



**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE
17 OCTOBER 2021 PRESIDENTIAL ELECTION IN THE
REPUBLIC OF CABO VERDE**

PRELIMINARY STATEMENT

Praia, 19 October 2021

I- INTRODUCTION

On 17 October 2021, the Republic of Cabo Verde held its 7th presidential election since its adoption of multiparty democracy in 1991. The country has an outstanding record of regularly conducted democratic and peaceful elections, in keeping with its national and international obligations, since its independence on 5 July 1975.

The Chairperson of the African Union Commission, **His Excellency (H.E) Moussa Faki Mahamat** decided to deploy a Short Term Election Observation Mission, with the mandate to evaluate and report on the conduct of the 17 October 2021 presidential election in the Republic of Cabo Verde.

The Mission is led by **H.E. Ambassador Ismael Gaspar Martins**, former Minister and Permanent Representative to the United Nations, of the Republic of Angola and comprises Thirty five (35) observers including Permanent Representatives of member states to the African union, officials of election management bodies, members of civil society, gender and media experts, Human Rights specialists, and representatives of youth organizations. The observers are drawn from Twenty (20) African Countries namely: Angola, Cameroon, Chad, Congo, Côte d'Ivoire, Djibouti, Democratic Republic of Congo, Equatorial Guinea, Ethiopia, Ghana, Guinea Bissau, Mauritania, Morocco, Mozambique, Nigeria, São Tomé and Príncipe, Senegal, South Africa, Togo and Tunisia.

The African Union Election Observation Mission (AUEOM) assessed the 17 October 2021 presidential election in the Republic of Cabo Verde based on AU obligations for democratic elections contained in the 2007 African Charter on Democracy, Elections and Governance (ACDEG), the 2002 OAU/AU Declaration of Principles Governing Democratic Elections in Africa, the 2001 ECOWAS Supplementary Protocol on Democracy and Good Governance and other relevant international instruments, as well as Cabo Verde's national legal framework governing elections.

The Observers of the AUEOM were constituted into seventeen (17) teams and deployed to all nine (9) inhabited islands of the country namely: Boa Vista, Brava, Fogo, Maio, Sal, Santiago (Norte and Sul), Santo Antão, São Nicolau and São Vicente.

II- OBJECTIVE AND METHODOLOGY OF THE MISSION

The main objective of the AUEOM is to conduct an independent and impartial assessment of the presidential election in compliance with the relevant African Union instruments and international standards governing democratic elections in Africa notably the 2002 AU Guidelines for Elections Observation and Monitoring Missions and the 2005 Declaration of Principles for International Election Observation as well as the national legal framework for the presidential election in Cabo Verde.

In this regard, the Mission organized on 13 and 14 October 2021, the briefing and orientation of the observers prior to their deployment on 15 October 2021.

The Mission held consultations with key electoral stakeholders, including the National Electoral Commission (CNE), Government authorities, candidates, security agents,

representatives of the media, African Diplomatic Corps among others. The Mission also interacted closely with the Election Observation Mission of the Economic Community of West African States (ECOWAS) deployed to Cabo Verde.

This Statement presents the Mission's preliminary findings on the pre-electoral phase, voting, closing and counting. It also outlines some preliminary recommendations. The Mission will continue to observe the results management process and will issue a final report which will contain detailed recommendations for the improvement of future elections in the Republic of Cabo Verde.

III- POLITICAL CONTEXT

The Mission notes that the presidential election of 17 October 2021 was conducted in an atmosphere of calm and serenity. Despite the polarization of the Cabo Verdean political landscape by a historic number of seven (07) presidential candidates, the campaigns were largely peaceful and cordial. However, the Mission observed that the status quo since the advent of multiparty democracy in Cabo Verde prevailed as the entire campaign period was dominated by the two candidates supported by the major political parties.

