

# Using International Standards

## Council of Europe Handbook for Domestic Election Observers



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**Council of Europe**

**Handbook for Domestic Election Observers**

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## Table of Contents

<b>Foreword</b> .....	<b>5</b>
<b>Introduction</b> .....	<b>8</b>
<b>International Standards</b> .....	<b>11</b>
What international standards are we talking about? .....	12
What are the main principles of international standards? .....	16
<b>The Election Cycle</b> .....	<b>25</b>
Why focus on the entire election cycle? .....	26
How can international standards be integrated into the election cycle? .....	31
<i>Legal framework</i> .....	32
<i>Strategic planning in the pre-election period</i> .....	37
<i>Training of observers</i> .....	44
<i>Reporting</i> .....	51
<i>Post-election assistance</i> .....	56
<b>Annexes</b> .....	<b>62</b>
Authors .....	63
Abbreviations .....	66
Selected literature .....	67
Reporting Guidelines .....	71

## Foreword

### **Various terms for election standards**

In the last two decades, especially after the fall of the Berlin Wall, democratisation – and especially elections – became a very important subject for the international organisations including the Council of Europe. Today there is a broad consensus that “genuine” elections are essential for governments to establish their legitimate authority and for citizens to hold their governments accountable.

Election observation is a cornerstone of democratisation that has gained increasing importance over the past years. In order to assess elections, election observers used and are using as a reference the term “international standards” hereby referring to a number of international and regional principals.

### **From “free and fair elections” to elections “meeting international standards”**

Initially, elections were assessed as “free and fair” or as “not free and fair”, depending on the case. This terminology was then changed because it did not reflect a real picture of elections, drawing a black and white picture instead of presenting a balanced view of the election process.

Rather than labelling elections as “free and fair”, observers assessed elections depending on how well they met “international standards”. In numerous observer statements they used sentences such as “Elections were (or were not) conducted in line with international standards”.

### **Standards, commitments, obligations**

Today we are witnessing a very intense discussion about the terminology: some organisations are advocating the term “international standards”, some scholars prefer the term “international obligations or commitments”; others are promoting the term “Public International Law” (PIL), arguing that PIL is a good basis for the assessment of elections as the reference to internationally binding laws makes the assessment more transparent and more objective.

The discussion about the terminology began as many election experts started questioning whether it was appropriate to use the term “international standards” when talking about binding treaties and non-binding commitments. According to some scholars the term “standards” was covering up the binding nature of international obligations and the non-binding nature of commitments.

Their argumentation was the following: for example, the International Covenant for Civil and Political Rights (ICCPR), ratified by 166 States, is nearly a universal document. The Covenant contains a number of provisions that are relevant for elections and democratic governments. This international treaty is legally binding for the states that signed it.

According to Article 25 of the ICCPR the state has no choice but to hold “genuine periodic elections”. Every state is obliged to follow this principle. Therefore, to label this document as an election “standard” is not appropriate; it weakens the principles laid out in the Covenant. This provision is not just a “standard”; it is one of the binding election-related *obligations* that the states voluntarily have accepted. Many election experts and scholars began, therefore, talking of “international obligations and commitments” in addition to “international standards”.

### **Council of Europe and OSCE practice**

A brief analysis of the latest reports of the Council of Europe (CoE) and Organisation for Security and Cooperation in Europe (OSCE) shows that both institutions primarily use the terms “standards” and “commitments”. Here are some of the most commonly used sentences:

- “The 1 October parliamentary elections marked an important step in consolidating the conduct of democratic elections in line with OSCE and Council of Europe *commitments*, although certain key issues remain to be addressed.”
- “The OSCE/ODIHR Election Observation Mission assessed compliance of the election process with OSCE *commitments*, and other *international standards for democratic elections*.”
- “The election was in essence consistent with most OSCE and Council of Europe *commitments* and *standards for democratic elections*.”

Due to this practice the Council of Europe has chosen to use the term “standards” in this handbook, hereby referring to international obligations, commitments and best practices.

### **About the handbook**

The handbook [Using International Standards – Council of Europe Handbook for Domestic Election Observers](#) serves as a guide for domestic observers on how to use international standards in their daily work. The handbook gives an overview of in which phase of the election cycle international standards could be used and in which way.

The Council of Europe compiled this handbook within the framework of the Eastern Partnership Facility, a programme funded by the European Union (EU) and implemented by the Council of Europe in cooperation with Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.

The handbook is divided into four parts: Introduction, International Standards, The Election Cycle and Annex. The part “International standards” is composed of two chapters: “What international standards are we talking about?” and “What are the main principals of international standards?”

The part about the Election Cycle is composed of two chapters: “Why focus on the entire election cycle?”, and “How can international standards be integrated into the election cycle?” The second chapter, “How can international standards be integrated into the election cycle” examines how to integrate international standards into the legal framework, strategic planning, the training of observers, internal and external reporting, as well as post-election assistance.

In the Annexes the following information can be found: reporting guidelines, selected literature, abbreviations, as well as data about the authors.

This publication serves not only as a reference for domestic election observers, but also for governmental officials, political parties, election officials, voters and civil society organisations who plan to implement election activities and who are inclined to integrate international standards into their election activities. The handbook could also be useful as a training tool for future domestic election observers.

Finally, I would like to take this opportunity to thank all the experts who kindly contributed to this handbook, in particular Marie-Carin von Gumpfenberg, Tim Baker, Fabio Bargiacchi, Milica Kovačević, Mathieu Merino, Andria Nadiradze, Eva Palmans, Vladimir Pran, and Igor D. Gaon.

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## Introduction

### **Why the Council of Europe is engaged with domestic election observers?**

Elections are one of essential steps in the democratization process of a country; and domestic election observers, often a coalition of various civil society organizations, can make a significant contribution in this process. The Council of Europe as a Pan-European organization composed by 47 member states promotes these kinds of civil society organizations. The reason behind this is the following: besides political parties and media, civil society organizations are an important generator of democratic processes.

Since 2005, the CoE has developed excellent cooperation with the civil society organizations in its member states, particularly with those organizations which specialize in elections. CoE has offered various capacity building activities for domestic observers. For example, in Georgia the CoE organized training sessions for election watchdogs in order to enhance their election reporting capacity. And in the framework of the Eastern Partnership Facility, a programme funded by the EU and implemented by the CoE, domestic election observers of NGOs from Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine received comprehensive capacity training.

The importance of domestic election observation has grown significantly over the last ten years. Domestic observers cover the entire election process from the beginning to the end including the pre-electoral period, Election Day, and the post-election period. They are familiar with local languages and customs, and they understand the political environment. They follow in detail specific election procedures such as the demarcation of electoral boundaries, the registration of voters, political parties and candidates, and the financing of election campaigns.

Domestic observers are deployed at low cost and en masse all over the country. They have their observers on the ground, covering all polling stations on E-Day. They follow up on election-related cases, come up with action plans for further improvement of the election process and watch whether key stakeholders take recommendations into consideration in-between elections. Their observations are vital for the transparency of the electoral process – in two ways:

- Gathering information and documenting facts about the election process; and
- Assessing the facts/information in order to understand to which degree elections are held in compliance with international standards.

Stating the facts, providing accurate, objective and complete information, and coming up with operative recommendations, domestic election observers help by



detering violations, recognising election related irregularities including human rights violations, and identifying areas for improvement. Becoming increasingly specialized and operating more and more professionally, they contribute to promoting confidence in the electoral process – and in the long run to the stability of the democratization process.

### **Why a handbook for domestic election observers on international standards?**

In their election-related activities, domestic election observers are very much focused on identifying irregularities and measuring them against domestic standards. These national standards include the constitution, the election law, codices and legislation related to elections, as well as instructions and directives of the election management bodies. Sometimes the national legislation in itself is contradictory and inconsistent, leaving loopholes for interpretation. Frequently, national legislation does not comply with international standards. The following case is an example of such non-compliance:

*The case Sejdić and Finci vs. Bosnia and Herzegovina (27996/06 and 34836/06)* was decided by the Grand Chamber of the European Court of Human Rights in 2009, in the first judgment finding a violation of Protocol No. 12. The plaintiffs were two citizens of Bosnia and Herzegovina, Dervo Sejdić and Jakob Finci.

The Constitution of Bosnia and Herzegovina provides that only ethnic Bosniaks, Serbs and Croats can be elected members of the Presidency and House of Peoples of Bosnia and Herzegovina. The applicants, being a Roma and a Jew, contested these provisions.

*Proceedings:* Applications were submitted in 2006 and communicated to the government in 2008. In 2009, the jurisdiction was relinquished to the Grand Chamber. In June 2009, a public hearing was held and in December 2009, the judgment was published.

*Judgment:* The Court found that the applicants' ineligibility to stand for election to the House of Peoples violates Article 14 of the *Convention for the Protection of Human Rights and Fundamental Freedoms* (ban of discrimination in the field of Convention rights) taken in conjunction with Article 3 of Protocol No. 1 (free elections), by 14 votes to 3, and that their ineligibility to stand for election to the Presidency violates Article 1 of Protocol No. 12 (general ban of discrimination), by 16 votes to 1.

As a result, in October 2011, the Parliamentary Assembly of Bosnia and Herzegovina initiated a constitutional reform, including changing the election provisions.

This case shows that even a country's constitution can contradict international standards; and if these international standards constitute treaty standards, to

which a country subscribed, then they could be enforced through the decision of the European Court of Human Rights (ECHR).

In the light of this court decision, domestic election observers started to reconsider their approach to the elections: they became more and more focused on international standards when assessing election processes. National legislation still remained as a first reference; international standards were added as second – ultimate – reference. A good overview of these standards can be found in the European Commission's Compendium of International Standards for Elections. This compendium which has been revised and updated since it was first published in 2005, outlines the obligations and commitments made by each state.

### **Why do international standards matter for domestic monitoring?**

When international standards were introduced into domestic election observation, the role of the domestic observers changed: they became more focused on standards against which the country's elections were being assessed – hereby following an OSCE/ODIHR guideline: "The degree to which an election complies with internationally agreed standards provides a benchmark for both international and domestic observers to assess an election." (OSCE/ODIHR Handbook for Domestic Observers, 2003, p.16)

International standards are not only benchmarks against which domestic observers assess elections, they are also the principle on which they base their findings and recommendations and which serve as guidelines for further improvement of election standards. International standards also provide guidelines for domestic observers for their election-related activities: they are *the* guiding principles in the phase of strategic planning/identifying their election focus/positioning in the election cycle. In addition, international standards serve the donor community as benchmarks for measuring performance of the domestic observers.

By introducing international standards into their election observation methodology domestic observers are not copying the international observers' approach (only observing and not following up to appeals and complaints), but sharpening their own approach (starting from observation, continuing with assistance during elections and filing appeals and complaints and ending up with drawing action plans for further improvements of election standards). By integrating international standards into their election-related activities, they become key agents in the field of election observation: while demonstrating their professionalism, they gain credibility in their own society and are being listened to by their own people.

# International Standards

## What international standards are we talking about?

### **Standards, obligations, commitments, and best practices**

When talking about election standards, which terms are used? The Venice Commission (VC) in its Code of Good Practice in Electoral Matters uses the term "Europe's heritage". The Office for Democratic Institutions and Human Rights (ODIHR) refers to OSCE commitments, Council of Europe's (CoE's) standards for democratic elections, and international obligations. The Carter Center and other globally operating actors speak about international obligations, i.e. treaties and treaty amendments, as well as state practice.

The countries covered by the handbook are all members of the CoE and OSCE; each country has signed on not only to treaty standards/obligations, but also to non-treaty/soft law standards. All these standards are referred to in the handbook as "international standards", even if they cover only a certain geographical area.

