¹ and the wide public distrust of the security forces have permitted the continued lack of accountability for violations of human rights in Mozambique. Opposition political parties have failed to actively engage in demanding greater accountability for violations or in offering meaningful support to human rights activists in their causes. The visible presence of FRELIMO in all aspects of life is in contrast to the lack of visibility of opposition parties in public life since the last elections.

National observation has played an important role during previous electoral processes in Mozambique. However, since the dismantling of the *Observatório Eleitoral*, the biggest umbrella organisation for election observation, there was a fragmentation and the disappearance of national observer groups in the period between elections. This contributed to the shrinking of public space for civil society to take part in public affairs, particularly evident in relation to the draft media bills currently before parliament which have, so far, not prompted significant public debate on the freedom of speech and of the press. Important events, such as the appointment of the new officials for the CNE, have passed almost unnoticed, though reported by the media, but without political commentary from opinion leaders. The EU EFM conducted a joint meeting on 29 March with thirteen organisations that were previously involved in election observation, to discuss the role of national observers in the upcoming electoral process. Discussions on the adoption of a model and approach were planned to continue among the organisations, in advance of soliciting support from donors.

The new electoral cycle (2023-2024), with a proposed date of 11 October 2023 to hold municipal elections, will be highly challenging, both in technical and financial terms. On the technical level, a new CNE board took office in January 2021 with the inclusion of nine new members, including a new president, the Anglican Bishop Dom Carlos Matsinhe. The Technical Secretariat for Election Administration (STAE) Director General is also to be replaced soon. Financially, only 30 per cent of the estimate budget for the next electoral cycle has been secured.

The EU EFM organised a seminar in Maputo on 22 March 2022 “*Future Electoral Processes and the Recommendations of the EU Election Observation Mission 2019*”. The main purpose of the seminar was to bring together all key electoral stakeholders and initiate discussion on the obstacles to and opportunities for the implementation of the EU EOM 2019 recommendations. The discussions focused on the recommendations which could still be implemented before the next elections, of which most required political will for their implementation. The conclusions of the seminar were to reaffirm the need for the implementation of the EU EOM recommendations.

¹ The Paris Principles are an annex to the UN General Assembly resolution 48/134 on “National Institutions for the Promotion and Protection of Human Rights”, containing a set of internationally recognised standards to assess the credibility, independence and effectiveness of National Human Rights Institutions which include their mandate and competence, autonomy from Government, independence guaranteed by a statute or constitution, pluralism, adequate resources; and adequate powers of investigation.

II. Mission Information

Following an invitation from the Government and the National Electoral Commission (CNE), the European Union deployed an Election Observation Mission (EU EOM) to Mozambique, in 2019, to observe the sixth presidential and parliamentary elections, taking place simultaneously with the third provincial assembly elections including, for the first time, the election of provincial governors.

An EU Election Follow-up Mission (EFM) was deployed to Mozambique from 6 March to 2 April 2022 to assess the degree to which the recommendations of the EU EOM 2019 had been implemented, as well as any progress made in electoral reform. The Mission was led by José Ignacio Sánchez Amor, Member of the European Parliament, Chief Observer of the 2019 EU EOM to Mozambique, and was comprised of two election experts. The Mission met the National Election Commission, government ministers, the Speaker of the Assembly of Republic, the judiciary, representatives of political parties, civil society, technical assistance providers and the diplomatic community. This is the second Election Follow-up Mission deployed to the country - the first Follow-up Mission took place in 2013. The EU has observed all general elections held in Mozambique since 1994, as well as two municipal elections in 2003 and 2018.

III. Context

A. Political Context

The EU observed the past electoral cycle 2018-2019 by deploying an Election Expert Mission (EEM) for the 2018 municipal elections and an Election Observation Mission (EOM) for the 2019 general and provincial elections. The municipal elections had, for the first time, the participation of the three main political parties – the Mozambican Liberation Front (FRELIMO), the Mozambican National Resistance (RENAMO) and the Mozambican Democratic Movement (MDM), after negotiations for decentralised governance culminated in a constitutional amendment in the same year. The result of the municipal elections was a most balanced participation of opposition parties in the elected local government bodies as RENAMO previously boycotted municipal elections in 1998, 2008 and 2013.

The general elections held in October 2019, however, witnessed FRELIMO securing an overwhelming majority both in parliament and in provincial-level elected bodies, while the two opposition parties retained minimal representation in these institutions. The ruling party won the presidential election, with 73 per cent of valid votes, obtained 184 of the 250 parliamentary seats, the vast majority of the seats at provincial assemblies, and the 10 provincial governors.

The EU EOM considered that the 2019 elections took place in a polarised and challenging environment, with inter-party violence, and high levels of mistrust between the main political parties, despite an ongoing peace process. The Mission noted that there was a lack of confidence in the independence of, not only the election administration (CNE and STAE) and the judiciary, but also of the national police force. Throughout the campaign, limitations on the freedom of assembly were regularly reported and an uneven playing field was evident, with the ruling party benefitting from the advantages of incumbency. Failure of provincial election commissions to provide established national election observers with accreditation for election day frustrated their efforts to have a wide national coverage and resulted in shrinking the space for their participation in public and political affairs. In this context, the EU EOM focused most of its recommendations on the overall institutional and human rights framework within which elections were conducted.

Since the last elections, Mozambique has gone through various events which have contributed to a

further shrinking of the already narrow political and public space affecting the media and civil society. The global COVID-19 pandemic and its inherent restrictions, and the deterioration of the situation in Cabo Delgado, triggering a humanitarian crisis², have been used by state authorities as arguments to further restrict political and fundamental freedoms. The Media Institute of Southern Africa (MISA) - Mozambique and Freedom House reported setbacks in the exercise of freedom of the press with increased persecution of journalists, including kidnappings, death threats and assaults, as well as attacks on newsrooms and seizure of equipment. In April 2020, journalist Ibraimo Abú Mbaruco was forcibly disappeared in Cabo Delgado and his whereabouts remain unknown. In August 2020, the office of *Canal de Moçambique* – known for its critical stance of the government - was set on fire. Mozambique ranks at 108 in the 2021 Global Press Freedom Index, a drop of four positions since 2020, and of five since 2019.