Though the current president Jorge Carlos de Almeida Fonseca was not a candidate, his party, the Movement for Democracy (MpD) supported Carlos Alberto Wahnnon de Carvalho Veiga while the African Party for the Independence of Cabo Verde (PAICV) backed José Maria Pereira Neves. The outcome of this presidential election has the potential of either instituting cohabitation at the helm of the state or having candidates supported for the first time by the same political party winning a third successive presidential term.

IV- STAKES AND CHALLENGES OF THE VOTE

The Mission notes that the 2021 presidential election held against the challenge of organizing an election amidst the Covid – 19 pandemic. Having experienced an upsurge in the number of infections after the legislative elections of April 2021¹, the challenge was how to avoid a repeat of the same scenario with the October 2021 presidential election. To this end, the Government and National Electoral Commission developed some measures to lessen the possible spread of the virus especially during the campaigns and candidates agreed to limit the scope of rallies, to ensure social distancing. Furthermore, the CNE extended by one hour, the voting time to avoid overcrowding at polling stations. Polls opened at 7 a.m. instead of 8 a.m. and closed at 6 p.m. in line with legal provisions. However, the AUEOM noted that the preventive measures were not systematically respected.

Another challenge was how to increase voter turnout which is crucial for this presidential election. Following a recent record of low turnout (35%) in the 2016 presidential election, the Mission notes need to boost participation of voters at the polls in order to safeguard the legitimacy of the elected president of the Republic of Cabo Verde.

¹ Statistics of Johns Hopkins University (JHU) CSSE.

V - ACTIVITIES OF THE MISSION

In the exercise of its mandate, the Mission met with several authorities and institutions notably:

- The President of the Republic of Cabo Verde;
- The President of the Constitutional Court;
- The Minister of Foreign Affairs, Cooperation and Regional Integration;
- The Minister of the family, Inclusion and Social Development;
- The President and members of the National Electoral Commission (CNE);
- Some of the Candidates for the Presidential Election;
- The President of the Association of Journalists of Cabo Verde;
- The Executive Director of Info Press;
- The officials of the *Núcleo Operacional da Sociedade de Informação* (NOSi) (Operational Centre for the Information Society);
- The Delegation of the European Union in Cabo Verde;
- The United Nations Development Program;
- The African Diplomatic Corps present in the Republic of Cabo Verde
- The ECOWAS International Election Observation Mission to Cabo Verde.

The Mission also participated in a technical briefing hosted by the CNE for all the International Observers deployed to Cabo Verde for the presidential election.

VI- COMPLIANCE OF THE ELECTION WITH LEGAL FRAMEWORK

The legal framework for the 2021 presidential election comprises notably the Constitution of 2010 (as amended), the Electoral law of 2010 (as amended) and the Law on Social Communication of 2010. The Republic of Cabo Verde has also ratified several international instruments regulating democratic elections including the African Charter on Democracy, Elections and Governance (ACDEG), and the ECOWAS Supplementary Protocol on Democracy and Good Governance.

The Mission notes the adoption of the Law on Parity of 2019 which seeks to institute equality in rights and duties between men and women relating to political participation and positions of decision making.

VII. ADMINISTRATION OF THE ELECTION

The National Electoral Commission (CNE) is the constitutional body vested with broad administrative and regulatory powers to administer voter registration and elections. The CNE is assisted in its electoral duties respectively, by the General Directorate for Support of the Electoral Process (DGAPE) charged with the organization and management of electronic voter registration and the Electoral Census Commissions (CRE) which carries out the revision and correction of the electoral roll. In total 398 864 voters were registered (86% in the national territory and 14% abroad). The technical preparations for the election were efficiently conducted. Overall, the performance of the CNE at national and regional levels was assessed to be positive, notably the timely implementation of operational plans,

despite the challenge to deploy electoral materials to 1052 polling stations in all 9 islands inhabited in the country and to 243 polling stations in 21 countries abroad.