### **Global and regional standards**

There are two different kinds of election standards: global and regional standards. The first ones are accepted and applied by most of the international community; the latter are relevant only in particular regions of the world.

Global standards are mainly the instruments (treaties or declarations) adopted within the framework of the United Nations. Examples of such instruments are the 1966 International Covenant on Civil and Political Rights (ICCPR) or the 1948 Universal Declaration of Human Rights.

Regional standards are the instruments adopted by regional organizations such as the African Union, the Organization of American States, the Commonwealth of Independent States, the Council of Europe, or the Organization for Security and Cooperation in Europe (OSCE). These standards are only relevant in those countries which are member states of these organizations. An example is the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which is applicable only in CoE countries.

### **Binding and non-binding standards**

Treaty standards are those laid down in a legally binding document; they are applicable only in those countries which are signatory parties to such treaties. The 1969 Vienna Convention on the Law of Treaties defines a "treaty" as an international agreement concluded between states in written form which is

governed by international law. The convention further stipulates that every treaty in force is binding upon the parties to it and must be performed by them in good faith.

A treaty can be concluded between two or more countries, between member states of one particular regional organization or between countries of the international community. Thus the ECHR concluded between the member states of the Council of Europe constitutes a Regional Treaty and, therefore, is only binding upon its parties. On the other hand, the ICCPR has a more global (universal) character since it has been ratified by over 160 countries herewith legally binding these countries to adhere to its covenants.

Non-treaty standards might be both legally binding and legally not binding:

- *Legally binding non-treaty standards*: Norms, derived from international customary law, are legally binding upon those who accept such custom. In order for a state to become bound by customary law, two preconditions are required: first, the norms should be a general state practice and secondly, they should be *opinio juris*, i.e. the belief by a state that such practice is obligatory.
- *Legally not binding non-treaty standards*: “Soft law” norms constitute a strong moral commitment but are not legally binding. Examples of such instruments would be resolutions of inter-governmental organizations containing commitments, joint statements, or declarations of policy or intentions. The Universal Declaration of Human Rights (1948), the UN General Assembly resolution A/RES/46/137 on Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections, or the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference for Security and Co-operation in Europe (CSCE), are examples of such non-binding standards.

### **Soft law in the CoE area**

Soft law plays a huge role in interpretation of legally binding standards or even in the formation of international customary law. In this regard, court decisions play a significant role. For example, the decisions of the European Court of Human Rights (ECtHR) form case law which is first and foremost binding for those countries to which they are addressed; at the same time, they are important for other ECtHR member states as they use the case law as a means of interpretation of human rights related legislation. Besides, the case law of the ECtHR makes the European Convention on Human Rights a living (evolving) instrument by extending the rights and applying them to situations that were not foreseeable when the Convention was adopted. Thus, the ECtHR case law is one of the most authoritative supplementary sources of law in Council of Europe and ECHR member states.

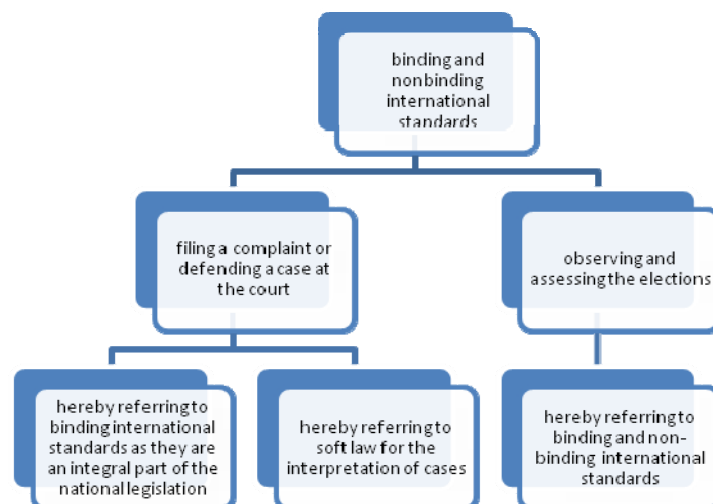
Other notable soft law instruments in the Council of Europe area are:

- The Venice Commission Code of Good Practice in Electoral Matters;
- The 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference for Security and Co-operation in Europe;
- The OSCE/ODIHR Guidelines for Reviewing a Legal Framework for Elections (2001) and for Resolving Election Disputes in the OSCE Area: Towards a Standard Election Dispute Monitoring System (2000);
- ODIHR/VC Joint Opinions on Election Codes and Laws on political unions of citizens;
- GRECO evaluation reports on political party financing; and
- Final Reports of International Election Missions.

### International standards in election observation

For election observers, it is important to differentiate between legally binding and legally non-binding international standards. When defending election related cases before national courts, domestic observers can base their arguments primarily on legally binding international standards such as the European Convention for the Protection of Human Rights and Fundamental Freedoms; they also can refer to legally non-binding standards, however, only for the interpretation of legally binding instruments.

Additionally, domestic observers could and should make use of and refer to international standards in their voter education/information, in their election administration trainings, in their election observation methodology and in their recommendations for the further improvement of electoral processes. And this is what this handbook is all about: incorporating international standards – treaty and soft law standards – into the daily work of domestic election observers!



“The degree to which an election complies with internationally agreed standards provides a benchmark for both international and domestic observers to assess an election. International standards, by their nature, tend to be quite general, setting out broad principles for implementation by states. A domestic observer group will be faced with many specific issues to assess against general standards. As a rule, international standards are sufficiently clear to enable a domestic observer group to assess with little difficulty whether they are being adhered to. In some cases, however, the situation may be less clear-cut, and, in such instances, care should be taken to distinguish between international standards, with which all states must comply, and good practices, which are desirable but not mandatory.”  
*(OSCE/ODIHR Handbook for Domestic Observers, 2003, p.16)*

## What are the main principles of international standards?

### What are the most important international standards for the region covered in the book?

As this handbook is written in the framework of the Eastern Partnership Facility, a programme funded by the EU and implemented by the Council of Europe, it covers the geographical area to the East and South of Vienna as well as West of the Caspian Sea. For this region the international standards set out by the CoE, the EU and the OSCE are guiding principles when assessing elections.

These standards are briefly explained below.

The formal applicability of the standards mentioned below to a particular country depends upon its accession to such treaties (whether the country has signed on to the treaty standards or not) and its normative commitment to foster the promotion of, and support for, these international standards.

### Council of Europe

Since its foundation, the CoE has adopted a series of treaty and non-treaty standards on elections. The most outstanding treaty is the *Convention for the Protection of Human Rights and Fundamental Freedoms*, as it established the European Court of Human Rights (ECtHR) which gives individuals the opportunity to take human rights violations to an international court – a right that is normally exercised by states. Even more than 60 years after its adoption, the European Convention is still the only international human rights agreement providing such a high degree of individual protection.

Here are the most important CoE documents:

#### Council of Europe

##### Treaty Standards

Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (1950)

First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR – P1) (1952)

Framework Convention for the Protection of National Minorities (1995)

European Charter of Local Self-Government (1985)

Convention on the Participation of Foreigners in Public Life at Local Level (1992)

##### Non-Treaty Standards



Recommendation on the Electoral, Civil and Social Rights of Prisoners (1962)

Recommendation on Measures concerning Media Coverage of Election Campaigns (1999)

Recommendation on Legal, Operational and Technical Standards for E-voting (2004)

**European Commission on Democracy through Law (Venice Commission)**

Code of Good Practice in Electoral Matters (2002)

Guidelines on the Financing of Political Parties (2003)

### Organisation for Security and Cooperation in Europe

When representatives of the participating states of what was then the Conference on Security and Co-operation in Europe reached an agreement in Copenhagen in 1990, they wrote history for the entire OSCE region. Basically, all participating states agreed that there is only one system of government that can guarantee the effective protection of human rights, and that is pluralistic democracy based on the rule of law. The so-called *Copenhagen Document* introduced a set of far-reaching commitments on how to conduct democratic elections and laid the groundwork for the Organization's future activities in the area of election observation. (see also: Budden 2010)

Below, you find the most important OSCE documents:

**Organization for Security and Co-operation in Europe (OSCE)**

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE (1990)

Charter of Paris for a New Europe (1990)

Document of the Moscow Meeting of the Conference on the Human Dimension of the OSCE (1991)

Istanbul Summit Declaration (1999)

Existing Commitments for Democratic Elections in OSCE Participating States (2003)

### European Union

It was in 2000 that the European Parliament, the European Commission and the EU member states, comprising the European Council, signed and proclaimed the first formal EU document to combine in a single text the whole range of civil, political, economic and social rights and certain “third generation” rights such as the right to good administration. The *Charter of Fundamental Rights of the European Union*

(the Charter) assembles existing rights that were previously scattered over a range of sources including the European Convention on Human Rights and Fundamental Freedoms (ECHR) and other Council of Europe, United Nations (UN) and International Labour Organisation (ILO) agreements. With the entry into force of the Treaty of Lisbon in 2009, it became applicable to EU institutions and its member states when they act within the scope of EU law. Individuals can use judicial and political mechanisms to hold EU institutions, and in certain circumstances member countries, to account when they fail to comply with the Charter.

Here you find the most important election standards of the EU:

**The European Union (EU)**

Charter of Fundamental Rights of the European Union (2000)

Commission Communication on EU Election Assistance and Observation (2000)

Communication from the Commission to the Council and the European Parliament – The European Union’s Role in Promoting Human Rights and Democratization in Third Countries (2001)

Cotonou Agreement (Between EU and ACP Partner Countries) (2000)

**What are the main principles of international election standards?**

Fundamental international standards concerning the principles of democratic elections are enshrined in UN treaties.

Below you find the most important UN law provisions:

- Art. 21 of 1948 Universal Declaration of Human Rights

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

- Art. 25 of 1966 International Covenant on Civil and Political Rights

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and

equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

– Art. 1-3 of 1952 Convention on the Political Rights of Women

Article 1

Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

Article 2

Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Article 3

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

– Art. 5 (c) of 1965 Convention on the Elimination of All Forms of Racial Discrimination

(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

– Art. 7 of 1979 Convention on Elimination of All Forms of Discrimination against Women

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Whereas UN treaties mainly emphasise the right to vote and to be elected, CoE/VC and OSCE/ODIHR election guidelines enumerate a great number of election principles.

The Venice Commission Code of Good Practice in Electoral Matters defines not only the fundamental norms of the European electoral heritage: universal, equal, free, secret and direct suffrage, as well as frequency of elections, but also framework conditions necessary for the organisation of proper elections, such as respect for

human rights, particularly in the political field, organisation of elections by an impartial body and an effective system of appeal.

And the Copenhagen Document includes wide-ranging commitments for the OSCE participating States to hold genuinely democratic elections in the broader context of respect for human rights that are free, fair, transparent, and accountable through the rule of law; by suffrage that is universal, equal, and secret; and that guarantee the right to be elected, as well as the right to vote.

When comparing both documents, the following principles are prevailing:

### Periodic Elections

Copenhagen Document	Code of good practice in electoral matters
(7.1) — hold free elections at reasonable intervals, as established by law	6. Elections must be held at regular intervals; a legislative assembly's term of office must not exceed five years.

General elections are usually held at four or five-year intervals, while longer periods are possible for presidential elections, although the maximum should be seven years. There should be reasonable “time intervals between calling and setting elections, so that parties and candidates have sufficient time to prepare for elections, particularly for communicating political messages to the electorate”. (OSCE/ODIHR Existing Commitments, 2003, p.54)

### Direct Elections

(7.2) — permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;	5. The following must be elected by direct suffrage: i. at least one chamber of the national parliament; ii. sub-national legislative bodies; iii. local councils.
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“Direct election of one of the chambers of the national parliament by the people is one aspect of Europe’s shared constitutional heritage. Even though the President of the Republic is often directly elected, this is a matter for the Constitution of the individual state.” (Venice Commission Code of Good Practice, 2002, I 5.)

