AFRICAN UNION OBSERVER MISSION TO THE
LEGISLATIVE ELECTIONS OF 20 MARCH 2016 IN THE
REPUBLIC OF CABO VERDE

PRELIMINARY STATEMENT

I. INTRODUCTION


Led by Mrs. Zainabo Sylvie Kayitesi, former President of the African Commission on Human and Peoples' Rights (ACHPR), of Rwandan nationality, the AUEOM is composed of 20 observers, including parliamentarians of the Pan-African Parliament, members of the election management bodies and members of civil society and human rights organisations. These observers represent 12 countries, namely: Algeria, Angola, Burundi, Ethiopia, Guinea-Bissau, Mozambique, Democratic Republic of Congo, Rwanda, Seychelles, Swaziland, Togo and Tunisia.

The mission is supported by a team of experts from the AU Commission, the Pan-African Parliament and the Electoral Institute for Sustainable Democracy in Africa (EISA).
Present in the Republic of Cabo Verde from 16 March, the AUEOM will remain in the country until 24 March 2016.

Through this statement, the AUEOM presents its preliminary findings and recommendations based on its analysis of the legal and regulatory framework, their consultations with electoral stakeholders, and the observation of voting and counting of votes. The mission will subsequently publish a final report containing a detailed review of the conduct of the electoral process in the Republic of Cabo Verde.

II. OBJECTIVES AND METHODOLOGY OF THE MISSION

The AUEOM aims to assess the consistency, credibility and fairness of the 20 March 2016 elections in the Republic of Cabo Verde, in accordance with the relevant provisions of the African Charter on Democracy, Elections and Governance, the Declaration of the OAU / AU Declaration on the principles governing democratic elections in Africa, the Guidelines for African Union Electoral Observations and Monitoring Missions, and the African Peer Review Mechanism. This assessment of the electoral process is also based on the national legal framework for parliamentary elections in the Republic of Cabo Verde.

During their stay in Cabo Verde, the AUEOM met with several national institutions. On 18 March 2016, the AUEOM organised an orientation and training session for their observers on the legal framework and the political and electoral context in the Republic of Cabo Verde. Observer teams were deployed to four islands, namely Santiago, Santo Antão, São Nicolau and São Vicente, on 19 March 2016.

On election day, 8 AUEOM teams observed the opening of polling stations, voting, closing and counting of votes in the following constituencies: North Santiago, South Santiago, Santo Antão, São Nicolau and São Vicente.

III. PRELIMINARY FINDINGS

A. Legal Framework

Cabo Verde's Constitution enshrines all the fundamental freedoms and civil rights. The right to vote is recognised by the fundamental law for all citizens over 18 years.
The Constitution guarantees the right to be elected, the principle of universal, free, direct and secret suffrage, and the right not to be discriminated against based on race, origin, sex, language, religion, socio-economic situation, and political and ideological views.

Cabo Verde’s Electoral Code creates a regulatory framework for the organisation of transparent and inclusive elections. However, the AUEOM noted that Articles 105 and 106, regulating the electoral activity of the media and the use of professional musicians during election campaigns, were submitted to the Constitutional Court, at the request of the President, for a judgement on its constitutionality.

The AUEOM welcomes Cabo Verde’s legal provisions and mechanisms for early voting by people on duty and outside their usual areas of residence on election day, as well as for hospital patients and prisoners.

The AUEOM is of the opinion that the legal framework for the elections of 20 March 2016 in Cabo Verde is conducive for the exercise of fundamental rights and freedoms by Cabo Verdean citizens, and complies with relevant international standards in this area, including the African Charter on Human and Peoples’ Rights and the African Charter on Democracy, Elections and Governance.

B. Election Management
The AUEOM noted that the members of the National Elections Commission (CNE) are selected by a qualified majority of the members of the National Assembly, which reflects a consensus of the main political forces. According to the findings of the Mission, the CNE is seen by all electoral stakeholders as an independent, qualified and competent body.