In the 2021 Universal Periodic Review (UPR) by the UN Human Rights Council, the adoption of a national human rights policy and of an action plan for the dissemination and implementation of recommendations from all human rights mechanisms was recommended to Mozambican authorities. Another recommendation was to strengthen prevention, but also accountability for reported cases of violence or intimidation and to create measures to safeguard civic space, including investigations of all reported attacks on human rights defenders and the press. Apart from the violations perpetrated by armed groups, there have been allegations that some members of the Security and Defence Forces have been involved in human rights abuses in Cabo Delgado. In December 2021, women activists peacefully demonstrating against violence against women were arrested and allegedly beaten by police. Women rights organisations, namely Women and Law in Southern Africa (WLSA) submitted a case which is pending in court against the actions of police.

Similar to the recommendation of the EU EOM, that the police act impartially and free from political influence, recommendations offered during the UPR included human rights training for law enforcement authorities and investigations of violations of the law without impunity. The weak institutional framework of the National Human Rights Commission, created in 2009, yet to align its composition and legislation with the Paris Principles, and the wide public distrust of the security forces have increased, in recent years, the continued lack of accountability for violations of human rights in Mozambique. Opposition political parties have failed to actively engage in demanding greater accountability for violations of human rights or in offering meaningful support to human rights activists in their causes.

Mozambique has dropped positions in many governance and transparency indicators since 2019. The country has been characterised as an authoritarian regime, with an ever-falling rank in the Economist Intelligence Unit Democracy Index. The Mozambique ranking for 2021 was 3.51 (down from 3.65 in 2019). The 2020 *Ibrahim Index of African Governance* (IIAG), from the Mo Ibrahim Foundation, ranked Mozambique as 26th among the 54 African states assessed, a drop from the previous year too. The IIAG 2021 Interim Report continues to indicate deterioration, with, for example, a media freedom ranking of 34th in Africa. Mozambique is characterised as only partly free by Freedom House, with a score for 2021 of 43/100, two points lower than in 2020. Mozambique has dropped five points in the Transparency International *Corruption Perceptions Index* since 2012, with a current score of 26. It is ranked 147th of the 180 states assessed by Transparency International. In the 2021 *Corruption Perceptions Index* report, Transparency International states that the hidden debts scandal and its aftermath illustrate the dangers of executive over-reach and an absence of effective checks and

² As of December 2021, over 744,000 individuals are internally displaced in the country due to an armed conflict that erupted in Mozambique's Cabo Delgado province – UNHCR.

balances, particularly in the context of poor parliamentary over-sight.

The new electoral cycle (2023-2024), with a proposed date of 11 October 2023 to hold municipal elections, will be highly challenging, both in financial and technical terms. The visible presence of FRELIMO in all aspects of life is in contrast to the lack of visibility of opposition parties in public life since last elections. A common concern advanced by the opposition parties is their lack of financial support and of resources to carry out their activities. While the political parties receive political financing according to their parliamentary representation, the numbers of RENAMO and MDM seats in parliament have reduced significantly from the previous legislature – from a combined 106 seats to the current 66 seats compared to the 184 held by FRELIMO. Given the fact that there is no funding provided by the state for municipal election campaigning, opposition parties may struggle with their already difficult financial situation.

In line with the constitutional amendment regarding decentralisation and local governance, district elections are expected to take place in 2024. However, legislation related to district elections is yet to be approved, with no public discussions on the subject so far.

B. Institutional Context

National Electoral Commission (CNE)

The CNE is comprised of 17 members; 10 of these members are appointed by political parties – five from FRELIMO, four from RENAMO and one from MDM - and seven are nominally appointed among civil society members. Due to a political agreement, the civil society representatives are, in reality, also appointed by the political parties, according to their representation in parliament. A new CNE board composition took office on 15 January 2021. Nine new members joined the election management body, including a new president, the Anglican Bishop Dom Carlos Matsinhe.

The STAE, the subordinate Technical Secretariat for Election Administration, is also partially composed according to partisan criteria. The Director General is selected by the CNE through a public competition, while the two Deputy Directors General come from the two most-represented parties in parliament. During electoral periods, the central and lower levels of the STAE are reinforced, with appointees from the ruling party and the two opposition parties represented in parliament in equal numbers. The STAE Director General Felisberto Naife, in office since 2007, has submitted his resignation. A recruitment process has been initiated, led by the CNE, to select a new Director General.

During elections, the CNE has temporary bodies at the provincial and district levels. For the municipal elections, 10 provincial electoral commissions (*Comissões Provinciais de Eleições - CPEs*) and 53 district election commissions (*Comissões de Eleições Distritais e de Cidade - CEDs*) will have to be established, each composed of 15 members. In total, CNE and its lower commissions are composed of 962 commissioners, apart from the directors and regular officers and STAE staff. The high number of commissioners reflects mistrust in the electoral management body, with opposition political parties believing that an increase of their members in the CNE structures improves oversight of, and limits political influence on, the institution. During the EU EFM visit, opposition parties expressed their intention to increase political party participation in the voter registration brigades which are currently composed of staff recruited by STAE.

The CNE drafted a strategic plan for 2022-2025 with separate annual operational plans being approved every year. For the next electoral cycle 2023-2024, electoral authorities estimate a budget

of MZN 18.7 billion (EUR 266 million) for 2024 general elections, while municipal elections in 2023 will cost MZN 9.7 billion (EUR 138 million). At the time the EU EFM was in country, there was a financial deficit, with only 30 per cent of the estimated budget for elections having been secured. This financial deficit undermines the potential for implementation of the EU EOM recommendation for the increased budgetary independence of the CNE from the government.

The CNE proposed 11 October 2023 for the holding of municipal elections. After setting up the 53 district and 10 provincial electoral commissions, voter registration will be the first phase of the electoral cycle 2023-2024. The legislation on voter registration remains as before, requiring the conduct of a new voter registration exercise, contrary to recommendations of past EU missions that a permanent and credible voter register should be established.

Due to adverse security conditions and the significant number of persons displaced to other provinces, the conduct of voter registration and the holding of municipal elections may prove problematic in Cabo Delgado. According to STAE, government efforts are being made to establish the local administrative infrastructure so that displaced persons may return to their places of origin or to areas considered safe. However, it is uncertain, at this stage, how successful these efforts will be and how many persons will be able to return to their original areas. In addition, in the north and central provinces, the displacement of persons due to natural disasters will also have an impact on voter registration.

