

CONGRESS GUIDE

on observation of local and regional elections

The Council of Europe is the continent's leading human rights organisation. It includes 47 member states, 28 of which are members of the European Union. **The Congress of Local and Regional Authorities** is an institution of the Council of Europe, responsible for strengthening local and regional democracy in its 47 member states. Composed of two chambers – the Chamber of Local Authorities and the Chamber of Regions – and three Committees, it comprises 648 elected representatives representing more than 200,000 local and regional authorities.

The Congress aims at strengthening democracy and self-government at the local and regional level. Key instruments are the monitoring of the European Charter of Local Self-Government and the observation of local and regional elections.

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**Congress of Local and Regional Authorities
of the Council of Europe**

The Congress

Le Congrès

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Dear Member,

welcome to the Congress' election observation team!

As guardian of local and regional democracy in Europe, the Congress has been mandated by the Committee of Ministers of the Council of Europe to observe elections at the grassroots' level and to prepare reports to this Committee. Through its observation missions, the Congress contributes to better electoral processes based on recognised international standards and, more generally, to increased democratic stability in Europe. Our findings and proposals also feed into co-operation activities of the Council of Europe implemented by Congress members and the Secretariat.

Over the last 15 years, some 100 election observation missions have been organised on a peer-to-peer basis, involving elected local and regional representatives from the 47 Council of Europe member States. In the field, the Congress works closely with other international observers, notably OSCE-ODIHR and invites the EU Committee of the Regions to participate in its missions. With regard to electoral

laws and standards, consistent co-operation has been established with the Council for Democratic Elections of the Venice Commission.

Aiming at further consolidating its rules and practices, the Congress has widened the scope of its country-specific activities and now examines the whole election environment including the political situation, the legal framework, campaign financing and the role of the media. Apart from that, recurring transversal issues have been identified related to problem areas such as voters' lists, voting rights at local and regional level, electoral fraud and misuse of administrative resources during campaigns.

The reports adopted at Congress' sessions reflect the key findings of Congress' delegations based on in-depth briefings prior to the Election Day and concrete observations in the field. In order to actively contribute to such missions, Congress' members can benefit from pertinent experiences made in their home countries – often as chairpersons or members of election commissions –, specific skills acquired at electoral training sessions and information materials provided by the Congress.

The present “Guide on observation of local and regional elections” provides a compilation of Congress' reference texts and rules as well as key documents from other institutions such as the “UN Declaration of Principles for International Election Observation” and the Venice Commission's “Code of Good Practice in Electoral Matters”.

It contains also practical advice and recommendations which will help you to be a well-prepared member of the Congress' election observation team in order to successfully accomplish your mission.



Andreas Kiefer

Secretary General

*of the Congress of Local and Regional Authorities
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*Please also pay attention to document GR-DEM(2015)21
of the Committee of Ministers of the Council of Europe
on the activities of different Council of Europe actors
in the field of elections.*

Available through this QR-code:



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Why does the Congress observe local and regional elections

The rights of citizens to vote – and to be elected – at periodic, genuine democratic elections are internationally recognised human rights. Genuine democratic elections cannot be achieved unless a wide range of other human rights and fundamental freedoms can be exercised without discrimination. They serve to resolve peacefully the competition for political power within a country. They are part of a process to establish democratic governance. Like other human rights and like democracy in general, they cannot be achieved without the protection of the rule of law.

Election observation – as a matter of concern for international organisations – has become widely accepted and plays an important role in providing accurate and impartial assessments about the nature of electoral processes. It has the potential to enhance the integrity of electoral processes, by deterring and exposing irregularities and fraud and by providing recommendations for improving processes. It can promote public confidence, promote electoral participation and mitigate the potential for election-related conflict. It also serves to enhance international understanding through the sharing of experiences and information about democratic development.

The practice of observing elections in the Council of Europe began after the fall of the Berlin Wall in 1989, as part of the application process of a number of new democracies. With the objective of supplementing the work done by the Parliamentary Assembly regarding national and presidential elections, the Congress – as guardian of territorial democracy – was charged with observing local and regional elections. Since 1990 the Congress has carried out more than 100 election observation missions in Europe and, occasionally, beyond.

In order to make an accurate assessment of the conduct of elections, it is not enough to evaluate the organisational framework. Therefore, the Congress examines the whole election environment including elements which are key for the functioning of democracy and for genuinely democratic elections, notably: the political landscape of the country,

the legal framework, the administrative structure, the role of the media, the financing of the political parties and of the election campaign, the election campaign, the post-election situation including follow-up of complaints and appeals and other elements of possible relevance for the elections.

How to observe elections – the dos and don'ts

1 Prepare yourself properly

Sign the Congress's Declaration of Principle and attend the required training sessions, in particular during Congress' Sessions. Read the background materials including previous reports, history and information about the political system and become familiar with the legal framework for elections. Stay abreast of the current political context.

2 Follow the instructions

Fully dedicate yourself to the observation mission, follow the instructions of the Congress delegation's

leadership (Head of delegation/Rapporteur), abide by the Code of Good Practice in Electoral Matters and attend the required briefings and debriefings.

3 Be an active member of the delegation

Contribute to the meetings with the Congress's interlocutors prior to Election Day (state/ government/ electoral officials, diplomats, representatives of parties, media, NGOs and other experts).

4 Remain impartial

Maintain strict political impartiality at all times (to avoid expressing or showing any bias or preference in relation to national authorities, political parties, candidates, issues etc.).

5 Show respect

Respect the sovereignty of the host country, and the human rights and fundamental freedoms of its people, as well as its laws, and follow lawful instructions from the country's governmental, security or electoral authorities.

6 Gather information

Note if laws, regulations and actions of state / governmental / electoral officials unduly burden or obstruct the conduct of the elections. If necessary, ask questions of officials without obstructing the election process.

7 Fill-in the forms

Keep a well-documented record of the observation by using, in particular, the Congress questionnaire (or the forms provided by partner institutions) and the Election Evaluation Guide provided by the Council of Europe's Venice Commission.