“The composition of primary legislative bodies at all levels of government should be selected through direct elections. Other high public offices, including for senior officials of the state and executive branch, should also be filled through direct election, indirect election by the elected chamber of the national parliament or

another representative body, or, for regional or local posts, the relevant legislature.” (OSCE/ODIHR Existing Commitments, 2003, p.12)

### Universal Elections

(7.3) — guarantee universal and equal suffrage to adult citizens;	1.1 Universal suffrage means in principle that all human beings have the right to vote and to stand for election.
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Universal suffrage also includes the following principles: every eligible citizen should have the right to vote on a non-discriminatory basis and without any distinction based on social or economic factors, physical disability, ethnic background, or political belief.

“Registration of voters must be accomplished in an accurate, timely, and transparent manner, and individuals shall be given effective opportunity to understand their rights, check the accuracy of their registration, and ensure that errors are corrected.” (OSCE/ODIHR Existing Commitments, 2003, p.16)

There should be no restrictions on voting for minorities, women and other groups of citizens (disabled people, citizens living abroad), however, there might be special provisions for Internally Displaced Persons and prisoners.

### Secret Elections

(7.4) Votes are cast by secret ballot;	4. For the voter, secrecy of voting is not only a right but also a duty, non-compliance with which must be punishable by disqualification of any ballot paper whose content is disclosed.
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In order to guarantee the free expression of the will of the elector, the following provisions are to be adhered: only one person is allowed in the ballot booth (with exceptions for disabled voters). Open voting, family voting or proxy voting are not permitted. In prisons and military units people are not to be forced to vote (openly).

### Equal Elections

(7.3) — guarantee universal and equal suffrage to adult citizens;	2.1. Equal voting rights: each voter has in principle one vote; where the electoral system provides voters with more than one vote, each voter has the same number of votes. 2.2. Equal voting power: seats must be
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	<p>evenly distributed between the constituencies</p> <p>2.3. Equality of opportunity must be guaranteed for parties and candidates alike.</p> <p>2.4. Parties representing national minorities must be permitted.</p> <p>2.5. Equality and parity of the sexes</p>
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The principles to be respected in all cases are numerical vote equality (one person – one vote), equality in terms of electoral strength (every deputy being elected by an equal number of people) and equality of chances (no high threshold for political parties, equal campaigning opportunities, equal media coverage, equal funding).

### Free elections

<p>(7.4) Votes are counted and reported honestly with the official results made public;</p> <p>(7.8) — provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;</p>	<p>3.1. Freedom of voters to form an opinion</p> <p>3.2. Freedom of voters to express their wishes and action to combat electoral fraud</p>
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The principle of free elections includes the guarantee of fundamental rights such as freedom of expression, association, assembly and movement. It also entails the following provisions:

- “Candidates can freely present their views.
- Media should cover the campaign freely, without interference or unreasonable restrictions imposed by the authorities.
- Domestic observers (partisan/non-partisan) should be free to observe all stages of the election process.
- Voters cast their votes free from intimidation, violence, administrative action or fear of retribution.
- The tabulation of results should be visible and verifiable from polling station level up to the highest level.” (OSCE/ODIHR Handbook for Long-Term Election Observers, 2007, p.18)

## Fair elections

<p>(7.5) — respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;</p> <p>(7.9) — ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires ...</p>	
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The principle of fair elections includes the following provisions:

- “The election legislation is not implemented and enforced selectively.
- There is a clear separation between the state and political parties.
- Public resources are not used unfairly for the benefit of one candidate.
- The election administration at all levels acts in a professional and neutral manner (no fraud or manipulation).
- Candidates, parties and voters are able to complain and appeal about violations.
- The judiciary and/or the election administration handle the cases impartially.
- Those responsible for violations of law are held accountable in a timely manner.” (OSCE/ODIHR Handbook for Long-Term Election Observers, 2007, p.18)

## Conditions for Implementing the Principles

### – Respect for Fundamental Rights

“Democratic elections are not possible without respect for human rights, in particular freedom of expression and of the press, freedom of circulation inside the country, freedom of assembly and freedom of association for political purposes, including the creation of political parties.” (Venice Commission Code of Good Practice, 2002, II 1.a)

### – Stability of electoral law

“The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should *not be open to amendment less than one year before an election*, or should be written in the constitution or at a level higher than ordinary law.” (Venice Commission Code of Good Practice, 2002, II 2.b)

## Procedural Safeguards

- Organisation of elections by an impartial, permanent central election commission composed of representatives of the judiciary, political parties and national minorities

“The central electoral commission must be permanent in nature.

It should include:

- i. at least one member of the judiciary;
- ii. representatives of parties already in parliament or having scored at least a given percentage of the vote; these persons must be qualified in electoral matters.

It may include:

- iii. a representative of the Ministry of the Interior;
- iv. representatives of national minorities.

Political parties must be equally represented on electoral commissions or must be able to observe the work of the impartial body. Equality may be construed strictly or on a proportional basis...” (Venice Commission: Code of Good Practice, 2002, II 3.a)

- Observation of elections

“Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise.” (Venice Commission: Code of Good Practice, 2002, II 3.b)

- Effective system of appeal

“The appeal body in electoral matters should be either an electoral commission or a court. For elections to Parliament, an appeal to Parliament may be provided for in first instance. In any case, final appeal to a court must be possible.

The procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals.” (Venice Commission: Code of Good Practice, 2002, II 3.c)

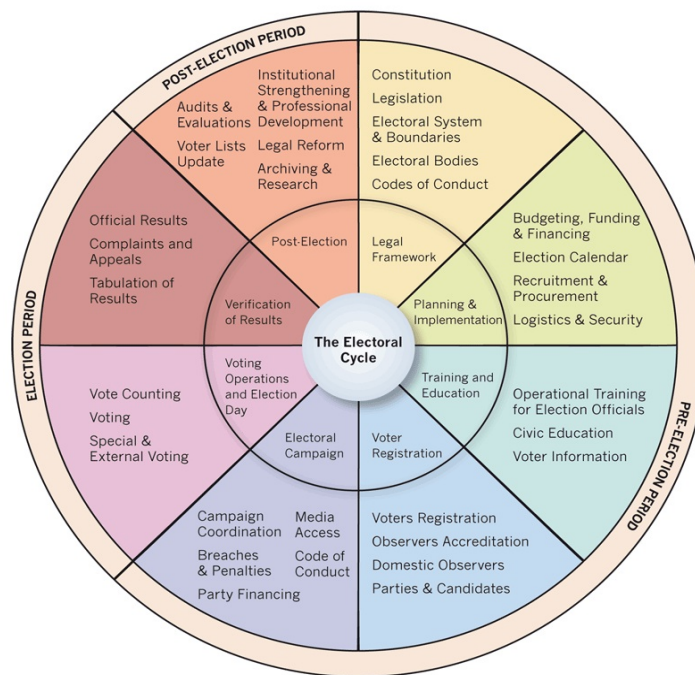


# The Election Cycle

## Why focus on the entire election cycle?

### Why is the Electoral Cycle so important for any election assistance?

Elections are not one-off events every four to five years. Elections are a process – an on-going, cyclical activity which aims at bringing a country closer to international election standards. The creation of the Election Cycle has represented the first attempt to support election practitioners in managing and assessing electoral processes. To understand the Electoral Cycle instrument, an insight into the field of election support is needed.



Source: ACE The Electoral Knowledge Network,  
<http://aceproject.org/electoral-advice/electoral-assistance/electoral-cycle>

Since the end of the nineties, electoral support activities (i.e. election observation and election assistance) have been implemented mainly by the Council of Europe (CoE), the European Union (EU), the Organisation for Security and Cooperation (OSCE) and the United Nations (UN). In these very first phases, however, the international support to emerging democracies was mainly focused on transferring indispensable knowledge to local stakeholders for the organisation of elections on an ad hoc basis. Until early 2000, electoral support projects were, therefore, mainly event-oriented, with the sole aim of assisting local stakeholders on Election Day (see also Bargiacchi 2011: Effectiveness and Sustainability of Electoral Assistance).

**Electoral Observation** is generally defined as the purposeful gathering of information regarding an electoral process, and the making of informed judgements on the conduct of such a process on the basis of the information collected, by persons who are not inherently authorised to intervene in the process. Its main goals are the legitimisation of an electoral process, where appropriate, and the enhancement of public confidence in the electoral process, to deter fraud, to strengthen respect for human rights, and to contribute to the resolution of conflict.

**Electoral Assistance**, which should be provided throughout the entire Electoral Process, can be defined as the legal, technical and logistical support provided to electoral laws, processes and institutions. It spans a broad spectrum – from the establishment of the legal framework for the administration of elections, to inclusive electoral systems and voter registration processes, support to the institutions called to administer and adjudicate upon electoral processes, through the provision of financial resources, materials, equipment and expert advice, as well as technical and financial support to civil society engaged in civic and voter education, election observation and media monitoring, including technical assistance to political parties. (See EU Methodological Guidelines on Electoral Assistance, 2006).

The limitations of this approach became clear over time, particularly with regard to the strengthening of democracy and building up capacities for the long run. Having the focus oriented uniquely on the day of elections was in fact not sufficient to guarantee the sustainability of electoral support, since it made local stakeholders continuously dependant on external assistance (more at Tuccinardi 2007: ACE Focus on Effective Electoral Assistance).

In order to overcome these limitations, practitioners started exploring alternative approaches. Taking into consideration the principles of the 2005 Paris Declaration on Aid-Effectiveness and the 2010 Accra Agenda for Action, and in recognition of the limits of an event-based approach for the success of electoral support activities in the long-term, experts from the European Commission (EC) and International Institute for Democracy and Electoral Assistance (IDEA) cooperated to develop a new tool: the election cycle.

The development and implementation of the Electoral Cycle Approach represents a critical shift in international electoral support activities from short-term, event-based support to longer-term comprehensive assistance with increased focus on sustainability, cost-effectiveness and efficiency. The Electoral Cycle is a planning and a training tool; it was created to make election stakeholders not only aware of the cyclical nature of electoral processes, but also to facilitate the coordination of their election support activities and to help them to identify the weaknesses and challenges of elections – with the overall aim of bringing elections in line with international standards.

## **Into what phases is the electoral cycle divided?**

The election cycle is designed to help stakeholders understand the cyclical nature of the electoral process. It is based on an understanding of elections as continuous processes rather than as isolated events. At the most general level, the electoral cycle is divided into three main periods:

- The Pre-electoral period (18 to three months before elections);
- The Election period (from three months before, to Election Day);
- The post-electoral period (from Election Day to the start of the new electoral cycle).

Each of the three main phases of the Electoral Cycle can be further broken down into sub-phases, which represent activities to be implemented and observed throughout the electoral cycle in relation to Election Day. In terms of election activities, in each of the different phases, international standards can be incorporated. Below each phase is briefly described:

### **The pre-electoral period**

#### *Phase 1: Legal Framework*

- Constitutional Reform;
- Reform of election-related legislation (election laws, political party laws, political finance laws, criminal laws);
- Nationality and residency laws;
- Election system, electoral boundaries delimitation, composition of election administration.

#### *Phase 2: Strategic Planning and Implementation*

- Strategic planning;
- Budgeting, funding (contributions) and financing (payments);
- Drawing a calendar/timetable of election events;
- Recruitment and procurement;
- Logistics: transport, as well as security and storage of materials.