Civil Society

National observation has played an important role during previous electoral processes. National observers played a critical role in reporting on voter registration, one of the most controversial phases of the 2019 elections. During the electoral campaign period, national observer groups issued regular reports on the campaign environment, highlighting cases of violence and restrictions on the opposition campaigning freely. The wide presence of national observers throughout the country before election day has not only increased the level of transparency of the process, but has also permitted a continuous flow of information to the public and the provision of evidence-based material for election related discussions. The pre-election period contrasted with the impossibility of these observers to follow the process on election day due to the lack of accreditation provided to them.

Since the dismantling of the *Observatório Eleitoral*, the biggest umbrella organisation for election observation, with a strong observation methodology, to which the former CNE President Abdul Carimo belonged, a number of national observation platforms were established for election periods only. The organisation of these national observer groups was at times confusing, since the same organisation could be funded by two different international partners and therefore be part of more than one network. The result of this was that coordination among these organisations was not always easy and methodologies often overlapped. The considerable number of organisations conducting national observation without any coordination was said to have created competition in terms of visibility and funding leading to fragmentation and the disappearance of national observer groups in the period between elections. This division has led to the shrinking of public space for civil society to take part in public affairs. This has been particularly apparent in relation to the media bills currently before parliament which have, so far, not prompted significant public debate on the freedom of speech and of the press. Important events, such as the appointment of the new CNE officials, have passed almost unnoticed, though reported by the media, but without political commentary from opinion leaders.

The EU EFM conducted a joint meeting on 29 March, with thirteen organisations that were previously involved in national election observation, to discuss the role of national observers in the upcoming electoral process. Civil society organisations acknowledged that establishing a common platform with coordinated leadership and methodology, as well as regular reporting, could prove to be more effective than the model used in the previous electoral cycle. Discussions on a model and approach to adopt were planned to continue among the organisations, in advance of soliciting support from donors. The handbooks from the OSCE “Handbook for Domestic Election Observers” and from the Council of Europe “Reporting on elections: Council of Europe handbook for civil society organisations” are good sources of information and guidance for domestic observer groups, in terms of setting up a platform and structure, bureaucratic requirements, management, decision-making and the creation of editorial units.

IV. Implementation Status of the EOM Recommendations

The political realities during the two years since publication of the recommendations, in February 2020, have been of crisis conditions, with the prevalence of the COVID-19 pandemic and the security situation in Cabo Delgado. The EU EFM is aware that these events have diverted the attention of the national authorities to other areas, consequentially, little to no progress was made in implementing any of the 20 recommendations offered by the EU EOM 2019. No action was initiated to date towards implementation of nine of the recommendations, while it is too early in the electoral cycle to assess implementation of eleven others. In total, the implementation of seven recommendations would require legal change. The EU EFM encourages state authorities to actively engage in the implementation of the priority recommendations demonstrating its political commitment in ensuring that the next electoral process takes place in a human rights and political environment conducive to democratically accepted elections.

The detailed overview of the implementation status of each recommendation is provided in Annex III- Matrix on the Implementation Status of EOM recommendations.

A. Institutional Framework (Recommendations 1 and 2)

Two of the recommendations offered by the EU EOM 2019 relate to the need to address the responsibilities and accountability of state institutions. The first recommendation was that state institutions, namely the CNE, the STAE, the Public Prosecutor’s Office and the Judiciary, should take full responsibility for the integrity of the electoral process, by adopting measures to address the consequences of electoral offences and malpractices during voting, counting and tabulation of results. This would mean that, in parallel to an electoral offence case pursued at the court, ballot papers and results forms of polling stations affected by malpractices (ballot stuffing, wrongful invalidation of votes, alteration of data in election results forms, among others) would be quarantined until the election administration conducts an internal audit and assess the impact of the malpractices on election results. Similarly, the evidence submitted to the Constitutional Council that may not be considered due to procedural faults should be forwarded to the CNE to assess its impact on the election results.

The second recommendation calls for the adoption and enforcement of policies for the police to act impartially and free from political influence at all levels, ensuring that those responsible for violations of human rights and rule of law, namely during electoral periods are held accountable. Recommendations resulting from the UPR included that the institutions of law enforcement should

be trained in human rights and that any violations of the law should be investigated without impunity. However, police training on human rights and elections is being planned by UNDP upon request of the national authorities.

B. Legal Framework (Recommendations 3 to 7)

Five recommendations have been offered in the context of the legal issues. The legal framework for elections has been a constant source of difficulty during successive elections. Electoral laws have been amended in every electoral process to accommodate the political interests with changes sometimes made so close to elections as to be little known or understood by stakeholders.

Recommendations targeting legal issues include avoiding amendments to electoral laws in the six-month period prior to elections; harmonise electoral laws into one electoral and procedural code to grant legal certainty and eliminate legal contradictions; broaden the provisions defining the validity of each vote based on the intention of the voter by specifying acceptable marks in addition to the ‘X’ or fingerprint; and reintroduce the second layer of scrutiny for invalid ballots with a requalification of these by district election commissions, given the significant percentage of ballots that were requalified as valid in previous elections and the discrepancy of interpretations in what constitutes a valid ballot.

While fixed term elections, with dates announced 18 months in advance, mean that the first recommendation referring to a six-month period ban for the approval of any legislation could easily be complied with, its implementation may only be assessed in the future. As for the consolidation of the many elements of electoral law into a single electoral code, minor amendments should be made to ensure that existing contradictions between legal instruments are removed. Elements of a technical assistance project, “*Consolidation of Democracy in Mozambique*”, funded by the EU and the Austrian Development Agency, implemented by International IDEA, is addressing this recommendation. In May 2021, a Memorandum of Understanding was signed between the Assembly of the Republic and International IDEA, representing a step towards operationalising this project. Expert consultations began in August 2021, followed by stakeholder consultations. It is anticipated that proposals for law reform, generated by the project, will be submitted to parliament, but there is not yet any indication of when this might take place.

The CNE believes that the law is unlikely to change before next elections, therefore it intends to address the recommendation to broaden the understanding of the validity of each ballot based on the intention of the voter through training of election officials by specifying acceptable marks in addition to the ‘X’ or fingerprint. However, the two acceptable marks are clearly established in the law. Serious consideration should be given to this recommendation as this restrictive interpretation of what is a valid vote imposed by law is contrary to international principles and has served to invalidate significant number of ballots in the past. Similarly, the CNE is not planning to reintroduce the second layer of scrutiny for invalid ballots as done in previous elections. Only challenged ballots will be considered for requalification at district election commissions. Given the unusually high number of invalid votes and of intentional invalidation of ballots observed by the EU EOM in 2019, consideration should be given to this recommendation.