Additionally, an independent public firm (NOSi), leader in the area of Digital Governance, contributed to digitally transform the electoral administration of Cabo Verde. NOSi improved the mapping of polling stations and voter lists. This facilitated voter registration abroad and improved communication within the election administration as well as the training of polling staff. It also guaranteed the integrity of the IT system for the electronic management of results on Election Day. The training of polling staff involved simulation exercises on the use of tablets, the optical scanner and the device for the transmission of results.

VIII- CAMPAIGN ENVIRONMENT

The official campaign took place from 30 September to 15 October 2021 under the supervision of the CNE which ensured that candidates adhered to campaign regulations. Fundamental freedoms of expression, assembly, association and movement were generally respected during the campaign period. The candidates were able to present their programs, enabling voters to make an informed choice. However, the Mission noted during this campaign, the use of hard language by some politicians and a change of their tones; uncommon to previous elections in Cabo Verde. This notwithstanding, most stakeholders still assessed the campaigns as calm.

The campaigns for the presidential election were less visible and less intense compared to the April 2021 legislative elections. The pitch only increased few days to the election, featuring rallies, banners, campaign posters and billboards, campaign vehicles mostly for the two candidates supported by the two parties which dominate the National political landscape. The other candidates used door-to-door approach and small-scale neighborhood meetings to canvass for votes. The two frontline candidates closed their campaigns with big concerts organized in Praia. Meanwhile the Mission noted that some candidates showed preference for the social media over the traditional media.

Certain interlocutors of the Mission alleged the use of state resources and public funds by the incumbent party which created an uneven playing field for the election. Others reported the distribution of gifts and sometimes money during gatherings, in violation of the law.

Campaign financing is regulated by Electoral Code no. 56/VII/2010. Parties or candidates are forbidden from using donations from foreign and anonymous donors as well as state resources. They may use donations or bank loans to finance their campaigns. The Mission notes the absence of a threshold for campaign spending by political parties or candidates. Public financing of campaigns is posteriori and a candidate must score at least 10% of the total vote to qualify for reimbursement by the state.

IX- MEDIA

The media landscape of Cabo Verde is rich with several licensed broadcasters and radio stations. The main public media, Radio Televisão Cabo-verdiana (RTC), enjoys greater

autonomy under its new statutes. The development of the private media is hindered by limited income generated essentially from advertising.

The Mission notes that the Constitution guarantees freedom of expression while the electoral code prescribes fair and equal treatment of candidates and sanctions any violation of this rule. The Penal Code on its part condemns defamation, insults, false and biased information through the media during election periods. The Law no.70/VII/2010 on Social Communication regulates media coverage of elections while the Electoral Code no.56/VII/2010 empowers the media regulatory body, the Communications Regulatory Agency (ARC) with competence to handle violations of the law by media organs. During the electoral process, the media covered debates by the candidates, political news and ads which enhanced the credibility of the process. The public media (RTC) provided equal broadcast time to all candidates under the supervision of ARC while the Cape Verdean News Agency (Info press) offered free and equal information packages to all 07 candidates and covered their campaigning on all the islands.

X- CITIZEN OBSERVATION

Despite having ratified international instruments promoting national election observation, the legal framework of the Republic of Cabo Verde remains silent on national election observation which is an essential element to enhance and sustain democratic governance. National observers groups are familiar with the terrain and the political context. They are key stakeholders who contribute to the transparency and credibility of the electoral process.

XI- PARTICIPATION OF WOMEN AND YOUTH

The legal framework guarantees the political participation of women and youth. The Law on parity promotes the inclusion of women in the political process. In line with Article 4 of this law, women should constitute at least 40% of the lists of candidates for legislative and local elections as well as in public positions. Though none of the presidential candidates is female, three (03) of the current four (04) members of the CNE are women. While voter sensitization by the CNE targeted female voters, little focus was on youth participation in the electoral process.