8 Form a comprehensive opinion

Be aware that conclusions following election observation should be comprehensive, noting positive and negative factors, and distinguishing between significant and insignificant factors.

9 Act jointly

Co-operate with other international election observers, notably with OSCE/ODIHR. Be aware that English is the de facto working language of OSCE/ODIHR election observation missions.

10 Give feedback for the report

Contribute to the finalisation of the written report, read the draft report and give feedback to the Congress delegation's leadership (rapporteur) and participate actively in the debate for the adoption of the report at the Congress Session.

11 Avoid conflicts of interest

Avoid conflicts between any actual or potential financial or any other interests, on a professional, personal or family level, in connection with the country concerned by an election observation mission. If you are unable to avoid this, inform the Congress Secretariat.

12 Don't accept inappropriate gifts

If you have accepted any gifts or similar benefits of a value in excess of 100 euros in the last 24 months from the authorities of the country concerned, inform the Congress Secretariat. Avoid any situation that could appear to be a conflict of interest or receiving an inappropriate payment or gift during a mission.

13 Do not show any preference

During meetings with the Congress's interlocutors prior to and on Election Day, avoid expressing or showing any bias or preference in relation to national authorities, political parties, candidates, issues etc.

14 Do not interfere in electoral processes

Avoid obstructing the election process; do not intervene or give instructions to election officials, political party representatives or other observers. Instead, you may raise the awareness of election officials of significant problems, irregularities, fraud etc. and you should note them down.

15 Avoid spontaneous media statements and contradictions

Refrain from making statements / declarations to the media, via social networks or in public, on conclusions drawn from the observation before the final mission statement. Clarify possible requests from the media with the Congress delegation's leadership. Avoid contradiction or conflict of statements / declarations compared to the overall final assessment of the elections.

Rules and Procedures of the Congress

The Congress is regulated by a Statutory Resolution (adopted by the Committee of Ministers under the terms of Articles 15.a and 16 of the Statute of the Council of Europe) and by its own terms of reference which provide for its practical functioning. The present rules are extracts of the “Rules and Procedures” adopted by the Congress at its 29th Session on 22 October 2015. They relate, in principle, to the basics of election observation missions, the post-electoral dialogue and the composition of respective Congress’ delegations.

General provisions

Following an invitation by the authorities of a country to observe local and/or regional elections, the Congress

Forming delegations, observing and reporting

Bureau decides on the acceptance of the invitation and on the scale of the operation (electoral assessment mission, pre-election mission, observation mission). The Congress is free to emphasise the different steps. In the absence of a Bureau meeting, the Congress President takes the necessary decision, after consultation with the Presidents of the Chambers.

The Congress may also decide not to deploy an observation mission following an invitation, if the latter arrives too late to ensure a meaningful observation process. An official invitation should be received by the Congress at the latest 60 days prior to the Election Day.

The Bureau of the Congress may also decide to send a letter, expressing interest in observing local or regional elections, to the authorities of the country in which such a vote is scheduled, in particular in countries where the monitoring process revealed shortcomings and/or issues of concern with regard to local and regional democracy, as well as, on the contrary, cases of innovation or good practice.

A draft observation programme will be drawn up by the Congress Secretariat. The Permanent Representative of the country concerned, the Head and the Secretary of the national delegation to the Congress will be duly informed.

The Congress Secretariat must ensure that high-quality information is provided to the members of the election observation delegation.

The Congress' Secretariat sends a call for interest, including a link to the electronic application form, to the e-mail addresses of all Congress' members. To help focus their attention on this invitation, Heads of national delegations and Secretaries receive a copy. Any Congress members who express their interest in taking part in the mission and send back the form by a given deadline will be considered. Candidatures from members of national associations whose associations agree to cover their costs shall also be taken into consideration. In the same way as it strengthened its co-operation with national associations, the Congress may invite the European Union's Committee of the Regions to join the Congress delegation on its observation missions.

Based on candidatures received within the given deadline, the Secretary General of the Congress will propose a draft delegation, including the delegation's leadership, normally involving between 5 and 20 members.

The composition of delegations is determined according to an appointment system taking into account a balanced representation of the different political groups of the Congress, gender balance and a fair geographical representation and also taking into account the chronological order of candidacies put forward by Congress members.

A delegation comprises the Congress members as described above and one or more members of the Congress Secretariat as well as a consultant in electoral matters, when appropriate. The delegation is generally accompanied by interpreters to facilitate communication between speakers of the language of the country in question and the delegation, whose working language is English and French.

The delegation shall be strictly limited to the aforementioned participants and delegation members must not be accompanied by assistants or other persons whose participation is not explicitly provided for in the Congress' Rules and Procedures.

In order to ensure a meaningful participation in the work of the mission, the candidate's language skills (in at least one of the official languages of the Council of Europe) will be taken into consideration. In addition, experience in election observation and participation in training sessions are amongst the criteria.

Adequate language skills (in at least one of the two official languages of the Council of Europe), conversation techniques and capacities in political dialogue, as well as experience in election observation and monitoring activities and participation in training sessions of the Congress, are criteria for the appointment of the Head/Rapporteur of the delegation.

Observation delegations should not include Congress members from the country in which the elections are going

to be monitored and from countries with special relations with the respective country.

Members taking part in a pre-election visit are expected to also be available for the election observation mission itself.

The Rapporteurs of the Monitoring Committee for the country where elections are monitored shall be ex officio members of the election observation delegation, but shall not have the right to act as Head/Rapporteur of the election observation delegation.

On the basis of the proposal provided by the Congress Secretary General, the Bureau will decide on the membership of the delegation, including the Head of delegation and Rapporteur (both functions can be carried out by the same person), in accordance with the aforementioned principles. In the absence of a Bureau meeting, the President of the Congress, in consultation with the Presidents of the Chambers, will take the necessary decisions.

In order to inform the media about the preliminary conclusions of the Congress election observation delegation, a press conference – chaired by the Head of the delegation – will be held the day following the Election Day. Members of a Congress election observation delegation are expected to be present at this press conference.

