



European Union
Election Follow-up Mission

SÃO TOMÉ AND PRÍNCIPE 2024

Final Report



Legislative, local and regional
elections

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EU Election Follow-up Mission
São Tomé and Príncipe
1 to 29 of June 2024

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Table of Contents

I.	Executive Summary	2
II.	Mission Information	4
III.	Context	4
	A. Political Context.....	4
	B. Election-Related Developments.....	5
	C. Institutional Context.....	6
	D. EU Actions on EU EOM follow-up.....	6
IV.	Implementation Status of EU EOM Recommendations	7
	A. Legal Framework	8
	B. Electoral System and Boundary Delimitation.....	9
	C. Election Administration	9
	D. The Right to Vote and Voter Registration	11
	E. Political Parties, Political Party Financing and Election Campaign	12
	F. Media.....	13
	G. Civic and Voter Education	15
	H. Participation of Women	15
	I. Persons with Disabilities	16
	J. Civil Society Observers.....	16
	K. Polling, Counting and Results.....	17
V.	The Stakeholder Roundtable	18
VI.	Conclusions	19
VII.	Annexes	20

LIST OF ACRONYMS

AAG	General Tabulation Assembly
AD	District Assemblies
ADI	Independent Democratic Action
RAP	Autonomous Region of Príncipe
Basta!	Enough! – New Horizon for Sustainable Development
CEN	National Electoral Commission
CSI	High Council of Press
CSO	Civil Society Organisation
EFM	Election Follow-up Mission
EOM	Election Observation Mission
EU	European Union
FB	Facebook
GTE	Technical Electoral Cabinet
HoM	Head of Mission
MCI/PS-PUN	Movement of Independent Citizens of São Tomé e Príncipe / Socialist Party – Party of Social Unity
MDFM	Democratic Movement of the Forces of Change
MEP	Member of the European Parliament
MLSTP/PSD	Liberation Movement of São Tomé e Príncipe / Social Democratic Party
PwD	Persons with disabilities
TC	Constitutional Court
UNDP	United Nations Development Programme
WYDE	Women and Youth in Democracy Civic Engagement

I. EXECUTIVE SUMMARY

An EU Election Follow-up Mission (EFM) was deployed between 1 to 29 June in São Tomé and Príncipe. The aim of the EFM was to assess the status of implementation of the recommendations of the 2022 EU Election Observation Mission (EU EOM) within the mid-term point in the electoral cycle (2022-2026). The EU EFM was led by Mrs. Maria Manuel Leitão Marques, a Member of the European Parliament (MEP) and Chief Observer of the 2022 Election Observation Mission (EU EOM) to São Tomé and Príncipe. Ms. Cécile Abadie, Head of the European Union Delegation to Gabon, São Tomé and Príncipe and ECCAS, accompanied the Head of Mission in all high-level meetings, and contributed to the roundtable event.

During her visit in the country from 17 to 21 June 2024, Mrs. Leitão Marques met with a wide range of the interlocutors, including the President of the Republic, the President of the National Assembly, the Minister of Foreign Affairs, the Minister of Justice, government representatives, and state institutions, as well with political parties, civil society, women and youth representatives, state and private media representatives and development partners.

Of the 22 recommendations made by 2022 EU EOM, one - on gender representation, has been fully translated into law. For seven recommendations, including five priority recommendations, some activities are ongoing in regard to the efforts to draft a new electoral law. There are eight recommendations, mainly related to the electoral administration, for which it is too early in the electoral process to assess the status of implementation, and six recommendations which have not been addressed.

Political will for electoral reform exists. The government acknowledged the need for improvement of the electoral framework and engaged pro-actively in this direction. During the visit, the EFM learned that a draft law on electoral reform was being finalised. A public presentation session was planned for 5 July 2024 before the submission of the draft law to the National Assembly for discussion and approval.

The draft law was prepared by the Ad Hoc Commission of national electoral experts, which was set up in February 2024 by the Ministry of Justice and aims to follow-up on the recommendations of the 2022 EU EOM. According to the Minister of Justice, the draft bill is comprehensive in its legal scope, encompassing all priority recommendations and addressing the majority of the remaining recommendations, with a notable exception of those focusing on media.

The EFM noted political consensus among stakeholders and coordination of the reform initiatives, however it seemed that some issues, such as the composition and manner of appointment of the National Electoral Commission (CEN), required further consultation, discussion and fine tuning.

The Ministry of Justice, which is spearheading the reform process and acting as the coordination body for the electoral reform, appears committed to completing the necessary legislative changes until the end of 2024, while also moving ahead with the larger Justice Reform package.

With the 2026 general election two years away, the window of opportunity for comprehensive legal reform is narrowing, as it will take time for the reform to be effectively implemented and its effects to stabilise. The general environment in which the consultations and actions have taken place are a positive sign of commitment and genuine dialogue between opposition and government, including the National Assembly and civil society organisations. In her preliminary conclusion, Mrs. Leitão Marques underlined: *"In the spirit of the strong partnership between the European Union and São Tomé and Príncipe, we welcome the results achieved so*

far in their follow-up to the 2022 EU EOM recommendations, and the efforts made despite the country's many difficulties. We call on you to continue with the appropriate measures to make progress on electoral reform, including voter registration, the strengthening of the National Electoral Commission, and the implementation of the Parity Law ahead of the next elections in 2026."

The EFM organised a roundtable on 20 June with 19 stakeholders to consider and discuss progress in the implementation of the 2022 EU EOM recommendations. Participants highlighted three priority areas: the legal framework, the voter register, and the establishment of a permanent CEN. Due to lack of political will, no changes have been introduced to the legal framework since last elections with regard to ensuring the independence of state media from political influence.

In the context of the proposed electoral reform, legal inconsistencies identified by the 2022 EU EOM would be addressed with the establishment of the country's first electoral code, containing legal provisions in a harmonised and systematic manner, increasing legal certainty. The aim would be to pass the electoral draft law by the end of 2024, although some delays in the process could be expected.

Also, the legal review would provide for the CEN, which was criticised in previous elections for its lack of independence, accountability and poor mandate performance, to be established as a permanent body, with resources for its professionalisation, enhanced operational capacity and a clear role on voter registration. Regarding the voter register, the EFM found that national authorities are developing the technical design of automatic voter registration, with data extracted from the civil register database. This requires external funding, which authorities are seeking for, and a legal review, which can be part of the comprehensive plans for revising electoral laws. Authorities expect these changes to have a major impact on the credibility and transparency of future elections.

The EFM encouraged the government and stakeholders to finalise the electoral reform process in view of socialising the new legal framework in 2025, especially in regard to the electoral law and the planned automated voter registration. Effective electoral reform can take place, provided that the government and the legislature continue their active engagement.

II. MISSION INFORMATION

An EU Election Follow-up Mission (EFM) was deployed to São Tomé and Príncipe from 1 to 29 June 2024. The EFM was led by Mrs. Maria Manuel Leitão Marques, a Member of the European Parliament (MEP) and the Chief Observer of the 2022 EU Election Observation Mission (EU EOM). The EFM also comprised two independent experts specialised in electoral and legal issues. The main objective of the EFM was to assess the state of play of the implementation of the recommendations of the 2022 EU EOM since the delivery of the final report, and to generate additional impetus for – or to contribute to ongoing debates on – electoral reform.

During her visit in the country from 17 to 21 of June 2024, the Head of Mission (HoM) met with a wide range of the interlocutors, including the President of the Republic, the President of the National Assembly, the Minister of Foreign Affairs, the Minister of Justice, government representatives, and state institutions, as well with political parties, civil society, women and youth representatives, state and private media representatives and development partners. The National Electoral Commission is not a permanent body and was not in place at the time when the EFM was in the country.

III. CONTEXT

A. POLITICAL CONTEXT

Upon the invitation of the Government of São Tomé and Príncipe, the European Union deployed for the first time an Election Observation Mission to observe the 2022 legislative, local and regional elections. The deployment of the EU EOM confirmed the EU's commitment and support to the strengthening of democracy and elections, and highlighted its efforts to broaden the political dialogue with São Tomé and Príncipe.

The EU EOM in its final report noted that “ *These elections were an important test for the democratic stability of the country and the credibility of the electoral and judicial authorities after the disputes that followed the first round on the 2021 presidential elections and the 2018 legislative elections.*”

Furthermore, the report concluded that: “*The legislative, local and regional elections took place in a context of general respect for the fundamental freedoms and nominally independent democratic institutions. At the same time, the process was characterised by some politicised interpretations of the legal-electoral framework, a limited role for the civil society due to the legal prohibition of citizen observation, a weak capacity from the state institutions to make information accessible to stakeholders and the public, and a reduced participation of women in the highest political positions*”.