XII- ASSISTANCE TO PERSONS WITH DISABILITIES

Though the Mission did not access reliable official data on persons with disabilities (PwD) in Cabo Verde, the electoral legislation recognizes the political rights of PwD, in accordance with the country's commitments under the Convention for the Protection of Rights of Persons with Disabilities (CRPD).

In line with the law, the CNE took special measures to ensure that PwD exercise their franchise. Adapted measures were put in place through inclusive voter sensitization campaigns on TV which used sign language interpreters to target PwD, as well as the inclusion of Braille jackets amongst the election materials at polling stations.

Additionally, Election Day procedures gave PwD priority in the queue and assistance when needed, from persons of their choice or the presiding officer, when casting their votes. However, amongst the polling stations visited, 21% were not easily accessible to PwD.

XIII- ELECTION DAY OBSERVATIONS

On Election Day, the AUEOM deployed seventeen (17) teams of observers who visited 178 polling stations (59.5% in urban areas and 40.5% in rural areas), on the nine (09) inhabited Islands of Cabo Verde. After observing the key phases of the vote, the AU Election Observation Mission makes the following findings:

❖ Opening of Polling stations

The opening of polling stations took place in a calm, peaceful and serene atmosphere. The majority of the 14 polling stations observed, opened on the prescribed time. The delays of up to 15 minutes, reported from 11% of the polling stations visited were due to the late setting up of these polling stations. Also, in all the polling stations visited by the AUEOM teams, the election personnel were present and the all voting materials were available during the opening. No campaign activities or attempts of vote buying were observed within the vicinities of the polling centres.

❖ Polling Staff

Women represented 62.50% of personnel met by observers in polling stations. The Mission commends this instigating measure which encourages the recruitment of women as electoral staff. Overall, the competences of the polling staff and the behaviour of the security personnel were judged as satisfactory.

❖ Voting operations

The voting operations process were observed in 164 out of the 178 polling stations visited on Election Day, amongst which 99.4% of them were organized in a manner that permitted an orderly and transparent vote. The Ballot boxes were properly sealed and placed in positions visible to the public.

❖ Secrecy of the vote

The secrecy of the vote was guaranteed in the polling stations observed. Voters were obliged to present their national identity cards or passports as well as any other identification documents in 91% of the polling stations observed. The identification documents of the voters were verified against the voter lists in all the polling stations. However, the absence of national observers and a limited presence of international observers were noted in all the polling stations observed.

❖ Candidate representatives

The presence of candidate representatives was observed in 98.2% of the polling stations visited for the candidate Carlos Alberto Wahnnon de Carvalho Veiga and 97.6% for the Jose Maria Pereira Neves. The representatives of the other candidates in polling stations were respectively 11.6% for Heilo de Jesus Pina Sanches; 9.1% for the remaining four

candidates that is Gilson Joao dos Santos Alves, Casimiro Jesus Lopes de Pina, Joaquim Jaime Monteiro and Fernando Rocha Delgado.

In all the polling stations visited, voters' fingers were marked with ink after voting and no formal complaint was received by the presidents of polling stations. The representatives of the candidates as well as international observers were able to discharge their duties professionally and without intimidation.

❖ **Election Security**

Within the context of the pandemic, sanitary measures against Covid – 19 were respected in the quasi-totality of polling stations observed. The analyses of data revealed that 99.4% of the polling stations had anti Covid-19 material (mask, hand sanitizers, protection gowns for polling staff) and voters were summoned to respect the preventive measures. In the majority of cases, the atmosphere outside the polling stations was peaceful and voting procedures were respected and the vote was conducted in a satisfactory manner. The environment around the polling stations was calm and without tension. The presence of security forces was observed in the majority of polling stations visited and this presence was assessed as discreet and professional.