If the Congress is not the only international institution to observe local or regional elections in the respective country, an IEOM (international election observation mission) may

be formed together with such institutions, notably with the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR). This implies – according to standard procedure – a joint press conference on the day following the Election Day and a joint preliminary statement. However, if, after an election, a joint final assessment cannot be agreed on by the IEOM, the Congress reserves itself the right to hold – if necessary – its own press conference, making public its own assessment.

If a joint IEOM is formed together with other international organisations, all related activities (press conferences, drafting of media releases or political statements) have to be carried out in compliance with Congress requirements (the corporate identity of the Congress mission has to be retained, the specific role and profile of Congress observers should be highlighted, the scale of Congress operations must not be reduced and political messages by the Congress must not be distorted).

The Report will be drawn up by the Rapporteur with the assistance of the Congress Secretariat and the consultant in electoral matters, when appropriate. It should reflect the opinion of the members of the entire delegation. The Report must be comprehensive, noting positive and negative factors, distinguishing between significant and insignificant factors. It should identify patterns that could have an impact on the integrity of the election process and on the authenticity of the vote.

The Report must also take account of Resolutions/ Recommendations previously adopted by the Congress, including those arising from the monitoring of the country concerned, as well as relevant opinions and recommendations from other Council of Europe bodies and international organisations and institutions.

The post-electoral dialogue

The importance of election observation at local and regional level and its complementarity to the political monitoring process of the European Charter of Local Self-Government has been broadly acknowledged within the Council of Europe. In order to ensure coherence and effectiveness of these tools and the implementation of recommendations emerging from its election observation missions, the Congress has introduced the post-election observation dialogue. This procedure may be put into place at the joint request of the Congress and the national authorities to which the Committee of Ministers addressed a Congress recommendation on observation of local/ regional elections as well as of central election commissions and/or other national authorities in charge of electoral management and/or representatives of political forces and/or national associations of local and regional authorities. The Permanent Representative of the country concerned, the Head and the Secretary of the national

delegation to the Congress will be duly informed of the post-electoral dialogue process. It comprises the following steps:

- a. a presentation of the Congress' Recommendation to the relevant national authorities, notably central election commissions and/or other national authorities in charge of electoral management;
- b. an exchange of views with the relevant national authorities, notably central election commissions and/or other national authorities in charge of electoral management, as well as other competent stakeholders;
- c. the drawing-up of an implementation timetable by the Congress delegation in co-operation with the relevant national authorities, notably central election commissions and/or other relevant authorities in charge of electoral management, as well as other competent stakeholders, in order to put the recommendations agreed on as priorities into practice;
- d. on the basis of this implementation timetable, if appropriate, an action plan or co-operation programme will be developed in association with other relevant departments of the Council of Europe.

The composition of a post-electoral delegation

The delegation may comprise the Head of delegation/ Rapporteur – or in case of non-availability of the above-mentioned person(s) – any member of the Congress election observation mission as well as the Rapporteurs of the Monitoring Committee in charge of the respective country. If appropriate, the post-electoral delegation will be accompanied by a Congress' Thematic Spokesperson on observation of local and regional elections and/or a consultant in electoral matters.

Transversal issues of Congress' election observations

Transversal issues arise from irregularities and relevant circumstances noted during Congress' election observation missions. The Congress regularly reports on such transversal issues in the perspective of local and regional elections and adopts recommendation to its member states.

The document reproduced below is a recommendation on voters residing de facto abroad, adopted by the Congress at its 28th Session on 24 March 2015. Voters who remain on electoral lists although they de facto reside abroad are of specific interest for the observation of local and regional elections and pose challenges to effective electoral management, the integrity of the electoral process and the prevention of fraud.

Electoral lists and voters residing de facto abroad (Recommendation 369(2015))

1. The right of citizens to free elections by secret ballot is an internationally recognised human right enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms. Universal suffrage is a pillar of international law in this respect, and contained in relevant international standards.
2. Notwithstanding that universal suffrage is a ruling principle of free and fair elections established by international treaties and standards, the right to vote may be subject to a number of conditions which should be reasonable and provided by law. The most usual exceptions are age and nationality. The right to vote may also be subject to residence requirements. With regard to local and regional elections, the residence requirements are not incompatible – a priori – with the principle of universal suffrage.
3. Without prejudice to existing regulations in different countries with regard to voters who move abroad, there is agreement among international actors in the field of election observation that voters on electoral lists who de facto reside abroad have become

increasingly relevant in a wide range of states. There is also understanding that the quality of electoral lists is the underlying issue and that accurate and up-dated voters' lists are essential to ensure fair and genuinely democratic elections.

4. Voters who remain on electoral lists although they do de facto reside abroad were identified as problematic with regard to the effective electoral management, the integrity and transparency of electoral processes and the prevention of fraud or manipulation during Congress' missions.
5. The Congress therefore, bearing in mind:
 - a. the Universal Declaration of Human Rights and the United Nations International Covenant on Civil and Political Rights;
 - b. the Convention for the Protection of Human Rights and Fundamental Freedoms, also referred to as the European Convention on Human rights (ETS No. 5);
 - c. 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;
 - d. the Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, adopted by the Council of Europe Committee of Ministers, defining

observation of local and/or regional elections and presenting reports to the Committee of Ministers as one of the priorities of Congress action;

- e. the Code of Good Practice in Electoral Matters (2002) of the European Commission for Democracy through Law of the Council of Europe (Venice Commission), and its Declaration of Principles for International Election Observation (2004);
- f. its Recommendation 124 (2003) on the Code of Good Practice in Electoral Matters;
- g. its Resolution 233 (2007) on the observation of elections – co-operation between the Congress and national associations of local and regional authorities;
- h. its Resolution 274 (2008) on Congress policy in observing local and regional elections;
- i. its Resolution 306(2010)REV on Observation of local and regional elections – strategy and rules of the Congress,

- 6. The Congress underlines that the state and conditions of electoral processes at the local and regional level are assessed by local and regional elected political representatives of the 47 Council of Europe member States on a peer-to-peer basis, in order to contribute to the legitimacy and credibility of electoral processes at local and regional level.