C. Voter Registration and Voters’ Register
The AUEOM notes with satisfaction that voter registration is a continuous process based on the use of biometric technology. The Mission was informed that all voters had sufficient time to consult the electoral register and request corrections if necessary. The AUEOM noted that electoral stakeholders trust the integrity of the voter registration process and the voters’ register.
Cabo Verde has taken the necessary steps to allow its citizens living abroad to be registered in the electoral roll and vote. The AUEOM welcomes the inclusion of this significant segment of the population in the electoral process. Cabo Verde is therefore part of the small group of African countries who work for the inclusion and participation of citizens living abroad in the electoral process, despite the financial cost that this entails.

However, the voters' register in five countries in the diaspora was not updated in five countries¹, thus depriving some Cabo Verdean citizens resident in those countries of the right to vote.

**D. Candidate Lists**

The Mission noted that all the political parties that presented lists of candidates to the courts were allowed to participate in elections. Some lists were, however, rejected in some constituencies due to irregularities. The Mission observed that the Constitutional Court, upholding the principle of inclusion and fairness, decided to restore the right to participate of electoral lists that had initially been excluded by the lower courts for not meeting the requirements for the minimum number of alternate candidates.

**E. Women's Participation**

The AUEOM noted the good representation of women in election management bodies. It also noted, however, the under-representation of women as candidates and as leaders of parties at national level. Only 21% of candidates were women and women were at the head of only 14.6% of the lists. Only one of the six parties in dispute had a woman as candidate for prime minister.

**F. Media**

The Mission welcomes the legal steps taken to ensure the impartial election coverage by the media and welcomes the public media efforts to grant political parties comprehensive, fair and balanced coverage of their campaign activities. The Mission also welcomes the efforts of the Regulatory Authority for Social Communication.

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¹ Angola, Guinea-Bissau, Mozambique, UK, and Sweden
G. Election Campaign
The election campaign was generally peaceful and in accordance with the legal provisions. The civil manner in which most supporters of different political parties behaved during the campaign contributed to the atmosphere of calm observed by AUEOM. No incidents of violence were observed by, or reported to the AU observer teams.

The Mission noted, however, that formal complaints about the campaign were submitted to the CNE. They were related to a government-sponsored housing project, the use of professional musicians at rallies of parties and the alleged lack of balance among political parties in the selection and allocation of polling stations staff as required by the Electoral Code.

The Mission commends the media for the free broadcast of parties’ campaign broadcasts. The mission notes, however, that this legal provision applies only to parties that compete in at least five constituencies, and therefore two parties were unable to use these channels to publicise their platforms to voters.

The AUEOM commends all political parties and candidates for having respected the end of campaigning on 18 March.

H. Participation of Civil Society
The Mission noted that election observation by Cabo Verdean citizens is not permitted by law, contrary to best democratic practices in Africa, and that even international observation is not mentioned in the Electoral Code.

I. The Security of the Electoral Process
Electoral stakeholders expressed their confidence in the neutrality and professionalism of the security forces. The Mission observed the professionalism with which the National Police of Cabo Verde ensured the safety of the distribution of election materials and the election campaign.
IV. ELECTION DAY OBSERVATIONS

A. General Comments
On 20 March, the AU observer teams visited a total of 106 polling stations in 15 municipalities.

The atmosphere around the polling stations was peaceful and calm, and there were no visible campaign activities within 500 meters from the polling stations. Security personnel were present visibly outside most polling centres. Their behaviour was professional and their presence discreet.

AU observers and party agents were able to perform their duties without hindrance or interference, except in two polling stations in Praia, where the presiding officers did not allow AU observers to observe the counting process.

The mission noted that all the party agents were in possession of the electoral register, which contributed to the transparency of the process.

The polling station staff was well trained, and generally managed well all procedures.

The secrecy of the vote was guaranteed at all polling stations observed by the AU.

Most polling stations visited by AU observers were accessible to people with disabilities, and the layout was conducive to an orderly vote.

The mission noted with satisfaction the high participation of women on election day. For example, 60% of polling staff and 55% of the parties agents at the polling stations visited by the Mission were women.

The AU Mission welcomes the high turnout of voters on election day, which was estimated at 66%.