A recommendation was made in relation to the power of the Presidential to request for the preventive review of electoral laws approved by parliament to the Constitutional Council before their promulgation. No bill has been proposed since this recommendation was made. A role of review of draft legislation could also be conferred upon a national human rights institution, which would be

competent to advise on the human rights aspects of draft legislation. The National Human Rights Commission could undertake such a role in future, but is not in a position to undertake such work at present.

C. Election Administration (Recommendations 8 to 11)

Four recommendations aimed at improving aspects of the election administration: provide CNE budgetary independence through direct and timely access to the funds, avoiding that the release of funds for the conduct of the elections, including the public financing for campaign activities, is dependent on the government; clarify in the law the subordinate hierarchy between the central and lower levels of election management to guarantee full compliance with superior directives and instructions; implement a more effective CNE public communication strategy, including the prompt and complete publication of all decisions, the conduct of regular consultative meetings with political parties, and the continuous dissemination of information to all stakeholders, especially in the immediate pre and post-electoral period; and lastly, increase transparency and confidence in the electoral process by publishing original copies of polling station results for public verification on the CNE website.

Budgetary independence of the CNE is unlikely to be achieved in the next electoral cycle. Authorities are yet to secure most of required budget for the elections, therefore the release of funds may suffer delays as in previous elections.

Although former members of the CNE relate to the recommendation of the need to clarify the relationship between the CNE and its lower levels of election administration, new members believed that this hierarchical relationship is provided in the law. This was not the understanding of some lower-level electoral commissions in past elections. Although the CNE is hierarchically superior, provincial commissions were considered autonomous in terms of accreditation of observers and party agents, with CNE in the past claiming that the law refers to them as supporting bodies but does not clearly mention their subordination to the CNE. Worth noting is the fact that provincial electoral commissions failed to accredit the vast majority of the national observers and that political party agents were in many locations issued the day before or the day of the elections. The EU EFM encourages the CNE to consider taking action in relation to this recommendation.

A record of poor public communications and engagement with election stakeholders led to the recommendation that a public communication strategy, including the prompt publication of decisions and proactive engagement with stakeholders should be developed. This recommendation goes beyond the mere establishment of a media centre and the holding of sporadic press conferences. The fact that the CNE is comprised of members appointed by political parties cannot serve as an argument not to promptly disseminate information to the remaining political parties not represented in the CNE, as well as to national observers and voters. The CNE should actively engage in regular meetings with all political parties and national observers.

In line with transparency requirements, it was recommended that election results should be published, by polling station, on the CNE website. CNE may use the support of the UNDP through the incipient *Enhancing Democracy and Electoral Processes in Mozambique 2022-2025* project, intending to support enhanced engagement with citizens as well as enhancing the digital communication capacities of the election administration bodies.

D. Voter Registration (Recommendations 12 and 13)

The recommendations focusing on voter registration advocate for the establishment of a reliable permanent voter register that enjoys public confidence and reflects accurately the number of voters in each province, and for the conduct of an independent audit of the provisional voter registration data before adoption of the final voter register. There seems to be little political will for the adoption of a permanent voter register although verbally all interlocutors agree that this could be the most efficient solution. Implementation of this recommendation requires legal change. The law on voter registration, however, remains the same and a new voter register is required for each electoral cycle. It remains to be seen if the CNE will implement the second recommendation to allow for the conduct of an auditing of the voter register and which body would carry out this auditing.

E. Campaign (Recommendations 14 and 15)

Past EU EOMs have repeatedly recommended authorities to implement the existing prohibition on the misuse of state resources to ensure that governing authorities do not abuse their incumbent position to utilise public assets or mobilise civil servants for political campaign purposes. It is unlikely that authorities implement this recommendation. Therefore, the ruling party should raise awareness among its members to refrain from taking advantage of the state resources so that a more balanced competition between candidates is observed.

One of the priorities and most important recommendation is the call for state authorities to take responsibility in protecting the full enjoyment of fundamental freedoms of candidates, namely the right to freedom of assembly and conduct campaign activities in a safe environment, free from violent acts against party members and supporters. Political parties should also play a role in dissuading their members and supporters from interfering in the campaign activities of other parties. Although it is not possible, yet, to assess the specific application to the campaign period, the broader human rights context in the country is continuing to deteriorate, with freedom of assembly being suppressed in recent years of particular note. Several recommendations were made to Mozambique, during the Universal Periodic Review in 2021, that the institutions of law enforcement should be trained in human rights and that any violations of the law should be investigated without impunity.

F. Media (Recommendations 16 to 18)

None of the media-related recommendations has been implemented. These identified limitations on freedom of expression and of the press while calling for the adoption of a legal framework in line with international standards for the media.

The three recommendations related to media include the requirement to convert the Media Superior Council – *Conselho Superior de Comunicação Social* (CSCS) into a genuinely independent regulatory body that is protected from government interference and acts with transparency and accountability, with its board of directors and members selected through an inclusive and competitive system; improve the legal framework to ensure that public broadcasters are governed by an independent board of directors accountable to parliament rather than to the government; and amend the Penal Code, press law and other legislation to abolish provisions detrimental to freedoms of expression and of the press, in particular abolishing imprisonment for cases of defamation in line with international principles.

The media sector continues to lack an independent regulatory structure. While the Superior Council for the Media (CSCS) is mandated by the Constitution and the press law to guarantee the independence of the media, press freedom, the right to information and the political parties' free airtime, it lacks regulatory functions as well as enforcement and sanctioning powers. The regulatory functions are performed by the Government Information Bureau (GABINFO), under the prime-minister's office. GABINFO is the entity that licenses and provides accreditations to the media and is responsible for proposing media-related legislation.

The structure that licenses media and supervises public media therefore lacks independence, operating under the direct control of the government, exposed to political interference, which is contrary to international standards for the independence of media regulatory bodies. The Declaration of Principles on Freedom of Expression in Africa, in its article VII states that: "*Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature.*" It continues by establishing that "*the appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party. Any public authority that exercises powers in the areas of broadcast or telecommunications should be formally accountable to the public through a multi-party body.*"

Two pieces of legislation have been presented to the Assembly of the Republic which would not address the three EU EOM recommendations. Instead, if enacted as originally proposed this legislation will further undermine freedom of expression and of the press in the country. These are the draft Broadcasting Bill (*Lei da Radiofusão*) and the draft Media Bill (*Lei da Comunicação Social*).