- 7. The Congress recommends that the Committee of Ministers invite the governments of member states to ensure that:

- a. the right of nationals to participate, as voters or candidates, in the election of members of the council or assembly of the local authority in which they reside is recognised by law and as a minimum requirement;
- b. the right of other persons to so participate, in accordance with the respective constitutional order and international legal obligations, is implemented with the necessary safeguards, so that effective electoral management, the integrity and transparency of electoral processes and the prevention of fraud or manipulation during local and regional elections are guaranteed.

- 8. In addition, the Congress recommends further ratifications of the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority and the Convention on the Participation of Foreigners in Public Life at Local Level be taken into consideration by member States.

International reference texts

a Council of Europe -
European Commission for Democracy
through Law (Venice Commission)
**Code of Good Practice in
Electoral Matters**

*Guidelines adopted by the Venice Commission at its 52nd
Session (Venice, 18-19 October 2002)*

I Principles of Europe's electoral heritage

The five principles underlying Europe's electoral heritage are universal, equal, free, secret and direct suffrage. Furthermore, elections must be held at regular intervals.

1. Universal suffrage

1.1. Rule and exceptions

Universal suffrage means in principle that all human beings have the right to vote and to stand for election. This right may, however, and indeed should, be subject to certain conditions:

a. Age:

- i. the right to vote and to be elected must be subject to a minimum age;
- ii. the right to vote must be acquired, at the latest, at the age of majority;
- iii. the right to stand for election should preferably be acquired at the same age as the right to vote and in any case not later than the age of 25, except where there are specific qualifying ages for certain offices (e.g. member of the upper house of parliament, Head of State).

b. Nationality:

- i. a nationality requirement may apply;
- ii. however, it would be advisable for foreigners to be allowed to vote in local elections after a certain period of residence.

c. Residence:

- i. a residence requirement may be imposed;
- ii. residence in this case means habitual residence;
- iii. a length of residence requirement may be imposed on nationals solely for local or regional elections;
- iv. the requisite period of residence should not exceed six months; a longer period may be required only to protect national minorities;
- v. the right to vote and to be elected may be accorded to citizens residing abroad.

d. Deprivation of the right to vote and to be elected:

- i. provision may be made for depriving individuals of their right to vote and to be elected, but only subject to the following cumulative conditions:
- ii. it must be provided for by law;
- iii. the proportionality principle must be observed; conditions for depriving individuals of the right to stand for election may be less strict than for disenfranchising them;
- iv. The deprivation must be based on mental incapacity or a criminal conviction for a serious offence.

- v. Furthermore, the withdrawal of political rights or finding of mental incapacity may only be imposed by express decision of a court of law.

1.2. Electoral registers

Fulfilment of the following criteria is essential if electoral registers are to be reliable:

- i. electoral registers must be permanent;
- ii. there must be regular up-dates, at least once a year. Where voters are not registered automatically, registration must be possible over a relatively long period;
- iii. electoral registers must be published;
- iv. there should be an administrative procedure – subject to judicial control – or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day;
- v. a similar procedure should allow voters to have incorrect inscriptions amended;
- vi. a supplementary register may be a means of giving the vote to persons who have moved or reached statutory voting age since final publication of the register.

1.3. Submission of candidatures

- i. The presentation of individual candidates or lists of candidates may be made conditional on the collection of a minimum number of signatures;
- ii. The law should not require collection of the signatures of more than 1% of voters in the constituency concerned;
- iii. Checking of signatures must be governed by clear rules, particularly concerning deadlines;
- iv. The checking process must in principle cover all signatures; however, once it has been established beyond doubt that the requisite number of signatures has been collected, the remaining signatures need not be checked;
- v. Validation of signatures must be completed by the start of the election campaign;
- vi. If a deposit is required, it must be refundable should the candidate or party exceed a certain score; the sum and the score requested should not be excessive.

2. Equal suffrage

This entails:

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 evenly distributed between the constituencies.

- i. This must at least apply to elections to lower houses of parliament and regional and local elections:
- ii. It entails a clear and balanced distribution of seats among constituencies on the basis of one of the following allocation criteria: population, number of resident nationals (including minors), number of registered voters, and possibly the number of people actually voting. An appropriate combination of these criteria may be envisaged.
- iii. The geographical criterion and administrative, or possibly even historical, boundaries may be taken into consideration.
- iv. The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity).

- v. In order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods.
- vi. With multi-member constituencies, seats should preferably be redistributed without redefining constituency boundaries, which should, where possible, coincide with administrative boundaries.
- vii. When constituency boundaries are redefined – which they must be in a single-member system – it must be done:
 - impartially;
 - without detriment to national minorities;
 - taking account of the opinion of a committee, the majority of whose members are independent; this committee should preferably include a geographer, a sociologist and a balanced representation of the parties and, if necessary, representatives of national minorities.

2.3. Equality of opportunity

- aa. Equality of opportunity must be guaranteed for parties and candidates alike. This entails a neutral attitude by state authorities, in particular with regard to:
 - i. the election campaign;
 - ii. coverage by the media, in particular by the publicly owned media;
 - iii. public funding of parties and campaigns.

- bb.** Depending on the subject matter, equality may be strict or proportional. If it is strict, political parties are treated on an equal footing irrespective of their current parliamentary strength or support among the electorate. If it is proportional, political parties must be treated according to the results achieved in the elections. Equality of opportunity applies in particular to radio and television air-time, public funds and other forms of backing.
- cc.** In conformity with freedom of expression, legal provision should be made to ensure that there is a minimum access to privately owned audiovisual media, with regard to the election campaign and to advertising, for all participants in elections.
- dd.** Political party, candidates and election campaign funding must be transparent.
- ee.** The principle of equality of opportunity can, in certain cases, lead to a limitation of political party spending, especially on advertising.

2.4. Equality and national minorities

- aa.** Parties representing national minorities must be permitted.

- bb.** Special rules guaranteeing national minorities reserved seats or providing for exceptions to the normal seat allocation criteria for parties representing national minorities (for instance, exemption from a quorum requirement) do not in principle run counter to equal suffrage.
- cc.** Neither candidates nor voters must find themselves obliged to reveal their membership of a national minority.

