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The status of national and international observers in local and regional elections in the 46 member States

Committee on the Monitoring of the implementation of the European Charter of Local Self-Government and on the respect of Human Rights and the Rule of Law at local and regional levels (Monitoring Committee)

Rapporteur:[1] Stewart DICKSON, United Kingdom (R, ILDG)

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Summary

Election observation, whether domestic or international, plays a vital role in safeguarding the integrity of local and regional elections. It strengthens transparency, accountability and public trust, supports citizens' political participation and helps protect fundamental rights and freedoms. It is also an important tool for identifying emerging risks to grassroots democracy, sharing good practice and supporting improvements in electoral systems.

The report expresses concern that national rules governing election observation vary considerably and are not always effectively implemented. As a result, many local and regional elections do not benefit from this significant democratic tool. It also underlines the increasingly challenging environment in which observers operate, particularly for domestic observers who can face a shrinking civic space, threats and other forms of pressure.

In the draft recommendation, the Congress endorses the 2026 Paris Call to Action on election observation and calls for stronger legal and practical guarantees for observers. These include clear recognition of their status and rights, unhindered access to all stages of the electoral process,

1. L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC/G/PD: Group of Socialists, Greens and Progressive Democrats
ILDG: Independent Liberal and Democratic Group
ECR: European Conservatives and Reformists Group
PfE: Patriots for Europe Group
NR: Members not belonging to a political group of the Congress



transparent accreditation procedures, the ability to submit complaints and effective protection against threats or restrictions. Member States are also encouraged to systematically invite the Congress to observe relevant local and regional elections and to ensure meaningful follow-up to observation findings.

The draft resolution invites the Congress to provide systematic assessments of the situation of observers while observing elections in various member States, training for Congress members, wider dissemination of the Paris Call, increased post-electoral activities and continued cooperation with European and international partners and domestic observer organisations.

RECOMMENDATION 554 (2026)[2]

1. The Congress of Local and Regional Authorities of the Council of Europe ("the Congress") refers to:

a. the European Convention on Human Rights (ETS No. 5), and notably, Article 3 of Protocol 1 to the Convention (ETS No. 9);

b. the European Charter of Local Self-Government (ETS No. 122) and its Additional Protocol on the right to participate in the affairs of a local authority (CETS No. 207);

c. Article 25 of the International Covenant on Civil and Political Rights;

d. the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, hereafter the Copenhagen Document, adopted by the Conference on Security and Co-operation in Europe (CSCE) on 29 June 1990;

e. the Code of Good Practice on Electoral matters of the European Commission for Democracy through Law (Venice Commission); and its 2024 Report on election observers as human rights defenders;

f. Article 1, paragraph 3 of the Charter of the Congress of Local and Regional Authorities appended to the Committee of Ministers' Statutory Resolution CM/Res (2020)1 relating to the Congress;

g. Congress Resolution 306 (2010) "Observation of local and regional elections – strategy and rules of the Congress" and Resolution 274 (2008) "Congress policy in observing local and regional elections";

h. Congress transversal recommendations on electoral matters and notably, Recommendation 543 (2026) "Free elections at local and regional levels: A fundamental right to strengthen grassroots democracy" and Recommendation 525 (2025) "Foreign interference in electoral processes at local and regional levels";

i. Congress Recommendation 518 (2024) "Recurring issues based on assessments resulting from Congress monitoring of the European Charter of Local Self-Government and election observation missions (reference period 2021-2024)";

j. the Reykjavik Declaration following the Fourth Summit of Heads of States and Government of the Council of Europe (2023), reaffirming the commitment "to hold elections and referenda in accordance with international standards";

k. the 2026 Paris Call to Action on election observation, endorsed by the participants to the high-level event "Towards trusted and inclusive electoral processes: the role of observers", co-organised by the Parliamentary Assembly of the Council of Europe, the Congress and the Venice Commission in Paris on 28-29 April 2026 within the framework of the New Democratic Pact for Europe.

2. The Congress emphasises that democratic elections at all levels of government allow citizens to freely express their will and to provide legitimacy for elected officials. It points out that the observation of local and regional elections, by both domestic and international observers, constitutes an essential element of the system of checks and balances which supports electoral integrity. It is a cornerstone of grassroots democracy and contributes to strengthening accountability, transparency and public trust.

3. In addition, the Congress believes that election observers highly contribute to protect human rights and fundamental freedoms of all citizens during electoral processes at all levels. Specifically, these include the right to free elections and the freedoms of expression, association and assembly, as well as the right of citizens to participate in the affairs of a local authority. In this respect, the Congress fully endorses their recent recognition by the Venice Commission and United Nations Special Rapporteurs as human rights defenders, which acknowledges their key role in preserving human rights.

2. Debated and adopted by the Congress on 27 October 2026 (see document CG(2026)51-13, explanatory memorandum), Rapporteur: Stewart DICKSON, United Kingdom (R, ILDG).

4. The Congress has noted, through the course of over 135 election observation missions, that applicable legislation related to the observation of these elections varies considerably between member States, resulting in many elections not benefitting from this valuable democratic oversight. Even when in place, implementation of the legislation can be uneven. It notes with concern that not all member States have applied in their legislation provisions contained in Article 8 of the Copenhagen Document.

5. Furthermore, the Congress acknowledges the increasingly difficult and complex environment in which elections are held and in which observers operate. Domestic observers are particularly affected, in a context of shrinking of the civic space and democratic and fundamental freedoms backsliding.

6. The Congress believes that observation of local and regional elections requires a renewed commitment and further protection, to ensure the citizens' right to political participation and build their trust in democratic outcomes.

7. It also highlights that election observation is not a purely technical endeavour. It enables the Congress to track and monitor developments related to grassroots democracy, thereby contributing to its role as an early warning system. Moreover, it allows states to reflect on their electoral practices and can serve as a capacity building tool for sharing and implementing good practice across member States.

8. In light of the above, the Congress endorses the Paris Call to Action and invites member States to:

a. review the legislation applicable to domestic and international election observation at local and regional levels, considering the specificities of and emerging threats to these elections. As innovative solutions are often piloted in these elections, particular attention should be paid to the observability of pilot projects related to new technologies, alternative voting methods and other arrangements;

b. if not already in place, define the legal status and rights of observers in relation to subnational elections, with a view to facilitate their work and ensure their free and unhindered access to all stages of the process. Such a framework should include the possibility for observers to file complaints;

c. recognise and raise awareness on the important role that election observation, both domestic and international, plays in enhancing the transparency and integrity of electoral processes and on the fact that election observers act both as watchdogs of democratic processes and human right defenders;

d. effectively facilitate the work of observers through transparent and timely accreditation procedures; in the case of decentralised election administration, consider granting the competency for accreditations of international observers to ministries of foreign affairs or central election management bodies;

e. take resolute steps to guarantee the security and safety of domestic and international observers, refrain from adopting or repeal legislation which restricts their rights, funding sources and working conditions at local level and systematically follow up on allegations of threats against observers and on suspicions of deployment of pseudo-observers in local and regional elections;

f. ensure meaningful and timely follow up to the findings and conclusions of international election observation missions;

g. systematically invite the Congress to observe local and regional elections including early, repeat and partial elections, at the latest 60 days before the election day.

9. The Congress also invites the Committee of Ministers to entrust its Steering Committee on Democracy (CDDEM), to draft a specific Council of Europe instrument to guarantee, protect and promote electoral observation, that could be elaborated on the basis of the existing Council of Europe related soft law and other relevant material.