The 2022 legislative elections awarded, for the second time since the introduction of a multi-party system, an absolute majority to the party *Acção Democrática Independente* (ADI) that won 30 out of 55 seats, followed by the *Movimento de Libertação de São Tomé e Príncipe – Partido Social Democrata* (MLSTP-PSD) with 18 seats. Remaining seats went to the *Movimento de Cidadãos Independentes / Partido Socialista – Partido da Unidade Social*

(MCI/PS-PUN) and to the *Basta!* party with five and two seats respectively. The parliamentary elections resulted in a change of power in the National Assembly, with a new government headed by Prime Minister Patrice Trovoada, who took office on 13 November 2022.

Patrice Trovoada was elected in the context of the country's dependency on foreign funding, with rising food and energy prices due to aftermath of the COVID-19 pandemic and subsequently the Russia-Ukraine war. After taking office, Patrice Trovoada stressed that efforts would be made to re-establish acceptable levels of foreign exchange reserves, pay the salaries of the civil service, improve the national health system, education and vocational training, focus on restoring infrastructure, and making access to justice increasingly effective.¹

Just ten days after the new government took office, an alleged coup was attempted on 24 November 2022. Four civilians broke into the country's main army base and were arrested, while the army made several other arrests. Circumstances are unclear, but after the four attackers were arrested, three of them died.² These incidents and deaths are the subject of a national investigation conducted by the Public Prosecutor, with help of the Portuguese police.

The Return Visit, and the delivery of the EU EOM final report and recommendations was broadly welcomed by the Santomean authorities, who emphasised the importance of the presence of the EU observers throughout the elections and the final tabulation of results.

B. ELECTION-RELATED DEVELOPMENTS

ELECTORAL REFORM INITIATIVES

The government has acknowledged the need for improvement of the electoral framework, with an overall pro-active engagement since the EU EOM Return Visit in 2023. During the EFM, the government informed that a draft law on electoral reform was being finalised, after the Ad Hoc Commission responsible for drafting the law held various consultations with national stakeholders.

The draft law was prepared by the Ad Hoc Commission of national electoral experts set up in January 2024 by the Ministry of Justice, and aimed to follow-up on the recommendations of the 2022 EU EOM. According to the Minister of Justice, the draft bill is comprehensive in its legal scope, encompassing all the EU EOM priority recommendations and addressing the majority of the remaining ones, with a notable exception of those related to the media.

In this regard, the EFM roundtable held in São Tomé was the first opportunity for the Ad Hoc Commission to present the main aspects of legal reform contained in the draft law. Additionally, public sessions on the draft law were planned for the month of July 2024, before the submission of the draft before the National Assembly for discussion and approval. It is noteworthy that in the context of São Tomé and Príncipe, the CEN is not active throughout the electoral cycle;

¹ <https://www.telanon.info/politica/2022/11/13/39092/nao-hesitarei-em-decidir-e-sancionar/>

² <https://www.africanews.com/2022/12/02/sao-tome-to-probe-inhumane-acts-in-aftermath-of-attempted-coup/>
<https://www.dn.pt/internacional/tentativa-de-golpe-de-estado-investigadores-e-peritos-da-pj-enviados-a-sao-tome-e-principe-15395923.html/>

thus, recommendations requiring only administrative action by the CEN cannot be implemented between elections.

C. INSTITUTIONAL CONTEXT

The CEN is mandated to organise elections and referenda with the support of a technical body, the *Gabinete Técnico Eleitoral* (GTE). The National Assembly appoints the CEN 90 days before election day, which makes the CEN inoperative during almost all of the electoral cycle (2022-2026)³. Due to its temporary nature, the CEN has suffered from weak institutional memory and authority. The GTE is a permanent institution, yet it remains inactive for lack of legal authority. For the organisation and implementation of election tasks, the GTE depends on the CEN being in place.

The electoral institutional context is fragile, compounded by structural limitations and its political composition. During the 2022 elections, the EU EOM Final Report noted that “... *the CEN Board included eight members with an overwhelming representation for the outgoing ruling coalition, a circumstance that negatively impacted its already limited credibility.*”

The 2022 EU EOM assessed that the implementation of the elections was not always grounded in the law, opening space to potential political manipulations. It observed that the CEN conducted sufficient electoral preparations throughout the country thanks to significant international technical assistance.

Relevant support during the elections was provided by the Constitutional Court (TC), which is the last instance body for all electoral appeals. The TC was mandated to oversee the candidate registration for the legislative elections, and the campaign expenditure. Moreover, the TC conducted the verification of the district tabulation through the set-up of an Ad Hoc chamber called *Assembleia de Apuramento Geral* (AAG). District Courts were responsible for district level tabulation of results.

D. EU ACTIONS ON EU EOM FOLLOW-UP

The EU Delegation is continuously monitoring the implementation of the 2022 EU EOM recommendations. These recommendations form part of the EU Delegation's political dialogue with the Government throughout the electoral cycle.

The EU Delegation activated a Women and Youth in Democracy Civic Engagement (WYDE) technical assistance project, which was carried out in February 2024. The project facilitated the deployment of an expert mission that analysed the technical options of implementing the EU EOM priority recommendations on enabling automatic voter registration by linking it with the civil registry (Rec #8), and setting up a permanent CEN (Rec #3) In particular the experts analysed the Terms of Reference for the automatic voter registration, the related Financial Proposal, and the detailed technical stages of its implementation. A strategic communication plan for the future CEN was also produced. The project included two mini grants for capacity

³ The 2022 CEN was composed by a chair, a judge, three members appointed in representation of the main political parties and coalitions in the National Assembly, and three members appointed to represent the Ministries of Foreign Affairs, Media and Territorial Administration. A CEN Secretary was appointed from the senior ranks of the Ministry of Finance.

building of civil society, awarded to independent media and CSOs working with women and youth empowerment.

The Justice Sector Project, managed by *Instituto Camões* from the Portuguese Cooperation and funded by the EU, could have a positive impact on the electoral process, though not being strictly focusing on elections.

IV. IMPLEMENTATION STATUS OF EU EOM RECOMMENDATIONS

The EFM noted some progress in implementing the recommendations offered by the 2022 EU Election Observation Mission. Of the 22 recommendations made, one on gender representation has been fully implemented through the approval of a new law.⁴

The EFM concluded that for seven recommendations, including five priority recommendations, some activities are ongoing through the drafting of a new electoral law. These include recommendations to revise the legal electoral framework, to reform the National Electoral Commission, the voter registration automatisisation based on the civil registry, the introduction of applicable sanctions for the abuse of state resources and for violation of the 30-day moratorium for public works inaugurations, to enforce existing funding prohibitions from foreign individuals and companies, to empower an oversight body to carry out monitoring and audit of campaign expenditure reports, and to allow national observer groups to observe elections.⁵

For eight recommendations it is too early in the electoral process to assess the status of implementation. These include recommendations pertaining to the electoral system for local elections, to enact comprehensive procedures for all stages of the electoral process, to establish CEN's institutional communication strategy, to carry-out comprehensive voter education activities, the inclusion of persons with disabilities and specific provisions for lasting participation in the electoral process, and to ensure that election officials be duly accredited and identified by CEN and that election day officials designated by the contesting political entities reflect effectively the CEN nominations. Moreover, it is too early to assess the implementation of recommendations to define clear content and manner for preliminary results publication, including by polling stations, and clear and consistent procedures for tabulation of results.⁶

Six recommendations have not been addressed. These include recommendations on the elimination of the blanket ban on voting rights for citizens serving prison sentences, the introduction of standard administrative procedures for the candidate registration process, and recommendation to amend the Penal Code to abolish prison sentences for defamation offences in favour of reasonable financial and administrative sanctions to restore damaged reputations. Furthermore, three media related recommendations were not addressed. These include a recommendation to ensure the independence of state media from political influence by introducing a legislation granting a transparent selection process of their senior managers, to