2.5. Equality and parity of the sexes

Legal rules requiring a minimum percentage of persons of each gender among candidates should not be considered as contrary to the principle of equal suffrage if they have a constitutional basis.

3. Free suffrage

3.1. Freedom of voters to form an opinion

- a.** State authorities must observe their duty of neutrality. In particular, this concerns:
 - i. media;
 - ii. billposting;
 - iii. the right to demonstrate;
 - iv. funding of parties and candidates.

- b. The public authorities have a number of positive obligations; inter alia, they must:
 - i. submit the candidatures received to the electorate;
 - ii. enable voters to know the lists and candidates standing for election, for example through appropriate posting.
 - iii. The above information must also be available in the languages of the national minorities.
- c. Sanctions must be imposed in the case of breaches of duty of neutrality and voters' freedom to form an opinion.

3.2. Freedom of voters to express their wishes and action to combat electoral fraud

- i. voting procedures must be simple;
- ii. voters should always have the possibility of voting in a polling station. Other means of voting are acceptable under the following conditions:
- iii. postal voting should be allowed only where the postal service is safe and reliable; the right to vote using postal votes may be confined to people who are in hospital or imprisoned or to persons with reduced mobility or to electors residing abroad; fraud and intimidation must not be possible;
- iv. electronic voting should be used only if it is safe and reliable; in particular, voters should be able to obtain a confirmation of their votes and to correct them, if necessary, respecting secret suffrage; the system must be transparent;
- v. very strict rules must apply to voting by proxy; the number of proxies a single voter may hold must be limited;
- vi. mobile ballot boxes should only be allowed under strict conditions, avoiding all risks of fraud;
- vii. at least two criteria should be used to assess the accuracy of the outcome of the ballot: the number of votes cast and the number of voting slips placed in the ballot box;
- viii. voting slips must not be tampered with or marked in any way by polling station officials;
- ix. unused voting slips must never leave the polling station;
- x. polling stations must include representatives of a number of parties, and the presence of observers appointed by the candidates must be permitted during voting and counting;
- xi. military personnel should vote at their place of residence whenever possible. Otherwise, it is advisable that they be registered to vote at the polling station nearest to their duty station;
- xii. counting should preferably take place in polling stations;

- xiii. counting must be transparent. Observers, candidates' representatives and the media must be allowed to be present. These persons must also have access to the records;
- xiv. results must be transmitted to the higher level in an open manner;
- xv. the state must punish any kind of electoral fraud.

4. Secret suffrage

- a. 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.
- b. Voting must be individual. Family voting and any other form of control by one voter over the vote of another must be prohibited.
- c. The list of persons actually voting should not be published.
- d. The violation of secret suffrage should be sanctioned.

5. Direct suffrage

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.

6. Frequency of elections

Elections must be held at regular intervals; a legislative assembly's term of office must not exceed five years.

II. Conditions for implementing these principles

1. Respect for fundamental rights

- a. 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.
- b. Restrictions of these freedoms must have a basis in law, be in the public interest and comply with the principle of proportionality.

2. Regulatory levels and stability of electoral law

- a. Apart from rules on technical matters and detail – which may be included in regulations of the executive –, rules of electoral law must have at least the rank of a statute.
- b. 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.

3. Procedural guarantees

3.1. Organisation of elections by an impartial body

- a. An impartial body must be in charge of applying electoral law.
- b. Where there is no longstanding tradition of administrative authorities' independence from those holding political power, independent, impartial electoral commissions must be set up at all levels, from the national level to polling station level.
- c. The central electoral commission must be permanent in nature.
- d. 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.
- e. 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 (see point I.2.c.bb).
- f. The bodies appointing members of electoral commissions must not be free to dismiss them at will.

- g. Members of electoral commissions must receive standard training.
- h. It is desirable that electoral commissions take decisions by a qualified majority or by consensus.

3.2. Observation of elections

- a. Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise.
- b. Observation must not be confined to the election day itself, but must include the registration period of candidates and, if necessary, of electors, as well as the electoral campaign. It must make it possible to determine whether irregularities occurred before, during or after the elections. It must always be possible during vote counting.
- c. The places where observers are not entitled to be present should be clearly specified by law.
- d. Observation should cover respect by the authorities of their duty of neutrality.

3.3. An effective system of appeal

- a. 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.

- b. The procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals.
- c. The appeal procedure and, in particular, the powers and responsibilities of the various bodies should be clearly regulated by law, so as to avoid conflicts of jurisdiction (whether positive or negative). Neither the appellants nor the authorities should be able to choose the appeal body.
- d. The appeal body must have authority in particular over such matters as the right to vote – including electoral registers – and eligibility, the validity of candidatures, proper observance of election campaign rules and the outcome of the elections.
- e. The appeal body must have authority to annul elections where irregularities may have affected the outcome. It must be possible to annul the entire election or merely the results for one constituency or one polling station. In the event of annulment, a new election must be called in the area concerned.
- f. All candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections.
- g. Time-limits for lodging and deciding appeals must be short (three to five days for each at first instance).

- h. The applicant's right to a hearing involving both parties must be protected.
- i. Where the appeal body is a higher electoral commission, it must be able ex officio to rectify or set aside decisions taken by lower electoral commissions.

4. Electoral system

Within the respect of the above-mentioned principles, any electoral system may be chosen.

b

OSCE 1990 Copenhagen Document

- (1) The participating States express their conviction that the protection and promotion of human rights and fundamental freedoms is one of the basic purposes of government, and reaffirm that the recognition of these rights and freedoms constitutes the foundation of freedom, justice and peace.
- (2) They are determined to support and advance those principles of justice which form the basis of the rule of law. They consider that the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression.
- (3) They reaffirm that democracy is an inherent element of the rule of law. They recognize the importance of pluralism with regard to political organizations.
- (4) They confirm that they will respect each other's right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems. In exercising

this right, they will ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration on Principles and other CSCE commitments.