❖ **Closing and counting**

In the majority of 14 polling stations where the Mission observed the closing and counting, a total of 82% closed on time and 18% closed with slight delays of 01 to 15 minutes. The voters who were on the queue in all the polling stations at closing were authorized to vote. After closure, all the polling stations were reorganized in a manner that facilitated the counting operation. The seals on ballot boxes were verified and the ballot papers were counted and cross-checked in accordance with counting procedures. No interference or interruption was observed during the counting process. At the end of the counting, the result sheets were drawn-up and signed by the members of the polling stations and a copy of the result sheet was handed to the candidate's representatives present during the counting. The results of the vote were posted outside the polling station after the counting.

However, in two polling stations observed, candidate representatives submitted complaints at the end of the counting centering on the validation of the choice marked on the ballot paper. Overall, the competences of the polling staff at the end of the closing and all through the counting of votes was assessed to be acceptable and satisfactory.

The AUEOM observed progress in the rate of voter turnout for the 17 October 2021 presidential election compared to the previous presidential election which was 35%. The turnout for this election reached 48% of registered voters.

XIV- CONCLUSION

The presidential election of 17 October 2021, which is the second election to be organized within a context marked by the Covid – 19 pandemic, demonstrates the engagement of the administrative and electoral authorities to entrench democratic consolidation in the Republic of Cabo Verde.

Voter turnout represented a major stake and challenge in this presidential election and 48% of the Cabo Verdean electorate went out to exercise their franchise. The Mission

commends all the citizens for their contribution to reverse the high rate of abstention noted by the African Union Election Observation Mission (AUEOM) during the 2016 presidential election.

The AUEOM acknowledges the technical and operational aptitudes of the CNE and DGAPE which contributed to the conduct of a transparent and credible vote. However, the electronic transmission of the provisional results was managed by NOSi, without the proper and clear definition of the responsibility of the CNE.

The AUEOM commends the generally peaceful environment within which the electoral process was conducted. It urges the Cabo Verdean people and political actors to uphold a high sense of maturity and maintain the current peaceful atmosphere till the announcement of the final results by the competent authorities and where necessary to resort to legal procedures to contest the provisional results.

With respect to the preliminary findings by the teams of short term observers, the Mission makes the following preliminary recommendations:

Recommendations

To the Government

- Include in the electoral law restrictions on the use of public resources and means for campaigning by candidates.

To the Parliament

- Revise the relevant legal texts to formerly recognize the right of civil society to participate in electoral process through citizen election observation, election sensitization and voter education in accordance with the regional and international engagements of the Republic of Cabo Verde on this aspect
- Revise the electoral law regulating campaign financing, in order to lower the minimum requirement for a candidate to qualify for reimbursement of campaign expenses, from 10% to 5% of the total number of votes, in line with related international standards.

To CNE and DGAPE

- Intensify the sensitization of voters so as to better mobilize the population to adhere to the principle of participation in elections.
- Continue with the promotion of civic and voter education in secondary and university education establishments, to ensure large mobilization of youths towards the principle of participation in elections.
- Render official and encourage the involvement of civil society in civic and voter education sensitizations activities, in order to promote massive mobilization of citizens to participation in elections.

- Use ballot papers with serial numbers to permit their traceability and accountability in order to further enhance the principle of transparency in elections.
- Record the numbers of seals placed on the ballot boxes, during the opening, in a register of voting operations so as to better promote the principle of transparency of the vote.
- Oblige voters to sign on the electoral lists against their names after voting for more transparency in the voting operations on Election Day.
- Reinforce, harmonise and further rationalise the existing partnership between CNE, DGAPE and NOSi and enhanced the digitalization of the election administration and to introduce Blockchain as a protective mechanism for the maximum security and protection of election data.

To civil society

- Undertake advocacy actions before parliament in order to obtain the modification of relevant legal texts for the formal recognition of citizen election observation.
- Initiate consultations with concerned electoral stakeholders for the formal inclusion of civil society in the electoral process and to enhance its participation in national initiatives to promote the participation of citizens in the consolidation of democracy.

Done at Praia, 19 October 2021

**For the Mission,
H. E. Ambassador Ismael Gaspar Martins
Head of Mission**