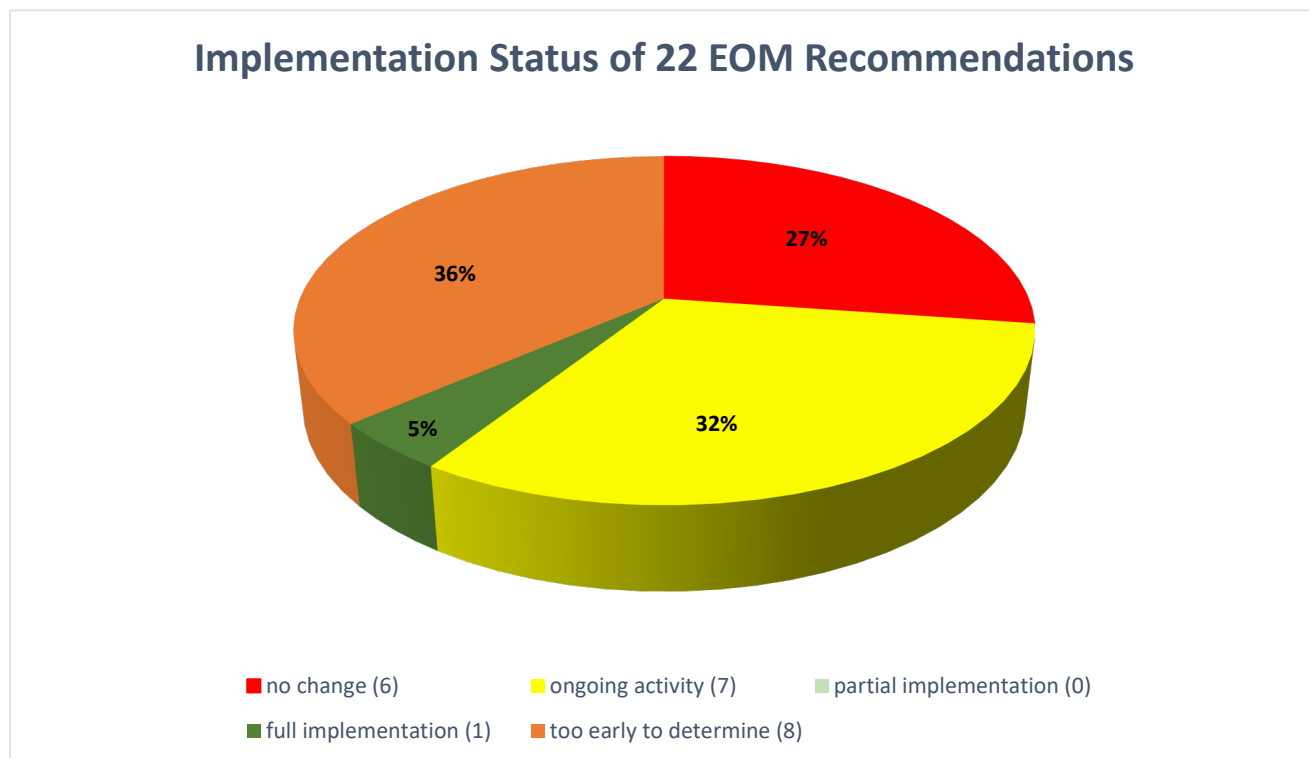
⁴ 2022 EU EOM Final Report, recommendation no. 17.

⁵ 2022 EU EOM Final Report, recommendations no. 1,3,8,10,11,12,19.

⁶ 2022 EU EOM Final Report, recommendations no. 2,4,5,6,18,20,21,22.

ensure the independence of the *Conselho Superior de Imprensa* (CSI), and the recommendation to enhance transparency and prevent disinformation on social media⁷.

A detailed overview of the implementation status of each recommendation is provided in Annex B. This assessment reflects the status as of June 2024, and is based on the information gathered by the EFM.



A. LEGAL FRAMEWORK

The electoral legal framework of São Tomé and Príncipe offers guarantees for inclusive and transparent elections. However, inconsistencies on electoral laws, including the 2021 legal amendments, and lacunae, leave room for ambiguous interpretations, undermining legal certainty. In this regard, a priority recommendation of the 2022 EU EOM was to “***Eliminate the existing inconsistencies and ambiguities left in the electoral laws through their systematic and rigorous harmonisation, with the aim of enhancing legal certainty through all the stages of the electoral process.***” (Rec #1)

To implement this recommendation the Ministry of Justice created an Ad Hoc Commission, composed of national experts. The Ad Hoc Commission was tasked with drafting an Electoral Code addressing EU EOM recommendations. At the time of the EFM, the draft proposal was not made public and was expected to undergo a public consultation before being submitted before the National Assembly. The Ministry of Justice estimated the legislative process to be concluded by the end of 2024, however this deadline remained unconfirmed. Major political

⁷ 2022 EU EOM Final Report, recommendations no. 7,9,13,14,15, 16.

parties have publicly expressed their support for the reform. However, discussion and agreement on few substantial points to be addressed by the reform had not occurred yet.

The Ad Hoc Commission was planning to deepen public discussion of the proposal, to gather contributions ahead of the formal submission before the National Assembly that is formally the relevant body for the discussion. The ruling party has an absolutely majority in Parliament and while consensus is desirable, there is no formal need of a qualified majority to approve the new legislation. Both political parties seemed to be confident on a future agreement. The timing of the reform is critical, as electoral legislation should be approved well ahead of the 2026 elections, and all stakeholders highlighted this need and seem to be aware of the compressed timeframe for the legal reform. The EFM considers that action is ongoing regarding this recommendation.

B. ELECTORAL SYSTEM AND BOUNDARY DELIMITATION

Local elections are regulated by the Framework Law on Local Administration, defining the number of delegates of each *Assembleia Distrital* (AD), and giving the CEN the boundary delimitation prerogative. With the 2021 election reform, the reference to proportional-representative system for the local elections was deleted. The CEN decided to review the boundaries of electoral constituencies, creating in practice single-member districts. This changed in practice the electoral system to a majoritarian one, with important impacts on the distribution of seats. There was no reference in the law allowing this change and no awareness of its effects by stakeholders or voters. In this regard, the EU EOM recommended that “***Should the stakeholders decide to maintain the changes to the electoral system introduced by the CEN for the local elections, primary legislation reflecting these changes should be introduced, including the principle of the equal weight of the votes, and an adequate voter information campaign on the topic.***” (Rec #2)

The Electoral Code aims at being the sole legal basis for electoral related issues. If the election legal framework is reviewed, unintended changes in the electoral system are expected to be less likely. Moreover, the CEN would undergo a major reform entailing an increased professionalisation. However, since the National Assembly has yet to discuss and approve the revised electoral framework, it is too early to determine the status of implementation of this recommendation.

C. ELECTION ADMINISTRATION

The 2022 EU EOM in its final report noted that the temporary and politicised nature of the CEN diluted its effectiveness and professionalism, preventing a timely mobilisation of resources and the development of an institutional memory. As an independent institution, the CEN was appointed by the National Assembly for the legislative, local and regional elections only 90 days before Election Day, the latest possible date, and remained active until 30 days after the announcement of final results. Its own technical support body, the *Gabinete Técnico Eleitoral* is a permanent structure, under-resourced to execute its mandate and remained largely without electoral guidance outside the CEN’s period of electoral activity.

In light of the dysfunctional set-up of the electoral management bodies, and in broad consensus with national stakeholders, the EU EOM proposed a recommendation to **“Turn the National Electoral Commission into a permanent body to enhance professionalism, integrity and accountability throughout all stages of the electoral process and allow for its organic and progressive institutional growth. Clarify the supporting responsibilities and competences of the GTE.”** (Rec #3) During the EFM all stakeholders, including the opposition parties, reiterated the need for a permanent and strengthened CEN, to be operative throughout the electoral cycle. Consensus also exists regarding the GTE, that should be placed within the CEN, in support to the CEN’s mandate. The EFM assessed that some activity is ongoing since the government envisages to introduce legal changes to the appointment, nature and mandate of the CEN.

The 2022 EU EOM observers found that the CEN lacked adequate and updated regulations for the different stages of the electoral process, with no specific rules of procedure for all three levels of elections, and by default using old rules and actions from a previous CEN. Decisions were rarely made public and were not published on CEN's institutional outlets, which significantly limited what could have been a more transparent process. Thus, the EU EOM recommended to **“Enact and publish comprehensive and specific procedures for all stages of the electoral process, including but not limited to voter registration, electoral campaign, voting, counting and preliminary tabulation phases well ahead of elections.”** (Rec #4) Stakeholders are in agreement with the recommendation, and its implementation before the next election is seen as necessary. Procedural clarity and legal certainty throughout the different stages of the electoral process is paramount to the credibility of the future CEN and elections. The electoral reform could include provisions to address these shortcomings. The EFM noted that it is too early in the electoral cycle to assess the status of the recommendation.