(5) They solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:

- (5.1) – free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives;
- (5.2) – a form of government that is representative in character, in which the executive is accountable to the elected legislature or the electorate;
- (5.3) – the duty of the government and public authorities to comply with the constitution and to act in a manner consistent with law;
- (5.4) – a clear separation between the State and political parties; in particular, political parties will not be merged with the State;
- (5.5) – the activity of the government and the administration as well as that of the judiciary will be exercised in accordance with the system established by law. Respect for that system must be ensured;

- (5.6) – military forces and the police will be under the control of, and accountable to, the civil authorities;
- (5.7) – human rights and fundamental freedoms will be guaranteed by law and in accordance with their obligations under international law;
- (5.8) – legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone;
- (5.9) – all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground;
- (5.10) – everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity;
- (5.11) – administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available;
- (5.12) – the independence of judges and the impartial operation of the public judicial service will be ensured;
- (5.13) – the independence of legal practitioners will be recognized and protected, in particular as regards conditions for recruitment and practice;

- (5.14) – the rules relating to criminal procedure will contain a clear definition of powers in relation to prosecution and the measures preceding and accompanying prosecution;
- (5.15) – any person arrested or detained on a criminal charge will have the right, so that the lawfulness of his arrest or detention can be decided, to be brought promptly before a judge or other officer authorized by law to exercise this function;
- (5.16) – in the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone will be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;
- (5.17) – any person prosecuted will have the right to defend himself in person or through prompt legal assistance of his own choosing or, if he does not have sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
- (5.18) – no one will be charged with, tried for or convicted of any criminal offence unless the offence is provided for by a law which defines the elements of the offence with clarity and precision;
- (5.19) – everyone will be presumed innocent until proved guilty according to law;
- (5.20) – considering the important contribution of international instruments in the field of human rights to the rule

of law at a national level, the participating States reaffirm that they will consider acceding to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments, if they have not yet done so;

- (5.21) – in order to supplement domestic remedies and better to ensure that the participating States respect the international obligations they have undertaken, the participating States will consider acceding to a regional or global international convention concerning the protection of human rights, such as the European Convention on Human Rights or the Optional Protocol to the International Covenant on Civil and Political Rights, which provide for procedures of individual recourse to international bodies.

- (6)** The participating States declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government. The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes. They recognize their responsibility to defend and protect, in accordance with their laws, their international human rights obligations and their international commitments,

the democratic order freely established through the will of the people against the activities of persons, groups or organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or of that of another participating State.

(7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will

- (7.1) – hold free elections at reasonable intervals, as established by law;
- (7.2) – permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;
- (7.3) – guarantee universal and equal suffrage to adult citizens;
- (7.4) – ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;
- (7.5) – respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;
- (7.6) – respect the right of individuals and groups to establish, in full freedom, their own political parties

or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

- (7.7) – ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;
 - (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;
 - (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 or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.
- (8) The participating States consider that the presence of observers, both foreign and domestic, can enhance

the electoral process for States in which 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. Such observers will undertake not to interfere in the electoral proceedings.

c

United Nations Declaration of Principles for International Election Observation

October 27, 2005, at the United Nations, New York

Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine democratic elections are internationally recognized human rights. Genuine democratic elections serve to resolve peacefully the competition for political power within a country and thus are central to the maintenance of peace and stability. Where governments are legitimized through genuine democratic elections, the scope for non-democratic challenges to power is reduced. Genuine democratic elections are a requisite condition for democratic governance, because they are the vehicle through which the people of a country freely express their will, on a basis established by law, as to who shall have the legitimacy to govern in their name and in their interests. Achieving genuine democratic elections is a part of establishing broader processes and institutions of democratic governance. Therefore, while all election processes should reflect universal principles for genuine democratic elections, no election can be separated from the political,

cultural and historical context in which it takes place. Genuine democratic elections cannot be achieved unless a wide range of other human rights and fundamental freedoms can be exercised on an ongoing basis without discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including among others disabilities, and without arbitrary and unreasonable restrictions. They, like other human rights and democracy more broadly, cannot be achieved without the protections of the rule of law. These precepts are recognized by human rights and other international instruments and by the documents of numerous intergovernmental organisations. Achieving genuine democratic elections therefore has become a matter of concern for international organisations, just as it is the concern of national institutions, political competitors, citizens and their civic organisations. International election observation expresses the interest of the international community in the achievement of democratic elections, as part of democratic development, including respect for human rights and the rule of law. International election observation, which focuses on civil and political rights, is part of international human rights monitoring and must be conducted on the basis of the highest standards for impartiality concerning national political competitors and must be free from any bilateral or multilateral considerations that could conflict with impartiality. It assesses election processes in accordance with international principles for genuine democratic elections and domestic law, while recognising that it is the people of a country who ultimately determine credibility and legitimacy of an election process.

International election observation has the potential to enhance the integrity of election processes, by deterring and exposing irregularities and fraud and by providing recommendations for improving electoral processes. It can promote public confidence, as warranted, promote electoral participation and mitigate the potential for election-related conflict. It also serves to enhance international understanding through the sharing of experiences and information about democratic development.

International election observation has become widely accepted around the world and plays an important role in providing accurate and impartial assessments about the nature of electoral processes. Accurate and impartial international election observation requires credible methodologies and cooperation with national authorities, the national political competitors (political parties, candidates and supporters of positions on referenda), domestic election monitoring organisations and other credible international election observer organisations, among others.

The intergovernmental and international nongovernmental organisations endorsing this Declaration and the accompanying Code of Conduct for International Election Observers therefore have joined to declare:

1. Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic,

genuine democratic elections are internationally recognized human rights. Genuine democratic elections are central for maintaining peace and stability, and they provide the mandate for democratic governance.

2. In accordance with the Universal Declaration of Human Rights, the International Covenant for Civil and Political Rights and other international instruments, everyone has the right and must be provided with the opportunity to participate in the government and public affairs of his or her country, without any discrimination prohibited by international human rights principles and without any unreasonable restrictions. This right can be exercised directly, by participating in referenda, standing for elected office and by other means, or can be exercised through freely chosen representatives.
3. The will of the people of a country is the basis for the authority of government, and that will must be determined through genuine periodic elections, which guarantee the right and opportunity to vote freely and to be elected fairly through universal and equal suffrage by secret balloting or equivalent free voting procedures, the results of which are accurately counted, announced and respected. A significant number of rights and freedoms, processes, laws and institutions are therefore involved in achieving genuine democratic elections.