10. The Congress calls on the Committee of Ministers, the Parliamentary Assembly and other relevant institutions of the Council of Europe to take account of this recommendation and of the accompanying memorandum in their activities relating to the member States.

RESOLUTION 532 (2026)[3]

1. The Congress of Local and Regional Authorities of the Council of Europe (“the Congress”) refers to:

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e. the Code of Good Practice on Electoral matters of the European commission for democracy through law (Venice Commission) and its 2024 Report on election observers as human rights defenders;

f. Article 1, paragraph 3 of the Charter of the Congress of Local and Regional Authorities appended to the Committee of Ministers’ Statutory Resolution CM/Res (2020)1 relating to the Congress;

g. Congress Resolution 306 (2010) “Observation of local and regional elections – strategy and rules of the Congress” and Resolution 274 (2008) “Congress policy in observing local and regional elections”;

h. Congress transversal resolutions on electoral matters and notably, Resolution 521 (2026) “Free elections at local and regional levels: A fundamental right to strengthen grassroots democracy” and Resolution 508 (2025) “Foreign interference in electoral processes at local and regional levels”;

i. Congress Resolution 505 (2024) “Recurring issues based on assessments resulting from Congress monitoring of the European Charter of Local Self-Government and election observation missions (reference period 2021-2024”);

j. the Reykjavik Declaration following the Fourth Summit of Heads of States and Government of the Council of Europe (2023), reaffirming the commitment “to hold elections and referenda in accordance with international standards”;

k. the 2026 Paris Call to Action on election observation, endorsed by the participants to the high-level event "Towards trusted and inclusive electoral processes: the role of observers", co-organised by the Parliamentary Assembly of the Council of Europe, the Congress and the Venice Commission in Paris on 28-29 April 2026 within the framework of the New Democratic Pact for Europe.

2. The Congress emphasises that democratic elections at all levels of government allow citizens to freely express their will and to provide legitimacy for elected officials. It points out that the observation of local and regional elections, by both domestic and international observers, constitutes an essential element of the system of checks and balances which supports electoral integrity. It is a cornerstone of grassroots democracy and contributes to strengthening accountability, transparency and public trust.

3. In addition, the Congress believes that election observers highly contribute to protect human rights and fundamental freedoms of all citizens during electoral processes at all levels. Specifically, these include the right to free elections and the freedoms of expression, association and assembly, as well as the right of citizens to participate in the affairs of a local authority. In this respect, the Congress fully endorses their recent recognition the Venice Commission and United Nations Special Rapporteurs as human rights defenders, which acknowledges their key role in preserving human rights.

4. The Congress has noted, through the course of over 135 missions, that applicable legislation related to the observation of these elections varies considerably between member States, resulting in many

3. Debated and adopted by the Congress on 27 October 2026 (see document CG(2026)51-13, explanatory memorandum), Rapporteur: Stewart DICKSON, United Kingdom (R, ILDG).

elections not benefitting from this valuable democratic oversight. Even when in place, their implementation of the legislation can be uneven. It notes with concern that not all member States have applied in their legislation provisions contained in Article 8 of the Copenhagen Document.

5. Furthermore, the Congress acknowledges the increasingly difficult and complex environment in which elections are held and in which observers operate. Domestic observers are particularly affected, in a context of shrinking of the civic space and democratic and fundamental freedoms backsliding.

6. It firmly believes that observation of local and regional elections requires a renewed commitment and further protection, to ensure the citizens' right to political participation and build their trust in democratic outcomes.

7. It also highlights that election observation is not a purely technical endeavour. It enables the Congress to track and monitor developments related to grassroots democracy, thereby contributing to its role as an early warning system. Moreover, it allows states to reflect on their electoral practices and can serve as a capacity building tool for sharing and implementing good practice across member States.

8. In light of the above, the Congress:

a. invites the Congress Monitoring Committee and the Congress members, when they act in the capacity as Heads of delegation of election observation missions, to systematically review the status and rights of domestic and international election observers, to prepare recommendations to address shortcomings in regulation or practice and to include an assessment of the situation of domestic observers in its risk-alert dashboard;

b. tasks the Monitoring Committee with developing a training curriculum for Congress members to enable them to monitor the observance of their rights and status as international observers within the framework of Congress missions;

c. tasks the Monitoring Committee with ensuring follow up and dissemination of the Paris Call to Action and continuing to raise awareness of the observation of local and regional elections across member States;

d. entrusts the Monitoring Committee with the task of expanding and intensifying its activities in the field of observation of local and regional elections, particularly with regard to missions, post-electoral dialogue and fact-finding electoral missions;

e. commits to continued cooperation with the Parliamentary Assembly and the Venice Commission as well as with international partner organisations and domestic observers in order to share comparative expertise, coordinate findings and continue to review applicable standards for election observation at local and regional levels.

EXPLANATORY MEMORANDUM[4]

I. INTRODUCTION

1. Over the last decades, election observation, both domestic and international, has emerged as a key democratic safeguard at all levels of government and a central element to build accountability and trust in electoral processes. Election observation is broadly recognised as a tool to ensure that elections are conducted in line with European and international standards. Moreover, it can act as a deterrent to prevent serious violations and misconduct. In countries with high trust in the electoral process, election observation can also serve as a useful tool to reflect on electoral practice and identify gaps to prevent potential risks. For political assemblies like the Congress, peer-to-peer observation, with observers being local and regional elected representatives of the 46 member States also ensures the dissemination of good practice across Europe.

2. At the same time, the shrinking of civic space, limitations on fundamental freedoms, new voting methods, increased polarisation, foreign interference and disinformation as well as the conduct of elections in conflict and post-conflict situations, further complicate the operational environment and can threaten the safety and independence of observers.

3. Since the 1990s, Congress delegations have observed over 135 elections, mostly municipal elections but also regional, in Council of Europe member States and even beyond.[5] In the course of these missions, the Congress has observed significant challenges related to the meaningful observation of local and regional elections.

4. In many Council of Europe member States, international and domestic election observers face a range of persistent and emerging challenges, both legal and practical. Where legal frameworks are inadequate or lacking, election observers are left without sufficient guarantees regarding their status, rights and protection, hindering their ability to fulfil their role effectively. When provisions are in place, observation is not always genuinely facilitated.

5. Recent election observation reports have noted other obstacles such as limited access to remote or politically sensitive areas, restrictions on accreditations and rights, new voting procedures (notably out-of-country voting) and the use of digital tools, which have introduced significant operational and logistical challenges for observers and their methodology.

6. In addition, legal uncertainty can result in inconsistent practices, misunderstandings, arbitrary restrictions on observation or even misconceptions, which the Congress has observed in the preparation of election observation missions. The Congress has thus systematically recommended, in its election observation reports, that member States should adopt legislation on the rights and status of domestic and international observers. The recurrence of this recommendation across various contexts shows that these challenges are not isolated, especially at a time of democratic backsliding.

7. Moreover, the Congress has also further witnessed the shrinking of the rights of domestic observers in some of the member States visited. These observations were echoed by the Venice Commission's report (adopted in December 2024) on "Election observers as human rights defenders" which stressed that the presence of election observers is a precondition for implementation the European electoral heritage.