An analysis of the two bills by Media4Democracy found that certain provisions would leave media vulnerable to possible political pressure and manipulation and would deprive Mozambicans of access to reliable, quality news. The analysis also considers that no proper system is established for licensing broadcasters and that the proposed rules ban public distribution of foreign media (by restricting them to 'closed circuit' distribution) and limiting the number of accredited professionals working for foreign media to just two people. The two media bills do not address the restrictions on freedom of expression which exist in the criminal law and in the law on defamation, pointed out in EU EOM recommendations.

The draft Broadcasting Bill (*Lei da Radiofusão*) creates a regulatory body to oversee and implement the broadcasting law. However, it lacks any description of the composition, organisation and basic rules of operation of the regulator. Detailed rules are required to ensure that the regulator is established and operates in an independent and transparent manner, free from party-political considerations. MISA Mozambique has also expressed concern at the apparent marginalisation of the Media Superior Council (CSCS), contrary to the Constitution. The imposition of sanctions on broadcasters for violations of the law is provided for, but due process in the determination of such violations is omitted.

The draft Media Bill (*Lei da Comunicação Social*) proposes to define the legal regime and principles to govern freedom of the press, establishing the rights and duties of media professionals. Among the many negative aspects of the draft are the imposition of penal sanctions on media practitioners for breaches of this law; vague and indeterminate offences; and restrictions on the operation of foreign media in the country, among others. Additionally, the two new media bills do not address the restrictions on freedom of expression which exist in the criminal law and in the law on defamation. The draft legislation goes in the opposite direction from the thrust of the recommendations.

Changes to media legislation would not only affect media outlets and journalists but rather the overall

level of freedom of expression and speech in the country. Any debates regarding media laws must necessarily involve not only with media practitioners but also civil society organisations and public institutions responsible for the oversight of the respect for fundamental freedoms in the country. These debates must be carried out in a public and open manner.

G. Election Observation and Party Agents (Recommendations 19 and 20)

Two recommendations were made to support the genuine and effective participation of election observers and party agents in future electoral processes. The EU EOM observed difficulties for observers and party agents in securing accreditation and in carrying out their duties. The two recommendations together amount to exhortations to the CNE, the police and other authorities to comply with existing law and to respect, protect and fulfil the rights of election observers and party agents to participate in electoral processes.

The first recommendation proposes that the CNE ensure timely accreditation of election observers and party agents. The CNE has indicated an intention to do so; however, action from provincial electoral commissions is requested so as to avoid a repetition of past elections. The second recommendation is for the creation of a safe environment for the participation of observers and agents in future elections, free from harassment and abuse that may only be achieved with the clear instructions from the government to public authorities, including the accountability of security forces officials but also local government authorities overstepping their mandate.

V. The Stakeholders Seminar

The EU EFM organised a seminar in Maputo on 22 March 2022 “*Future Electoral Processes and the Recommendations of the EU Election Observation Mission 2019*”. The main purpose of the seminar was to bring together all key electoral stakeholders and to initiate discussion on the obstacles to and opportunities for the implementation of the EU EOM 2019 recommendations. The seminar was attended by more than 30 participants representing the CNE, political parties with parliamentary representation, representatives of the government, of the judiciary, of the media, three parliamentary committees and the EU Delegation.

The discussions focused on the recommendations which could still be implemented before the next elections, of which most required political will for their implementation. Participants were divided into three thematic working groups: group 1 – institutional and legal framework; group 2 – election administration; and group 3 – media issues. Overall, participants were very satisfied with the fact that this seminar created the opportunity to jointly discuss, at a senior-level, a number of electoral issues in depth.

The conclusions of the seminar reaffirmed the EU EOM recommendations and the need for their implementation. Participants in the group focusing on institutional and legal frameworks emphasised the need for the electoral management bodies to adopt a more professionalised approach, but also the need for institutions to develop an electoral culture based on the law and principles of transparency and accountability, free from political interference. Participants acknowledged that electoral legislation must be consolidated once and for all to avoid the frequent last-minute changes resulting from political negotiations. Emphasis was also given to the importance in continuing the training of judges in electoral legislation.

In terms of election administration, participants (which included CNE officials) revealed plans for the adoption of a proper and effective public communication strategy by establishing a database of emails to disseminate information; the regular update of the CNE website; regular press conferences and press releases; and the use of electronic platforms such as community radio stations to disseminate information in local languages. There was an acknowledgment by the CNE President that publishing the election results per polling station in the CNE website is just a practical issue, possible to be executed and that a decision is likely to be taken in that direction. There was also consensus about the need to audit the voter registration data although for the upcoming elections it would not be possible to implement a permanent voter register. The abandonment of the requalification of all invalid ballots conducted during previous elections to the requalification of only the ballots that have been challenged was based on the principle of efficiency.

As for the media recommendations, the EU EFM noted that discussions in the group largely maintained the recommendations of the EU EOM 2019, without delving deeply into the proposed new broadcasting and media bills. Decriminalisation of defamation did not appear to unite a consensual position among the group.

VI. Conclusions

The recommendations offered by the EU EOM 2019 remain pertinent and valid. Nevertheless, it must be acknowledged that some of them are unlikely to be implemented for the next electoral process. In particular, the recommendations related to legal issues, as their implementation would require legal change. This is so even if the amendments proposed are, in some cases, minor interventions which would allow for significant improvements. This would be the case, for example, with interpretation of a valid ballot. Moreover, a recommendation such as the harmonisation of the electoral laws into a single legal instrument, whether it is called an electoral code or a more comprehensive electoral law, is unlikely to happen before next elections as it would demand a considered and comprehensive intervention. Voter registration procedures will also remain the same and a new voter register will have to be created afresh.

It is worth noting the fact that the EU EFM encountered very little enthusiasm from political parties in support of legal revision before the next elections. It is therefore unlikely that any proposal will be submitted on time to allow for proper discussions in parliament and subsequent legislative adoption. In future, attention must also be paid to another EU EOM recommendation advising that legal reform not be carried out six months before elections.

On a positive note, most of the priority recommendations can still be implemented before the next electoral process, should there exist political will from the Mozambican authorities. Most of these relate to the overall context of human rights and fundamental freedoms.

The EU EFM encourages the Mozambican authorities to make serious efforts to implement the following **priority recommendations offered by the EU EOM 2019**:

- State institutions, namely the CNE, should take full responsibility for the integrity of the electoral process by adopting measures to address the consequences of electoral offences and malpractices during voting, counting and tabulation of results to diminish their impact on the election results.