4. International election observation is: the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment; the impartial and professional analysis of such information; and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis. International election observation should, when possible, offer recommendations for improving the integrity and effectiveness of electoral and related processes, while not interfering in and thus hindering such processes. International election observation missions are: organized efforts of intergovernmental and international nongovernmental organizations and associations to conduct international election observation.
5. International election observation evaluates pre-election, election-day and post-election periods through comprehensive, long-term observation, employing a variety of techniques. As part of these efforts, specialised observation missions may examine limited pre-election or post-election issues and specific processes (such as, delimitation of election districts, voter registration, use of electronic technologies and functioning of electoral complaint mechanisms). Stand-alone, specialized observation missions may also be employed, as long as such

missions make clear public statements that their activities and conclusions are limited in scope and that they draw no conclusions about the overall election process based on such limited activities. All observer missions must make concerted efforts to place the Election Day into its context and not to over-emphasize the importance of election day observations. International election observation examines conditions relating to the right to vote and to be elected, including, among other things, discrimination or other obstacles that hinder participation in electoral processes based on political or other opinion, gender, race, colour, ethnicity, language, religion, national or social origin, property, birth or other status, such as physical disabilities. The findings of international election observation missions provide a factual common point of reference for all persons interested in the elections, including the political competitors. This can be particularly valuable in the context of disputed elections, where impartial and accurate findings can help to mitigate the potential for conflicts.

6. International election observation is conducted for the benefit of the people of the country holding the elections and for the benefit of the international community. It is process oriented, not concerned with any particular electoral result, and is concerned with results only to the degree that they are reported honestly and accurately in a transparent and timely manner. No one should be allowed to be a member

of an international election observer mission unless that person is free from any political, economic or other conflicts of interest that would interfere with conducting observations accurately and impartially and/or drawing conclusions about the character of the election process accurately and impartially. These criteria must be met effectively over extended periods by long-term observers, as well as during the more limited periods of election day observation, each of which periods present specific challenges for independent and impartial analysis. International election observation missions should not accept funding or infrastructural support from the government whose elections are being observed, as it may raise a significant conflict of interest and undermine confidence in the integrity of the mission's findings. International election observation delegations should be prepared to disclose the sources of their funding upon appropriate and reasonable requests.

7. International election observation missions are expected to issue timely, accurate and impartial statements to the public (including providing copies to electoral authorities and other appropriate national entities), presenting their findings, conclusions and any appropriate recommendations they determine could help improve election related processes. Missions should announce publicly their presence in a country, including the mission's mandate, composition and duration, make periodic reports as warranted and

issue a preliminary post- election statement of findings and a final report upon the conclusion of the election process. International election observation missions may also conduct private meetings with those concerned with organizing genuine democratic elections in a country to discuss the mission's findings, conclusions and recommendations. International election observation missions may also report to their respective intergovernmental or international nongovernmental organizations.

8. The organizations that endorse this Declaration and the accompanying Code of Conduct for International Election Observers pledge to cooperate with each other in conducting international election observation missions. International election observation can be conducted, for example, by: individual international election observer missions; ad hoc joint international election observation missions; or coordinated international election observation missions. In all circumstances, the endorsing organizations pledge to work together to maximize the contribution of their international election observation missions.

9. International election observation must be conducted with respect for the sovereignty of the country holding elections and with respect for the human rights of the people of the country. International election observation missions must respect the laws of the host country, as well as national authorities, including

electoral bodies, and act in a manner that is consistent with respecting and promoting human rights and fundamental freedoms.

10. International election observation missions must actively seek cooperation with host country electoral authorities and must not obstruct the election process.

11. A decision by any organization to organize an international election observation mission or to explore the possibility of organizing an observation mission does not imply that the organization necessarily deems the election process in the country holding the elections to be credible. An organisation should not send an international election observation mission to a country under conditions that make it likely that its presence will be interpreted as giving legitimacy to a clearly undemocratic electoral process, and international election observation missions in any such circumstance should make public statements to ensure that their presence does not imply such legitimacy.

12. In order for an international election observation mission to effectively and credibly conduct its work basic conditions must be met. An international election observation mission therefore should not be organized unless the country holding the election takes the following actions:

a. Issues an invitation or otherwise indicates its willingness to accept international election observation

missions in accordance with each organisation's requirements sufficiently in advance of elections to allow analysis of all of the processes that are important to organizing genuine democratic elections;

- b.** Guarantees unimpeded access of the international election observer mission to all stages of the election process and all election technologies, including electronic technologies and the certification processes for electronic voting and other technologies, without requiring election observation missions to enter into confidentiality or other nondisclosure agreements concerning technologies or election processes, and recognises that international election observation missions may not certify technologies as acceptable;
- c.** Guarantees unimpeded access to all persons concerned with election processes, including:
 - i.** i electoral officials at all levels, upon reasonable requests,
 - ii.** ii members of legislative bodies and government and security officials whose functions are relevant to organizing genuine democratic elections,
 - iii.** iii all of the political parties, organizations and persons that have sought to compete in the elections (including those that qualified, those that were disqualified and those that withdrew

from participating) and those that abstained from participating,

- iv.** iv news media personnel, and
- v.** v all organizations and persons that are interested in achieving genuine democratic elections in the country;
- d.** Guarantees freedom of movement around the country for all members of the international election observer mission;
- e.** Guarantees the international election observer mission's freedom to issue without interference public statements and reports concerning its findings and recommendations about election related processes and developments;
- f.** Guarantees that no governmental, security or electoral authority will interfere in the selection of individual observers or other members of the international election observation mission or attempt to limit its numbers;
- g.** Guarantees full, country-wide accreditation (that is, the issuing of any identification or document required to conduct election observation) for all persons selected to be observers or other participants by the international election observation mission as long as the mission complies with clearly defined, reasonable and non-discriminatory requirements for accreditation;

- h. Guarantees that no governmental, security or electoral authority will interfere in the activities of the international election observation mission; and
- i. Guarantees that no governmental authority will pressure, threaten action against or take any reprisal against any national or foreign citizen who works for, assists or provides information to the international election observation mission in accordance with international principles for election observation.