During the elections, the CEN provided little information of public interest. However, some efforts were noted, such as capacity to coordinate with different stakeholders, such as security forces, magistrates, media and political parties. However, the CEN was unprepared and could not plan a public communication strategy due to time constraints and lack of resources. The CEN's public communication approach lacked regular updates, press conferences and systematic dissemination of information on its electoral preparations. The lack of information had a negative impact on the credibility of the CEN, creating uncertainty in the electoral process. This was particularly acute during the post-election period of preliminary results tabulation. Therefore, the EU EOM proposed as a recommendation to **“Establish an institutional communication strategy to enhance transparency and accountability of the electoral process, developing public confidence building measures. Information sharing activities, in particular for the key phases of the electoral process, should be an integral part of such strategy.”** (Rec #5) The EFM noted that it is too early to determine this recommendation’s implementation status. Only with the CEN in place can progress be assessed.

D. THE RIGHT TO VOTE AND VOTER REGISTRATION

The Right to Vote

The electoral legislation, as amended in 2021,⁸ foresaw a blanket restriction on the right to vote for those convicted to prison, while serving the sentence. This general ban is at odds with international principles. The EU EOM recommended to “*Eliminate the blanket ban on voting rights for citizens serving prison sentences.*” (Rec #7)

The right to vote should not be denied to those serving jail time, and this right should be granted through a special voting mechanism. This recommendation has not been addressed, and stakeholders did not consider the recommendation to be of significance. This is at odds with international standards, namely the Right and Opportunity to Vote and Freedom from Discrimination⁹, and consideration for this issue should be given, particularly within the ongoing electoral reform.

Voter Registration

The legal framework does not attribute a clear responsibility for voter registration to a specific body. Voter registration should be organised by the CEN, but this body has a non-permanent nature and only enters into force a few months before the election. After the 2021 legal reform, the GTE has the responsibility to ensure voter registration, but also allows for competence transfer to the CEN in case the GTE lacks capacity. During the last elections, this transfer of power did not take place. For the 2022 elections the CEN only entered into force on 25 of June, not allowing it to, in due time, register all eligible voters. This disenfranchised potential first-time voters reaching the voting age since the previous elections, and estimated in thousands of voters. In this regard, the EU EOM recommendation was to “*Attribute clearly the responsibility to start and conduct voter registration to the CEN, and establish a reliable and cost-effective mechanism to update the voter register, for example by using other existing and reliable data sources, such as the civil register.*” (Rec #8)

The Ministry of Justice has concrete plans to develop an automatic voter registration system based on the civil registry. There is a consensus in Santomean society that the current active voter registration process is costly and ineffective, as it should be carried out for each election. The civil registry is considered reliable and accurate by all stakeholders, including public institutions, political parties and civil society organisations.

The Terms of Reference for the automatic voter registration were developed in the Ad Hoc Commission for the follow up of the EU EOM recommendations. A financial proposal complemented this document for which the government lacks funding. The automatic voter registration is foreseen in the draft Electoral Code and should, if implemented, be the cornerstone for the 2026 elections. The lack of funding is seen as the main shortcoming to the

⁸ Law no.8/2021, article 2.

⁹ International Covenant on Civil and Political Rights ICCPR, Article 25, CCPR-GC 25, paragraph 14, ACDEG, Article 6.

implementation of this recommendation. The EFM found that regarding this recommendation, implementation is ongoing.

E. POLITICAL PARTIES, POLITICAL PARTY FINANCING AND ELECTION CAMPAIGN

The legal framework for candidate registration is aligned with international standards. Candidacies were submitted to different entities, depending on each election. District Courts decided on the applications for local and regional elections and the TC decided on the candidacies for the National Assembly. However, candidate registration at the District Courts lacked specific administrative procedures for the analysis of paper-based applications, and each registration was treated as a separate judicial case. In this regard, the EU EOM recommended: ***“Introduce standard administrative procedures for the candidate registration process and provide equal registration conditions for all electoral levels. Introduce an effective filing system to guarantee legal certainty and increase overall transparency.”*** (Rec #9)

This issue could be addressed by the planned electoral reform and specific provisions to analyse candidate registration in District Courts could be introduced. Regarding potential administrative regulations, the CEN ceased its functions after the 2022 election, as foreseen in the law. With the CEN currently not in place, no administrative procedures could be established. Interlocutors from the justice sector referred to the lack of specialised training of judges, who are in charge of analysing candidacies in local elections, as another obstacle to deal with these processes properly. No action has been taken to implement this recommendation.

Election Campaign

The 2022 EU EOM observed several cases of state resources being used during the campaign despite this being prohibited by the 2021 electoral reform. However, the law does not foresee any oversight body or sanctions to this practice. As such, it is recommended to ***“Introduce applicable sanctions for the abuse of state resources and for violations of the 30-day moratorium for public works inaugurations and state vehicles’ use prohibition. Define and empower the oversight body for campaign violations.”*** (Rec #10)

The use of state resources, and political and campaign finance are perceived by stakeholders as sensitive issues and therefore difficult to address. There is a general perception on the difficulty of having an independent oversight institution effectively enforcing these provisions. The EFM learned that the draft Electoral Code could contain provisions in this regard, aiming to meet the EU EOM recommendation. The EFM considers that no action has been taken to implement this recommendation.

Political Party Financing

The legal framework for the 2022 elections did not contain legal provisions allowing foreign political funding. However, given the country’s dire economic situation, the existing general prohibition was often circumvented. In this light, the EU EOM recommended to ***“Enforce the existing funding prohibitions from foreign individuals and companies. To ensure***

transparency and oversight, consideration might be given to allowing limited and transparent funding from foreign partner political parties or associations.” (Rec #11)

The EFM learned that the draft proposal of the Electoral Code aims to address the recommendation and that a general ban on foreign funding for political parties is envisaged, except when coming from political parties or foreign partner organisations. The draft provision in this regard could partially meet the recommendation. However, should foreign funding be allowed, the law would benefit from additional provisions regarding its limit as well as transparency measures.

The Law requires parties to publish annual incomes and expenditures reports on the Official Gazette, an obligation that is not being complied with. The law also requires parties to submit campaign finance reports to the TC within 90 days from the announcement of the results. The TC lacks specialised capacity for reviewing these reports, no guidelines exist in this regard, and no pre-election campaign finance reporting is foreseen. In this respect, the EU EOM recommended to ***“Empower an oversight body, for example the CEN, to carry out a monitoring and enforcement function to review and audit campaign expenditure reports. Introduce and enforce clear campaign expenditure limits, requirements for periodical expenditure reports for parties and candidates, including in-kind donations. Introduce proportionate enforcement rules.”*** (Rec #12)

There has been no legal amendment in this regard. The TC has started to notify political parties that ran for the 2022 elections to present their financial reports regarding the campaign. A task force has been designated by the TC to address this issue. However, the existing legislation lacks detail on party financing report provisions, while political parties seem to lack the practice of presenting financial reports. All interlocutors agree that political finance should be duly regulated and enforced by a capable institution, independent from political power and with adequate resources to do so. The EFM learned that the draft proposal of the Electoral Code foresees the new permanent CEN to be the oversight institution on campaign funding.

The initiative of the TC on political finance is a good measure to start tackling these issues, regardless of further legal amendments. The EFM considered that some activity is ongoing in regard to this recommendation.

F. MEDIA

The media landscape in São Tomé and Príncipe is bleak and limited. The EU EOM concluded that the state-owned television and radio stations are traditionally controlled by the government that appoints directors and approves their budget. In 2022 there was only one TV channel, eight radio stations and five online news media outlets. Newspapers are no longer published in the country. The regional government in the Autonomous Region of Príncipe (RAP) maintains a similarly tight control over the regional radio broadcaster. The EFM met with several media representatives and journalists who confirmed that no changes or improvements have been made since the 2022 EU EOM.

Regarding the legal framework, the Constitution and the Press law guarantee freedom of expression and information. However, libel and defamation are criminalised under the Penal Code and are punishable by imprisonment. The Press Law imposes even heavier fines for libel and defamation of public figures than for ordinary citizens. These provisions are contrary to

international principles. In this regard, the EU EOM recommended to “***Amend the Penal Code to repeal prison sentences for defamation crimes in favour of reasonable financial and administrative sanctions to restore the harmed reputations. Amend the Press Code to repeal heavier sanctions for defamation cases against public figures.***” (Rec #13)

Media representatives, journalists and judges met by the EFM did not oppose the recommendation, but argued that defamation and libel should remain criminal offences in the context of São Tomé and Príncipe, both as a means of discouraging the practice and as a realistic punishment, since the payment of fines is rarely enforced due to the financial inability of those found guilty. Imprisonment would thus serve as a de facto punishment. Furthermore, the provision was not perceived to have an impact on journalists' work. This recommendation is not implemented, and would need a legislative change in the Penal Code.