8. Some of these challenges were highlighted in the context of the Parliamentary Assembly, Congress and Venice Commission joint debate entitled "Towards Trusted and Inclusive Electoral Processes: The Role of Observers", held in Paris on 28-29 April 2026. In the resulting Paris Call to Action, the Parliamentary Assembly, the Congress and the Venice Commission called on Council of Europe

4. Prepared with the contribution of Ms Jelena JERINIC, Serbia, member of the Congress Group of Independent Experts.
5. Reports are available online - https://www.coe.int/en/web/congress/congress-reports. Since 1990, observation missions were undertaken in 28 member states (including the Russian Federation which was excluded in 2022). Some of these elections were observed long ago (e.g. in the 1990s), so information on legislation is either outdated or missing. Outside of the Council of Europe, the Congress has deployed missions in countries with the status of Partner for Local Democracy, in accordance with Congress Resolution 376(2014), such as Tunisia (2018) or Kingdom of Morocco (2021). Recently, the Congress also observed local elections in Kosovo*.
**All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with the United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.*

members States to, inter alia, provide a strong legislative framework for domestic observation and to systematically invite international observers.[6]

9. This report therefore attempts to proceed to a mapping of the legal and institutional frameworks across the 46 member States, identifying where observation is formally regulated and where it is not. It also establishes guidance from countries that have adopted clear rules ensuring transparency and accessibility for observers. It relies on information gathered in election observation missions, legal analysis and the conclusions of the 2026 joint debate.

II. BACKGROUND INFORMATION AND DEFINITIONS

10. The Committee of Ministers has granted the Congress the mandate to observe election observation at grassroots levels in all member States[7] and since 1990, the Congress has strived to extend its election observation activities to cover all local and regional elections in all member States. The Congress remains the only international political assembly with such a general mandate on local and regional elections in all member States.

11. Moreover, following the 2023 Reykjavik Summit of Heads of State and Government[8], member States renewed their commitment to free and fair elections at all levels of government in the Principles for Democracy. Subsequently, the Congress expanded its observation activities. In 2023, it invited member States via an official letter to all permanent representations to send more systematic invitations. In 2024, a Congress recommendation called on member States to "systematically send an invitation of the Congress to observe local and regional elections including early, repeat and partial elections, at the latest 60 days before the election day."[9] Recommendation 543 (2026) "Free Elections at local and regional levels: A fundamental right to strengthen grassroots democracy"[10] echoed similar findings and called on member States to "guarantee the right to domestic and international election observation". Strengthening election observation activities aligns with the New Democratic Pact for Europe of the Council of Europe,[11] as well as the revised Congress priorities 2023-2026.[12]

12. As a result, the Congress has recently received invitations to observe elections in member States that traditionally did not invite election observers (such as Estonia, Portugal, Germany, United Kingdom, Iceland, etc). Expanding election observation missions has enabled the Congress to identify common trends and challenges among member States. At the same time, some countries which used to invite observers systematically, have unfortunately recently stopped to do so.[13]

13. The Congress has found that a large number of member States of the Council of Europe still lack an explicit legal basis for election observation or do not provide observers access to all stages of the electoral process, which results in inconsistent practices across the continent and, at times, restrictions of actual observation. In addition, local and regional elections are often neglected in this respect, and there are countries in which election observation is provided for in national elections, but not on the subnational levels.

14. Common criteria for classification of types of observers include their affiliation (organisations they represent), impartiality (partisan or non-partisan) and duration of observation missions (long-term or short-term). In general, a difference is made between international and domestic and between partisan and non-partisan observers. International observers can be deployed by an intergovernmental organisation (OSCE Office for Democratic Institutions and Human Rights, or the Council of Europe, as well as other regional organisations outside Europe), a foreign country or a specialised international

6. Congress, "Paris Call to Action: Towards Trusted and Inclusive Electoral Processes: The Role of Observers (Paris, 28- 29 April)", 29 April 2026.
7. Committee of Ministers, Statutory Resolution CM/Res(2020)1 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, Article 1, para. 2, 15 January 2020.
8. Council of Europe, "Reykjavík Declaration - United around our values", 16-17 May 2023.
9. Congress, Recommendation 518 (2024) Recurring issues based on assessments resulting from Congress monitoring of the European Charter of Local Self-Government and election observation missions (reference period 2021-2024), 16 October 2024.
10. Congress, Recommendation 543 (2026) Free elections at local and regional levels: A fundamental right to strengthen grassroots democracy, 1 April 2026.
11. Council of Europe, "The New Democratic Pact for Europe - What is it?", accessed on 15 June.
12. Congress, "Delivering on the Reykjavik summit - revised Congress priorities, working procedures and structure", 6 February 2025.
13. For instance, Congress was not invited to observe local elections in Georgia in 2025 for the first in two decades. See Congress, Situation in Georgia: Statement by Council of Europe Congress Rapporteurs, 6 October 2025.

non-governmental organisation. Depending on type of observers, their status may differ somewhat, but the purpose guiding their deployments should remain similar.

15. Domestic observers are citizens of the state in which elections are held.[14] They are registered by the election administration or other competent authority to observe elections. They are sometimes also referred to as national or citizen observers, the latter being reserved for non-partisan domestic observers. They are usually fielded by domestic NGOs or similar organisations. Researchers have noted that citizen observation organisations have seldom developed in "states with long established traditions of holding democratic elections", but mostly in "emerging democracies and countries which recently underwent a political crisis".[15]

16. Partisan domestic observers represent a specific party or candidate. Some countries permitting domestic observation do not allow for partisan observation. Partisan observers are not to be confused with party appointed representatives who are part of the composition of election commissions or polling station committees. The latter participate in the work of electoral bodies, and their aim is to perform election-related tasks and control the integrity of the procedure on behalf of their political subject.

17. International observers are by definition non-partisan, since they come from outside the country holding elections and cannot align with parties running in elections. This is not affected by the fact that some of them may be politicians or elected officials in their own countries, as they are obliged to remain impartial in their observation, as stated in the Declaration of Principles on International Election Observation.[16] For instance, Congress election observation missions consist of members of the Congress who are local and regional elected officials from different countries and political groups.

18. Recently, it has become clear that trends of democratic backsliding have also affected election observation and shaped additional obstacles. The Congress has recorded instances of pressure and even violence towards observers, as well as increased limitation of the rights of domestic observers.[17] Moreover, there have been occasions where observers have suffered threats, physical violence and intimidation and got targeted in legal processes or by legislation on foreign agents. Such developments have led to the recent qualification of election observers as human rights defenders.[18] The Congress has also noted cases of administrative obstruction in accreditation procedures and more cases of denial to observe elections.[19] Additionally, the mentioned backsliding trends, which are often taking the form of obstructing observation through administrative obstacles, can also take more drastic forms of pressure and intimidation of observers, including threats.[20] Intimidation can also take the form of SLAPP