B. Opening of Polling Stations
Opening procedures were followed in most polling stations visited by the AU.
About 65% of the visited polling stations opened on time, compared to 35% that opened late. The main reason for the delay in the opening was the insufficient number of polling staff at opening time, and the lack of some election materials, such as voting booths and ballot boxes.

The insufficient number of staff in some polling stations at the time of opening forced some presiding officers to recruit voters from the queues to replace the missing staff members. These substitute polling staff members received a short and quick training before the opening of the polling station.

Presiding officers ensured that ballot boxes were empty, and then properly sealed before the vote. In some isolated cases, the ballot boxes were not sealed properly.

Before the beginning of voting, polling staff at several polling stations had not received information about the deliberation by the CNE instructing all presiding officers to sign the ballot papers on the back before handing them to voters.

The process of counting ballot papers before the start of the voting process was very time consuming and also contributed to the late opening of some polling stations.

C. The Voting Process

After the start of voting, the AUEOM noted that all election materials were available at all observed polling stations in sufficient quantities.

In all observed polling stations, the votes of those who had voted in advance arrived on time, except in one polling station, where one envelope arrived late, and was therefore rejected, in accordance with the law.

The Mission observed a single case of a voter who was not allowed to vote because he had no identification. All voters who carried their identification documents found their names on the electoral register.

Priority was given to the disabled, the elderly, pregnant women and those who needed assistance.
However, the Mission noted the following deficiencies:

- In some polling stations, ballot papers were not signed on the back;
- The procedure for inking voters’ fingers was followed inconsistently - in some cases, the ink was applied before the ballot papers were delivered to the voters, which may ultimately result in null ballots due to ink marks;
- In some polling stations, the presiding officers did not verify if the fingers of voters had already been marked with indelible ink before handing them ballot papers;
- Many voters could not find their polling places and had to be re-directed to their polling stations by the staff of the first polling station where they attempted to vote.

D. Closing of Polling and Counting of Votes

All observed polling stations closed on time, and the counting procedures were faithfully followed by the staff.

E. Tabulation and Announcement of Results

The Mission noted with great satisfaction the effective, rapid and transparent system of results management established by the CNE, DGAPE and NOSi. It allowed all electoral stakeholders and the general public to follow the tabulation of provisional results in real time through various information platforms.

V. CONCLUSION

The AUEOM concludes that the parliamentary elections of 20 March in Cabo Verde took place in accordance with the African Charter on Democracy, Elections and Governance and other instruments governing democratic elections in Africa, as well as the legal framework in force in Cabo Verde.

The Mission further concludes that these elections were transparent, peaceful, free and fair and were the expression of the will of the people of Cabo Verde.
The AUEOM congratulates the Election Management Bodies of the Republic of Cabo Verde for the independent, professional and efficient manner in which they conducted the electoral process.

The Mission commends the Cabo Verde people and political forces for their civic and political maturity, which led to a peaceful, orderly and credible process, and congratulates them for their continued commitment to the consolidation of democracy and good governance in the country.

VI. RECOMMENDATIONS
Based on the findings presented above, the AUEOM makes the following recommendations:

To the National Assembly:
• In the context of a future revision of the Electoral Code:
  • Include explicit provisions for the work of national and international observers;
  • Set the minimum number of required alternate candidates in proportion to the number of seats being contested;
  • Adopt legal and other measures to ensure that a significant number of women are selected as candidates and elected as members of the National Assembly;
  • Extend the right to free broadcast time for campaign propaganda to all competing parties.

To the National Elections Commission:
• Ensure strict compliance with the legal requirement that requires a balance among the political parties in the selection and allocation of polling station personnel;
• Ensure timeliness of polling station staff, and also that election materials arrive on time to avoid late opening of polling stations;
• Improve training of electoral staff to ensure consistency in the application of procedures.

To Political Parties:
• Increase the number of women candidates, and place them in positions on the lists where they are likely to be elected.
Praia, 21 March 2016

For the Mission,

Mrs. Sylvie Kayitesi Zainabo

Head of Mission