#### *Phase 3: Training and Education*

- Human resource management: recruitment of temporary and permanent staff, training needs assessment;
- Training: cascade on E-Day procedures, specialised on accounting, etc.;
- Voter education and information;
- Civic education in schools/universities: importance of participation beyond elections;
- Public outreach with consistent message.

#### *Phase 4: Registration and Nominations*

- Registration of Voters;
- Observers Accreditation;
- Registration of Parties and Candidates.

- **The election period**

*Phase 5: Electoral Campaign*

- Party Financing;
- Code of Conduct;
- Access to Media;
- Dispute Resolution.

*Phase 6: Voting Operations*

- Distribution of voting materials;
- Recruitment and training of staff;
- Clear information to voters;
- Clear complaints system in place.

*Phase 7: Verification of Results*

- Results tabulation;
- Complaints and appeals;
- Announcement of final results.

**The post-electoral period**

*Phase 8: Analysis, Research, Archiving*

- Assessment, Audit, Evaluations and Recommendations;
- Formulation of Reform Targets;
- Institutional Strengthening and Professional Development;
- Legal Reform;
- Archiving and Research;
- Voter List Updates.

All the activities described above are interdependent; each and every activity of the electoral cycle does not stand alone, but is connected with others, to the point that a setback in one activity can have strong repercussions on other activities. Domestic and international election observers should take this interdependency into account in the assessment of the overall electoral process and in the formulation of their recommendations.

**How can sustainable improvements in the election process be achieved?**

In essence, the Electoral Cycle encompasses three main functions (see also Bargiacchi 2008):

1. It gives a clear *overview of possible election assistance activities* offering ideal entry points to respond to the specific needs of the electoral process as well as identifying long-term assistance priorities with respect to international standards.
2. It provides election observers with entry-points for the *identification of the most critical phases of the electoral process*.

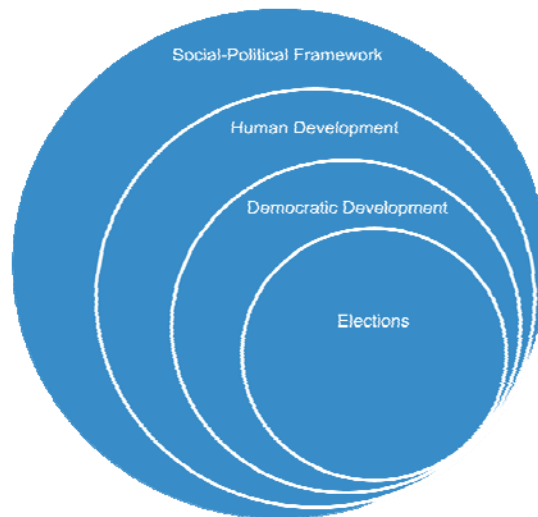
3. It is a *learning tool for domestic election stakeholders* by contributing to knowledge transfer to local actors and consequently facilitating their capacity building. The Electoral Cycle, therefore, works as a reference tool for helping domestic observers in the allocation of resources.

Despite the innovation that the Electoral Cycle brought to electoral support activities, its contribution to the effectiveness and sustainability of the electoral processes has been limited (see also Bargiacchi 2011/2008).

Elections could be brought further in line with international standards if:

- election practitioners took into consideration the *political context* in which support projects unfold, ensuring that they are integrated into policies aimed at strengthening democratic and human development (see adjacent graph).
- election practitioners made use of *synergies of electoral support activities*, i.e. election observation and electoral assistance. When embedded in a broader institution-building and democracy-support strategy, these activities have more far-reaching political implications for the conduct of elections. However, in order to achieve a longer term impact, it's important to make sure that the recommendations of observation efforts are effectively used for programming purposes and subsequent electoral assistance interventions.

Taking into consideration these lessons learned, the development of election support activities – assistance and observation – could contribute to legitimate and violence-free electoral processes, which in turn would further guarantee the compliance of the elections with international standards. Here, domestic election observers are an extremely useful source in detecting the fraudulent practices observed during the Electoral Cycle, and their recommendations could contribute to bringing the electoral process and practices in line with international standards.



**How can international standards be integrated into the election cycle?**

## *Legal framework*

### **Assessment of elections for their compliance with national legislation**

The ultimate goal of election observation is to assess the extent to which electoral processes comply with the domestic legislation and – even more important – with international standards. The assessment of elections is two-fold: (1) first and foremost election proceedings and violations are assessed against the national legislation, and (2) then both – election proceedings and violations as well as national legislation – are assessed for their compliance with international standards since the elections and the legislative framework for elections should fully reflect international standards.

In general, there are different kinds of national legislation:

- Constitution;
- Election law/code;
- Codices and laws referring to election issues (e.g. media laws, political party laws, political party financing laws)
- Instructions and directives of the election management bodies
- Codes of conduct for political parties/election management bodies

These national standards are not always written in understandable language. Sometimes their norms are legal rules framed in unclear and ambiguous language, which are contradictory and not consistent with other national and international legal norms.

### **National legislation – often ambiguous, unclear, inconsistent**

Often, national standards are not written in clear and unambiguous language. The lack of clarity of legal provisions creates a risk that these legal provisions are not being consistently implemented by one party or another. It can also cause difficulty to domestic observers who wish to conduct meaningful observations of the entire election process, however, get trapped in trying to understand and interpret unclear and ambiguous legal provisions, which can be extremely time and resource consuming.



### **Example of unclear and ambiguous language**

#### *Example 1 – Verification of Signatures*

In transitional democracies, there is a very common practice that Electoral Law does not provide specific details on how the signatures that support candidacy are checked and verified. Quite often, Electoral Laws only stipulate that Election Management Bodies (EMBs) “shall regulate how the signatures of support shall be checked and verified”, without saying how EMB is to verify signatures. Ambiguous procedures may result in variable and possibly arbitrary signature sampling and checking practices by EMB.

*International standards recommend:* “The signature verification procedure must follow clear rules, particularly with regard to deadlines, and be applied to all the signatures rather than just a sample...” (Venice Commission Code of Good Practice in Electoral Matters, 2002, §1.3, 8)

#### *Example 2 – Foreign-aided Political Parties*

Some electoral laws forbid political parties to receive funding from abroad, forbidding them to operate or to contest in the elections. Often the election laws contain ambiguous regulations not defining the term “foreign-aided”, hereby creating confusion and opening room for random interpretations. It is often disputed who is the “foreign-aider”: whether the party is “foreign-aided” if it gets funding from another government, from a foreign institution or even from a citizen living abroad (diaspora); especially the latter is quite often contested.

*International standards recommend:* “States should encourage a policy of financial openness on the part of political parties receiving public funding.” (Venice Commission Code of Good Practice in Electoral Matters, 2002, II. 3.5, 111)

Quite often national legislation contains conflicting provisions between constitutional norms, electoral laws, by-laws, instructions and directives of EMBs as well as codices of conduct.

### **Example of conflicting standards**

#### *CEC directive on observer access to polling stations*

Sometimes, CEC regulations prevent observers from carrying out their observation duties with sufficient freedom of movement and access to information. While the Electoral Code may contain a general provision that allows for observation of the elections, CEC regulations often limit observation activities.

Not randomly, CEC directives prohibit observers to “be present next to ballot issuing desks”, limiting their ability to scrutinize the voters’ list, observe voters’ identification and ballot issuing. The problem becomes particularly critical during counting and tabulation procedures.

Besides, the lack of clear CEC provisions guaranteeing observers’ access to crucial information is often used by EMBs to limit observers’ rights to inspect the documents, get answers or obtain relevant certified copies of documents.

*International standards recommend:* “Both national and international observers should be

given the widest possible opportunity to participate in an election observation exercise.” (Venice Commission Code of Good Practice in Electoral Matters, 2002, II. 3.2a)

The respective powers and responsibilities of election administration and governmental bodies are not always clearly distinguished and defined; this may be the case with legislation regulating the media’s role during elections, establishment and work of political parties, political finance, the issuing and handling of identity documents, etc. Often powers are conflicting or overlapping, which may hinder the implementation of otherwise good provisions of the Electoral Code.

**Example of unclearly defined responsibilities**

*Conflicting media monitoring bodies*

Many electoral laws provide for establishment of an independent media oversight body, overseeing the compliance of the media with the rules on the allocation of free airtime and balanced coverage of the election campaign. Those bodies are sometimes created and governed by CEC, or consist of MPs and report to the national legislatures.

At the same time, media laws provide for establishment of independent agencies or regulatory bodies that monitor the work of the media and have overlapping responsibilities.

This often creates disputes in application of the different legal norms, and creates a situation when everybody’s responsibility becomes nobody’s responsibility. In practice, this situation usually leads to no reaction upon the complaints during election campaigns, and to no legal consequences for unequal treatment of election contestants.

*International standards recommend: “7.14 States shall establish means through which the fairness of media coverage of the elections can be maintained but without unnecessarily limiting the ability of the media to report fully on elections and, in the case of the private media, to express views about the candidates, parties, and their programmes. In particular, states should establish procedures to receive and act on complaints by election contestants concerning unfair or illegal media activities during an election.” (OSCE/ODIHR Existing Commitments, 2003, p.20)*

Quite often the election legislation is not enacted sufficiently long before E-Day to provide political participants and voters with adequate time to become familiar with the rules of the election processes. When adopted shortly before the elections, the legislation undermines the legitimacy and credibility of the law.

**Example of changing the election code shortly before E-Day**

*Introducing election code changes one week before the elections*

Sometimes, authorities introduce last minute changes to the election code in order to satisfy demands from the opposition or to improve their standing towards the international community. In some countries, such changes have been introduced just a month before elections, and, in one case, just a week before E-Day. While opposition parties expressed their satisfaction with the changes, and even the international community welcomed the fact that VC/ODIHR recommendations had been taken into consideration, all observers pointed to the reality that all election stakeholders had no

chance to sufficiently familiarise themselves with the latest changes before the elections.

*International standards recommend:* “The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.” (Venice Commission Code of Good Practice in Electoral Matters, 2002, II. 2b)

### **Promoting international standards in national standards**

In these cases, when national legislation is not clearly, unambiguously written; when legal norms are conflicting, overlapping and contradictory; then, however, not only in these cases, international standards play a key role. They may serve as guidance for the interpretation of occurring election-related cases and for longer-term election legislation reforms.

Domestic observers can contribute to the clarity and consistency of election legislation in the following ways:

- By familiarising themselves with existing assessments of national legislation against international standards. The *VC/ODIHR Joint Opinions* of the national election code provide an in-depth assessment of the election law’s compliance with international standards, and quite often enumerate inconsistencies, contradictions and conflicting national standards.
- By conducting your own analysis of the existing legal problems in your *election reports*, hereby referring to international standards that give guidance for handling of legal problems, and coming up with concrete recommendations for the further improvement of the election legislation.
- By initiating/taking part in *election code discussions* after elections. With regard to these discussions you should promote the following best practices:
  - Include all key stakeholders (political parties, domestic observers, Central Election Commission, specialised state agencies);
  - Always refer to international standards;
  - Explain why you made particular recommendations. Sometimes it is all about adherence to international standards and commitments, but sometimes it is simply about making legislation more clear and coherent – and that is not less important;
  - Come up with concrete proposals for the reformulation of election legislation.

### **Election Legislation Reforms in Georgia**

In 2007, the parliament started a parliamentary working group consisting of position and opposition parties. OSCE and CoE were present during meetings, however, they did not take part in the discussions. During bi-weekly meetings participants exchanged their positions about the most important legal problems (election boundaries, thresholds, election system, etc.), hereby also referring to VC/ODIHR Legal Opinion. After a half year of discussions, the participants agreed on a number of changes.