14. Or residents, where voting rights and consequently possibility to participate in election observation is granted to permanent residents, which can be the case in local elections.
15. See e.g. M. Lidauer and A. Rabitsch, "Election Observation Inside the European Union: A Void to be Filled", 2024. Additionally, it is said that some of the emerging democracies introduced election observation precisely because of recommendations by organisations such as OSCE/ODIHR and that for some this was part of conditions for EU membership. Further on, the authors point out that most countries with active citizen election observer groups "are or were recipients of external democracy support". See also: M. Grömping, 'Domestic Monitors', in Pippa Norris, and Alessandro Nai (eds), "Downward Accountability to Civil Society", in Pippa Norris, and Alessandro Nai (eds), « Part IV Downward Accountability to Civil Society », *Election Watchdogs: Transparency, Accountability and Integrity* (New York, 2017; online edition, Oxford Academic, 20 July 2017).
16. Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, 2005.
17. Venice Commission, "Report on election observers as human rights defenders", 11 December 2024. See also Congress, Safeguarding local democracy in Georgia: Fact-finding report, 1 April 2026.
18. Venice Commission (2024), *Ibid*. and UN Special Rapporteur on the rights to freedom of peaceful assembly of association and Special Rapporteur on the situation of human rights defenders, "The Situation of Election Observers as Human Rights Defenders", 27 October 2022.
19. See: Venice Commission (2024), para. 58-59. See also Congress, CG(2024)47-16, Local elections in Türkiye (31 March 2024), 17 October 2024. After one Congress member was denied accreditation, the Congress called on the authorities to refrain from intervening in the composition of future international election observation missions, which the Congress establishes based on its rules and procedures.
20. UN Special Rapporteurs have reported on "a significant escalation in the severity and scale of attacks against them, ranging from harassment, false accusation, defamation and threats; to infringement of their right to free movement, detention, expulsion and physical violence. Some have even been killed while carrying out their work." See UN Special Rapporteur, 2022, Op.cit. and also, Venice Commission (2024), p. 13-15. In local elections in Serbia, Congress observers reported on an account of an "attack on reputable domestic observers." See: Elections in 10 municipalities of Serbia: violence-free elections and even playing field are essential to build trust, Congress observers say, 30 March 2026

suits.[21] In the most drastic cases of pressure on election observers, international organisations have deplored the arrests and politically-motivated cases of imprisonment of observers.[22]

19. On the other hand, in some countries, evidence of abuse of existing framework for observation have emerged in other countries, with the deployment of fake or pseudo-observers, sometimes blurring the line between partisan and citizen observation, jeopardising the impartial nature of observation as such, as well as indications of foreign influence exerted through mechanisms for election observation.

III. RELEVANT INTERNATIONAL AND EUROPEAN STANDARDS

20. As human rights defenders, observers protect primarily the active and passive right to vote, but also indirectly other human rights, both civil and political rights.[23] International standards leaning on human rights documents which guarantee the rights of political parties and free and fair elections recognise the need for all elections to be open to impartial observation. Relevant international documents have been adopted from 1990 onwards form a compendium of standards for both proper conduct of election observation, as well as duties of authorities organising elections towards enabling a secure and open environment for election observation. The contours of international standards in this field were drawn in the 1990s, primarily by the Copenhagen Declaration (see below), and later further developed. Several international documents contain outlines of rights and obligations of election observers, which can serve as a basis for national regulation.[24]

21. Several broader human rights instruments, guaranteeing the right to participate in public affairs and the right to free and fair elections are relevant when it comes to election observation, both at global level, namely the Universal Declaration on Human Rights (Article 21) and the International Covenant on Civil and Political Rights (Article 25), as well as at regional levels, as the European Convention on Human Rights and Fundamental Freedoms (Article 3 of the First Additional Protocol) and the Additional Protocol of the European Charter of Local Self-Government.[25]

22. In the European context, the most significant text which provides for election observation is the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Co-operation in Europe (CSCE), known as the Copenhagen Document.[26] The Copenhagen Document, adopted by the CSCE (the predecessor of the OSCE) in 1990, just after historic changes emerged in East Europe, confirmed the participating States' "conviction that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice, and cooperation that they seek to establish in Europe". Its Article 8 practically establishes election observation, both domestic and international, by calling upon the participating states to welcome observers in order to enhance the electoral process. This text constitutes a milestone in the institutionalisation of election observation in Europe.

23. Specifically, article 8 of the Copenhagen Document also refers to subnational elections and states that: "*The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process in States where elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level*."

21. Venice Commission (2024), para. 105.
22. In Azerbaijan, a distinguished human rights defender has been in prison for two years. See: EPDE, Azerbaijan: Free Anar Mammadli before COP29, 8 November 2024. In Belarus, activists have been arbitrarily detained for over four years. See: EPDE, Four years of arbitrary detention – the crackdown of Viasna members must end, 14 July 2025.
23. Venice Commission (2024), p. 9-11.
24. See: Venice Commission, CDL-AD(2009)020, Report on an internationally recognised status of election observers, 13- 14 March 2009.
25. See on the application of Article 3, Protocol 1: Congress, Free elections at local and regional levels: A fundamental right to strengthen grassroots democracy, 1 April 2026.
26. Organization for Security and Co-operation in Europe (OSCE), "Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE", 29 June 1990.

24. The Code of Good Practice on Electoral Matters[27] is a soft-law instrument developed by the Venice Commission as a collection of guidelines with an aim to harmonise electoral standards across the member States of the Council of Europe and is often referred to as the European codification of electoral standards. It was endorsed by both the Congress and Parliamentary Assembly, as well as it has been often referred to by the European Court of Human Rights. It has had wide influence on national legislation. The Code deals with election observation primarily in its Section II.3.2, as one of the procedural guarantees seen as conditions for implementing the "principles of Europe's electoral heritage", together with the organisation of elections by an impartial body and an effective system of appeal. It provides guidelines on the desired scope of observation.

25. The Code sees the aim of election observation in providing evidence for determining the regularity of the electoral process. It distinguishes between three types of observers: partisan national observers, non-partisan national observers and international (non-partisan) observers, although recognising that the distinction between the first two is not always obvious. The observation procedure should be made as broad as possible at both national and international levels.

26. The Explanatory Report to the Code states that international observers play a "primordial role in states which have no established tradition of impartial verification of the lawfulness of elections." As to its scope, observation should not be confined to the election day and the Code discerns three phases: the period before elections (including maintenance of electoral lists, candidate registration, restrictions on freedom of expression, access to the media, public funding of electoral campaigns), on election day (potential violations e.g. pressures on voters, multiple voting, violation of the secrecy of the vote etc.) and after the polling (counting and announcement of the results). Counting is expressly recognised as essential for meaningful observation. Observers must be in a position to interview anyone present, take notes and report to their organisation, but they should refrain from interfering or making comments. National legislation should clearly determine the areas observers cannot visit, so that their activities are not excessively hampered. Finally, observers must be able to verify if the authorities have remained neutral throughout the electoral process.

27. Besides the Code, the Venice Commission also issued Guidelines on an Internationally Recognised Status for Election Observers[28] and has dedicated several of its reports to issues related to election observation.[29] The Guidelines promote an internationally recognised status of election observers, both for international and domestic election observers, whose rights and duties should be as similar as possible. It lists rights and duties of international and domestic observers.

28. The 2005 Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, supported by 55 intergovernmental and international nongovernmental organisations,[30] serve as a foundation for the methodology and professional standards of credible international election observation. It was developed during a multi-year process involving tens of organisations concerned with election observation around the world. The accompanying Code of Conduct is envisaged as a set of technical documents.