- Adopt and enforce policies for the police to act impartially and free from political influence at all levels, ensuring that those responsible for violations of human rights and rule of law namely during electoral periods are held accountable.
- State authorities should take responsibility in protecting the full enjoyment of fundamental freedoms of candidates, namely the right to freedom of assembly and conduct campaign activities in a safe environment, free from violent acts against party members and supporters. Political parties should also play a role in dissuading their members and supporters from interfering in the campaign activities of other parties.
- Create a safe and intimidation-free environment for the participation of election observers and party representatives in political and electoral affairs.
- Implement a more effective CNE public communication strategy, including the prompt and complete publication of all decisions, the conduct of regular consultative meetings with political parties, and the continuous dissemination of information to all stakeholders, especially in the immediate pre and post-electoral period.
- Increase transparency and confidence in the electoral process by publishing original copies of polling station results for public verification on the CNE website.
- Establish and maintain, through updates in election years, a reliable (even if not permanent for next elections) voter register that enjoys stakeholder confidence and that accurately reflects the number of voters in each province.

In addition to these, the EU EFM calls the attention of media practitioners, civil society organisations and political parties, as well as national institutions responsible for human rights oversight, to engage in a serious and open debate on the media bills currently before parliament. The result of this debate must be legislation that is in line with international principles for freedom of expression and of the press, including the Declaration of Principles on Freedom of Expression in Africa.

Finally, the EU EFM encourages civil society organisations to revisit the models for election observation adopted in past elections in order to better define the best model for their participation and coordination as national election observers in the upcoming electoral process.

VII. EOM Follow-up Activity

The EU EOM 2019 observed obstruction of national observers, while the EFM has noted the erosion of civil society activism since then. No election observation has yet begun in anticipation of the municipal elections next year. For the upcoming elections, International IDEA has a budget of EUR 200,000 to 300,000 for national election observation which is obviously insufficient to support a proper and adequately established national election observation mission. Nevertheless, other donors have incipient plans for the funding of national observation, as discussed during an *ad hoc* meeting of the former donor Election Working Group, which met on 18 March 2022.

The EFM conducted a joint meeting on 29 March, with thirteen organisations that were previously involved in election observation. Civil society organisations acknowledged that establishing a common platform with coordinated leadership and methodology, as well as regular reporting, could prove to be more effective than the model used in the previous electoral cycle. Discussions on a model and approach to adopt were planned to continue among the organisations, in advance of soliciting support from donors.

The EFM encourages the EU and other donors to articulate support for the establishment of an election observation national platform that can be consolidated in the future. IDEA may support in providing information and identifying international experts that could support in this endeavour. However, coordination and bureaucratic efforts must be carried out by the organisations wishing to participate without the involvement of the international community within their internal dynamics.

The EFM also observed the need for greater protection of civil and political rights, in order to facilitate meaningful political participation by voters, political parties and civil society. Strengthening of the National Human Rights Commission, particularly through support to achieve compliance with the Paris Principles, appears to be an appropriate medium to advance this objective. A new project funded by the EU and implemented by UNDP to this aim is in the pipeline. An effective national human rights institution would promote greater respect for human rights, as advocated in several of the recommendations of the EU EOM 2019.

Annex I: Press Release



EUROPEAN UNION ELECTION FOLLOW-UP MISSION

PRESS RELEASE

EU Election Follow-up Mission urges action by the Mozambican institutions to ensure that upcoming elections reflect recommendations of election observation mission in line with international principles for democratic elections

Maputo, 22 March 2022 - The European Union deployed an Election Follow-up Mission to Mozambique led by Mr. Nacho Sanchez Amor, Member of the European Parliament and Chief Observer of the EU Election Observation Mission (EU EOM) in 2019.

The purpose of the Election Follow-up Mission is to assess the degree to which the recommendations of the EU EOM have been implemented and the progress made in electoral reforms since the 2019 elections. In this context, the Mission organised a roundtable on 22 March where participants had the opportunity to jointly discuss the implementation of the EU EOM recommendations ahead of the 2023 and 2024 electoral cycle.

The EFM acknowledges that the last two years have been particularly difficult for Mozambique, in light of the COVID-19 pandemic, and the humanitarian crises generated by cyclones and the situation in Cabo Delgado.

The visit of the EFM comes at the beginning of a new electoral cycle, an opportune time for the Mozambican institutions to review the recommendations as planning begins for municipal elections in 2023 and general and provincial elections in 2024. A compelling need for reform of the institutional framework for elections was identified, with the responsibility to address fundamental political freedoms placed on the National Electoral Commission, the Assembly of the Republic, the government and the police.

Practical steps towards implementation of recommendations can still be undertaken in time for the forthcoming elections, but actions must be speedy in order to allow stakeholders to be aware of any improvements made and that training starts in a timely manner.

In a press conference held today, Mr. Sanchez Amor said *“It is important to guarantee that the next electoral cycle takes place in an environment conducive to inclusive participation of all stakeholders. These include voters, the most interested parties in an election, political party representatives and civil society, acting both as agents of civic education and as national observers. To bring confidence to the electoral process, authorities should seriously consider the establishment of a permanent voter register; the publication of polling stations results in the CNE website and ensure that national election observers enjoy a safe and intimidation-free environment for their participation. There are currently two media related bills pending at parliament. These will determine the level of freedom of expression, speech and of the press in the future. We hope that the whole society, especially the media professionals like yourselves, engage actively in this important debate and that any law that will be approved is strictly in line with internationally accepted principles.”*

Annex II: Seminar Concept Note and Agenda

SEMINAR

“FUTURE ELECTORAL PROCESSES AND THE RECOMMENDATIONS OF THE EU ELECTION OBSERVATION MISSION 2019”

Maputo, 22 March 2022
Hotel Avenida

METHODOLOGY

The main objective of the seminar is to serve as a forum for national interlocutors to exchange views on the challenges and opportunities for the implementation of the EU EOM 2019 recommendations.

The opening session will be conducted by the Chief of Mission and former Chief Observer of the EU EOM 2019, Mr. José Ignacio Sanchez Amor, the EU Head of Delegation, Mr. António Sanchez-Benedito and the President of the National Electoral Commission (CNE) Dom Carlos Matsinhe.

Participants will be organised in three groups. Each group will discuss during one hour the relevance of a set of recommendations. Each group will appoint its spokesperson who will present the conclusions and proposals of the group for further exchange of views with other participants.

The members of the Follow-Up Mission will summarise all conclusions to be presented at the closing session.