In 2008, the format was revised; international organisations provided the room for election code discussions for political parties in and outside the parliament. The meetings were run by the participants themselves and often dominated by principle discussions.

In early 2013, the parliamentary chair started a new discussion group, hereby changing the format slightly by including parliamentary and non-parliamentary parties as well as domestic observers. Meetings took place on a monthly basis, but were interrupted by presidential elections in October 2013.

## *Strategic planning in the pre-election period*

### **Be aware and prepare for all aspects of strategic planning**

When preparing for the upcoming election observation, the following questions are preoccupying the headquarters of observer organisations: budgeting, funding (contributions) and financing (payments), drawing a calendar/timetable of election events, recruitment and procurement, logistics (transport), as well as security and storage of materials.

Election observation preparation is part of the strategic planning process and this preparation for an observation mission involves consideration of available resources, specifically the management and allocation of people, money, and time. Given that most election days are fixed in advance by the central election authority, the observer organization must then allocate human and financial resources well in advance of E-Day, and in accordance with a deadline date and implementation timeline that is already in place.

However, before getting too deeply involved into the daily management of election observation activities, the observation mission headquarters should come up with a framework for managing and implementing activities related to the observation mission in a strategic and well-planned way. This should occur well in advance of an anticipated E-Day and in accordance with the organization's available resources. And this strategic planning should be guided by international standards.

### **Your organizational goal: observing in compliance with international standards**

For any observer organization, a key question to ask during the initial planning stage for an observation mission is *what to observe*: the performance of election management bodies, the voters' role, the media coverage of the elections, and/or the political parties campaigning?

Whichever decision is taken about the overall goal of the election observation, it should be based on international standards. The rationale behind this is the following: the elections are not only assessed against the national legislation, but also – and primarily – against international standards. The following international standards are among the guiding principles for election observation:

- How fair are the elections? Here you might focus on candidates' rights, the use of administrative resources, access to media and/or the complaints/appeals system.
- How free is the election process? Here you can focus on intimidation cases and/or the counting and voter registration process.

- What is the role of media in the electoral process? Here you might look at the issue from various angles: from the principles of the freedom of elections and/or fairness of elections, including access to election-related information (e.g. information about polling centers) and fair presentation of candidates.
- Is there access to exercise the right to vote? This requires field assessment prior to E-Day and an understanding of where polling centers or polling stations are located, how voters will get to the polling place, and what mechanisms are in place to make access easier for voters. This also includes access to the draft and final voters' lists. This is important as the voters' list provides the electorate with access to the ballot box on E-Day.

### **Consider drafting a plan with multiple stakeholders**

Forming a broad alliance is always better although also more challenging when planning election observation activities. Whatever decision is taken, observer missions should draw up:

- A strategic plan for domestic observers only;
- A multiple stakeholder plan which includes domestic observers;
- A nationwide plan with multiple components and observation teams of domestic observers; and/or
- A central election commission-sponsored plan with domestic observer participation.

Below you find an example of how a strategic plan could be drawn up:

**EMBs develop a Strategic Plan for Assisting Domestic Election Observation**

In 2011, IFES and UNDP conducted a pilot course on strategic planning in Bali for 21 participants from Indonesia's electoral commission, including all commissioners and senior staff members. The course included an overview of the country's existing planning tools; the legal and administrative requirements for state institutions, such as the electoral commission; and lessons learned from post-election evaluations, surveys and observer reports. This kind of training allowed an EMB to better prepare and plan for domestic election observation, and provided the opportunity for all relevant staff to assess resources in place for election observation.

Source: <http://www.ifes.org/Content/Publications/Articles/2011/Roadmap-to-Better-Elections-Multi-Year-Strategic-Plans-for-Election-Management-Bodies.aspx>

## Come up with a clear plan

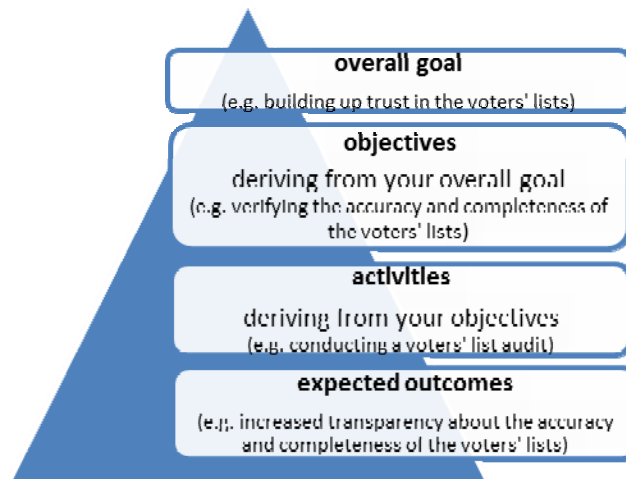
It is important for any election observation mission to be established in response to preparatory research, field assessment and interviews with key stakeholders in the electoral process. The result of this preparatory research should then lead to the definition of the election observation goal: the international standards that are the guiding principles of your planning.

In general, when developing an observation programme

- Identify key issues to be assessed and evaluated;
- Identify available human and financial resources;
- Address planning and institutional issues before commencing operations;
- Establish a programme and organizational structure that takes account of the electoral and political situation and available human and financial resources;
- Develop capacity to implement the programme;
- Ensure impartiality and adherence to a code of conduct.

*Source: OSCE/ODIHR Handbook for Domestic Observers, 2003, p.21*

The plan should be guided not only by the overall goal, but also by certain principles (a comprehensive list of which is available at the end of this chapter); it should include not only clear goals, but also objectives, activities and outcomes. It should also list a clear set of activities and an understanding of who is responsible for which activities and how these activities are related to standards for assessment, reporting, and evaluation. Likewise, financial allocation and disclosure are important components of strategic planning.

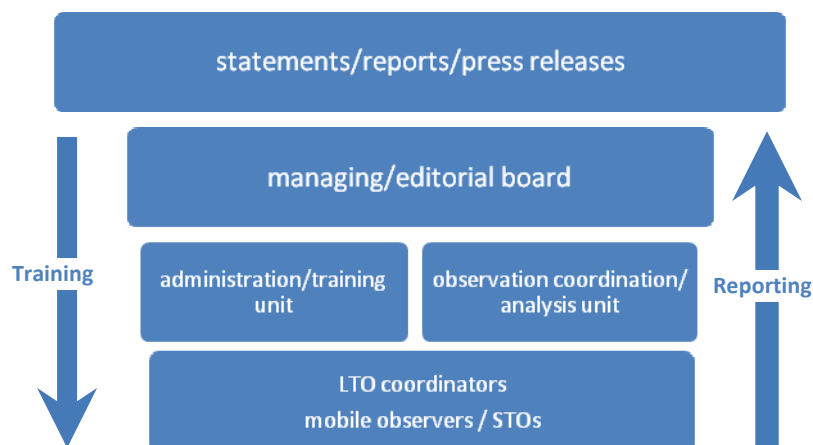


### Establish an effective reporting structure

Besides having a well thought out strategic plan, observer missions should have a good reporting plan. Its key elements should enable the observers on the ground to gather objective information and to report it accurately and on a regular basis to the regional co-ordinators; and should enable the co-ordinators to analyse the information and forward it to the core team.

In the case of extraordinary events or developments implying serious violations of existing national legislation and/or international standards, the observers on the ground should immediately inform your headquarters by reporting by telephone and/or then sending a flash report.

Below you will find a graph explaining the link between the training and the reporting of your observers. Only if your observers have undergone intensive training on reporting, will they be able to deliver quality information to the headquarters that – on the basis of the information from the observers on the ground – can then write objective, impartial and accurate reports.



### Have a good communication plan in place

Not only a good reporting plan is vital for election observation, but also a reliable and responsive communication plan. Election observation relies on various communication technologies in order to quickly pass information, particularly to transmit observer findings from around the country on Election Day. Such communication systems might include fixed phones, mobile phones, fax machines, computers or a combination of these.

Regardless of which technology is chosen, communication networks can be interrupted or overloaded, therefore, observer missions must be prepared with an alternate solution. Have back-up communication plans in place that are known to



your observers. In some cases, you might have to send information by car or other means, such as SMS (text) or email as available and accessible.

### **Be flexible while firmly pursuing your goal**

In most cases, political circumstances will require changes to an organization's plan for election observation. Provided enough time, people, and financial resources have been allocated in advance of the start of the observation mission, these changes should be made in a responsive and "strategic" fashion. However, the overall goal should not be forgotten: the international standards against which the observer organisation assesses the elections.

It is often the case that domestic political circumstances may prompt the local or national electoral authority to postpone or change Election Day. This then necessitates a revision of the strategic resource allocation and implementation plan for the international organization sponsoring an election observation mission.

It may also occur that a domestic election observation NGO (or NGO network) working in partnership with an organization requires additional training and preparation time and, therefore, a revision in the strategic plan's implementation timeline. A focus on flexibility, however, should not be at the expense of the international standards that were defined as the overall election observation goal.

For additional resources and examples, please see the following:

#### **Strategic Planning for Domestic Election Observers**

EU Standards and Examples of: [http://www.eueom.eu/files/dmfile/promoting-and-defending-democracy\\_en.pdf](http://www.eueom.eu/files/dmfile/promoting-and-defending-democracy_en.pdf) and <http://www.eces.eu/about-us/focus-areas>

Global Network of Domestic Election Monitoring: <http://www.gndem.org>

National Democratic Institute (NDI) Election Observation planning guide: [http://www.ndi.org/files/2381\\_planning\\_engpdf\\_09192008.pdf](http://www.ndi.org/files/2381_planning_engpdf_09192008.pdf)

EISA/Chad, Supporting Domestic Election Monitoring Groups: <http://www.eisa.org.za/EISA/chada1.htm>

#### **Strategic Planning Templates**

Socrates.com: [http://socrates.berkeley.edu/~pbd/pdfs/Strategic\\_Planning.pdf](http://socrates.berkeley.edu/~pbd/pdfs/Strategic_Planning.pdf)

A Strategic Planning Process for Public and Non-profit Organizations (John Bryson): <http://docushare.usc.edu/docushare/dsweb/Get/Document-8775/>

## Strategic Planning Resources/EMB Country Plans

Western Australian Electoral Commission Strategic Plan (2013 – 2017):

[https://www.elections.wa.gov.au/sites/default/files/content/documents/Strategic\\_Plan\\_2013-2017.pdf](https://www.elections.wa.gov.au/sites/default/files/content/documents/Strategic_Plan_2013-2017.pdf)

The Strategic Plan of the Electoral Commission of Uganda (2013 –2017):

<http://www.ec.or.ug/docs/EC%20Strategic%20Plan%202013-2017.pdf>

Strategic Plan of the Central Election Commission of Georgia (2012-2015):

[http://cesko.ge/files/2012/Strategiuli\\_Gegma\\_Eng-NEW.pdf](http://cesko.ge/files/2012/Strategiuli_Gegma_Eng-NEW.pdf)

Independent Electoral Commission of South Africa, Strategic Plan (2010-2013):

<http://www.info.gov.za/view/DownloadFileAction?id=133974>

Strategic Plan of the Independent Electoral Commission of Afghanistan (2011-2016):

[http://www.iec.org.af/pdf/plan/updated\\_iec\\_five\\_year\\_strategic\\_plan\\_05\\_june\\_2012\\_eng.pdf](http://www.iec.org.af/pdf/plan/updated_iec_five_year_strategic_plan_05_june_2012_eng.pdf)

Strategic Plan of the Independent Election Commission of Pakistan (2010-2014):

<http://www.ecp.gov.pk/sp/downloads/ECP%205-Year%20Strategic%20Plan,%20Full%20Version,%20English,%20May%202010.pdf>

### Introducing international standards into domestic election observation

<b>Overall aim</b>	The overall, long-term aim is to promote international standards		
<b>Impact</b>	<b>Indicators</b>	<b>Means of verification</b>	<b>Assumptions</b>
Domestic elections are brought further in line with international standards.	<p>One or more of these election standards are promoted:</p> <ul style="list-style-type: none"> <li>- Free</li> <li>- Fair</li> <li>- Equal</li> <li>- ...</li> </ul>	<p>International standards e.g. Venice Commission Code of Good Practice or OSCE/ODIHR Existing Commitments</p>	
<b>Outcome</b>			
Target group: domestic election observers	International standards are part of domestic election observers' methodology.	Improved knowledge of international standards	
<b>Outputs</b>			
	<ol style="list-style-type: none"> <li>1. Most important international standards are identified by the domestic election observer organisation.</li> <li>2. The election observation methodology is adapted.</li> <li>3. The reports are restructured.</li> <li>4. Recommendations reflect on international standards.</li> <li>5. Activities in-between elections promote international standards.</li> </ol>	<p>Overview of the most important international standards for each election watchdog Revised questionnaires and training modules for observers Template of election report Template of recommendations Action plan</p>	
<b>Activities</b>			
	Tbd by the domestic election observers		

## *Training of observers*

### **What is election observer training?**

Since the Paris Declaration by the Inter-Parliamentary Council 1994 many international election observer organizations and domestic election monitoring NGOs consider the cyclical nature of the electoral process when planning their election activities. The reason is the following: training election observers focuses limited resources on the broadest possible sampling. The aim is to obtain a statistically and factually accurate picture of the overall election process as part of the electoral cycle.