29. As an intergovernmental organisation dedicated to election observation, the political bodies of the Council of Europe have passed a series of recommendations and resolutions which partly or in full address issues related to it.[31] When it comes to subnational elections, documents of the Congress include e.g. Resolution 306(2010)REV on Observation of local and regional elections – strategy and rules of the Congress[32] and Resolution 274 (2008) Congress policy in observing local and regional elections.[33] Most recently, the Congress adopted Recommendation 543 (2026) on free elections at local

27. Venice Commission, "Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report", 25 October 2018.
28. Venice Commission, Guidelines on an Internationally Recognised Status for Election Observers, 11-12 December 2009.
29. E.g. Venice Commission, Report on electoral law and electoral administration in Europe – first 2006, updated 2020; or Report on timeline and inventory of political criteria for assessing elections, 8 October 2020.
30. Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, 2005.
31. E.g. Committee of Ministers, CM/Rec(2022)12 - Recommendation of the Committee of Ministers to member States on electoral communication and media coverage of election campaigns, 6 April 2022. A list of key PACE documents in the field of elections can be found at: https://assembly.coe.int/LifeRay/APCE/pdf/Elections/FundamentalTexts-EN.pdf.
32. Congress Resolution 306 (2010) REV Observation of local and regional elections – strategy and rules of the Congress, 2010.
33. Congress Resolution 274, Congress policy in observing local and regional elections, 2008.

and regional levels, in which it, once again, invited the Committee of Ministers to call on member States to guarantee the right to domestic and international election observation.[34]

30. The European Court of Human Rights has also taken decisions pertaining to election observation which albeit not directly applicable to all subnational elections, can serve as useful guidance in developing national legal frameworks.[35] It includes cases involving access of partisan observers to post-election phases;[36] access to information and documents pertaining to observers' public function;[37] and the function of observers as public watchdog enjoying the protection of Article 10 ECHR.[38] In a recently communicated case against Georgia, the Court is assessing whether a domestic observer organisation can claim to be a victim of a violation of the right to free elections under Article 3 of Protocol 1 to the ECHR.[39] Regarding local and regional elections, the Congress has also stressed the importance of potential explicit enshrinement of free elections at local and regional levels in Article 3 of Protocol 1.[40]

31. At the European Union level, the European Commission set the main objectives of international election observation in its 2000 Communication.[41] This related to election assistance and observation the EU provided in national elections. On the other hand, when it comes to elections for the European Parliament, the Commission adopted a recommendation in 2023, as part of its Defence of Democracy package, focusing on the strengthening and inclusivity of electoral processes.[42] It recognises election observation as "an efficient way to engage citizens with the electoral process and improve public trust in elections" and recommends member States to "encourage and facilitate impartial and independent election observation including by citizens as well as international organisations, at all the stages of the electoral process, taking into account their legal frameworks and international commitments."

32. Further on, the European Commission encourages member States to develop capacity and expertise in election observation, including by supporting training for election observers, drawing on the knowledge shared within the European Cooperation Network on Elections[43] and international standards and best practices, especially emphasising specific training for younger election observers. Finally, it suggests a list of specific actions to support election observation and urges political parties and campaign organisations to facilitate the activities of election observers, including by providing them with the necessary access to information in the context of elections.

34. Recommendation 543, Free elections at local and regional levels: A fundamental right to strengthen grassroots democracy. The explanatory memorandum to the Recommendation sees a more systemic election observation as a way to "prevent democratic backsliding and to support the possibility of voters to freely express their opinion on election day" (See Congress, CG(2026)50-12 - Free Elections at local and regional levels: A fundamental right to strengthen grassroots democracy, para. 114).
35. According to the Court, Article 3 of Protocol No. 1 to the ECHR concerns only the choice of the legislature, which usually means the national parliament and not local elections, either municipal or regional (see cases *Xuereb v. Malta*, 2000; *Salleras Llinares v. Spain* (dec.), 2000; or *Malarde v. France*, 2000). See: ECtHR, (2025), Guide on Article 3 of Protocol No. 1 to the European Convention on Human Rights, p. 5. Only exceptionally does the Court find that the guarantees of the ECHR apply to regional elections, as the bodies elected possess legislative powers in the concrete constitutional system.
36. In *Davydov and Others v. Russia* (75947/11), which concerned alleged anomalies in federal legislative and municipal elections, the Court has held that post-election phases must be surrounded by precise procedural safeguards; the process must be transparent and open, and observers from all parties must be allowed to participate, including opposition representatives (paras. 283-288 of the judgement). European Court of Human Rights, *Davydov and Others v. Russia* (75947/11), 2017.
37. European Court of Human Rights, *Geraguyn Khorhurd Patgamavorakan Akumb v. Armenia*, 11721/04 (para. 28 of the judgement), 2009.
38. European Court of Human Rights, *Timur Sharipov v. Russia, 15758/13* (para. 26 of the judgement), 2022. The case concerned the removal of partisan observers from a polling station. The Court held that gathering information by overseeing the election in his capacity as an election observer appointed by a political party to convey that information to the public was an essential part of his duties which served the important public interest in free and transparent elections. Given the fundamental importance of such elections in any democratic society and the essential role of political parties in the electoral process, the Court considered that the applicant exercised his freedom of expression as a "public watchdog" in a democratic society and that the protection of Article 10 of the Convention therefore applies to his activity, which is of similar importance to that of the press. See also: *Kudeshkina v. Russia*; *Orlovskaya Iskra v. Russia*.
39. European Court of Human Rights, *Alavidze and Ors. v. Georgia* (34522/24), 2026.
40. Congress, Explanatory memorandum to Recommendation 543 (2026) and Resolution 521 (2026) - CG(2026)50-12 - Free Elections at local and regional levels: A fundamental right to strengthen grassroots democracy
41. European Commission, "Communication from the Commission on EU Election Assistance and Observation", COM(2000) 191 final, 11 April 2000.
42. European Commission, Commission Recommendation (EU) 2023/2829 on inclusive and resilient electoral processes in the Union and enhancing the European nature and efficient conduct of the elections to the European Parliament, 12 December 2023.
43.European Commission, European cooperation network on elections – webpage, accessed on 15 June 2026.

IV. MAPPING OF APPLICABLE LEGISLATION IN MEMBER STATES

33. From the 1990s onwards, European states started incorporating rules on election observation in their legislation. As of today, research presented below shows that Article 8 of the Copenhagen Document is still not implemented consistently throughout Europe, including at local and regional levels. Not all member States have moved to enforce in law and in practice the spirit of the Copenhagen Document.

34. A significant number of Council of Europe Members States do not have an explicit legal basis for election observation in general and only very few of them specifically envisage election observation for subnational (regional or local) elections but subsidiarily apply general norms applicable to all elections.[44] Furthermore, type of observation (domestic, international, partisan) and scope of the observations also vary across member States. The case of domestic observers shows an even more complex picture across member States. As seen below, there is a significant margin appreciation from member States on who is allowed to enter polling stations and to observe procedures, also due to cultural and historical factors. The spectrum goes from full access to a full ban of observation but also includes passive tolerance. Furthermore, international observers need a formal invitation by the authorities of a country/region/municipality. This is line with the common understanding of respect for the sovereignty of the State holding elections.

35. The issue of legal basis for any form of election observation in subnational elections is tied to the way subnational elections are regulated in individual member States of the Council of Europe. In some countries, there is a single electoral code or electoral law applicable to all elections in which case provisions on election observation apply accordingly to local and regional elections.[45] In others, there are separate legislative acts regulating regional and/or local elections, in which there is a need for express legal basis.[46] However, some national laws specifically regulating local elections do not regulate all matters pertaining to elections, but only those particular to local elections, and envisage an analogous application of laws regulating national-level elections.[47] Additionally, federal states often leave regulation of regional and local elections to federal units.[48] At the same time, decentralised electoral administration of municipal elections, if applied to the accreditation of observers, can prove to be an excessive administrative burden on observer organisations, particularly international ones.

36. A large group of members States allow for both international and domestic election observation and envisage an accreditation procedure to that aim.[49] In these member States, observers enjoy clear legal recognition, guaranteeing meaningful access, but such provisions can still remain uneven or poorly implemented. Some other countries do envisage both international and domestic observation, but do not regulate accreditation procedures.[50]

37. A smaller group of States specifically allow for international but not domestic election observation. In such case, States can decide to invite international observers, but such invitations are not systematic.