During the seminar, the participants will discuss the recommendation of the EU EOM Mozambique 2019 divided into three thematic areas. Each group will be comprised of 10 participants that will debate the following:

- Group 1: Institutional Framework
- Group 2: Election Administration
- Group 3: Media Issues

To initiate the debate each participant should consider:

- The relevance of the recommendations;
- Identify the main challenges in the implementation of the recommendations and which actions should be taken;
- What type of support is needed;
- Estimated timeframe for implementation.

RECOMENDATIONS TO BE DEBATED BY EACH GROUP

GROUP 1: Institutional and Legal Framework

1. State institutions, namely the CNE, should take full responsibility for the integrity of the electoral process by adopting measures to address the consequences of electoral offences and malpractices during voting, counting and tabulation of results to diminish their impact on the election results.
2. Adopt and enforce policies for the police to act impartially and free from political influence at all levels, ensuring that those responsible for violations of human rights and rule of law namely during electoral periods are held accountable.
3. Implement the existing prohibition on the misuse of state resources to ensure that governing authorities do not abuse their incumbent position to utilise public assets or mobilise civil servants for political campaign purposes.
4. State authorities should take responsibility in protecting the full enjoyment of fundamental freedoms of candidates, namely the right to freedom of assembly and conduct campaign activities in a safe environment, free from violent acts against party members and supporters. Political parties should also play a role in dissuading their members and supporters from interfering in the campaign activities of other parties.
5. Create a safe and intimidation-free environment for the participation of election observers and party representatives in political and electoral affairs.
6. Provide CNE budgetary independence through direct and timely access to the funds approved in the National General Budget, avoiding that the release of funds for the conduct of the elections, including the public financing for campaign activities, is dependent on the government.

Group 2: Electoral Administration

1. Implement a more effective CNE public communication strategy, including the prompt and complete publication of all decisions, the conduct of regular consultative meetings with political parties, and the continuous dissemination of information to all stakeholders, especially in the immediate pre and post-electoral period.
2. Increase transparency and confidence in the electoral process by publishing original copies of polling station results for public verification on the CNE website.
3. Establish and maintain, through updates in election years, a reliable permanent voter register that enjoys stakeholder confidence and that accurately reflects the number of voters in each province.
4. Conduct an independent audit of the provisional voter registration data before adoption of a final voter register.
5. Ensure timely CNE accreditation of party agents and observers.
6. Broaden the provisions defining the validity of each vote based on the intention of the voter by specifying acceptable marks in addition to the 'X' or fingerprint.

7. Reintroduce the second layer of scrutiny for invalid ballots with a requalification of these by district election commissions, given the significant percentage of ballots that were requalified as valid in previous elections and the discrepancy of interpretations in what constitutes a valid ballot.

Group 3: Media Issues

To what extent the bills on media and broadcasting are in line with the following recommendations:

1. Convert the Superior Council of Social Communication (CSCS) into a genuinely independent regulatory body that is protected from government interference and acts with transparency and accountability, with its board of directors and members selected through an inclusive and competitive system.
2. Improve the legal framework to ensure that public broadcasters are governed by an independent board of directors accountable to parliament rather than to the government.
3. Amend the Penal Code, press law and other legislation to abolish provisions detrimental to freedoms of expression and of the press, in particular abolishing imprisonment for cases of defamation in line with international principles.

PROGRAMME

Time	ACTIVITY
11:00 -11:30	Opening session
11:30 – 12:00	CNE intervention
12:00 -13:00	Group Discussion
13:00 – 14:00	Lunch Break
14:00 – 14:40	Groups presentation
14:40 – 15:00	Conclusions and Closing Session

Annex III: Matrix on the Implementation Status of the 2019 EU EOM Recommendations

No.	Year	Recommendation	Electoral Theme	Status (1-6)	Comments and Additional information
1	2019	<p>State institutions, namely the CNE, should take full responsibility for the integrity of the electoral process by adopting measures to address the consequences of electoral offences and malpractices during voting, counting and tabulation of results to diminish their impact on the election results.</p> <p>This would mean that, in parallel to an electoral offence case pursued at the court, ballot papers and results forms of polling stations affected by malpractices (ballot stuffing, intentional invalidation of votes, alteration of data in election results forms, among others) should be quarantined until the election administration conducts an internal audit and assesses the impact of the malpractices on election results. Similarly, the evidence submitted to the Constitutional Council that may not be considered due to procedural faults should be forwarded to the CNE to assess its impact on the election results.</p>	Institutional framework	1	<p>No action has been taken to implement this recommendation.</p> <p>Freedom House ranked Mozambique as partly free in 2021, with the extremely low ¼ score, when assessed against “electoral laws and framework being implemented impartially by the relevant election management bodies”.</p>
2	2019	Adopt and enforce policies for the police to act impartially and free from political influence at all levels, ensuring that those responsible for violations of human rights and rule of law namely during electoral periods are held accountable.	Institutional framework	1	<p>No action has been taken towards implementation of this recommendation.</p> <p>Recommendations offered during the UPR included that the institutions of law enforcement should be trained in human rights and that any violations of the law should be investigated without impunity.</p>
3	2019	Avoid amendments to electoral laws in the six-month period prior to elections, to ensure stakeholders have the opportunity to familiarise themselves with the normative framework.	Legal framework	5	<p>Too early to assess.</p> <p>The fact that there are fixed term elections means that this recommendation could be complied with without too much difficulty, if the Assembly of the Republic wished to do so.</p>