Election observer training may include pre-Election Day, E-Day, or post E-Day assessment and reporting depending upon the goals and objectives of a sponsored mission. In all cases, the training is intended to improve and enhance the transparency and accountability of the electoral process in the interest of democratic development. This may include pre-election electoral law reform, formation and implementation of election-related processes and procedures as issued by the central election commission (CEC), or political party electoral platform development and selection of party-based candidates; this may also include E-Day procedures, counting and tabulation of results and/or post-election litigation of appeals and complaints.

### **How do you integrate international standards into your training?**

When designing your training manual, consider including a special section about international standards. This section could be tailor-made for the profiles of the observers, may they be core team members, regional coordinators, long-term observers or short-term observers. All observers should receive a minimum knowledge of international standards, and core team and regional coordinators need more in-depth training than long-term and short-term observers.

### **Why is good training is so vital for election observation?**

Observers who are well-trained according to widely accepted and utilized best practice standards are more likely to actively and proactively engage in the electoral process; when properly trained they are more dedicated to ensuring the accuracy and fairness of elections.

To achieve this, a highly specialised observation methodology and a thorough training plan are required; codes of conduct setting out the main rights and duties of domestic observers, based on neutrality and objectivity, are to be developed.

It is important for observers to understand and utilize these tools in a clear and consistent manner. This guarantees that the observers report transparently, objectively and accurately about the elections. In this way they help to support and strengthen the electoral process in the interest of all voters who expect their vote to count on Election Day, and, after once elected, for officials to assume the responsibilities of office.

### **Who is to be trained?**

Depending on the scope and the size of your observation mission you should consider training core team members, regional coordinators, long-term observers, and/or short-term observers.

Observers should meet the following minimum qualifications:

<b>Minimum qualifications for domestic election observers</b>
<ul style="list-style-type: none"><li>– Experience working as a domestic elections observer;</li><li>– Experience working on prior international observation missions (optional);</li><li>– Knowledge and understanding of the focus and intention of the observation mission;</li><li>– Demonstrated ability to observe, record and accurately reflect the many activities that are to be reported;</li><li>– Relevant educational background.</li></ul>

### **Which training methods are to be used?**

There are a variety of training methods that can be employed and which are recognized as 'best practices' for E-Day observation. Most of these points are relevant to longer-term observation as well:

- *On-site seminars* dedicated to specific topics and including review and mock completion of forms with the assistance of experienced observers, usually in the observer organization main or regional office;
- *Training on the job*: deployment of an experienced observer with a novice observer to help ensure that institutional memory and unanticipated challenges are met when deployed oftentimes far afield on E-Day;
- *On-line training*: access to on-line information and training manuals for those who have access to the internet prior to E-Day.

Election observer training is conducted at different stages of the election process: at the beginning for the regional coordinators and the long-term observers, and briefly before E-Day for the short-term observers. For the latter, the training is often conducted during a fairly intense period of preparation for E-Day while ongoing election-related activities are underway (e.g. campaign monitoring, monitoring of CEC election processes, monitoring of campaign financing by political parties). In a very short time, short-term observers receive a lot of information.

Depending on their observation scope, the training modules are shaped differently:

**Pre-deployment training**

During the course, most often of one or two days, observers are provided with a comprehensive set of tools for use on E-Day. The training on the basics of deployment and polling station regulations includes: the physical set up of a polling station consistent with the most recent electoral law, the specific chapters and clauses of that law which are relevant to observer deployment, and what constitutes a serious violation and how to report such violations.

**Training on parallel vote tabulation (PVT)**

Parallel vote tabulation involves a statistically valid sampling of select polling stations with the use of computerized algorithms to predict the general electoral outcome within a margin of error. Training for this type of E-Day observation requires a high level of technical expertise regarding statistical analysis, computer and data entry skills, and quantitative analysis, and observers and observer organizations need additional time and preliminary practice prior to E-Day to ensure that the PVT is accurate and supports the credibility of the overall electoral process. (see also NDI 2009)

**Why is consistency of the training so important?**

Observer training is first and foremost an opportunity to provide all participants with the same information and in a consistent manner. Categories for reporting and clear explanations of what those categories mean in advance of observer deployment help to eliminate confusion and support more extensive and relevant reporting from the field.

For example, an observer team in a rural area can provide important information regarding polling station regulatory violations provided that the training in advance of deployment includes detailed and clearly-understood enumeration of the most recent electoral law and how the specific parameters of that law relate to polling station staff, accredited observers, polling station set up, voter rights, allowable procedures and the like.

## What should be the key elements of the training?

### International standards

Training provides a basic knowledge about international standards; depending on the tasks and duties of the observers, training modules should go beyond teaching the standards mentioned below:

#### International standards

Genuine democratic elections are the peoples' collective expression of sovereignty and an inalienable right of citizens. These precepts are recognized in national constitutions the world over and in international human rights instruments of the United Nations, regional intergovernmental organizations and other bodies.

The Universal Declaration of Human Rights article 21 states that: "The will of the people shall be the basis of the authority of government; this will shall be expressed in *periodic and genuine elections* which shall be by *universal and equal suffrage* and shall be held by *secret ballot* or by equivalent free voting procedures."

Article 25 of the International Covenant on Civil and Political Rights (ICCPR, a treaty among 165 countries at this date) states that: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 [that is, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status] and without unreasonable restrictions: ... *To vote and to be elected* at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors...." The election related rights set forth and opportunities called for in those two articles are based on their explicit recognition that every citizen has the *right to take part in government and public affairs*, either directly or through freely chosen representatives.

Non-partisan citizen election observers and monitors can be considered as specialized *human rights defenders focused on civil and political rights*, which are central to achieving genuine elections. Genuine elections require respect for the exercise of human rights and *fundamental freedoms, including association, peaceful assembly, expression, media freedom, movement, security of person, equal protection of the law for prospective voters and those seeking to be elected, as well as providing effective remedies when electoral related rights are violated*.

Source: *Global Network of Domestic Election Monitors: Declaration of Global Principles for Non-Partisan Election Observation, 2012*

### Code of Conduct

The modules for observer training most often include a code of conduct in order to ensure consistent and reliable reporting regardless of who the observers (or observer team) are or where they are deployed. During the training sessions, observers should sign a written pledge of impartiality in accordance with the Code of Conduct and national laws mentioned below. Core team members should

reserve the right to withdraw the accreditation of observers if the Code of Conduct is not adhered to.

As a sample, the Code of Conduct may affirm the code of conduct that was agreed among more than 125 non-partisan election observation organizations in April 2012 at the United Nations in New York. The Code of Conduct reads as follows:

**Code of Conduct for non-partisan election observers and monitors**

1. Maintain strict non-partisanship, by remaining *politically neutral* in all activities concerning the election process (including observation, monitoring, voter education, exit polling and any other activities), by refraining from expressing publicly any preference for or against any candidate, political party, group, movement or other association seeking public office, or those supporting or opposing any referendum initiative (including when reporting factually about violations of laws, regulations and electoral rights by parties, candidates or referendum groups), and by rejecting all favors offered or threats issued by any of the political contestants or their agents;
2. Work *independently of government* in support of a genuine democratic election process, without regard to who wins or loses, and employ the best practices, methodologies and techniques, in light of non-partisan principles and suited to national conditions, in order to observe and monitor the various elements of the election process throughout the election cycle and the related political environment or apply best practices, methodologies and techniques to specific elements of the election process;
3. Maintain strict *adherence to the principle of nonviolence*, call on all involved with the election process to do the same and take any practical steps possible to reduce the potentials for election-related violence;
4. *Respect the country's constitution, laws, regulations and international obligations* consistent with holding democratic elections, promote respect for electoral related rights, and call on others involved with the elections to do the same;
5. Respect the roles of impartial election authorities at all levels and *at no time interfere unlawfully or inappropriately in the administration of the elections*, as well as seek diligently to work in cooperation with impartial election officials, and follow lawful instructions from them or other appropriate authorities concerning protection of electoral integrity;
6. *Help to safeguard the rights of voters* and prospective voters to exercise their electoral choice freely and without improper discrimination, unreasonable restrictions, interference or intimidation, which includes promoting respect for the secrecy of the ballot, the rights of eligible persons, including women, youth, indigenous peoples, members of national minorities, persons with disabilities and other traditionally marginalized populations, to register to vote, to receive in languages they understand sufficient, accurate information in order to make an informed choice among the political contestants and to engage in other aspects of the election process;



7. *Help to safeguard, with strict impartiality, the rights of political contestants to be elected, without improper discrimination or other unreasonable restrictions on their ability to receive legal recognition or to meet other requirements for ballot qualification, on their ability to freely campaign for support of the electorate, on their ability to communicate their political messages to the public or to exercise their rights to association, peaceful assembly and movement, on their ability to monitor all elements of the election process and to seek effective remedies, as well as to enjoy their right to security of person;*
8. Cooperate closely with other election observers and monitors from non-partisan citizen organizations that endorse the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations and cooperate with international election observation missions;
9. Report impartially, accurately and timely all observations and findings, both positive and negative, with sufficient documentation of all serious problems to permit verification of the events, and with sufficient documentation of positive aspects of the process to provide an impartial and accurate picture of what took place;
10. **Provide sufficiently high quality training for all observers and monitors to allow them to understand this Code of Conduct, sign the accompanying pledge with full appreciation of its meaning and provide reports that meet the standards of this Code of Conduct.**

*Source: Global Network of Domestic Election Monitors,  
[http://www.gndem.org/sites/default/files/declaration/Declaration\\_of\\_Global\\_Principles\\_0.pdf](http://www.gndem.org/sites/default/files/declaration/Declaration_of_Global_Principles_0.pdf)*

### Reporting standards

Consistency of reporting format helps to ensure that data sets collected are reliable, reasonably neutral, and accurate. For example, information gathered in rural areas may be more challenging to collect given the difficulty in reaching certain geographically isolated areas and oftentimes limited access to telecommunications and information technology (computers, internet access). However, accuracy, even if access is limited, helps to ensure that centralized reporting is verifiable and also provides credibility to the monitoring organization through the various phases of electoral cycle monitoring.