Broadcast media are regulated by the Law on Television and the Law on Radio Stations. The 2022 EU EOM concluded that there was no law on state media, while the existing framework did not include provisions to regulate the appointment of state TV and radio directors, and lacked funding mechanisms. This allowed each government to directly appoint state TV and radio directors, limiting *de facto* the independence of public media. In this regard, the EU EOM recommended to “***Ensure the independence of state media from political influence by introducing a legislation granting a transparent selection process of its senior managers as well as a clear and effective funding mechanism.***” (Rec #14) Several interlocutors referred to previous lengthy discussions on the adoption of a draft law to transform the state media into a public service, but no action has been taken in this regard since the final report of the 2022 EU EOM. This recommendation remains relevant, however there seems to be no political will to implement it in the near future.

The system of appointment of the members of the *Conselho Superior de Imprensa* (CSI), the broadcast media regulatory body, does not guarantee their independence from the ruling majority. The CSI lacks financial, technical and human resources to fulfil its regulatory role, nor does it have effective sanctioning powers. The EU EOM recommended to “***Ensure the independence of CSI and strengthen its technical and financial capacity to oversee broadcast media, including during the election campaign.***” (Rec #15) Regarding the CSI, the EFM found that no changes were introduced since the 2022 EU EOM final report. Interlocutors claimed that the CSI is largely inactive, especially during election periods. This recommendation remains relevant and unimplemented.

The EU EOM observed that Facebook (FB) is the most popular online platform in the country. In 2022 internet penetration was limited to around 32 per cent of the population, and digital media literacy was very low. The CEN was not active in seeking cooperation with META/FB to enhance transparency, and to mitigate disinformation and hate speech. In light of these observations, the EU EOM recommended to “***Establish a cooperation mechanism with relevant online platforms to enhance transparency, prevent and mitigate disinformation and foster voter information ahead of elections.***” (Rec #16) The EFM found that this topic is not yet on the stakeholders' agenda, although some expressed concern with the potential of unregulated social media's influence in future elections, and referred to the limited capacity of the CEN to implement the recommendation. This recommendation remains relevant, but no action has been taken.

G. CIVIC AND VOTER EDUCATION

During the EFM, civil society organisations reiterated the need for long term civic and voter education, communication and dissemination actions on voter information, especially in local communities. The CEN has the obligation to conduct voter education through the media for both voter registration and the electoral process. The 2021 electoral reform mandated the GTE to conduct voter information, but implementation never followed. The limited calendar within which the CEN had to operate, with only three months before election day, hampered any sound planning of civic and voter education. The EU EOM observed that these activities, including training sessions for a number of partners, relied on technical and financial support from the United Nations Development Programme (UNDP). EU EOM observers reported that voter education activities, such as ballot marking and information on polling hours, were lacking at the district level. Therefore the EU EOM recommended to ***“Organise comprehensive and longer-term voter education activities covering the dissemination of information on changes in the law, regulations, procedures and decisions, including through civil society organisations, and with the support of local radio stations.”*** (Rec #6) This recommendation remains relevant, however, as the CEN is currently not in place, it is too early to assess the implementation of this recommendation.

H. PARTICIPATION OF WOMEN

The Constitution foresees the principle of non-discrimination based on gender. However, in practice, women are still underrepresented in public decision-making bodies and there is a culture of structural discrimination against women. The need for effective inclusion of women in political life has been recognised and for the 2022 legislative elections, a mandatory 30 per cent gender quota was introduced in the 2021 electoral reform. However, there was no provision on the ranking order within the list. This resulted in only eight women being elected, out of 55 seats in Parliament. Given this context, the EU EOM recommended: ***“Increase affirmative measures to ensure that at least 40 per cent women representation in all elected positions can be fully implemented. Complement the application of the zipper rule for the next legislative elections with a horizontal alternation placement rule, should a plurality-majority system be chosen at any electoral level.”*** (Rec #17)

The new Parity Law no. 11/2022, is now in force, and will apply to future elections. The law foresees that candidate lists should present a gender balance of at least 40 per cent, with alternation in the first two names in the candidate list (*zipper rule*). There can be no more than two candidates of the same gender after each other on the list. Should a list fail to comply with these provisions, proponents are notified by the judge; should it not be corrected, the list would be finally rejected. Stakeholders see the new law as a positive measure, though its effects in practice remain to be seen. Civil society organisations emphasised the need for long-term support actions, such as training, to the effective participation of women for the 2026 elections. This included capacity building, actions building awareness on the need to have a friendly environment towards the participation of women in the public life, among others.

A Commission on the Follow-Up of the Gender Balance Law has been created in early 2024 before the Parliament, as foreseen in the law. The Commission is chaired by the Network of Parliamentary Women and composed also by representatives of public entities, and civil society

working on women rights and gender equality. The Commission met in 2024 in the Parliament, and is tasked to follow-up the implementation of the law, producing regular reports and pointing out revision needs. The EFM considers the recommendation to be implemented as it was fully translated into law.

I. PERSONS WITH DISABILITIES

The electoral legislation does not contain any provisions on facilitating political rights by persons with disabilities (PwD). Assisted voting is the only measure that the CEN should ensure. Obstacles for PwD include physical difficulties in reaching the polling station, and casting the ballot in secrecy. Printing Braille masks for ballot papers or the use of sign language interpreters are some of the measures that could have been taken. The EU EOM recommended: ***“To continue facilitate inclusion, bring legislation in line with international commitments by including provisions to ensure lasting participation of persons with disabilities in the electoral process and to allow them to effectively exercise their voting rights independently and in secrecy. The CEN should include specific measures in the regulatory framework.”*** (Rec #18)

As the CEN is not in place, no regulatory framework on this issue could be approved. The needs of people with disabilities were not a prominent topic on the electoral reform debate which was limited to physical accessibility to polling stations and priority in queues. Full inclusion of PwD rights throughout the electoral cycle remains to be established in the law through concrete measures. Special voting mechanisms or support to the right to vote, including the use of a Braille mask, seem to be still absent from public discussion, including by many civil society stakeholders. This recommendation remains relevant and can be addressed at a later stage in the electoral process, when the CEN is made operational.

J. CIVIL SOCIETY OBSERVERS

Citizen observation is not foreseen in the electoral legislation, contrary to international principles. Civil society groups could not engage in promoting transparency within the electoral process. Specific legal provisions in this regard were debated for the 2021 legal reform but withdrawn from the final text. The EU EOM recommended: ***“Amend the provisions on election observation to allow national civil society groups to observe elections, and allow observers and media to follow all stages of the electoral process, including tabulation phases.”*** (Rec #19)

During the EFM, domestic electoral observation seemed to be accepted by all stakeholders including public authorities, main political parties, and civil society organisations. The role of the 2022 EU EOM was also highlighted in this regard, as it contributed to a deeper understanding of the challenges at different stages of the electoral process.

The EFM learned that the draft proposal for the Electoral Code is meant to include national electoral observation throughout all stages of the electoral cycle. The CEN, when in place, could publish further regulations to facilitate election observation. These steps are very positive, however there is no legal text yet. The EFM finds it is too early in the electoral cycle to assess the status of implementation.

K. POLLING, COUNTING AND RESULTS

The 2022 EU EOM noted that in many locations the polling station members' political party affiliation did not entirely correspond to the nominations decided by the CEN. Many polling staff members from observed polling stations declared to be unaware of their party affiliation, or refused to specify it. There were allegations that polling station staff positions had been traded by small parties to large ones. Also, the EU EOM observers noted that party representatives occasionally interfered in the work of the appointed polling staff. In light of these observations the EU EOM recommended to ***“Ensure and enforce that election officials, and any other persons allowed in the polling stations on Election Day, be duly accredited and identified by CEN, and their role and mandate clearly defined in the law. Ensure that on Election Day polling officials designated by the contesting political entities reflect effectively the CEN nominations.”*** (Rec #20) This recommendation remains relevant and could be addressed in the draft law, and implemented by the CEN when appointed. The EFM finds it is too early in the electoral cycle to determine the status of implementation.