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44. The overview in this report is based on available Congress election observation reports, as well as reports by ODIHR (e.g. its searchable database of recommendations available at: https://paragraph25.odihr.pl) and other previously published analysis (such as: Lidauer, M., Rabitsch, A., & O'Rourke, I. (2024), "Mapping Legislation for Citizen and International Election Observation in Europe: A Comparative Analysis on the Basis of OSCE/ODIHR Reports", *Nordic Journal of Human Rights*, *35*(4), 360–374; Godfrey K. (ed) (2024), The Future of European Electoral Support, European Democracy Hub; Election-Watch.EU (2024), Elections to the European Parliament, 6-9 June 2024: Pre-election assessment mission report – 7 February 2024, Election-Watch.EU, Vienna/Brussels. Seeing the complexity to collect information and the difficulty to find legislation online, some information might be slightly outdated.

45. E.g. Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Montenegro, North Macedonia, Ukraine.

46. For instance, the Croatian Law on Local Elections (Article 118) envisages that local elections can be observed by three groups of domestic observers (party observers, candidate observers, NGO observers) and international observers. Similarly, Article 80 of the Romanian Law No. 67 for the election of local public administration authorities provides a legal basis for international and domestic observation.

47. In Serbia, the Law on Local Elections does not regulate the procedure for accreditation of domestic and international observers, but the Law on Election of Members of Parliament is applied. Similarly, Slovenian Local Elections Act (Articles 46 and 47) regulates domestic partisan observation, while international observers are accredited by the State Election Commission according to the National Assembly Elections Act.

48. This is the case in Austria and Germany.

49. E.g. Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Finland, Georgia, Lithuania, Moldova, Montenegro, North Macedonia, Norway, Poland, Romania, Slovenia, Serbia, Ukraine. In the United Kingdom, both citizen and international observers can request accreditation from the authorities, but this accreditation does not explicitly provide access to all aspects of the elections.

50. E.g. Estonia and Slovakia. Belgium only permits observers, without regulating a procedure for accreditation.

Some States envisage an accreditation procedure, others do not.[51] This is the case in Hungary, where besides representatives of registered media, only representatives of competing political parties, candidates and accredited international missions can be present at the polling stations and observe both voting and counting.

38. Additionally, international observation is in some places limited to specific organisations, to specific elections or to specific aspects of the electoral process.[52]

39. In some countries, parts of the electoral process are completely open to public without an accreditation system, notably voting and counting procedures. There is no legal regulation for international or domestic observation, but no strong prohibition. These states do not have an express legal framework on election observation.[53] Such situation allows for international and/or domestic observation *stricto sensu* and in some cases, this is the only method which could be loosely labelled as some form of observation.[54] In these countries, international observers can be deployed after receiving an invitation from the authorities and in general, authorities facilitate the deployment of such mission, by granting full access to the procedures and coordinating with lower-levels of election administration.[55] This situation tends to happen more often in case of national, rather than local elections. However, passive tolerance does not substitute a proper legal basis for election observation as envisaged by international standards. It does not explicitly provide for observation of pre-electoral and post-electoral preparations (e.g. work of the lower-level committees).

40. There are also some cases where the presence of non-voters, including observers, is not allowed in polling stations, therefore making impossible genuine election observation by both domestic or international observers.[56] In some minor cases, party observation is only permitted in parliamentary elections, but not in local elections.[57] The general rationale against presence of observers in polling stations is to prevent voters from being intimidated or influenced.

41. Sometimes, the absence of legal framework is also due to cultural or historical specificities as well as traditionally high levels of public trust in the electoral administration. Some countries also introduced a category of foreign visitors programme or external audits. However, the work of such visitors is limited compared to regular international observers.[58]

42. When regulating domestic observation, some countries only allow citizen or non-partisan observation. Others allow for partisan observation, in combination or without forms of participation of party (candidate) representatives in electoral bodies (electoral commissions and/or polling station committees, as scrutineers).[59] Access of representatives of parties and/or candidates to polling stations is generally allowed across Europe, but they are by definition partial and cannot replace election observation as envisaged by international standards. Party and candidate representatives are

51. E.g. Legislation in Austria, Czechia, Hungary, Iceland, Italy, Luxembourg, and the Netherlands provide an explicit basis for international observation only, together with some procedure of observer accreditation, while Belgium only permit observers, without regulating a procedure for accreditation.
52. For instance, Austria, Hungary and Italy explicitly allow for observation by OSCE/ODIHR, and similarly Belgium and Luxembourg allow it only to organisations to which the countries are members of. E.g. Italian Law no. 205(2017) envisages that presence of international observers relates to implementation of international commitments made by Italy within the framework of OSCE and that presence of international observers is allowed at the section electoral offices, in case of elections or referenda. International observers are accredited by the Ministry of Foreign Affairs and International Cooperation. In Iceland, regulations for the 2026 local elections specifically noted the possibility for the Congress to observe elections.
In Czechia, international observers can only observe presidential elections. In Slovakia, both international and domestic observation is limited to voting and counting on election day.
53. Cyprus, Greece, Ireland, Italy, Spain, Sweden, Switzerland, San Marino.
54. Countries without legally enshrined election observation belonging to this group include Denmark, France, Germany, Malta, Spain, Sweden and Türkiye. In some countries, such practice can be envisaged by regional legislation (e.g. in Hamburg in Germany, see: Congress, CPR(2025)49-02 State Elections in Hamburg, Germany (2 March 2025).
55. Moreover, in most of these countries (Cyprus, Greece, Ireland, Italy, Portugal, Spain, Sweden and Switzerland), the Congress has never observed local elections. The Congress has been invited to observe municipal elections in San Marino in November 2025, regardless of the lack of an express legal framework for election observation (see: Report CG(2026)50-23, Local elections in San Marino (23 November 2025), 2 April 2026).
56. E.g. Portugal.
57. For instance, this is the case in San Marino.
58. See: Venice Commission (2024), para. 60.
59. In Türkiye, there is no legal framework established for domestic and international organisations to observe the full electoral process. The Law on Basic Provisions for Elections and Voter Registers allows for observers appointed by political parties and independent candidates to be present during the election day at the polling stations of the constituencies in which they run, and for the public to observe the vote count in their own constituencies.

stakeholders in the elections, while observers are to offer a third-party assessment, independent from both election administration and competitors in elections, without interference in the process.

43. Another element that tends to restrict election observation, particularly domestic observation, is the introduction of so-called foreign agents or foreign influence laws adopted by some countries. These laws undermine the work of civil society, including organisations active in the field of election observation.[60] Not only these laws stigmatise the work of domestic civil society organisations promoting democracy and human rights, including those specialised in election observation, but they also affect their financial sustainability, as domestic deployments are often funded by grants by international organisations or foreign donors and thereby fall under the restrictions of laws on foreign agents.