In order to receive proper and accurate information, the observers are to be trained how to properly gather information about election-related issues. The observers should not only be familiar with the relevant national legislation and international standards, they should also know how to gather all relevant information, how to fill out incident/complaint forms and to report about incidents/complaints.

Any documentation should entail the following information:

### Documenting a violation

*Who:* Obtain all names, affiliations and functions of the persons involved and contact details where possible. Who is complaining? (e.g. voters, candidate, party representative). Who is committing the alleged violation? (e.g. another party, local authorities, mass media). Who will hear the complaint?

*What happened:* Take detailed notes and track the exact timing of the story. Ask for as many specifics as possible (i.e. names, exact place, date, witnesses). Determine and obtain when possible any tangible evidence such as copies of written documents, videotapes, and newspaper articles. When did it happen? (Be as precise as possible)

*Where:* Where do you [other election actor] file the complaint? Court or Election Commission? When a complaint has been brought to a court or an election commission, ask for a case number assigned by the court or commission dealing with the dispute. When will the court/adjudicative body discuss it?

*Source: OSCE/ODHIR Handbook for Domestic Election Observers, 2003, p.48*

- *Complete information: Be sure that you have enough data for your report!*

Beyond the details of the events and persons involved, the value of the information gathered for the election report depends on how complete your information is. If details are missing, additional information should be requested in order to properly report on the cases. This could be done by interviewing witnesses, by asking for additional documentation from the police or the hospital, or if permitted, by examining electoral records (such as protocols, voter list extracts, PEC log book, spoiled, unused and even voted ballots, and equipment and materials, such as stamps).

- *Accurate information: Base all conclusions on your personal observations or on clear and convincing facts and evidence!*

The observers should clearly distinguish between primary and secondary sources of the violations/complaints that they are reporting about. They should always make clear whether they observed the facts themselves or whether the facts were reported to them. In any case, they are always to collect copies of the complaints and other documents related to their consideration. This is the best method of ensuring accuracy.

- *Objective information: Report both positive and negative findings!*

Observers should be balanced in their reporting. If they report on negative tendencies, they should also report about positive findings. These findings should strictly reflect facts, never rumours or personal opinions.

## Reporting

Reporting is an essential part of election observation. It provides a public record of what has been observed and serves as a reference for use at future elections. When compiling your report, you should follow essential standards as defined in the Code of Conduct for non-partisan election observers and monitors: “Report impartially, accurately and timely all observations and findings, both positive and negative, with sufficient documentation of all serious problems to permit verification of the events, and with sufficient documentation of positive aspects of the process to provide an impartial and accurate picture of what took place.”

### **Structure your report based on the international standards you chose to observe**

There are different types of reports: interim/pre-election reports, E-Day reports and final reports. Pre-Election Day reporting enables you to comment constructively on the process; E-Day reporting allows you to present the situation on E-Day; post-Election Day reporting provides you with the possibility to analyse the elections as a whole.

Whichever decision you make about your reporting – if you decide to focus on interim, E-Day and/or final reporting – structure your reports even before you start observing! This advice follows the ODIHR recommendation: “Before the conduct of an observation programme, consideration should be given to a range of possible findings. Brainstorming should be done well in advance to determine how possible situations might be reported.” (OSCE/ODIHR Handbook for Domestic Observers, 2003, p.116)

Consider which sections you want to include in your report. Take the international standards you have chosen to observe as the basis for the structure of your report. For example, you chose to focus on the following international standard: “Public resources should not be used unfairly for the benefit of one candidate.”

Then the report should contain reference to this standard in the following way:

<b>Structure of an election report</b>
<i>Introduction:</i> mention the main focus of election observation, e.g. use of administrative resources
<i>Methodology:</i> explain your methodology: recruitment of experts in the field of campaign finance, training of observers about the use of administrative resources, deployment of the observers to strategically important places (e.g. mayors’ offices)
<i>Main part:</i> outline the relevant legislation, present the main trends/violations, e.g. in the field of campaign finance
<i>Findings:</i> present your analysis regarding the compliance of the elections with

international standards, e.g. in the field of campaign finance

*Recommendations:* come up with concrete suggestions on how to bring, for example, campaign financing further in line with international standards

You can prepare many sections of your election report well in advance: the sections about your election observation methodology, the election legislation, and/or the election system. This applies especially when you write your final report: most of the report you can write before the Election Day, adding conclusions on the voting, counting, and tabulation once reports of these aspects of the process have been received.

### **Come up with a main message**

Clearly define your main message by indicating the international standards against which you are assessing the elections. You should state which specific international standards are met, partially met or not met; you are not to judge whether the elections were “valid” or not.

In your main message you state the extent to which the electoral process was carried out in a manner that enjoyed the confidence of the candidates and the electorate, as well as the degree of political will demonstrated by the authorities to conduct a genuine democratic election process.

This could be done the following way:

“The two rounds of presidential and municipal elections met most OSCE commitments and other international standards for democratic elections. The constructive role and discreet, but reassuring, presence of the police contributed to the conduct of peaceful election days. Overall, these elections were administered in a professional and transparent manner. Some problems were evident, such as allegations of intimidation of voters in the pre-election periods.”

or

“The parliamentary elections marked an important step in consolidating the conduct of democratic elections in line with OSCE and Council of Europe commitments, although certain key issues remain to be addressed. The elections were competitive with active citizen participation throughout the campaign, including in peaceful mass rallies. The environment, however, was polarized and tense, characterized by the frequent use of harsh rhetoric and a few instances of violence. The campaign often centred on the advantages of incumbency, on the one hand, and private financial assets, on the other, rather than on concrete political platforms and programs.”

### **Refer to international standards in each section**

To describe, for example, the campaign environment, refer to international standards. By doing so, you avoid simply enumerating single incidents – thus having a powerful analytical tool with which you can assess the incidents that you observed.

Your assessment could be formulated the following way:

#### *The campaign environment*

The campaign environment was competitive and characterized by respect for the fundamental freedoms of assembly, association and movement; contestants were able to campaign without hindrance, and rallies remained free of incidents.

Or

Instances of continued blurring between state institutions and party interests challenged paragraph 5.4 of the 1990 OSCE Copenhagen Document and paragraph I.2.3 of the Venice Commission's Code of Good Practice in Electoral Matters. Allegations of vote-buying and pressure on public-sector employees, including instances of forced rally attendance and dismissal from employment, assessed as credible, negatively impacted the pre-election environment.

### **Refer to international standards when citing single cases**

Present single cases only after having examined the substantiality of a complaint based on the evidence that is offered. State whether you received credible or unsubstantiated information.

Make clear whether you are reporting first or second hand information (your own observation vs. reported cases) Were your observers present when the incident occurred or just informed by the people involved in the incident?

After having presented all facts about the incident, analyze the incident indicating which international standards were violated.

Here is an example:

Three instances of detention and arrest of supporters of the opposition political parties and their relatives were reported during the pre-election period. The most prominent one was the case of an opposition activist who was detained on 22 August. The police did not give information on the reason for his detention and the charges...

Anyone arrested for a misdemeanour offence is entitled to due process, and their basic rights in detention must be respected. However, in the above mentioned cases none of those deprived of liberty enjoyed their full due process rights and received a fair trial regardless of whether the charges against them are administrative or criminal.

### **Formulate your findings against international standards**

Before coming up with recommendations you may wish to present your key findings of the electoral process. It is this section that will most interest your readers!

Findings could be formulated the following way:

Candidate registration was overall inclusive and transparent...

The election campaign was conducted in a highly polarized political environment...

The distinction between state and party was frequently blurred...

Generally, the media provided voters with a diverse range of political views, allowing them to make a more informed choice...

The complaints and appeals procedures were recently simplified and clarified to some extent...

Election Day was generally calm...

The tabulation process at DEC's was assessed positively by the observers...

Approximately 800 Election Day-related complaints and appeals were filed, alleging a range of irregularities in voting, counting and tabulation of results...

### **Refer to international standards in your recommendations**

The last element of your report could be the section on recommendations for the key election stakeholders on how the overall process or elements of the process might be improved or brought more closely into line with international standards. Recommendations might include suggestions for changes in the election legislation, improvement of election administration practices or of other stakeholders' performance. They might even recommend concrete election assistance projects.

When writing recommendations, you should take ODIHR's advice into consideration, stating that "recommendations should be clearly formulated with a view to offering constructive suggestions for improving the electoral process." (OSCE/ODIHR Handbook for Domestic Election Observers, 2003, p.120)

Your recommendations could be formulated the following way:

*Election Campaign*

Government authorities have the responsibility to ensure that a clear, consistent message is delivered to all state officials that interference in the electoral process, including any form of pressure, intimidation or violence against political activists, public-sector officials, businesses or voters is unacceptable and will not be tolerated. Any instances that come to light need to be fully investigated, and those responsible should be held accountable in line with the law.

*Campaign Finance*

In order to improve the transparency and accuracy of reporting on campaign financing, the law could be amended to introduce meaningful control and oversight mechanisms, as well as effective, proportionate and dissuasive sanctions for potential infringements.

## *Post-election assistance*

### **Focus on international standards in your election assistance**

The election cycle approach serves as a guide for state institutions to integrate international standards into the electoral framework, and it offers multiple opportunities for election assistance providers to work on the implementation of these standards. In their daily work, the latter often face challenges; sometimes election stakeholders (state institutions as well as non-state actors) need to be convinced about the usefulness of the offered assistance, may this be knowledge transfer and/or technical support. Referring to international standards as the ultimate goal of election assistance helps beneficiaries to understand the importance of the assistance. There is no doubt that the benefits of referring to standards in electoral assistance projects are multiple by:

- Providing arguments for the need to improve the electoral framework;
- Strengthening the credibility of assistance projects; and
- Maintaining the focus on priority reforms.

### **Conduct post-election reviews**

Election assistance in the post-election period is of utmost importance. It is in-between the elections that outstanding issues are to be tackled, not shortly before the elections. Election stakeholders have enough capacity immediately after the elections to start preparing for the next elections in a non-politicised environment. Post-election reviews are the very first opportunity to start with. They are a useful tool to identify reform needs and assistance priorities and to draw up strategic plans. Ideally, every electoral stakeholder, namely, the legislator, the electoral administration, and the election observers, conducts these post-election reviews. These reviews could include:

- Studying reports of national and international observers;
- Conducting internal “lessons learned” workshops of the election operations;
- Analysing judicial decisions;
- Reading reports of the state auditors; and/or
- Assessing how the operational plans complied with the strategic plans.



### Unpacking Reports: understanding which international standards to meet

As the importance of and the interest for follow up to observation missions are increasing (see European Parliament (2011/2032(INI)), electoral assistance projects can aim at guiding election stakeholders through an election review process. Experts can facilitate internal “lessons learned” workshops and hold multi-stakeholders consultative review forums.

These sessions can lead to a *better understanding of observation recommendations*. Usually, the observation missions have very little opportunity to engage with national stakeholders after the elections. If those who wrote the recommendations come in and explain the recommendations to the relevant election stakeholders, then they contribute a better understanding of the proposed changes in the electoral processes.

These sessions also provide a good opportunity to demonstrate to the election stakeholders the *impact they* have on each other with their activities. It is obvious that there is a lot of interaction between political parties, media, electoral administration and civil society in elections, but it is less obvious which impact they have with their activities on each other.