The 2022 EU EOM noted that on election day, *“Lack of established procedures left room for differing interpretations and unnecessarily raised political tensions”*. The EU EOM observers further noted difficulties with several poorly filled out tally sheets that caused delays in the procedure at the preliminary results tabulation process conducted by CEN. Furthermore, the law does not prescribe a definitive timeline to complete and announce preliminary results, which caused legal uncertainty and some confusion. Moreover, the content and manner of publication of preliminary results was found to be unregulated. The EU EOM thus recommended to ***“Define clearly the content and manner for preliminary results publication, including by requiring results to be broken down by polling station.”*** (Rec #21) This recommendation remains relevant. The draft electoral law could address this recommendation, enhancing transparency and integrity of the elections results process. The inclusion of the requirement to publish results broken down by polling station is particularly important, allowing for a full review of election results by political stakeholders and civil society. The EFM finds it is too early in the electoral cycle to determine this recommendation,

The 2022 EU EOM observed the final tabulation process in detail, including the final tabulation of the local and regional elections in the Autonomous Region of the Príncipe (RAP), visiting the District Courts during the tabulation process. Findings of the EU EOM highlighted that tabulation proceedings were efficient and transparent, even though not identical in the various courts, which created legal uncertainty regarding the overall process.

Regarding the national tabulation process, and while the process was ongoing, the political pressure raised and created a tense and volatile political atmosphere. A request from *Basta! party, MDFM/PL and UDD* to the Constitutional Court to register a new electoral coalition for the purpose of seats allocation began to circulate on social media. The parties demanded that their votes be counted together based on an implausible reading of the Election Law (article 26). The article is silent on the deadline for registering coalitions.

In light of the ambiguities and gaps in the electoral law, the potential of interpretation and political interference in the tabulation process, and the changing of results, the EU EOM recommended to ***“Establish clear and precise procedures for the consistent tabulation of final results, including step-by-step activities, throughout the different stages and for the different institutions involved in the result tabulation process.”*** (Rec #22) All interlocutors met by the

EFM highlighted the need to establish a clear legal framework for the tabulation process, free of political interference, to be implemented for the upcoming elections. The draft electoral law could establish such unambiguous procedures. The EFM finds it is too early to determine the implementation of this recommendation.

V. THE STAKEHOLDER ROUNDTABLE

The stakeholder roundtable was held in São Tomé on 20 June, bringing together some 19 participants including civil society organisations, political parties, electoral experts, women, media, and youth representatives.

Participants reiterated the timeliness of the EFM's presence in the country, highlighting the importance of a roadmap for electoral reform. The EFM noted that the presence of the representatives of the Ad Hoc Commission for the Implementation of the EU EOM 2022 Recommendations gave the roundtable a level of expertise that allowed for a frank and substantive exchange of ideas and discussion among stakeholders. During the roundtable, the Ad Hoc Commission made a presentation of some of the ongoing efforts on the draft electoral reform. This was evaluated positively by all participants.

The discussion focused on the recommendations that could be implemented within the timeline of the upcoming 2026 elections. The three recommendations that were highlighted as most impactful in improving the transparency and credibility of the next elections were the introduction of the harmonised electoral legislation, the set-up of a permanent CEN, and the introduction of the automatic voters register.

All participants agreed that political consensus and coordination of the reform initiatives are necessary for the reforms to be adopted within a reasonable timeframe. However, it appeared that some issues, such as the composition and method of appointment of CEN, required further consultation and fine-tuning. There was also no clear agreement between political parties on the future composition of the CEN.

The representative of the opposition party MLSTP praised the efforts and recognised the technical and professional expertise of the Ad Hoc Commission in charge of the draft proposal. MLSTP requested that the draft proposal be shared with stakeholders to allow enough time to review it and seek consensus before discussions at the National Assembly.

Regarding EU EOM recommendations on media issues, no changes in the near future regarding the strengthening of the independence of the state media were foreseen. Media stakeholders considered the recommendations necessary and appropriate, but expressed doubts that these would go ahead due to the lack of political will. Regarding the recommendation to repeal prison sentences for defamation crimes, journalists held talks with lawyers about a pro bono partnership in order to use legal support in defamation cases, but there was no agreement. This situation causes self-censorship. Some journalists mentioned the need to end political appointments and use open competition for management positions in state media in order to weaken government pressure.

VI. CONCLUSIONS

The EFM noted a strong support from stakeholders on the relevance of the 2022 EU EOM recommendations, with significant commitment from public authorities towards their implementation, through varied forms. Positively, one recommendation on gender representation has been fully translated into law.

The Ministry of Justice created the Ad Hoc Commission with the mandate of implementing the EU EOM recommendations. The Ad Hoc Commission has made considerable progress and has produced a draft electoral code which aims to address the majority of the EU EOM recommendations. While the text was not publicly available, meetings were held with political parties, civil society organisations and other stakeholders. The aim was to submit the draft code before the National Assembly, and reach its approval before the end of 2024.

The EFM held meetings with the parliamentary commission in charge of legal reviews and noted the strong commitment towards the election legal reform. Although the National Assembly was at the time discussing the Justice reform and no formal agreement between major political parties existed on the substance of the Electoral Code, stakeholders were confident on a positive outcome of the initiative.

The country's fragile economic situation is a major obstacle to the implementation of some of the 2022 EU EOM recommendations. Unfortunately, the country does not benefit from substantial international donor support in the area of electoral reform.

Notably the automatic voter registration requires funding. Nevertheless, institutional efforts led by the General Directory of the Civil Registers and Notary Services are ongoing to create synergies and advance reforms as much as possible, while seeking external funding. At this stage, the automatic voter registration reform seems to be essential for upcoming elections. There is momentum and political consensus. Timing for this reform is critical, as this major change on the voters' register should be carried out and tested ahead of the 2026 elections.

Political financing is perceived as a sensitive area and therefore difficult to address. Although there have been no legal changes in this regard, and the issue could be addressed in the new electoral code, the TC has initiated a process to request financial reports from political parties in line with the existing legal framework. The EU EOM recommendations pertaining to the media remain largely unaddressed, and there is no sign of progress ahead.

In conclusion, there seems to exist willingness to implement several of the 2022 EU EOM recommendations. National stakeholders reported to the EFM that the 2022 EU EOM was critical for the electoral process, and made references to the added value of a potential 2026 EU EOM. The efforts by national authorities should be encouraged and supported, particularly the areas where external aid would be beneficial for achieving progress. On the other hand, attention should also be placed on areas without any progress, pushing towards reforms that might enhance Santomean democracy.

VII. ANNEXES

A. Press Release

B. Matrix on the implementation status of EU EOM recommendations

ANNEX A



**European Union Election Follow-up
Mission to São Tomé and Príncipe 2024**

PRESS RELEASE

The European Union Election Follow-up Mission welcomes the efforts to implement the recommendations of the 2022 Election Observation Mission to São Tomé and Príncipe.

21 June 2024, São Tomé – The European Union Election Follow-up Mission (EFM) is in São Tomé and Príncipe to promote discussion – and action – by key national stakeholders working towards strengthening democracy, to raise awareness of areas where electoral reform remains unaddressed and to assess the status of implementation of the recommendations offered by the 2022 EU Election Observation Mission (EU EOM). The EFM is headed by Maria Manuel Leitão Marques, Member of the European Parliament (MEP) and Chief Observer of the EU Election Observation Mission 2022.

The EFM met various electoral stakeholders, including the President of the Republic, the President of the National Assembly, the Minister of Justice, the Minister of Foreign Affairs, the Supreme Court of Justice, the Constitutional Court, the Public Prosecutor and other relevant institutions, political parties, civil society and media representatives. On 20 June, the EFM organised a round table with various electoral stakeholders, where participants discussed ongoing electoral reforms.

At a press conference held today, Mrs Leitão Marques said: *"In the spirit of the strong partnership between the European Union and São Tomé and Príncipe, we welcome the results achieved so far in their follow-up to the 2022 EU EOM recommendations, and the efforts made despite the country's many difficulties. We call on you to continue with the appropriate measures to make progress on electoral reform, including voter registration, the strengthening of the National Electoral Commission, and the implementation of the Parity Law ahead of the next elections in 2026."* The 2022 EU EOM made twenty-two recommendations, including six priority recommendations for potential improvements in the way elections are regulated, managed and conducted in São Tomé and Príncipe.