44. There is also a need to delineate between partisan and non-partisan observation. There have been cases in which the mechanisms for non-partisan observation have been abused by political organisations running in elections. It is hard to discern the motivation for such practices, where only one aspect can be the wish to increase their presence in the polling stations. Another objective might be part of a wider scheme of electoral irregularities (e.g. vote buying, voter intimidation and similar). These are often unqualified observers, and their presence disturbs the electoral process. During the past couple of years, instances of so-called government-friendly, zombie observers or pseudo-observers, inauthentic observation organisations aimed to discredit the work of genuine impartial election observers have been reported.[61] A specific form of such practice has emerged in some countries which allow public access to polling stations, where political parties invite and even organise individual citizens to go to polling stations, observe and report irregularities to them.[62]

45. Unfortunately, similar attempts to discredit established international observers and dilute their findings as well as to legitimise substandard electoral practices have been noted. Since 2000, organisations have emerged which started to endorse elections which have been evaluated by others as unfair.[63] The Parliamentary Assembly has notably updated its Code of Conduct to protect itself against such situations.[64]

46. Instances of pseudo-observers have also been recorded by Congress in a few but increasing number of its observation missions, since 2020. For instance, in 2021 in Georgia, Congress observers noticed “a relatively high number of cases of citizen observers who seemed to act on behalf of parties and candidates which goes against the principles of domestic citizen observation”,[65] and similar observations were also made by ODIHR.[66] Recently, Congress observers were “appalled to see on the

60. Venice Commission (2024), paras. 61 and 100. Since 2013, the Venice Commission has issued several opinions on such laws, including to the Kyrgyz Republic, the Russian Federation, Hungary, Republika Srpska (Bosnia and Herzegovina) and Georgia. In several other countries, such legislation has been proposed in the recent years (e.g. Serbia, Montenegro and Slovakia).

61. Venice Commission (2024), para. 62.

62. For instance, the German AfD installed a web portal for citizens to report on 2025 Bundestag election - https://www.afd.de/wahlbeobachtung/ [in German], accessed on 15 June 2026.

63. One of such organisations is the Commonwealth of Independent States (CIS) which has observed elections in Kyrgyzstan, Belarus, Serbia, and Azerbaijan in the period 2007–2024. See: Pollak, M. (2025). Mimicking Election Observation: The Politics Of Parallel Election Monitoring. *Election Law Journal: Rules, Politics, and Policy*, *24*(2), 172-196. See also: Bush, S.S., Cottiero, C. & Prather, L. (2025), “Zombies ahead: Explaining the rise of low-quality election monitoring”, *Rev Int Organ* 20, 261–291, who find examples in Azerbaijan, Ukraine, Moldova and Georgia. In Serbia, media reported on accreditation of observers from groups from the United States to observe the local elections in ten municipalities in March 2026. See Balkan Insight, “Serbian Pro-Govt ‘NGO’ Enlists Right-Wing MAGA Groups to Observe Elections”, 27 March 2026. The European Platform for Democratic Elections (EPDE) developed a database of fake observers (https://www.fakeobservers.org/fake-election-observers.html). See also: EPDE (2025), Undermining Institutions: How the Kremlin Involves International Election Management Bodies in Fake Observation Activities.

64. See PACE, Report of the Independent Investigation Body on the allegations of corruption within the Parliamentary Assembly, 15 April 2018.

65. Congress, CPL(2022)42-02, Report on local elections in Georgia (2 October 2021), 23 March 2022, para. 57.

66. ODIHR (2022), Georgia, Local Elections, 2 and 30 October 2021: Final Report, 8 April 2022, p. 26. ODIHR found that in order to ”protect the role of citizen observers and prevent their misuse, political parties should refrain from artificially increasing their presence in polling stations by abusing the framework for election observation.” Similarly, in its observation of local elections in Ukraine in 2020, ODIHR found that “political parties and candidates should respect a clear separation of partisan and non-partisan election observation” and the Central Election Commission “should consider introducing a mechanism to prevent the misuse of citizen observation by political actors”. See: ODIHR (2021), Ukraine, Local Elections, 25 October 2020: Final Report, 29 January 2021, p. 32. The Congress echoed such fears. Congress, Local elections in Ukraine (25 October 2020), 24 November 2020.

ground the proliferation of pseudo-observers" in Serbia in the course of the partial local elections in 2026.[67]

47. Accreditation of fake or pseudo-observers, both domestic and international, can be a result of an enabling legislative framework, which is too general or vague in terms of criteria for accreditation, but also of abuse of the legislative framework or its insufficiently rigorous application by the election administration. Election observation can also be conducted by organisations and/or parties without a strong election observation methodology, which imitate credible election observation missions.[68] The role of election management bodies, as accrediting institutions, is central, as they can define the minimum standards for accreditation (e.g. methodology, track record). A precise legal framework is therefore even more important, to prevent abuses.

V. FACILITATING ELECTION OBSERVATION OF LOCAL AND REGIONAL ELECTIONS

48. Overall, the Congress has noted in past observation missions that legal frameworks which encompass and regulate scope, accreditation and protection of observers are best suited to provide for meaningful observations. The essence of election observation is, as the Venice Commission puts it, in the "mere presence" of observers.[69] The presence should, however, span the whole electoral process, as well as the environment in which it develops, in order to "make it possible to determine whether irregularities occurred before, during or after the elections".[70]

49. Looking into election observation methodologies, all aspects of the election process to be observed can be grouped in three phases: the pre-election period, the very election day, and the post-election period, which are assessed against the backdrop of international standards, national legislation and previous recommendations. During the period running up to elections, observation should also be allowed to cover assessment of the legal framework, the structure and performance of electoral administration, voter information and education, system and accuracy of voter registration, candidate registration,[71] election campaign (both online and offline campaigns), media environment, participation of specific groups in elections (e.g. national minorities, women, young people, persons with disabilities etc.), the use of new technologies in elections.

50. Furthermore, in order to provide independent and effective observation, observers need full, timely and unhindered access to the electoral process. If possible, observers should be welcomed on the whole territory of the country, to define their own deployment plans and choose the areas and concrete polling stations they want to visit and observe. This may be a challenge in conflict and post-conflict environments. Observers should also be able to have access to all persons concerned with the electoral process.[72] Observers, especially domestic observers, should also have the right to attend meetings of electoral administration and if possible, meetings should be livestreamed online.[73]

51. Naturally, in terms of obligations, observers must adhere to the legal framework of the country holding local and regional elections, and to the principles of impartiality and non-interference. They can be asked to sign a code of conduct. They must abstain from obstructing and interfering with any aspect of elections and remain impartial, which includes refraining from engaging in any political or partisan activities, as well as express support to any party or candidate.

67. The observers noted that in the ten Serbian municipalities in which election were held, around 6500 individuals were accredited as observers, "many of them from organisations with no-track record or methodology and some not displaying accreditation and at times exercising varying and excessive degrees of influence." See: Elections in 10 municipalities of Serbia: violence-free elections and even playing field are essential to build trust, Congress observers say, 30 March 2026
68. See: Taz, "The AfD confuses election observation with control", 21 February 2025 (in German).
69. Venice Commission (2024), para. 27.
70. Code of Good Practice on Electoral Matters (Section II.3.2, points a. and b.) recommends that all observers be given "the widest possible opportunity to participate in an election observation exercise", specifically mentioning the registration period of candidates and electors and election campaign, besides the election day. Also, it stresses that vote counting must always be open for observation.
71. For instance, in 2023, OSCE/ODIHR recommended Montenegro to provide observers with the opportunity to observe all aspects of the electoral process, including the process of verification of voters' signatures for the nomination of candidates, with due consideration for personal data protection.
72. Venice Commission (2024), para. 93.
73. E.g. in 2024 ODIHR recommended Azerbaijan to consider removing restrictions on the possibility for citizen groups to attend commission meetings and observe the work of the election commissions before election day.