These sessions might provide an understanding of how election operations are linked to the broader electoral framework and to *international standards*. Cross-reference aspects of electoral processes (legal, operational) and international standards could be made visible. Below you find an example of how an observation report frames a very specific recommendation with the international standard (EU Election Observation Mission to Pakistan, 2013):

Key Principle	Recommendation	Intl. obligations and commitments	Primary implementing stakeholder	Context
Equal Suffrage	Legislation for delimitation be reviewed to explicitly provide for nation-wide delimitation possibly using voter registration figures in the absence of updated census data. Timely delimitation be undertaken, allowing for consultation and complaints	ICCPR article 25(b) "elections which shall be by universal and equal suffrage". GC 25, paragraph 21 "The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another."	Parliament, ECP	Currently there are constituencies of very different sizes, compromising the equality of the vote. The last census was in 1998. It is not clear when the next census will be. Constituencies in Karachi have been very contentious. Voters' data could be considered as a basis for delimitation.

### Setting the goal: compliance with international standards

Ideally, every electoral stakeholder creates a strategic plan – an overarching, long-term action plan designed to achieve a particular goal (see also IFES Strategic Planning Guide 2011). This strategic plan is to be reviewed after elections. Electoral assistance can guide stakeholders (e.g. election management bodies, voter registrars, and/or election reform committees) in their strategic planning or can assist them in setting up inclusive and structured public hearings and consultative forums to solicit views on priorities from other electoral stakeholders. Again, this is an opportunity to make election stakeholders aware of the international standards. Find below an example of linking a strategic plan with international standards (Election Commission of Nepal, Strategic Plan 2009):

Key Principle	Intl. obligations and commitments	Strategic Goal	Targets
Universal suffrage	ICCPR article 25 "elections which shall be by universal and equal suffrage". ICCPR GC25 paragraph 11 "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed... Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community."	Ensure accuracy in the electoral rolls and in the identification of the voters	<p><b>6.2.1</b> Make the local electoral bodies responsible for collecting and updating the electoral rolls.</p> <p><b>6.2.2</b> Start the process of preparing the electoral register to include the voter photograph.</p> <p><b>6.2.3</b> Increase the accuracy of the electoral register to more than 95 percent.</p> <p><b>6.2.4</b> Update the electoral register throughout the year, closing it only during the 75 days before Election Day.</p>

### Keeping the focus on international standards

Many countries face difficulties in recognizing the need for electoral reform and expert electoral assistance. Often there is no consensus regarding what should be the focus of the reform and assistance. While election management bodies are mostly interested in drawing up strategic plans, lawmakers and political parties are often led by contradictory political interests. The latter, representing a plethora of electoral issues, can dilute the focus away from the priority issues and stall legislative processes instead of promoting needed electoral reforms. For example, some party could be pushing for introduction of internet voting for a small number of out-of-country voters, while ignoring that a large number of women in country are not registered or prevented from voting. Linking electoral assistance to international standards is an effective tool to keep the priority issues at the top of the agenda.

### Advocating for international standards

Electoral assistance is just as good as its advocacy. Way too often assistance programs mention international standards casually and miss the opportunity to educate donors and the recipient of assistance that the international standards in elections are not specific operational procedures, use of certain technology, instalment of communication systems or a specific quality of the ballot paper.

Since elections are a (sensitive) political process, advocacy for assistance must be based on firm grounds. The beneficiaries of the electoral assistance should have a clear understanding of the framework, the goals and priorities of the assistance. Basing them on international standards provides a stronger argument for goals of the projects than basing them on unilateral needs assessments. This will better contribute to the overall “ownership, alignment, harmonization, managing for results, and mutual accountability” (OECD Paris Declaration on Aid Effectiveness, 2005) of the project.

The promotion of international standards should be also a guiding principle for donors. There are cases when donor assistance is driven by political considerations rather than clearly defined policies of democracy and international human rights promotion. To avoid this misconception, donors such as the European Union have started to integrate international standards into their grants and contracts with implementers and beneficiaries.

### Coming up with a concrete action plan

Election stakeholders may consider drawing up *an action plan* (see also overview next page) for bringing the next elections further in line with international standards. This action plan is to be based on the findings and recommendations enlisted in the election reports. A multi-stakeholder approach is recommended; in this way, different views could be incorporated, assistance priorities coordinated and overlappings avoided.

If such an action plan is elaborated, the following key principles are to be taken into consideration:

- focus on measurable outcomes: clear formulation of responsibilities, roles and measurable milestones/benchmarks;
- focus on learning and participation of all key stakeholders with the aim to learn from experiences and to build strong partnerships based on effective, comprehensive information management and intensive inter-action;
- focus on transparency, ownership and accountability: formulating clear responsibilities between implementers, beneficiaries and donors.

The action plan could focus on the following issues:

- reviewing of election-related legislation bringing it further in line with international standards, hereby referring to VC/ODIHR Legal Opinions and other international recommendations (e.g. Greco on party financing);
- providing advice on international standards and best practices on topics such as professional and effective election administration and effective voter registration;
- providing assistance in order to ensure minority rights and to increase transparency in campaign financing.

**LOGFRAME – Example of a joint action plan of key election stakeholders**

<b>PROJECT NAME</b>	<b>Bringing elections further in compliance with international standards</b>	
<b>IMPACT</b>	<b>Impact Indicator 1</b>	
National elections are free, fair and transparent.	Levels of intimidation and political violence in the pre-and post-election period are greatly reduced	
	<b>Impact Indicator 2</b>	
	Independent observation reports election label as largely free and fair	
<b>OUTCOME</b>	<b>Outcome Indicator 1</b>	<b>Assumptions</b>
Election management bodies deliver transparent, inclusive elections.	Inclusive voter registration and voting	More capable government institutions, encouraged by monitoring and oversight of their work, deliver better election management. Improved performance is noted by the public and generates high levels of public confidence in the institutions and their work.
	<b>Outcome Indicator 2</b>	
	Transparent tabulation of the election results	
	<b>Outcome Indicator 3</b>	
	High public confidence in 1. The election management bodies to deliver free, fair elections and 2. In the court system to litigate election-related cases.	

## Annexes

- Authors
- Abbreviations
- Selected literature
- Reporting Guidelines

## Authors

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## Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
AoR	Area of Responsibility
CEC	Central Election Commission
CoE	Council of Europe
DEC	District Election Commission
EC	European Commission
ECES	European Center for Electoral Support
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EMB	Election Management Body
ENEMO	European Network of Election Monitoring Organizations of the European Commission
EOM	Election Observation Mission
EU	European Union
IFES	International Foundation for Electoral Systems
IRI	International Republican Institute
ICCPR	International Covenant for Civil and Political Rights
LTO	Long-Term Observer
NC	National Coordinator
NDI	National Democratic Institute for International Affairs
NEEDS	Network for Enhanced Electoral and Democratic Support
NGO	Non-Governmental Organisation
OAS	Organisation of African States
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-Operation and Development
OSCE	Organisation for Security and Cooperation in Europe
PACE	Council of Europa Parliamentary Assembly
PEC	Precinct Election Commission
PVT	Parallel Vote Tabulation
RC	Regional Coordinator
STO	Short-Term Observer
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
VC	Council of Europe European Commission for Democracy through Law (Venice Commission)

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## Reporting Guidelines

### **Guidelines for Long-term observers (LTOs) Weekly (or Interim) Report**

This template may be modified somewhat from mission to mission. In general, however, this template mirrors the structure of the core team weekly/interim report, as well as the structure of the observation mission preliminary statement and final report. It is important to remember that national observers should not limit their reporting on the compliance of election procedures to the national legislation, but should also adhere to international standards.

#### **1. Executive summary**

The executive summary should be no longer than 15-20 lines. Use bullets to highlight key electoral developments, which are then described more fully in the appropriate section of the report. Do not use the executive summary to provide a list of LTO meetings or activities.

#### **2. Background**

This section is particularly important for the initial weekly/interim report, in order to provide an overview of the LTOs' area of responsibility (AoR). It may not be required for subsequent reports, although it may be a useful place to report new insights on local conditions that may affect the election. Use this section to describe the overall circumstances in your AoR that distinguish it from other parts of the country. Stress the specificities of the region. These may include, for example, the population size and whether it is largely urban or rural; how electoral districts are divided within the AoR; the ethnic and religious make-up of the population; any history of violence or separatism; a mention of key economic factors that may affect the election; and how the AoR performed and which parties were elected in previous elections.

#### **3. Election administration**

Assess the election administration and its activities at regional and constituency levels. The core team (CT) may also request additional specific information. Due to the complexity of the electoral process, this section should include sub-sections:

##### *3.1. Voter registration*

Voter registration will usually have been completed by the time LTOs arrive in their AoRs. If the voter registration process has been completed, this section provides a place for LTOs' assessment of the quality of the voter lists or any problem issues that may emerge in regard to registration (this section may or may not need to be covered in every weekly report).

##### *3.2 Elections preparations*

Update on what the election authorities are doing in terms of preparations for Election Day and any issues of concern.

### *3.3. Registration of candidates/political parties*

Depending on national rules, candidate and party registration may take place at the national level or at lower levels. If officials in the AoR are responsible for these issues, this section of the report provides an opportunity for LTOs to assess the process, even if it has been completed by the time LTOs arrive in their AoRs. (This section may or may not need to be covered in every weekly report).

## **4. Political campaign**

This section is the place to report on the main electoral actors (parties, coalition of parties, candidates) running in the constituencies in the LTOs' AoR and their campaign activities. This is also the place to report on any election-related violence, any obstruction of campaigning, any other problems the actors encounter during their campaigns, any misuse of State resources for the campaign, and any campaign financing issues.

## **5. Media environment**

Although the core team will have primary responsibility for media monitoring, this section will enable LTOs to report on the main sources of information in their AoRs, the extent to which various national media outlets reach citizens in their AoRs, election coverage by local or regional media, and any notable media activities in their AoR.

## **6. Legal issues, complaints and appeals**

Here LTOs can report on the level of awareness of the new legal framework and the perceived credibility of the reformed judiciary. LTOs could also report here on any reports of abuse of public resources. This section should also list and keep track of the election disputes filed and any reaction to them in their region. Finally, if candidates, parties or others within the AoR have lodged formal complaints or appeals on election issues, it should be reported in this section. Informal complaints to the LTOs should systematically be reported. To the extent possible, LTOs should track the outcome of formal complaints and should try to assess whether the complaints process works effectively and impartially and whether it provides an effective remedy.

## **7. Participation of women and minorities/human rights**

LTOs should use this section to report on the participation of women and minorities in all aspects of the election, including their roles as candidates, party members, electoral officials, activists and electors, as well as reporting on any issues of special concern to women or minority groups. This section can be used to highlight any ways in which electoral laws or procedures affect women differently



from men. In addition, this section is used to report on any human rights issues that have an impact on the electoral process, including those relating to discrimination and the participation of women, minorities and other groups.

#### **8. Civil society**

A variety of civil society activities can be relevant to the election and should be reported here: the activities of domestic election observation groups, civil society programs on voter education, civil society activities aimed at getting out the vote, and civil society activities surrounding particular issues relevant to elections, corruption or advocacy on any issue of political interest. The freedom with which civil society groups can carry out their activities is also of interest.

#### **9. Polling and counting**

Reporting on these issues will usually be most relevant in the final weeks of LTO deployment and may be subject to special instructions from the CT. The LTO weekly report, however, can be a good opportunity to expand on particular points that may not be covered in initial Election Day reporting. This section can also be used to report on early voting, in countries in which it is allowed.

#### **10 Security issues**

This section should be used to provide an on-going assessment of security conditions in the AoR. Of particular importance are any developments which might affect the personal security, safety or health of LTOs or short-term observers (STOs). More generally, however, this section should report any security incidents relevant to the elections, spotlight any locations of particular concern, mention any increased tensions, and report on any notable activities of the security forces.