4	2019	Ensure consistency, constitutionality, and feasibility of implementation of electoral laws by systematically submitting bills for Constitutional Council oversight before their approval.	Legal framework	5	This recommendation relates to the use of the President's power to submit a bill to the Constitutional Council for preventive review of constitutionality. The National Human Rights Commission may perform an enhanced role in reviewing draft legislation for compliance with human rights standards.
5	2019	Harmonise electoral laws into one electoral and procedural code, in line with the Constitutional Council recommendation in its ruling 21/CC/2014, to grant legal certainty and eliminate legal contradictions.	Legal framework	1	Revision of electoral legislation is the subject of a project, <i>Consolidation of Democracy in Mozambique</i> , implemented by International IDEA, consultations and expert research began in August 2021.
6	2019	Broaden the provisions defining the validity of each vote based on the intention of the voter by specifying acceptable marks in addition to the 'X' or fingerprint.	Legal framework	1	There has not been any legislative change. Implementation of this recommendation requires legislative change, as the present law has a narrow definition of how a vote is validly cast.
7	2019	Reintroduce the second layer of scrutiny for invalid ballots with a requalification of these by district election commissions, given the significant percentage of ballots that were requalified as valid in previous elections and the discrepancy in interpretations of what constitutes a valid ballot.	Legal framework	1	There has not been any legislative change.
8	2019	Provide CNE budgetary independence through direct and timely access to the funds approved in the National General Budget, avoiding that the release of funds for the conduct of the elections, including the public financing for campaign activities, is dependent on the government	Election Administration	5	The CNE remains in the same position as before, dependent upon the government for the disbursement of their budget.
9	2019	Clarify in the law the subordinate hierarchy between the central and lower levels of election management to guarantee full compliance with superior directives and instructions.	Election Administration	5	This recommendation does not necessarily need to cause a change to the CNE law but it may be addressed by an internal instruction. New CNE members have informed the EU EFM that they intend to reassert their supremacy over Provincial Electoral Commissions and the STAE. It is premature to assess this recommendation.
10	2019	Implement a more effective CNE public communication strategy, including the prompt and complete publication of all decisions, the conduct of regular consultative meetings with	Election Administration	5	A new UNDP project is imminent, <i>Enhancing Democracy and Electoral Processes in Mozambique</i> , which includes one component on "enhancing democracy" which intends to enhance transparency "through greater public outreach

		political parties, and the continuous dissemination of information to all stakeholders, especially in the immediate pre and post-electoral period.			and information sharing ... to the voter population.” It is too early to assess implementation of this recommendation.
11	2019	Increase transparency and confidence in the electoral process by publishing original copies of polling station results for public verification on the CNE website.	Election Administration	5	The recommendation can be implemented in a simple and inexpensive manner by the CNE. The UNDP project (above) includes support to enhancing digitalisation of information, which would enable implementation of this recommendation. Implementation cannot, however, be assessed in advance of conduct of the next election
12	2019	Establish and maintain, through updates in election years, a reliable permanent voter register that enjoys stakeholder confidence and that accurately reflects the number of voters in each province.	Election Administration	1	There has not been any change in the law which would be required to implement this recommendation. With voter registration imminent for elections in 2023, no change in law is anticipated.
13	2019	Conduct an independent audit of the provisional voter registration data before adoption of a final voter register.	Election Administration	5	This recommendation can only be assessed when the process of voter registration has been commenced.
14	2019	Implement the existing prohibition on the misuse of state resources to ensure that governing authorities do not abuse their incumbent position to utilise public assets or mobilise civil servants for political campaign purposes.	Electoral Campaign	5	This recommendation can only be assessed once an election campaign has begun.
15	2019	State authorities should take responsibility in protecting the full enjoyment of fundamental freedoms of candidates, namely the right to freedom of assembly and conduct campaign activities in a safe environment, free from violent acts against party members and supporters. Political parties should also play a role in dissuading their members and supporters from interfering in the campaign activities of other parties.	Electoral Campaign	5	This recommendation can only be assessed once an election campaign has begun.
16	2019	Convert the Superior Council of Social Communication (CSCS) [Superior Council of the Media] into a genuinely independent regulatory body that is protected from government interference and acts with	Media	1	The proposal of a draft Media Law proposes the creation of a new media regulatory body. Stakeholders have expressed concern at the apparent marginalisation of the Superior Council of the Media in the draft law, contrary to the Constitution.

		transparency and accountability, with its board of directors and members selected through an inclusive and competitive system.			The draft legislation goes in the opposite direction from the thrust of this recommendation. The first draft of the new bill lacked the guarantees of independence, transparency and accountability contained in the recommendation.
17	2019	Improve the legal framework to ensure that public broadcasters are governed by an independent board of directors accountable to parliament rather than to the government.	Media	1	The draft new media and broadcasting bills do not address this recommendation.
18	2019	Amend the Penal Code, press law and other legislation to abolish provisions detrimental to freedoms of expression and of the press, in particular abolishing imprisonment for cases of defamation in line with international principles.	Media	1	There has not been any progress towards greater respect for freedom of expression. The two new draft media and broadcasting bills do not address the restrictions which exist in the criminal law and in the law on defamation. Indeed there are fears on the part of stakeholders that the new bills may further undermine press freedom. Freedom House ranked Mozambique in 2021 as partly free, a rank which continues to fall, with a score of 43/100, down from 45/100 in 2020.
19	2019	Ensure timely CNE accreditation of party agents and observers.	Election observers and political party agents	5	The CNE acknowledged that there were problems with accreditations in the last elections, some of which they blamed on differences in practice in the provinces. They intend to address these problems through engagement at a provincial level. This matter may only be assessed during an election.
20	2019	Create a safe and intimidation-free environment for the participation of election observers and party representatives in political and electoral affairs.	Electoral observers and Party delegates	5	Implementation of the recommendation is a matter of political will. Implementation may only be assessed during an election.

Guidance Notes

Column 1: The number relates to the number of a recommendation in the EOM Final Report

Column 2: Where two EOMs were deployed in a single year e.g. 2017, the first should be written as 2017(1) and the second should be written as 2017(2)

Column 3: The text of the recommendation should be inserted. Priority Recommendations should be written in **bold**

Column 4: 'Electoral Themes' are the thematic area under which the recommendation appears in the EOM Final Report e.g. Electoral/Legal Framework, Election Administration, Voter Registration, Campaign Finance, Media, Polling Procedures etc.

Column 5: The implementation status of a recommendation should be selected from the following:

Category	Description	Guidance
1	No change	No action has been taken to implement this recommendation.
2	Action or activity is ongoing but implementation of the recommendation has not yet been confirmed	Examples may include the formation of a working group to review legislation, or the preparation of a legislative bill of reform, but the change has not yet been confirmed by legislative change.
3	Partial implementation of recommendation	The recommendation has been addressed/implemented in part, but other elements of the recommendation have not been addressed.
4	Full implementation of recommendation	The recommendation has been implemented in full e.g. electoral legislation has been amended and all aspects of the recommendation have been addressed.
5	Too early in electoral cycle to determine	Some recommendations may relate to administrative action/practice which can only be assessed at a later stage i.e. strengthening of civic/voter information
6	Recommendation is no longer relevant	For example, a change in the electoral system may make redundant a recommendation on candidate registration under the old electoral system.

Column 6: Comments on the implementation status e.g. the government / parliamentary majority does not support the recommendation.