MEP Maria Manuel Leitão Marques noted: *"What I observed during my visit is a positive step in the right direction. I am optimistic to see how the government, civil society and the political parties strive to improve the electoral process."*

The head of mission emphasised that two years before the 2026 general elections the window of opportunity for comprehensive and effective legal reforms becomes narrower, and encouraged the government and all stakeholders to accelerate this work. Recommendations on eliminating existing inconsistencies and ambiguities in electoral laws, transforming the National Electoral Commission into a permanent and independent body, and establishing a reliable and cost-effective mechanism for updating the voter register, among others, were highlighted as key to ensuring a level playing field for all contestants ahead of the 2026 elections.

The head of mission also stressed the importance of transparency in the electoral reform process, as well as inclusion and cooperation of electoral actors, including civil society organisations. Concluding the press conference, Mrs Leitão Marques said: *"The EU and the Member States will continue to support electoral reform initiatives in São Tomé and Príncipe."*

A comprehensive final report from the Election Follow-up Mission will be published in the coming months. The full archive of election observation reports and EU recommendations can be found at <http://database.eueom.eu>.



Missão de Acompanhamento Eleitoral da União Europeia a São Tomé e Príncipe 2024

Nota de Imprensa

A Missão de Acompanhamento Eleitoral da União Europeia saúda os esforços de implementação das recomendações eleitorais da Missão de Observação Eleitoral a São Tomé e Príncipe em 2022.

21 de junho 2024, São Tomé - A Missão de Acompanhamento Eleitoral da União Europeia (MAE) está em São Tomé e Príncipe para promover o debate – e a ação – dos principais interlocutores nacionais que trabalham para o reforço da democracia, de modo a aumentar a sensibilização para as áreas onde a reforma eleitoral continua por abordar, e para avaliar o estado de implementação das recomendações oferecidas pela Missão de Observação Eleitoral da UE 2022 (MOE UE). A MAE é chefiada por Maria Manuel Leitão Marques, deputada ao Parlamento Europeu e Chefe da Missão de Observação Eleitoral da UE em 2022.

A MAE UE reuniu-se com vários interlocutores implicados no processo eleitoral, incluindo com o Presidente da República, a Presidente da Assembleia Nacional, a Ministra da Justiça, o Ministro dos Negócios Estrangeiros, o Supremo Tribunal de Justiça, o Tribunal Constitucional, o Procurador Geral da República e demais instituições relevantes, os partidos políticos, a sociedade civil, e os representantes dos meios de comunicação social. A 20 de junho, a MAE organizou uma mesa redonda com vários intervenientes eleitorais, onde os participantes debateram as reformas eleitorais em curso.

Numa conferência de imprensa realizada hoje, a Sra. Leitão Marques disse: "*No espírito da forte parceria entre a União Europeia e São Tomé e Príncipe, congratulamo-nos com os resultados alcançados até à data no seguimento das recomendações da MOE UE 2022 e com os esforços envidados apesar das muitas dificuldades do país. Apelamos a que continuem com as medidas adequadas para fazer progressos na reforma eleitoral, incluindo o recenseamento eleitoral, o reforço da Comissão Nacional Eleitoral e a implementação da Lei da Paridade antes das próximas eleições em 2026.*" A MOE UE 2022 fez vinte e duas recomendações, incluindo seis recomendações prioritárias para potenciais melhorias na forma como as eleições são regulamentadas, geridas e conduzidas em São Tomé e Príncipe.

A deputada Maria Manuel Leitão Marques acrescentou que: "*O que observei durante a minha visita é um passo positivo na direção certa. Estou otimista por ver como o governo, a sociedade civil e os partidos se têm empenhado para melhorar o processo eleitoral.*"

A chefe de missão salientou que dois anos e meio antes das eleições gerais de 2026 a janela de oportunidade para reformas jurídicas abrangentes e efectivas torna-se mais estreita, e encorajou o governo e todas as partes interessadas a acelerarem este trabalho. As recomendações sobre a eliminação das inconsistências e ambiguidades existentes nas leis eleitorais, a transformação da Comissão Eleitoral Nacional num órgão permanente e

independente, e estabelecer um mecanismo fiável e económico para actualizar o recenseamento eleitoral, entre outras, foram destacados como fundamentais para garantir condições de concorrência equitativas a todos os concorrentes antes das eleições de 2026.

A chefe de missão sublinhou ainda a importância da transparência no processo de reforma eleitoral, da inclusão e da cooperação dos actores eleitorais, incluindo as organizações da sociedade civil. A concluir a conferência de imprensa, a Sra. Leitão Marques afirmou: “*A UE e os Estados-Membros continuarão a apoiar as iniciativas de reforma eleitoral em São Tomé e Príncipe.*”

Nos próximos meses, será publicado um relatório final exaustivo da missão de acompanhamento da UE. O arquivo completo dos relatórios de observação eleitoral e das recomendações da UE pode ser consultado em <http://database.eueom.eu>

ANNEX B

No.	Year	Recommendation	Electoral Theme	Status (1-6)	Comments and Additional information
1.	2022	Eliminate the existing inconsistencies and ambiguities left in the electoral laws through their systematic and rigorous harmonisation, with the aim of enhancing legal certainty through all the stages of the electoral process.	Legal framework	2 Action or activity is ongoing but implementation of the recommendation has not yet been confirmed	<p>The Ministry of Justice created an Ad Hoc Commission (February 2024) on the follow up of the 2022 EU EOM Recommendations.</p> <p>The Ad Hoc Commission elaborated a proposal of an Electoral Code, concluded in June 2024, delivered to the Ministry of Justice.</p> <p>The Ad Hoc Commission held consultations with political parties and electoral stakeholders from civil society.</p> <p>A consensus towards its adoption is recommended. Formally, an absolute majority in Parliament suffices and the party in government could secure this outcome.</p> <p>The proposal of Electoral Code is to be put for public consultation by the Ministry of Justice (July 2024).</p> <p>Afterwards, the Ministry of Justice is to submit the proposal for due discussion before Parliament.</p>
2.	2022	Should the stakeholders decide to maintain the changes to the electoral system introduced by the CEN for the local elections, primary legislation reflecting these changes should be introduced, including the principle of the equal weight of the	Legal framework	5 Too early in the electoral process to determine	<p>The CEN is not in place at the moment, as it ceased its mandate after the 2022 elections.</p> <p>The Electoral Code could be expected to safeguard this aspect, should it be seen as an objective.</p>

		votes, and an adequate voter information campaign on the topic.			
3.	2022	Turn the National Electoral Commission into a permanent body to enhance professionalism, integrity and accountability throughout all stages of the electoral process and allow for its organic and progressive institutional growth. Clarify the supporting responsibilities and competences of the GTE.	Electoral administration	2 Action or activity is ongoing but implementation of the recommendation has not yet been confirmed	<p>There is general consensus on the need for a permanent CEN to be operative throughout the electoral cycle. The GTE should be placed within the CEN with strengthened capacity.</p> <p>A permanent CEN should carry out civic and voter education, including targeted messaging towards women and youth.</p> <p>There is concern regarding the rules of appointment of CEN members. The new framework should mitigate the excessive influence from political power. Seemingly, main political parties have yet to reach an agreement on this issue.</p> <p>The Ministry of Justice is to submit the proposal of an Electoral Code to the Parliament, where negotiations can take place in this regard.</p>
4.	2022	Enact and publish comprehensive and specific procedures for all stages of the electoral process, including but not limited to voter registration, electoral campaign, voting, counting and preliminary tabulation phases well ahead of elections.	Electoral administration	5 Too early in the electoral process to determine	<p>The CEN is not in place at the moment, and regulations cannot be enacted.</p> <p>The electoral legal reform envisaged by the Ministry of Justice can mitigate some of these aspects, should it fall outside the regulatory powers of the CEN.</p>
5.	2022	Establish an institutional communication strategy to enhance transparency and accountability of the electoral process, developing public confidence building measures. Information sharing activities, in particular for the key phases of the electoral process, should be an integral part of such strategy.	Electoral administration	5 Too early in the electoral process to determine	<p>The CEN is not in place at the moment.</p> <p>A communication strategy for a future CEN was developed through the EU election assistance project WYDE, developed for the EU DEL in early 2024.</p>