As a prerequisite to organizing an international election observation mission, intergovernmental and international nongovernmental organizations may require that such guarantees are set forth in a memorandum of understanding or similar document agreed upon by governmental and/or electoral authorities. Election observation is a civilian activity, and its utility is questionable in circumstances that present severe security risks, limit safe deployments of observers or otherwise would negate employing credible election observation methodologies.

- 13. International election observation missions should seek and may require acceptance of their presence by all major political competitors.
- 14. Political contestants (parties, candidates and supporters of positions on referenda) have vested interests in the

electoral process through their rights to be elected and to participate directly in government. They therefore should be allowed to monitor all processes related to elections and observe procedures, including among other things the functioning of electronic and other electoral technologies inside polling stations, counting centers and other electoral facilities, as well as the transport of ballots and other sensitive materials.

- 15. International election observation missions should:
 - a. establish communications with all political competitors in the election process, including representatives of political parties and candidates who may have information concerning the integrity of the election process;
 - b. welcome information provided by them concerning the nature of the process;
 - c. independently and impartially evaluate such information; and
 - d. should evaluate as an important aspect of international election observation whether the political contestants are, on a nondiscriminatory basis, afforded access to verify the integrity of all elements and stages of the election process. International election observation missions should in their recommendations, which may be issued in writing or otherwise be presented at various stages of the election process, advocate

for removing any undue restrictions or interference against activities by the political competitors to safeguard the integrity of electoral processes.

16. Citizens have an internationally recognised right to associate and a right to participate in governmental and public affairs in their country. These rights may be exercised through nongovernmental organizations monitoring all processes related to elections and observing procedures, including among other things the functioning of electronic and other electoral technologies inside polling stations, counting centers and other electoral facilities, as well as the transport of ballots and other sensitive materials. International election observation missions should evaluate and report on whether domestic nonpartisan election monitoring and observation organisations are able, on a nondiscriminatory basis, to conduct their activities without undue restrictions or interference. International election observation missions should advocate for the right of citizens to conduct domestic nonpartisan election observation without any undue restrictions or interference and should in their recommendations address removing any such undue restrictions or interference.
17. International election observation missions should identify, establish regular communications with and cooperate as appropriate with credible domestic nonpartisan election monitoring organisations. International election observation missions should

welcome information provided by such organizations concerning the nature of the election process. Upon independent evaluation of information provided by such organisations, their findings can provide an important complement to the findings of international election observation missions, although international election observation missions must remain independent. International election observation missions therefore should make every reasonable effort to consult with such organisations before issuing any statements.

18. The intergovernmental and international nongovernmental organizations endorsing this Declaration recognise that substantial progress has been made in establishing standards, principles and commitments concerning genuine democratic elections and commit themselves to use a statement of such principles in making observations, judgments and conclusions about the character of election processes and pledge to be transparent about the principles and observation methodologies they employ.
19. The intergovernmental and nongovernmental organizations endorsing this Declaration recognize that there are a variety of credible methodologies for observing election processes and commit to sharing approaches and harmonizing methodologies as appropriate. They also recognise that international election observation missions must be of sufficient size to determine independently and impartially the

character of election processes in a country and must be of sufficient duration to determine the character of all of the critical elements of the election process in the pre-election, election-day and post-election periods – unless an observation activity is focused on and therefore only comments on one or a limited number of elements of the election process. They further recognise that it is necessary not to isolate or over-emphasise Election Day observations, and that such observations must be placed into the context of the overall electoral process.

20. The intergovernmental and international nongovernmental organisations endorsing this Declaration recognise that international election observation missions should include persons of sufficiently diverse political and professional skills, standing and proven integrity to observe and judge processes in light of: expertise in electoral processes and established electoral principles; international human rights; comparative election law and administration practices (including use of computer and other election technology); comparative political processes and country specific considerations. The endorsing organisations also recognise the importance of balanced gender diversity in the composition of participants and leadership of international election observation missions, as well as diversity of citizenship in such missions.

21. The intergovernmental and international nongovernmental organizations endorsing this Declaration commit to:
- a. familiarise all participants in their international election observation missions concerning the principles of accuracy of information and political impartiality in making judgments and conclusions;
 - b. provide a terms of reference or similar document, explaining the purposes of the mission;
 - c. provide information concerning relevant national laws and regulations, the general political environment and other matters, including those that relate to the security and well-being of observers;
 - d. instruct all participants in the election observation mission concerning the methodologies to be employed; and
 - e. require all participants in the election observation mission to read and pledge to abide by the Code of Conduct for International Election Observers, which accompanies this Declaration and which may be modified without changing its substance slightly to fit requirements of the organization, or pledge to abide by a pre-existing code of conduct of the organization that is substantially the same as the accompanying Code of Conduct.

22. The intergovernmental and international nongovernmental organisations endorsing this Declaration commit to use every effort to comply with the terms of the Declaration and the accompanying Code of Conduct for International Election Observers. Any time that an endorsing organisation deems it necessary to depart from any of terms of the Declaration or the Accompanying Code of Conduct in order to conduct election observation in keeping with the spirit of the Declaration, the organisation will explain in its public statements and will be prepared to answer appropriate questions from other endorsing organizations concerning why it was necessary to do so.

23. The endorsing organizations recognise that governments send observer delegations to elections in other countries and that others also observe elections. The endorsing organisations welcome any such observers agreeing on an ad hoc basis to this declaration and abiding by the accompanying Code of Conduct for International Election Observers.

24. This Declaration and the accompanying Code of Conduct for International Election Observers are intended to be technical documents that do not require action by the political bodies of endorsing organizations (such as assemblies, councils or boards of directors), though such actions are welcome. This Declaration and the accompanying Code of Conduct for International Election Observers remain open for

endorsement by other intergovernmental and international nongovernmental organisations. Endorsements should be recorded with the United Nations Electoral Assistance Division.