52. As recognised human rights defenders, observers should enjoy a level of protection, but it has been noted that this does not include all rights that human rights defenders enjoy. Also, some distinction in respect of different types of observers (international and domestic and partisan and non-partisan observers) has been seen as justified, but their rights should remain as similar as possible.[74]

53. In some Council of Europe member States, legislation generally states that observers are entitled to observe all stages of the electoral process, while in others there is an exhaustive list of rights and duties for observers.[75] Legislation can also identify specific aspects of the process which are open to observation (e.g. printing of the ballots,[76] viewing the voter register[77]).

54. On the other hand, reasonable restrictions may apply, such as protection of privacy, secrecy of the vote, prevention of foreign influence or cyberattacks.[78] Based on the experience of local election observation, the Congress has recognised a need for a shift from traditional monitoring of polling stations to addressing more complex issues, like foreign threats in local and regional elections, such as disinformation, illicit campaign financing and cyber-attacks.[79] Observers should therefore be able to access information on these matters or meet relevant interlocutors.

55. Regarding accreditation, when legislation to allow the presence of observers is in place, most countries also adopt rules concerning the accreditation of observers, which should be handled in a non-discriminatory, transparent and timely manner and the accreditation procedure, as well as a possibility to appeal the decision on refusal of accreditation.[80] Most laws do not contain very detailed provisions on accreditation and are complemented by by-laws or regulation. Some simply envisage the accreditation authority, without detailing the criteria or the procedure for accreditation.[81] The Congress is also particularly aware of cumbersome accreditation requirements which can prevent the deployment of meaningful election observation. Accreditation procedures should not be misused to exclude observers or obstruct and delay their work.

56. Accreditation should be issued by a legally designated authority, most often the competent electoral commission. In rare cases, another authority is competent for this.[82] Some laws envisage different procedures for international observers or that they apply for accreditation through the ministry of foreign affairs.[83] In the case of local elections, this can either be the central electoral commission[84] or, in the case of decentralised electoral administration, local electoral commissions.[85] Decentralised accreditation can discourage and hamper observation missions if they plan to observe simultaneous local elections in a number of municipalities. For international observers this can pose an excessive administrative burden since they are located outside the country, and procedures may vary from one municipality to the next. However, there are examples of laws containing enabling provisions for such cases, where accreditation can also be granted centrally.[86]

57. Conditions for a domestic organisation can also include registration by competent authority (in case of domestic non-governmental organisation) or registration during a period prior to elections (usually one year prior to elections[87]), as well as declared statutory purpose related to elections and/or human

74. See: Venice Commission (2024), paras. 84 and 86.
75. E.g. Article 7 of the Albanian Electoral Code. Similarly, Articles 122 and 123 of the Croatian Law on local elections which lists the rights and duties of observers in the polling stations and electoral commissions.
76. E.g. Article 48 of the Serbian Law on election of members or parliament which applies to all elections, including municipal and provincial, provides that representatives of electoral lists and domestic and international observers have the right to attend the printing, counting and packing of ballots and their transportation to electoral commission and polling stations prior to and after voting.
77. E.g. Article 21 of the Montenegrin Law on the Voters List, observers have the right to view the voter register online prior to the election day and suggest corrections.
78. See: Venice Commission (2024), para. 92.
79. CG(2025)48-10, Foreign interference in electoral processes at local and regional levels, 26 March 2025.
80. E.g. Albania.
81. E.g. Italy.
82. E.g. in Finland, this is the Ministry of Justice. See: Vaalit Val, Election Observation, accessed on 15 June 2026.
83. This is the case in Montenegro (see Articles 111b of the Montenegrin electoral law).
84. E.g. Albania, Armenia, Moldova, Montenegro. The Albanian Central Electoral Commission can delegate accreditation to deconcentrated Commissions of Electoral Administration Zones.
85. E.g. Bosnia and Herzegovina, Serbia, Slovenia.
86. E.g. Georgian law envisages that provided they intend to observe in more than one district, citizen observer organisations are registered by the Central Election Commission, while in the other cases they need to submit their registration documents to respective district commissions.
87. E.g. Georgia.

rights protection.[88] Individual observers have to fulfil conditions relating to citizenship or voting rights in the case of individual domestic observers. For instance, in case of municipal elections, some laws demand that the observer is eligible to vote in that municipality,[89] while others do not contain that condition, thus allowing domestic observers to come from other municipalities.[90] Finally, laws often envisage incompatibility criteria for observers, primarily that they cannot be candidates in the current elections, or public officials.[91] When it comes to international observers, laws usually do not envisage specific conditions for individuals composing observation delegations.[92] Deadlines for applying for accreditation can vary from 15 to 5 days prior to elections,[93] for domestic observers, but are often shorter for international observers.[94]

58. Accredited observers can be issued identification cards which they are obliged to wear in a visible place. Laws can also limit the number of observers from the same organisation which can be present at each polling station – usually to one person in case of domestic observers[95] and if such a limitation exists for international observers, it is usually two persons (and their language assistant) at a time.

VI. CONCLUSIONS

59. Although election observation, by both domestic and international observers, has become more widely accepted, a significant number of member States continue to lack adequate structures and legislation applicable to election observation, including for subnational elections. This gap persists despite long-standing international commitments supporting broad election observation and growing challenges to democratic processes across Europe. The Congress believes that the evolving political landscape demands renewed and more proactive commitment to reinforce election observation at all levels of government and legal protections around it.

60. Countries that have experienced significant electoral challenges, or political upheaval have tended to adopt more robust legal frameworks, often supported by strong civil society networks and coalitions, capable of regularly deploying observers. For others, the Congress recommends guaranteeing or adopting new provisions related to the status of national and international observers.

61. Observers must have unrestricted access to all stages and elements of the electoral process, including new elements such as digital voting and steps taken to attenuate emerging risks like disinformation or cyber-attacks. Nonetheless, inconsistencies in the application of observation rights are evident in practice, with some countries imposing administrative obstacles, selective accreditation, or even fostering environments of intimidation and funding restrictions that threaten the sustainability and safety of election observation missions. As observers are required to conduct increasingly complex tasks, notably in the field of new technologies, AI and political finance, such restrictions can de facto limit their ability to meaningfully observe elections.

62. To address these challenges, the Congress endorses the 2026 Paris Call to Action and recommend reviewing and adapting election observation frameworks for local and regional elections, ensuring a clear legal status and rights for observers, facilitating their access and accreditation in a timely and transparent manner, and protecting their security and independence. The Congress also believes more could be done to underline the importance of election observation in safeguarding democratic processes and human rights. Member States are also encouraged to systematically invite the Congress to observe all relevant elections in a timely manner.

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88. E.g. Armenia, Georgia, Serbia.
89. E.g. Slovenia.
90. E.g. Serbia.
91. Georgian law provides that the status of domestic observers is not compatible with the position of public official, member of a political party, of a municipal council, mayor and deputy mayor, judge, public servant at the Ministries of Defence and Internal Affairs or within the system of the Ministry of Justice, election official or representative of the press. An observer cannot represent more than one organisation.
92. However, in February 2026, Georgian Parliament introduced amendment to the Election Code requiring international observers to be foreign citizens and their interpreters to undergo special registration. See: Civil Georgia (2026), Bill Introduced Requiring International Election Observers in Georgia to Be Foreign Citizens.
93. In Slovenia, for instance, the deadline is five days prior to elections.
94. According to Article 6 of the Albanian law, requests for accreditation of domestic observers are to be submitted to the Central Election Commission no later than 15 days prior to elections and the commission approves them 5 days from submission at the latest. For international observers the deadline is 72 hours, and request are handled within 24 hours.
95. E.g. Poland.