					Should the amendment to the electoral framework include a strengthened and permanent CEN, the new institution could develop and implement these activities.
6.	2022	Organise comprehensive and longer-term voter education activities covering the dissemination of information on changes in the law, regulations, procedures and decisions, including through civil society organisations, and with the support of local radio stations.	Voter and civic education	5 Too early in the electoral process to determine	<p>Civil society highlighted the need for civic and voter education, communication and dissemination, also in local communities. The previous CEN carried out these activities with civil society organisations. This cooperation routine is seen as very positive and should be permanent.</p> <p>As the CEN is not in place at the moment, it is too early to determine if this recommendation has been addressed.</p>
7.	2022	Eliminate the blanket ban on voting rights for citizens serving prison sentences.	Voter registration	1 No change	<p>There seems to be no obstacle to implementing this measure. Stakeholders met by the EFM see this as reasonable and feasible.</p> <p>The parliamentary discussion on electoral matters can address this issue.</p>
8.	2022	Attribute clearly the responsibility to start and conduct voter registration to the CEN, and establish a reliable and cost-effective mechanism to update the voter register, for example by using other existing and reliable data sources, such as the civil register.	Voter registration	2 Action or activity is ongoing but implementation of the recommendation has not yet been confirmed	<p>There is a general consensus on automatic voter registration. This includes main political parties, namely MLSTP and ADI.</p> <p>The Ministry of Justice developed the Terms of Reference for this endeavour, through the Ad Hoc Commission.</p> <p>Despite the concrete nature of the proposal, there is a lack in funding. Nevertheless, progress has been made also regarding national institutional coordination.</p> <p>Should funding be achieved, the implementation of the recommendation will only</p>

					<p>be pending on amending the corresponding legislation.</p> <p>The lack of funding is seen as the main shortcoming to implement this recommendation.</p>
9.	2022	Introduce standard administrative procedures for the candidate registration process and provide equal registration conditions for all electoral levels. Introduce an effective filing system to guarantee legal certainty and increase overall transparency.	Registration of candidates	<p>1</p> <p>No change</p>	<p>Stakeholders from the justice sector referred to the lack of specialised training of judges, who are in charge of analysing candidacies in local elections.</p> <p>The CEN is not in place and the recommendation cannot be addressed through administrative procedures.</p> <p>This recommendation can also be addressed in the electoral legal reform.</p>
10.	2022	Introduce applicable sanctions for the abuse of state resources and for violations of the 30-day moratorium for public works inaugurations and state vehicles' use prohibition. Define and empower the oversight body for campaign violations.	Campaign environment	<p>2</p> <p>Action or activity is ongoing but implementation of the recommendation has not yet been confirmed</p>	<p>Abuse of state resources is seen as a pervasive problem, taking place before each electoral process, regardless of the party in power. In a country of scarce resources, public goods are a common presence in the campaign.</p> <p>The Constitutional Court created a specialised team to oversee political party financing and campaign expenses.</p> <p>The recommendation could be addressed within the existing legal framework.</p>
11.	2022	Enforce the existing funding prohibitions from foreign individuals and companies. To ensure transparency and oversight, consideration might be given to allowing limited and transparent funding from foreign partner political parties or associations.	Campaign and party finance	<p>2</p> <p>Action or activity is ongoing but implementation of the recommendation</p>	<p>The Constitutional Court created a specialised team to oversee political party financing and campaign expenses, within the existing legal framework.</p>

				has not yet been confirmed	This recommendation could potentially be addressed in the electoral legal reform.
12.	2022	Empower an oversight body, for example the CEN, to carry out a monitoring and enforcement function to review and audit campaign expenditure reports. Introduce and enforce clear campaign expenditure limits, requirements for periodical expenditure reports for parties and candidates, including in-kind donations. Introduce proportionate enforcement rules.	Campaign and party finance	2 Action or activity is ongoing but implementation of the recommendation has not yet been confirmed	<p>The Constitutional Court created a specialised team to address these issues and has started to request campaign financial reports to political parties, within the existing legal framework.</p> <p>An independent oversight body is needed to address this issue. Should this fall within the CEN, the body would need guarantees of independence from political power. This recommendation could potentially be addressed in the electoral legal reform.</p>
13.	2022	Amend the Penal Code to repeal prison sentences for defamation crimes in favour of reasonable financial and administrative sanctions to restore the harmed reputations. Amend the Press Code to repeal heavier sanctions for defamation cases against public figures.	Media	1 No change	<p>No steps have been taken in this regard.</p> <p>A legal amendment to the Penal Code would be necessary. Currently, the Parliament is discussing the Justice Reform, comprised of eleven bills, and the electoral reform should follow.</p> <p>Journalists the EFM met with do not see this law as an obstacle to their daily work.</p> <p>Several stakeholders do not see changing the law as a priority, rather demanding more severe penalties to address the anonymous use of social media and hate speech.</p>
14.	2022	Ensure the independence of state media from political influence by introducing a legislation granting a transparent selection process of its senior managers as well as a clear and effective funding mechanism.	Media	1 No change	The dependence of the state media on political power is a problem in the country and constitutes the main obstacle to independent media coverage. This issue was raised by several stakeholders with whom the mission met. The funding of state media depends on the budget allocated by the Prime Minister.

					No steps have been taken to address this recommendation.
15.	2022	Ensure the independence of CSI and strengthen its technical and financial capacity to oversee broadcast media, including during the election campaign.	Media	1 No change	<p>The CSI has highlighted the need for new legislation. However, due to a lack of human resources, the CSI is not in a position to draft a bill to be discussed in parliament. Although the CSI does not have the power to initiate legislation, it believes that it could start the process if they could draft the text of a legal proposal.</p> <p>The CSI lacks adequate facilities and human resources, and sees itself as an institution without capacity. There is no prospective action towards meeting this recommendation.</p>
16.	2022	Establish a cooperation mechanism with relevant online platforms to enhance transparency, prevent and mitigate disinformation and foster voter information ahead of elections.	Social media	1 No change	<p>No steps have been taken to address this recommendation.</p> <p>The new CEN could start this process.</p>
17.	2022	Increase affirmative measures to ensure that at least 40 per cent women representation in all elected positions can be fully implemented. Complement the application of the zipper rule for the next legislative elections with a horizontal alternation placement rule, should a plurality-majority system be chosen at any electoral level.	Gender representation	4 Full implementation of recommendation	<p>A new Parity Law was approved in 2022, meeting the EU EOM recommendation requirements.</p> <p>In 2024, a Parliamentary Commission for the Follow-up of Gender Parity Measures was set-up in Parliament, comprising several civil society organisations. This Commission is monitoring the implementation of the gender quota law. It plans to issue its first report in September 2024.</p> <p>The judiciary is somewhat perceived as an obstacle, with some judges unaware of these requirements when analysing applications.</p>

					Further training and awareness-raising is needed.
18.	2022	To continue facilitate inclusion, bring legislation in line with international commitments by including provisions to ensure lasting participation of persons with disabilities in the electoral process and to allow them to effectively exercise their voting rights independently and in secrecy. The CEN should include specific measures in the regulatory framework.	Persons with disabilities	5 Too early in the process to determine	No initiatives were taken. The CEN is not in place at the moment. Improved and lasting access of persons with disabilities to the electoral process could be addressed by a professionalised and permanent CEN. This recommendation was not prominent on the debate on the electoral reform.
19.	2022	Amend the provisions on election observation to allow national civil society groups to observe elections, and allow observers and media to follow all stages of the electoral process, including tabulation phases.	Citizen and international election observation	2 Action or activity is ongoing but implementation of the recommendation has not yet been confirmed	There is a general consensus, from political parties and civil society stakeholders, on the need for independent and impartial electoral observation, both at the international and domestic level. The new electoral legislation aims to foresee this. The new CEN is expected to adopt regulation on national observation, but currently the CEN is not in place.
20.	2022	Ensure and enforce that election officials, and any other persons allowed in the polling stations on Election Day, be duly accredited and identified by CEN, and their role and mandate clearly defined in the law. Ensure that on Election Day polling officials designated by the contesting political entities reflect effectively the CEN nominations.	Polling, counting and tabulation of results	5 Too early in the electoral process to determine	The CEN is currently not in place. The new electoral legislation can foresee an effective framework to address the polling station accreditation issue.
21.	2022	Define clearly the content and manner for preliminary results publication, including by	Polling, counting and	5	There is a general consensus of all stakeholders regarding the need for clear rules. The CEN is currently not in place.

		requiring results to be broken down by polling station.	tabulation of results	Too early in the electoral process to determine	The new electoral legislation can foresee an effective framework to address the preliminary results publication process.
22.	2022	Establish clear and precise procedures for the consistent tabulation of final results, including step-by-step activities, throughout the different stages and for the different institutions involved in the result tabulation process.	Polling, counting and tabulation of results	5 Too early in the electoral process to determine	The CEN is currently not in place. The new electoral legislation can foresee an effective framework to address the tabulation process. Clear and unambiguous procedures and improved training of magistrates and election staff were mentioned as necessary.

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.
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